



Issue: Law, Democracy and Crime: How Society Responds the Imbalance?

## Research Article

# Behavior Motives and Legal Study of Commercial Sex Workers Around Pemalang District Terminal Area

Riyan Gunawan<sup>1</sup>, Mirza Haris Mahendra<sup>2</sup>, Hilmi Rizki Zakaria<sup>3</sup>, Muhammad Qoyum<sup>4</sup>

<sup>1</sup> Researcher on Legal Advocacy and Community Empowerment Institute, Semarang, Indonesia

<sup>2,3,4</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia

 riyan\_gunawan@gmail.com

**Abstract:** Prostitution comes from the word *prostitutio* which means things to place, confront, offer. There are also other articles selling, peddling, but generally interpreted as surrender to many people by getting a reward for fulfilling that section of the person. Prostitution or prostitution is a serious problem and needs improvements that need to improve society, this disease develops very rapidly in the community. In addition to the social forms of social norms, prostitution is also a form of immorality in any religion that is not permitted and rejected. Although prostitution is issued in religion or law, many of these prostitution practices occur in Indonesia. Prostitution is a lucrative and promising business place for so many people to believe in their pride. It is necessary to establish a new criminal law legislation to provide legal attention to the imposition of sanctions aimed at commercial sex workers and users of services. Because the criminal law currently in force in Indonesia is considered not in accordance with the current state of Indonesia.

**Keywords:** Commercial Sex Workers, Prostitution, Behaviour, Legal Study, Crime

## Introduction

In social life there will always be social problems that continue to develop along with the times, especially those related to prostitution or prostitution. Prostitution is etymologically derived from the word *prostitutio* which means placing, confronting, offering. There are also other meanings of selling, peddling, but in general are endowed as surrender to many kinds of people by getting retribution for sexual gratification of that person. So Prostitution is an activity where there are identifiable provisions, namely the exchange between money and sex. Prostitution is contrary to the sociological definition of crime (Sociological

Definition of Crimes), because it is categorized as an evil act that contradicts and violates norms in social life because it is not only prohibited by legal norms and religious norms, but also contrary to (norms) morality in every human conscience (Anindia, 2019). Sutherland is of the opinion that criminal acts are violations of criminal law, not to blame the degree of decency, reproach or dishonesty of all acts not a crime that is prohibited by criminal law.

Human trafficking is a problem that we have heard all too often. Trafficking in persons is not a new problem but a problem that often occurs especially in developing countries. One form of human trafficking we often are prostitution or prostitution. Prostitution is a form of prostitution

which is related to decency and is against social norms. Usually women and children become victims of trafficking. Many acts of prostitution are spread in the community. Prostitution or prostitution is a serious problem and prevention efforts are needed as well as improvement because the disease of this community develops very quickly in the community. In addition to prostitution is a form of deviation from social norms, prostitution is also a form of immoral behavior which in any religious teaching is strictly prohibited and prohibited. Although prostitution is prohibited in religion or law, many of these prostitution practices occur in Indonesia. Prostitution is a lucrative and promising business venue so that many people sell their pride.

In practice this prostitution is carried out clandestinely or openly. Forms of prostitution carried out openly and organized are usually held in various forms, some are centered on an area or place that is deliberately made as a place of localization. This localization began in the 1970s with a rationale for applying discipline and control of prostitution (Patnani, 1999). In addition, commercial sex workers are expected that with the localization they will not carry out illegal operations in various places, but there are many pros and cons to this localization. In addition to prostitution which is carried out openly, there is also the practice of prostitution which is carried out by stealing both individuals and organizations. There are home-based prostitution which are self-managed and some are in the form of entertainment places like karaoke but provide prostitution services.

In general, the cause of trafficking in persons is due to difficult economic problems and the low level of education of a person (Nuraeny, 2013). Prostitution or prostitution is an act of selling sexual services with the aim of earning short money. Someone is trapped into the night world so as to become a prostitute solely not because of their own desires, but sometimes there are also deliberately plunged by elements with personal interests. We can refer to this person as a pimp. A pimp is someone who distributes the services of prostitutes or who we are now familiarly known as commercial sex workers (CSWs). The pimps are tasked with finding commercial sex workers for customers who want to use their services and then get a part of the transaction received by the commercial sex workers.

Prostitution is a form of crime that is difficult to be eliminated because many are supported by various factors such as economic factors in meeting the needs of daily life. This desire is caused by the result of human biology. Someone doing work as a commercial sex worker is driven by a state of limited economic factors, so a person plunges into the world of prostitution to meet personal needs and the needs of his family. Commercial sex workers do not know any other way to be able to maintain their lives apart from doing the work of being a commercial sex worker. This form of prostitution or prostitution is seen as a disease of society that has a long history and is considered as a form of deviation from marriage. At present there are still many practices of prostitution in various regions in Indonesia. This is considered as if the government allowed and legalized the practice of prostitution and was seen as something natural.

Commence and Soedjono provide the meaning of prostitution as one of the acts in which a woman trades or sells her body with the aim of obtaining payments from men who come to pay her and the woman has no other livelihood in her life unless obtained by having a relatively short relationship with many men (Godwin, 2012). When viewed from the aspect of education, prostitution is an activity to reduce one's morale or what is called demoralization. Viewed from the economic aspects of prostitution is considered as a form of labor extortion. Health prostitution activities have a very serious impact given that transmission of venereal diseases such as HIV / AIDS due to frequent changes in partners. This venereal disease is very dangerous because there is no antiseptic that can cure the disease. HIV / AIDS leads to the death of someone who suffers. This disease can be transmitted through bodily relations between commercial sex workers and lovers of prostitute services. Prostitution can also lead to various crimes committed by commercial sex workers and connoisseurs of his services.

Prostitution or prostitution is a problem that is very difficult to handle considering that in the Criminal Code (KUHP) there is not a single article that regulates prostitution. Prostitution is also difficult to say as a crime because there are no victims of crime. According to criminology, prostitution or prostitution can be called a victimless crime (all victims who have a role and are involved in prostitution) no one is harmed either lovers of prostitution services, commercial sex offenders and pimps (Alam, 1984). If we look at the

Criminal Code Article 296 and Article 506 the offense is not directed at the woman, but rather at the owners of brothels, the pimps. These articles are very difficult to apply to commercial sex workers and connoisseurs of prostitute services. Although the application is difficult for prostitutes and commercial sex workers, enforcement still must be carried out firmly by law enforcement officials. The community also has an important role in efforts to help eradicate the problem of prostitution that is increasingly prevalent.

Sex itself becomes a commodity which is contested in society, there are groups of people who describe it as a right of life that should be enjoyed by not contradicting how to use the interests of sexuality rather than for the public interest by way of trading it. The long debate in understanding sex from various perspectives that distinguishes the viewpoint of community groups, let alone transport sex commercialization as a social phenomenon that exists in our midst as it is today. Sex is not a taboo when placed in an actual place, according to religious rules, customs and social values that are the traditions of society.

When sex is traded like commodities such as goods and services on the market, there is a deviation and intersection between various perspectives of the public and usually the sharp focus of society is the commercialization of female sex. Until the term for them is known as Commercial Sex Workers (CSWs). Through efforts to sell and buy bodies, through selling and guaranteeing sexual satisfaction they offer. The goal is to get money easily for reasons that try to justify their actions. In this case, when sex is traded, it cannot be separated from a network that always coordinates Commercial Sex Workers (CSWs). A social reality that exists in community groups and becomes an exciting scene through efforts to recognize and search for self-identity as a profession of commercialization, as a job occupied by CSWs. There are groups of people who hate them, but not a few who adore him as peddlers sexually fulfilling for a moment. Even the commodities of sexuality create jobs by offering benefits and meeting the needs of life at large. Especially for businessman and entertainment enthusiasts and those who depend on the income in it. The human element, with human feelings and instincts, has become an inner contradiction for CSWs, women who are good in the categorization of society will certainly not be able to carry out and

play the role of life as CSWs who try to ignore their feelings.

In carrying out their activities, each actor has their respective roles. A pimp in their search for prostitutes will give information to one another in their profession. A pimp will supervise several areas that have become part of his jurisdiction to find a prostitute and each pimp also instills a trusted person to find a prostitute. Pimps are responsible for and management of all prostitution business activities to the security level of cooperation, namely individual officers, in short they are security coordinators who must secure prostitution business activities from the interference of local law enforcement officers. Forms of prostitution such as the practice of selling sexual services are considered as a disease of society that has a long history, even considered as one form of deviation from the norms of a sacred marriage. However, the development of the practice of prostitution cannot be separated from the cultural values of the people in omission that provide opportunities for this practice to continue to develop from time to time

New criminal law regulations need to be established to provide legal attention to the imposition of sanctions aimed at commercial sex workers and users of their services. Because the criminal law laws that are now in force in Indonesia are considered to be incompatible with Indonesia's current situation. Criminal law law is the result of the legacy of Dutch colonialism from ancient times, of course the law is no longer in accordance with the current situation that is increasingly complex all aspects of the existing problems. If we look back at Article 296 with Article 506 of the Indonesian Criminal Code, it is not aimed at commercial sex workers but is aimed at their pimps. In the Criminal Code, prostitution is categorized as an offense against a criminal offense. Other legislation that can be used to ensnare the practice of prostitution is Law Number 21 of 2007 concerning Trafficking in Persons which refers to the eradication of the crime of trafficking in persons which includes the practice of prostitution.

## Method

The research approach used in this study is the sociological normative approach. This sociological approach is carried out by engaging directly in people's lives based on experiences and events that

are experienced directly by the community. In this case it is intended that the truth can be proven or can be felt with the five senses is not a fiction. This research is not only normative which is only focused on norms, but also social phenomena that are directly related to human behavior in the midst of community life that are interesting to study.

This type of research is another approach from examining law as an object of research. In the sense of law is not only seen as a discipline of perspective and applied but also as a legal reality. Basically, this research uses a case study in the form of community legal behavior and is manifested as real behavior as a social phenomenon that is unwritten and experienced by every community in the interaction between community members. The data generated in the study also did not contradict the positive law but was produced from the observation process at the location that was made the research. Sociological research is research that involves a reciprocal relationship between law and other social institutions. This research is non-doctrinal and empirical which means that the data obtained is based on data in the field. The sociological approach involves the steps of observation.

## Result and Discussion

### A. Prostitution in the Perspective of Anomic Theory

In an anomic theory put forward by Emile Durkheim, it is stated that anomaly or without norms are common conditions in society because of the failure of individuals to internalize community norms, inability to adapt changing norms or even conflicts within the norms themselves. The tendencies of urban society lead to changes in norms, confusion and slackening social control over individuals. The emergence of individualism and new lifestyles are emerging which give greater freedom but also increase the possibility for deviant behavior. In modern society characterized by restraints on weak individuals. Durkheim sees anomy in modern society as produced by individual aspirations and ambitions and the search for new pleasures and sensations that are out of reach even in prosperous times. The peak of anomy varies in two social conditions namely social integration and social deregulation.

In Durkheim's view, crime is not seen from the aspect of its intrinsic value but because the act

referred collectively is defined by the community as an act of crime. Evil develops in the direction of social conditions in every life of society, these social conditions or conditions cannot be avoided or negated with regard to evolution in the moral and legal fields. crime is seen as a functional aspect. Evil is a product of every existence of norms. Crime in this case is considered as a prerequisite for social change. Crimes are needed to drive change in people's lives. There is an important element in creating social solidarity which is an embodiment of collective consciousness. Shifting society from traditional to modern society is marked by anomic turmoil.

Social control theory has a different approach: this theory is based on an assumption that the motive for committing crime is part of humanity. As a consequence, social control theory tries to find answers why people don't commit crimes. Social control theories examine the ability of social groups and institutions to make their rules effective. The theories of strain and cultural deviation both assume that social class and criminal behavior are related, but differ in terms of the nature of the relationship. Adherents of strain theory assume that all members of society follow a set of cultural values, namely middle class cultural values. One of the most important cultural values is economic success. Because people from the lower classes do not have legitimate means to achieve this goal, they become frustrated and turn to using illegitimate means in the decision. Very different from that, cultural deviation theories claim that people from the lower classes have a different set of values, which tend to conflict with the values of the middle class. As a consequence, when lower class people follow their own value system, they may have violated conventional norms. If sorted according to Merton's theory of social tension, it refers to the anomic theory put forward by Durkheim. In modern society, traditional norms and standards become neglected without being replaced by new ones, resulting in the collapse of social norms that govern a person in behavior. Conditions without these rules are usually called anomies, conditions where there are no norms that apply and regulate people's behavior. The next stage that occurs due to anomy is the tension in the community. These tensions can lead to irregularities that arise due to economic imbalance and differences in opportunities that exist in society. So that in the end, both anomy and tension can lead to deviant

behavior in society as a form of adaptation carried out by the community (Rosyidah, 2018).

One way to study a society is by looking at its component parts in knowing how each relates to each other, our example looks at the structure of a society to see how it functions. If society is stable, then its parts operate smoothly, social arrangements function. Such a society is characterized by cohesion, cooperation, and agreement. However, if the component parts are arranged in a situation that endangers social order, the structure of the community is called dysfunctional (not functioning). Thus, the structuralist functionalist perspective was developed by Emile Durkheim before the end of the 19th century.

Durkheim believes that if a simple society develops towards a modern society and a city, then the intimacy needed to continue a set of common norms will decline. Groups are fragmented, and in the absence of a set of general rules, the actions and expectations of people in one sector may conflict with the actions and expectations of others. With unpredictability of behavior, the system will gradually collapse, and the community is in anomalous condition.

The best illustration of Durkheim's concept of anomie is in a discussion about suicide that occurred in his country, France, and not about crime. When Durkheim analyzed statistical data he found that suicide rates increased during sudden economic changes, both changes. That is great depression or unexpected prosperity. rapid change people suddenly crash into one way / way of life that is not known (unfamiliar). The rules that once guided behavior were no longer held. It is a difficult point to understand why under these circumstances (sudden economic downturn) suicide rates increase, but why do people also fall in their decisions like that when there is sudden prosperity? According to Durkheim the same factors have worked in both situations. It is not the amount of money that is there that causes it, but sudden change. People who suddenly get more wealth than they ever dreamed have a tendency to believe that nothing is impossible. Like Durkheim, Robert Merton links the problem of crime to anomie. But Merton's conception of anomie is somewhat different from the conception of anomie from Durkheim. The real problem, according to Merton, is not created by sudden social change but by social structure that offers the same goals to all members without providing equal means to achieve them. The lack of integration between what is demanded

by culture (which drives success) and what is permitted by the structure (which prevents it from achieving success), can cause norms to collapse because they are no longer effective in guiding behavior.

Merton borrowed the term "anomie" from Durkheim to explain the collapse of this norm system. Merton's concept of Anomie is different from what is used by Durkheim, who gives Anomie's limits as a condition without norms or without expectations (Normless). Typology. Merton's adaptation to Anomie is known as tension theory. This theory assumes that evil arises. As a result, if individuals cannot achieve their goals through legal channels or withdraw from social interaction because of their anger. Merton argues, that in every society there are certain goals that are inculcated to all citizens, to achieve these objectives there are means that can be used. Because in reality, not everyone can use the available facilities, resulting in uneven circumstances in the means and opportunities to achieve these goals.

In subsequent developments Merton no longer emphasizes the uneven distribution of available facilities, but rather emphasizes the differences in the structure of opportunity. According to Merton in every Society there is. Social structure in the form of classes and this causes differences in opportunities to achieve goals (Lower class) have a smaller chance of achieving goals when compared to those who have higher classes (Upper Class). This situation causes dissatisfaction, frustration and the emergence of irregularities among residents who do not have the opportunity to achieve these goals. This situation will lead to a situation where citizens no longer have strong ties to the means / opportunities available in the community. This situation is called anomie. Merton thematically directs people's attention to the actual situation in which a crisis occurs in a particular socio-cultural context. This surrounding context is analytically separated on aspects of cultural structure on the one hand, and aspects of social structure on the other. Here the cultural structure is defined as a set of organized normative values that govern general behavior for members of a particular community or group. Whereas social structure is a set of organized social relations in which members of the community or group are involved.

The crisis arises when cultural values governing the selection of objectives and tools are threatened because they are in a structured capacity.

Socially, community members are unable to act in accordance with these normative values. The above gap is then understood as the cause of anomie symptoms, which is a relative condition of norm blurring in a society. What happens is the damage or distortion in the cultural structure in regulating the general behavior of community members. Practical understanding, thus, refers to the presence of constraints in actual conditions such that resulting in the selection of goals and tools in accordance with the rules and normative values tends not to be interpreted or realized in the actions of the people concerned (Zain, 1992).

In view of the above discussion, social norms clearly forbid prostitution, and there is also a law on the practice of prostitution in terms of Juridical law in the Criminal Code (KUHP) that is they provide a means of intercourse (Article 296 of the Criminal Code), and they who sell women and men under the age to become prostitutes (Article 297 of the Criminal Code).

The world of health also shows and warns of the dangers of terrible venereal diseases such as HIV / AIDS due to prostitution in the community. That, the State of Indonesia has made a special law on pornography and porn-action, namely Law No. 44 of 2008 (Djubaedah, 2008).

As a result of the crush of economic conditions coupled with incompetence of the government in one of them curbing the mafia prostitution under the guise of labor distribution services, not a few people are forced to undergo this. The behavior of prostitution lately is increasingly prevalent in the Indonesian community, this is evident from the increasing number of abortions caused by sex outside marriage, localization of prostitution and condom giving and the availability of facilities, such as discotheques and accommodation places: hotels, motels villas and so forth (Malik, 2003).

According to the data obtained, it is estimated that 30% of prostitutes or commercial sex workers (CSWs) in Indonesia are lived by children under the age of 18 years. This was stated by Deputy for Child Protection at the State Ministry for Women's Empowerment Dr. Surjadi Soeparman MPH (Matabumi, 2016).

In the midst of efforts to realize the welfare of Indonesian children, we are faced with many problems of social welfare of children in recent years, even though it is difficult to obtain accurate and up-to-date data. The following is data on child prostitution in 2001, to be exact on March 1, the

number of refugees 1,081,341 people or 240,840 families spread in 20 Provinces in child prostitution areas, there were sexual exploitation of 40-70 thousand children under 18 years of age (MOSA, 2016).

Underage children or teenagers are children who are not old enough to do the work that adults do which is the same thing in this case among adolescents or minors who engage in commercial sex workers (CSWs). This is clearly a deviation of behavior or perversion in violation of the law committed by children caused by various factors including the development of globalization in the field of technology, communication, technology that is very fast, wrong parental guidance on them and the environment that makes the underage or teenagers want to do and style as they are. In addition, children who lack or do not receive love, care, guidance and guidance in the development of attitudes, behavior, self-adjustment and supervision from parents, guardians or foster parents will be easily dragged into the flow of social relationships and the environment is less healthy and detrimental personal development (Dirdjosisworo, 2006).

Basically, social and moral problems are the biggest problems of the traditional order and behavior of Indonesian people, which are still very thick with eastern culture. One of the problems that attracts attention in society lately is prostitution committed by minors. Prostitution as a social problem that is old but is always being discussed by people until now, no responsibility for victims is teenagers who are still innocent and easily influenced, while the rules contained in article 296 of the Criminal Code have not been explicit and clearly regulates prostitution itself because the article only focuses on providers or facilities that support the holding of prostitution. The business of prostitution never loses, considering the amount of profit gained from carrying out these activities. The size of the profit depends, among other things, on how the business manager packs his "merchandise".

It is not enough to stop there, they even with the courage to run tips to dredge money that is "trendy" to supply underage girls to satisfy the impotence of male fad. Many nightspots provide these underage girls to carry out direct sex transactions, due to the availability of legal and illegal facilities. Seeing the increase in the number of prostitution of minors in Indonesia, it is very difficult for the government to determine the sanctions that can be given to prostitutes under the age. Therefore from that, it takes the role of the

community and the relevant government parties to get involved directly in its handling. However, the effectiveness of the law must be in line with public compliance in general. Because on the other hand, the National Police of the Republic of Indonesia will also find it very difficult in the field in eradicating prostitution, both in the form of sanctions or in handling it without the support of the entire community, especially the handling of prostitution of minors. Therefore, relating to underage commercial sex workers or teenagers is a very serious problem. Collaboration between the closest people, the people around and the role of the community is needed, that is the community has the right to get the widest opportunity to play a role in protecting children, (Amendments to the Child Protection Act, Article 72 paragraph (1), RI Law No.35 of 2014), in tackling permasalahan this commercial sex work. The role of the community is carried out in accordance with applicable laws and regulations.

## **B. Characteristics of Prostitution**

Sexual exploitation are those who are involved in prostitution, services or sex workers or become objects of pornographic activity caused by threats, coercion, kidnapping to be treated wrongly, being trafficked or being victims of fraud. The exploitation of prostitution of others is an activity to obtain money and other benefits from prostitution of others in prostitution or sexually (Farhana, 2010).

In more detail, Koendjoro mentioned that there were at least six external factors that caused why girls were involved in the portitalization business. First, due to the shifting of the concept of reproduction to the concept of reaction in sexual intercourse that causes children to be an outlet for satisfying sexual appetite for adults, secondly, the users of prostituted children's services have a kind of belief that sexual relations and children are considered to be of their youth and bring in certain hokkie (fortune). Third, for parents in certain areas, girls are considered as paddy or dhuiwit gedhe, fourth is peternelistic culture and male egoism that demands deviant sexual satisfaction; fifth, structural poverty can be found in the case of a homeless child giving birth to street children, which later will become prostitutes, envy, child prostitutes as a learning process. This case can be encountered in a child who becomes a prostitute because his parents are prostitutes on guard (Suyanto, 2010). Crime is defined as an act that

violates the law or that is prohibited by law. Understanding of this crime we find in laws, government regulations and others. However, the existing rules are limited in time and place, although we have clearly seen the goodness, namely the existence of a legal certainty, because that people will know what is evil and not evil (Saherodji, 1980).

Before discussing further about prostitution, it must first be understood what exactly is the meaning of prostitutes. Based on the Big Indonesian Dictionary (KBBI), the term prostitute says the basis of "lacur" which means poor, wretched, failed, unlucky, or not so. The word prostitute even has a bad meaning, prostitutes whore in prostitution places (Koenjoro, 2004).

Meanwhile, according to Tjahyono and Ashadi Siregar, the meaning of prostitution is the act or practice of a woman who is bitch, wild, naughty, violators of moral norms who want a man to have sexual relations with her by providing payment (Purnomo & Siregar, 1985).

Commence said that: Prostitution or prostitution is an act of a woman trading or selling her body which is done to get paid from the men who come, and the woman does not have any other income except for those obtained from intermittent communication with many people (Soedjono, 1977). In the Indonesian Criminal Code (KUHP) that applies currently regarding the term prostitute is not clearly regulated, only about those who seek benefits from others who run themselves as satisfying the desires of men with wages, known as Germo and regulated in Article 297 of the Criminal Code, namely: Trafficking of minors and men who are minors is threatened with imprisonment for a maximum of six years. Reekless distinguishes prostitutes for eight types (Bawengan, 1977), which is as follows:

- a. Professional Prostitutes, are those who carry out prostitution as a source of life with no other work. Sexual intercourse is carried out as a habit of making money or solely for mere gain;
- b. Occasional Prostitute, those who have certain jobs, but at any time use the opportunity for prostitution;
- c. One-man Prostitute, are those who sell themselves to a certain person and behave as a pet to get benefits and money in return;
- d. Promicuous adulteress, are those who have a husband but have relations with others;
- e. Adulteress with one man, adultery with someone, even though he himself has a husband,

- but entered into a secret relationship and not solely for the needs of money and profits;
- f. Promiscuous unattached, are those who are not married or those who have become widows, or those who are separated from their husbands, or those who have been divorced, have sexual relations with several people without collecting profits;
  - g. Unconventional, are women who enter an informal household and act as husband and wife, or those who have sexual relations before a legal marriage;
  - h. Doubtful, doubtful woman whether prostituting or committing adultery.

Prostitution activities are divided into two types (Ayu, 2011), namely:

- a. Registered prostitutes Generally they are localized in a certain area. Occupants should be checked periodically by a doctor or public health and safety officer. The culprit is overseen by the police in collaboration with social and health services. But the reality of this method is inefficient because of the fact there is no collaboration between prostitutes and health workers.
- b. Unregistered prostitution is not a localization Those who carry out prostitution in a dark - dark and illegal, both individually and in groups. His actions were not organized and the place was not certain. So that his health was greatly harmed.

When related to the activities of prostitutes or their activities that prevent prostitution, Reekless also stated four types of prostitutes (Bawengan, 1977), are as follows:

- a. Brothel Prostitute, their operation is carried out somewhere in the house, organized and awaits male customers to visit the place;
- b. Call-Girl Prostitute, where their operations are in hotels or apartments of regular residences. He was called by telephone or through intermediaries;
- c. Street or Public Prostitute, this type operates in the streets or public places and takes its customers to certain places. Usually they are freer than the first type because they are not organized, or are merely accompanied by those who are their bodyguards;
- d. Unorganized Professional Institution, where their operation is an apartment or flat that he lives alone. This type can be classified as upper level or usually carry out operations alone. The links used are for example taxi drivers or

selected people who know the ins and outs of getting a subscription.

### **C. Prostitution Motive around the Pemalang Terminal**

Factors underlying the background as CSWs In the current era of globalization, it is one of the difficulties to get a job, and money to meet the needs of daily life, one of which is to work. However, to get the job we want is not as easy as turning the palm of the hand. Various kinds of requirements are put forward as well as intense competition more and more and if we do not have these requirements are said to fail in getting the job. So that many of them who have difficulty finding work, finally forced to work in the shadows, which is a job that deviates from the norms of society one of the cases is work in the field of prostitution.

In Indonesia, Prostitution activities are very common lately to be found, both in rural and urban areas. Like the place where our group visited, which is around the Pemalang district bus terminal where in this area there is a substitute place under the guise of a karaoke place. After we look directly into the field and explore or explain this phenomenon. It is known according to the informants which are the CSWs, in general, they plunged into CSWs starting from the background because their lives are completely lacking. The economic pressure forced them to work as CSWs, even though in the view of the community CSWs are jobs that deviate from social norms, they do not care much about it.

In addition to economic factors, there are several other factors that make them sex workers, including some who have been victims of rape so they feel depressed and no longer care about maintaining their dignity. Then on the other hand there are CSWs who become victims of human trafficking, initially in their home regions, they are promised jobs, to be employed outside the city with lucrative income, but in reality they are instead turned into CSWs by pimps or people who once offered work . Because they have already jumped into the world of prostitutes and get good money, finally they do not care about the initial goal, they think this is still better than having to be unemployed at home which will certainly always bother parents.

Besides that, to start engaging in the world of prostitution, they also have different ways and processes. Some initially joined friends, but some also sought out information on CSW themselves.



Most of them prostitutes came from outside the area where they had also previously hung elsewhere. Because their place of substitution has been evicted by the local government, they finally split up to find other substitutes that are still operating, including the place we studied, which is around the Pemalang district terminal. From a number of commercial sex workers here, it is known that on average they have already been married so that the age of commercial sex workers is around 25-50 years old.

The location of the Terminal right on the edge of the main road north coast, is a reason for the CSWs to hang out in the place, besides being crowded because it is possible to be visited by many people also based on the recognition of one of the CSWs namely MM "This place is nice, free so if you want to stay just standing on the side of the road or just sitting in small stalls around the terminal, the local people are also not too concerned about our existence ". The background of why this constitutional place is still safe because there is interference from unscrupulous officers who help smooth out this constitutional activity. According to Mm's confession, the prostitutes here must pay dues every month or they know it as security money. So they are the officers of this apparatus who had previously received money from the prostitutes, they helped by leaking the suspect if there was a raid plan from the municipal police or other authorized government institutions.

Then in addition to the factor of the existence of these officers, on the other hand the majority of indigenous people have a small shop and room plots that are usually rented out to CSWs, of course this can benefit them economically so they actually tend to support the existence of this place where prostitution is substituted. Without pressure, without ties and far from the family residence this is the reason they chose a location in this region. The prostitutes are also just ordinary people who do not want their freedom to be governed by rules that can fetter or harm them. So that with the comfort they feel at the moment, it is feared that it will cause and arise new problems that will spawn new prostitutes who feel tempted because of a reasonable income, and besides that it will become a social disease for the surrounding community, because the existence of these CSWs will cause social upheaval especially impacting to the harmony of the household community. And the most fatal is about the problem of venereal diseases such as HIV/AIDS and so on.

So it can be concluded that related to the motive or background why the prostitutes do prostitution is, these factors include:

### *1. Economic Factors*

The dominant factor that makes them work as a prostitute is because of economic factors. Operational economic factors are difficult to meet their daily needs because there are no jobs that generate enough money to meet their daily needs. As Mm said, One of them was where Mm was forced to work as a CSW because there were no jobs that could meet the daily needs of his family. This is in accordance with the admission of Mm who said: "Husband cheating and running away with other women, children also have to eat so they are forced to because of economic problems mas, to meet the needs of everyday life" The same thing was also expressed by Ds in short: "Get money to buy daily needs "Looking for money to meet daily needs is the reason they work as prostitutes. This is in accordance with what Soekanto said, saying that the cause of prostitution can be seen from its exogenous factors such as economic factors. Economic factors or pressures that make them plunge into prostitution are a consequence of the existence of structural poverty which becomes a naked reality before our eyes. This is the impact of a policy structure that does not favor them.

### *2. Difficult to find work*

Every human being is given the freedom to choose the type of work in accordance with the ability and pleasure. But life in this world is not without limits. Even if we do not limit ourselves, we will get certain restrictions such as restrictions on the basis of social norms and religious norms. So from these limits there is work that seems to be within the limits of what can be done and some who are not allowed. When it comes to normative boundaries, the views on work will vary. However, in reality, despite the limitations there are still many people who choose to work as CSWs. A job that is controversial and full of problems. This is as expressed by Mm: "Yes, because there is no work, mas, what else can I do, now it's hard to find work, mas" a junior high school graduate like me. " Actually the problem of CSWs is a problem that is not entirely derived from the mistakes of CSWs, but sometimes sociologically the problem arises because one of the community institutions, namely in the economic sector, is not functioning properly. It is this dysfunction that will create imbalances in

the functioning of the institution which will spread to other fields. Coupled with the inequality of development that exists in society sometimes makes some people do not have the opportunity to improve life to a better level.

### 3. *Low Level of Education*

Education is a transformation of cultural heritage such as knowledge, values and skills, one of which is channeled through educational institutions. The role of education in the drama of life and the progress of humanity is increasingly important. This is due to the growing development of human civilization which also automatically develops life problems faced by humans. The high level of education a person takes will lead to the luck of a particular life compared to someone who only has a low level of education and is also supplemented with no special skills. This is the same as what happens with prostitutes. They are only poorly educated which makes it difficult for them to find work. As Mm said: "I only graduated from junior high school" The same thing was also expressed by Au who was also a junior high school graduate: "Wow, my education is low, bro. Only high schools cannot have high school and no money." profession. With a high level of education, people can freely choose the jobs and positions they want. But on the contrary, people with low levels of education as if they no longer have the opportunity or opportunity to be able to get the job they want. In addition to being poorly educated, the lack of special expertise possessed by commercial sex workers also renders them unable to find work as they should. With only capital they can afford to get the money they want without having to show a diploma what they have.

### 4. *Income Factor*

Becoming More Adequate CSWs to Meet the Needs The choice of working as a CSW does not just emerge but is based on a variety of considerations, one of which is due to the result of being more self-sufficient. This is evident from the average Commercial Sex Worker informant who has previously worked in another field. Like the testimony of the Mm, who said: "...it was very difficult to sell and join the person in the trade, but because they did not sell, I even lost money. I worked like this again" The income they get per day is not much between Rp. 250,000 - Rp. 450,000 can produce 3 million more. This was revealed by Ds who said: "You don't have to, at least 2500,000,

at most 450,000, sometimes." In terms of morals and instincts, a prostitute is also a human who needs food and something to survive. So there is no harm if they work using their bodies as capital, because that is all they have. However, selling themselves is one of the points of despair where there is no longer a way to make ends meet, but that also turns into dependency where they easily get rupiah for rupiah just by satisfying the passions of the johns and they themselves also feel satisfaction.

### 5. *Family factors*

In addition to the factors above, one of the factors that made CSW plunge into the black world was due to problems in the family. Problems faced in the family require them to work as CSWs. As the testimony of the Mm, which said: "I work like this, I have to do it because my husband has left me and the children, he left without saying goodbye, I don't know where, I heard about getting married again with other women, so yes I don't want to earn money. mas for my child, to buy food for my son who is still in school "Unlike the recognition of Ds, and Au who do not have a husband. They claimed they were forced to do this because of the demands of their parents, "instead of the *anganggur* mas at home, right with this I can help my parents mas, even though my parents actually do not know if I work like this".

From the perspective of labeling, the problem of poverty in this family is relative depending on how the interpretation of each person. Even though by using certain standards someone has been declared no longer poor, but he still feels in a poor condition if he is interpreted to still be in that condition. Departing from the word globalization, lifestyle and physical needs change. This is also the reason why a woman becomes a prostitute. The problem of CSWs in the community is increasingly growing. Many factors why a person goes through work as a prostitute. Whatever the factors and causes, people still have different perceptions or views about the work. Perception or view is an experience about objects, events or things that are obtained by concluding information and interpreting it through his eyesight, hearing or feeling. From the condition of different social backgrounds of the people, it is possible to get a picture of their views on the problem of CSWs that are in their area. From the information of several local residents, information was obtained that the presence of CSWPSK in their area was actually not

unknown to the residents. Almost all community members are aware of CSWs who use their area as a base.

This is according to Mr. Mt: "Yes, everyone in this area knows that there are women there, but I also never know the people directly" This was also confirmed by one of the informants, namely Ms. Ms who said that: "Yes, taulah mas" The area that had long been used as a base for CSWs would bring a negative view of the community, even though that view was only used as a mere steam without any real action. The findings of the research in the field there are negative views from the public about the existence of CSWs as expressed by Ms. Ms: "Yes, do not agree, mas, our village uses such a place, it is the neighbors here as well as talking to them, not really this bro, a girl Girls like that are here "This was also conveyed by Mr. Mt" Yes actually not in agreement but also what about ya Miss is not a person here also do not know ". Negative views created by the community which then creates a label or labeling these prostitutes. It is hoped that giving a label to someone who deviates will be able to become a social sanction that can make the perpetrators of deviations no longer take actions outside the norms of society.

#### **D. Conditions of Localization Locations in the Area around the Pemalang Regency Terminal**

In this case, the problem of prostitution in a society is scientifically very dependent on the condition of the community itself. If the community is still firmly upholding the norms of decency, politeness and religion but has been possessed by the symptoms of globalization that leads to modern culture which gives birth to consumer culture to women and is forced to prostitute then the status and role of CSWs in theory anomie (goal and means) will look for ways others are in the form of place and time to carry out their role, namely to explore themselves, as explained previously.

Then the results of our observations in the Pemalang area, especially regarding the phenomenon or symptoms of social deviations are related to the place of the institution. We found various facts about the existence of CSWs in prostitution in locations near the Pemalang District Terminal. That is:

1. Most of those who become prostitutes are women who are quite old, around the age of 30-50 years, only a few are under 30 years old. And

they may have even been married before or even married.

2. The CSWs who have aged on average put a minimum tariff of Rp. 150,000, but the price can go down depending on the conditions of the prostitute, usually if their customers are quiet lower the benchmark rate. Aside from that, the place, snacks or drinks, etc., has been provided by them, so the determined tariff is clean. Unlike the young CSWs, they set a tariff of Rp. 350,000 and above, because according to them the tariff is in accordance with the service and the target is more directed to customers with middle and upper economies.
3. Then in general those who become CSWs come from outside the native people or Pemalang native people, but rather come from cities in the provinces of West Java namely Bandung, Subang, Sumedang, and Karawang. Not only that, some are from Central Java, such as from Tegal, Brebes, Kebumen, and only a small part of the town of Pemalang itself. Indigenous people or around the terminal Pemalang more activities behind the scenes, meaning more just helping to find customers, as well as renting places for the CSWs to do service or sex.
4. This prostitution place is located right on the edge of the northern coast road, near the Pemalang terminal. In the form of semi-permanent houses, in which there are small warung stalls and karaoke temples and rooms or booths prostitute peddling themselves.
5. Then the astonishing fact that we found, the location of this institution is adjacent to the police post and the existence of this prostitution was actually banned by the local government. According to the testimony we heard from some of the prostitutes, they claimed that every month they paid tax money or in ordinary language security money for officers not to be evicted, and leaked relevant information if there were raid operations carried out by municipal police or other law enforcement.
6. We also observe that the visitors to this institution are very diverse, young and old, ranging in age from 16 - 55 years with different occupational backgrounds. According to their recognition of the prostitutes, they do not care about age or occupation of their customers, what is preferred for them is the tariff to be paid.
7. Some of the CSWs who hang around the Pemalang Regency Terminal are fugitives from various regions, where they had previously been

stationed but where the local authorities have been evicted by local authorities. So they move and finally they hang out in Pemalang. The area referred to comes from cities around Pemalang, such as Tegal, Banyumas, Brebes, and several cities in West Java, namely Bandung, Sumedang, Subang and others.

8. Some people consider if prostitution in the Parangkusuma region is very difficult to eliminate. The existence of prostitution in the terminal area of Pemalang district has created various impacts that are felt directly by the surrounding community. This is reflected in those who are not happy with the presence of prostitution. There are also other factors that make prostitution in the Pemalang terminal area can last long enough. That is, because there is a kind of collusion between the perpetrators of prostitution with law enforcement. In other words, there is a kind of cooperation that can be likened to mutual benefit.
9. Conspire or *Kongkalikong* in question is the existence of parties who work together to maintain, so that this constitutional activity can run long. Namely the parties to the actors themselves in this case are the prostitutes, pimps, as well as the owner of the place with unscrupulous officials. Which according to the recognition of one of the prostitutes, each month must pay a sum of money to the person in charge, amounting to Rp 50,000 each month. This money is intended as security money, as a concrete example, so that these officers will divulge information to the perpetrators of prostitution regarding raids or other matters related to control.
10. The problem created by prostitution around Pemalang Terminal itself is because of its location in the public service area. What's more, this area is one of the tourist areas that are far outside of urban areas. It is probable that if the condition is not well controlled by the government, it can cause a bad image in the eyes of outsiders who use public transportation services. Local indigenous people and communities who are counter to the existence of this prostitution, assume that the presence of prostitution actually has a negative effect that will later have an impact on the community, both from health, social, and customs.

### **E. Legal Analysis and efforts to tackle the practice of Prostitution**

When examined article by article in the Criminal Code none of the articles specifically regulate prostitution. In the absence of articles regulating prostitution, the act of prostituting a prostitute is not considered a crime in the view of criminal law. However evil an act if it is not prohibited in an applicable law means it is not considered a crime, it is in accordance with Article 1 paragraph 1 of the Criminal Code which adheres to the principle of *nullum delictum noela poena sine praevia lege poenale*, the main point of which states that there is no act that can be punished, if the provisions in the law do not exist in advance. Based on to this day, in Indonesia which prohibits selling sex services or engaging in other similar activities.

If we can compare, there are similarities between prostitution and drug cases. Both of these cases provide legal action for drug dealers and pimps. The difference, in the case of drugs, the user can be free from criminal legal action on the condition that he is required to carry out the rehabilitation process until recovering from drug addiction. As for prostitution cases, commercial sex workers and service users are exempt from criminal activities on condition that they "only" are required to report to the police. In this case, there is a possibility that the perpetrators of prostitution will do their actions again because they feel protected, as long as the bill that will ensnare them into the realm of law is not yet valid.

The government should also provide rehabilitation measures also for perpetrators of prostitution, both for CSWs, pimps and users of CSW services. Rehabilitation is meant to provide religious guidance, norms and law as well as psychologically. Religious guidance is the main thing given in this process. By providing knowledge about religion, it is hoped that the perpetrators realize that prostitution is prohibited so that the deterrent will do it again. May the government immediately enact a law that provides legal sanctions for perpetrators of prostitution, not just for pimps. The aim is that the perpetrators do not repeat prostitution activities again and again because they feel safe from the bondage of the law. As a result of the absence of this law, prostitutes easily "offer" themselves, even without the need for pimps' help and are not afraid of criminal sanctions.

The criminal law only prohibits those who help and provide sex services illegally as stated in the Penal Code Article 296, 297, and 506. The

Penal Code also prohibits trafficking of underage women. So based on these articles, prostitution is essentially not considered an activity that is prohibited according to the Indonesian Penal Code, but when viewed from the norms that live in society, then prostitution is a violation of social norms. The base of Indonesian criminal law is the Indonesian Criminal Code (KUHP) as what is called general criminal law.

In addition, there are also special criminal laws as spread in other statutory regulations. With regard to prostitution of the Criminal Code regulates it in two articles, namely Article 296 and Article 506. Article 296 stipulates that: 37 "Anyone who deliberately connects or facilitates obscene acts by others, and makes it a search or habit, is threatened with imprisonment for no longer than one year four months or a maximum fine of one thousand rupiah. " In addition, Article 506 also stipulates that whoever benefits from the obscene acts of a woman and makes them a search, is threatened with a sentence of at most one year.<sup>38</sup> Another provision that can be used to ensnare the practice of prostitution is Law Number 21 Year 2007 concerning Eradication Criminal Trafficking in Persons and / or Law Number 35 Year 2014 jo. Law Number 23 of 2002 concerning Child Protection, which involves involving children or other legislation related to prostitution.

The two articles above only regulate criminal sanctions given to pimps, whereas until now there has been no article that can ensnare perpetrators of prostitution. Users of prostitution services may be given criminal legal action through article 284 of the Criminal Code that regulates Adultery. However, this article will not apply if adultery is carried out on the basis of like and like without coercion. Regarding the online prostitution case, the pimp will get additional punishment, for violating ITE laws regarding information and electronic transactions. This proves that there are no specific provisions governing criminal law for prostitutes and prostitution service users.

From the description above, it can be concluded that the acts or practices of prostitution that occur a lot in the community can be seen as acts of crime and can also be seen as non-crimes especially when viewed from the point of view of criminal law so that there are currently no articles governing prostitution. Actually the presence of the practice of prostitution is very disturbing to the community, it's just that the practice continues and continues to be ignored.

The Possible Efforts to Prevent Prostitution Practices in Pemalang Terminal Based on the results of our interview with one of the community leaders on 15 March 2019 who explained that efforts to tackle prostitution practices in Pemalang District Terminal are divided into two important parts, namely preventive and repressive measures. will explain one by one these efforts to be better understood, namely as follows:

*a. Preventive Efforts*

This effort is a method of prevention aimed at preventing and counteracting the first practice of prostitution and this effort is always prioritized because as we know it is better to prevent than cure. The preventive measures undertaken by the government in Pemalang Regency are as follows:

- 1) Conduct counseling about the dangers of disease caused by prostitution in collaboration with the Social Service and students.
- 2) Provide positive activities to get busy so they can avoid the prostitution environment.
- 3) Carry out patrols in areas that were once used as prostitution sites and areas suspected of being prostitution sites
- 4) Placement of uniformed police officers in places that have been suspected as a gathering place for prostitution. Where in the Pemalang District terminal, in addition to the placement of uniformed police officers, assignments and placement of members of the Civil Service Police Unit in each sub-district in Pemalang Regency were an attempt to recite criminal acts in Pemalang District.

*b. Repressive Efforts*

This effort is a conceptual way of handling that is taken after or is being the practice of prostitution. The repressive efforts made by the local authorities both from the police and the municipal police are as follows:

- 1) Take action to supervise, regulate and prevent diseases caused by the practice of prostitution.
- 2) Give advice on healing prostitution to be taken on the right path.
- 3) The police carried out a process of investigation and then an investigation of the incoming reports regarding the practice of prostitution
- 4) The police conduct a sudden inspection at the location of prostitution. This was once done by the police who directly accompanied the Pemalang Regent to conduct a sudden inspection at a prostitution location in the Pemalang District Terminal

## Conclusion

The phenomenon of the practice of prostitution is a social problem that is currently rife in Indonesia. Starting from the beginning until now this problem is a very sensitive social problem involving social, moral, ethical, and even religious regulations. Basically, no woman wants herself to be a prostitute, because prostitution is a despicable job that is very contrary to the values of life in society. Life at a time, where sex and questions related to it play an important role. Sex like prostitution carried out is a shift in moral values towards more negative. A shift in moral values generally falls over the whores of prostitution. Promiskuitas namely free sex and free sex with many men. This problem has been found around the Pemalang Regency Terminal. It is indeed difficult to guess the best way to overcome the problem of prostitution. But the community, the government, especially those closest to us, can lead to a truer way. Running the rules that are within the teachings of religion, especially the Indonesian nation, is a basic element that becomes a spiritual necessity because religious norms are still recognized as sacred rules originating from God. Prostitution as a social phenomenon is caused by various factors inherent in human life. Factors that encourage prostitution lies both in the natural aspects of humanity, especially those related to sexual desires of men and women. As well as external factors that influence such as social factors, economic factors, and culture. Where the practice of prostitution remains from time to time throughout the history of mankind after having and regulated by the institution of marriage in the relationship between men and women.

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