



CHALLENGES FOR INVESTIGATING ONLINE PROSTITUTION

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Abstract - Cyber crime is a crime with a computer or computer network being a tool, target or place of crime. Included in cyber crimes include online prostitution. The purpose of writing this article is to find out the police's efforts to investigate online prostitution crimes and what are the obstacles and solutions in conducting online prostitution investigations by the police. This paper uses a normative juridical approach in its preparation. the result of the study conducted is that before the police investigators conduct an investigation, an investigation is carried out to find out and confirm the existence of a criminal act of prostitution through social media; after the minutes of the document are completed and declared complete by the public prosecutor, then P21 proceeds. The obstacle faced by the police is the anonymity of the perpetrator. The solution presented is to coordinate with the provider (communication service provider), the social media service provider and, the Bank.

Keywords: Police efforts, Investigation, Online Prostitution, cybercrime.

INTRODUCTION

The global era throughout the world has resulted in major changes to world citizens. A new entity has been formed as evidence of the development of human civilization, including the development of its culture. The development of culture and civilization causes the technology created by humans to grow rapidly. Technologies that have been discovered decades before are being developed into new technologies.

The discovery of means of transportation and telecommunications has proven to be able to reduce physical distance in a revolutionary way. Distances of hundreds of kilometers that were originally covered by land travel

could take months, suddenly now humans can cover them in just a few hours. Even further distances, up to thousands of kilometers in other parts of the continent, are even easily united by means of communication.

Supported by digitalization, convergence or combination of technologies between technological results, namely telecommunications which is represented by telephone devices, media in the form of content or content, and informatics which is represented by computer devices, it turns out to produce a technological leap capable of creating a new world, namely the internet. This is the greatness of 3C (computer, communication and content) technology, which together

with the globalization of computer networks will continue to create an information revolution that takes place rapidly. Cruising range and the capacity of information is also getting bigger.(Yudha, 2018)

The internet which has the characteristics of being easy for use, non-confrontational, impersonal/anonymous and borderless, on the one hand facilitates the transmission, distribution and storage of billions of data/information, facilitates the search, exchange and development of information, on the other hand has created an environment and opportunity for someone to do a disservice. The act can be a criminal act (punished by crime) or illegal but not criminal (the law has not yet reached it).(Herman, 2017)

Internet media has a positive impact as a digital communication medium capable of connecting the information society quickly and easily without knowing regional boundaries. Even countries that control it will certainly become developed countries if they are able to use the internet media wisely and responsibly. The negative impact is the emergence of actions that are against the law of cyberspace.

Cybercrime or (cybercrime) - the term cyberspace is deliberately not used, because "cyber" gives a false meaning /qwatie - is an activity in the form of a harmful act, not necessarily a crime, which is carried out by utilizing a computer or computer network. Included in cyber crimes include online/online auction fraud, check fraud, credit card/carding fraud, identity fraud, child pornography and actions that are detrimental and harmful to the

younger generation are prostitution via the internet/online.(Permata, 2021)

The Criminal Investigation Unit for cyber crime has succeeded in arresting the organizers of cyber prostitution. It turned out that those who did it were the Fardino couple alias Doni and Sariyani alias Ayik. Prostitution via the internet is always updating the way it operates. This time by offering prostitution services using a website.

The trick, the owner of the website will market through pictures of prostitutes in a state of dress that is attractive and inviting to the taste buds of masher men. Interested people can contact the contact person shown on the page, then the contact person alias pimp will deliver the ordered prostitute to the service user's location. Prof. Various ways are used to market these sexual services, starting from Facebook, Instagram, Twitter, line, telegram and other internet-based features.(Abidin,2018)

Of course, the enlargement and expansion of prostitution networks through the internet is troubling the public and the active participation of the police is urgently needed to overcome this. given the growing development of criminal acts violating decency in the form of online prostitution, of course there are various kinds of problems in dealing with them.

This becomes even more urgent when prostitution is carried out by utilizing internet networks, where capturing consumers becomes easier especially by utilizing the characteristics of the internet. In this regard, the authors are interested in conducting research and presenting

it in the form of scientific writing with the title Challenges For Investigating Online Prostitution.

MAIN PROBLEM

From the background above, the author has formulated several problems that arise, including regarding the efforts of the police to investigate criminal acts of prostitution through online as well as obstacles and solutions in conducting investigations of criminal acts of online prostitution in Indonesia.

METHOD OF RESEARCH

This research was compiled using normative juridical research, namely research that examines the application of norms and principles in positive law. Normative juridical is an approach that uses a positivist legal conception. This concept views law as synonymous with written norms made and promulgated by authorized institutions or officials. (Bambang, 2016) This conception views law as a normative system that is independent, closed and detached from the real life of society, which is done by examining secondary data or library materials as the basic material for research by conducting searches of related literature and regulations. with the problems to be studied.

RESEARCH RESULT AND DISCUSSION

1. Police efforts to investigate criminal acts of prostitution through online.

Cases of online prostitution that have been uncovered by the Cyber Crime Unit of the Criminal

Investigation Unit of the Central Java Regional Police, namely 1 (one) case, in which the suspect offered the female sexual servant through social media Twitter. The case that is suspected is Everyone is prohibited from providing pornographic services that offer or advertise, either directly or indirectly, sexual services as referred to in Article 30 in conjunction with Article 4 paragraph 2 letter d of the Republic of Indonesia Law No.44 of 2008 Concerning Pornography and/or any person with intentionally and without rights distribute and or transact and or make accessible Electronic Information and or Electronic Documents that are in possession of content that violates decency as referred to in Article 45 paragraph 1 in conjunction with Article 27 paragraph 1 Republic of Indonesia Law No. 11 of 2008 concerning Information and Electronic Transactions with changes to Law No. 19 of 2016 Concerning Electronic Transaction Information. The criminal act of prostitution through social media before the investigation was started from the police officers' own findings through cyber patrols through social media, the existence of a Twitter account that offered women's services to be used as objects of sexuality, from the existence of things that violated the regulations that had been stipulated in the law specifically pornography and the Information and Electronic Transactions Act.

Prior to carrying out investigative efforts by police investigators, it is prioritized to carry out investigations to find out and confirm the existence of criminal acts of prostitution

through social media. After the arrest was made and collected evidence at the scene, the suspect and witness were brought by the investigator to the Central Java Regional Police's Criminal Investigation Office to be checked for the fulfillment of the investigator's elements in detaining the suspect, after which the investigator sent an investigation notification to the Prosecutor's Office in the form of an SPDP (Notification Letter of Commencement investigation). The investigation is ongoing, the investigator completes the files, after the minutes are complete, the investigator sends them to the public prosecutor, after the minutes are complete and declared complete by the public prosecutor, P21 proceeds, after which the investigator hands over the suspect and evidence to the Prosecutor's Office (Amalia,2018).

Around 7-8 May 2017 the witness received a message from a friend of the witness named DN, in which the contents of the message informed him that a guest was going to book the witness' sexual services at Hotel A and the witness agreed. Then at around 19.00 WIB the witness' friend left the boarding house to go to Hotel A. Then the action was escorted by a friend of the witness named DN to check in in room number 04, after ten minutes after the witness together with a guest (whose name was not known) officers from the Central Java Regional Police Criminal Investigation Unit arrived. in room number 04 whereupon the witness together with guest witnesses and also the DN were taken to the Office of the Central Java Regional Police

Criminal Investigation Directorate. Suspect

Because he has provided pornographic services that offer women as objects of sexual crimes through the social media Twitter, BBM, and Whatsapp. By posting a display of the suspect's Twitter account that is currently appearing and can be seen from the Sony Xperia Z 2 cellphone that the suspect is using is the suspect's Twitter account with the account name c_r using the ID @c_r.

The suspect also posted content in the Whatsapp with the current display form of the suspect's whatsapp account with the Dxxxxxx which can be seen from the Sony Xperia cellphone that the suspect uses is a photo of a woman's breasts by including the profile name a_w, and the current WhatsApp display form This was used by the suspect, which can be seen from the HP Sony Xperia Z 2, is a profile photo of a woman with the profile name c_r.

The way the suspect does in serving requests or requests for a prostitute girls is a client who has followed the suspect's twitter account a_w using the ID @a_w and a twitter account with the account name c_r using the ID @c_r then DM / Direct Message to the suspect's twitter account asking for information on bokingan girls then the suspect showing a photo of a bokingan girl, explaining whether to include or exclude her boking, then the suspect mentions the bank account the suspect used, namely Bank A account number 2xxxxxxx to pay upfront first to filter people who want to boking so that they are serious about the booking, but if the

client has often been ordered for payment, he can directly given to women who have been booked through the suspect's Twitter account or the term COD. For clients who have paid up front through Bank A account number 2xxxxxxx which the suspect uses, the remaining payment is according to the price of the bokingan girl paid after the client meets the bokingan girl at the hotel or place specified according to inclusion or exclusion and after having sexual intercourse.

The efforts made by the police in investigating the case are:

- a. Summons by the police. In this case, the suspect and several witnesses were not summoned because the suspects and several witnesses were immediately caught by the officers. The summons of expert witnesses is carried out in order to clarify the case being examined by investigators.
- b. Search. A search carried out by an investigator has a function and purpose, and the meaning of a search is to search for evidence, namely tools or goods used to commit a crime or crime. Tools or goods used to commit a crime need to be confiscated or secured. Viewed from human rights, property rights are one of the human rights that cannot be contested, but if there is an interest in settling a case, the property rights need to be confiscated.
- c. Confiscation Confiscation is a series of actions by

- investigators to take over and or keep under their control movable or immovable, tangible or intangible objects for the purposes of evidence in investigations, prosecutions and trials (Article 1 point 16 of the Criminal Procedure Code). Confiscation is carried out in the following manner: Conducting confiscation, the investigator must be based on a permit from the chairman of the local district court. In very necessary and urgent circumstances where the investigator must act immediately, the investigator can immediately act to carry out the confiscation, it is feared that it will be immediately destroyed or moved, while a permit from the head of the district court after the confiscation is carried out to obtain approval. Rogers Dunn explains that: "After carrying out the confiscation, the investigator makes a report of the confiscation, then the intention of the event is read out in front of the person concerned. After being read out, the agenda for the event was signed by the investigator concerned, local officials and two witnesses. Derivatives from the minutes are conveyed to the owner of the confiscated goods, the investigator's superiors, local officials and witnesses." (Puspasari, 2019)
- d. Arrest of a suspect without an arrest warrant Article 7

contains a principle, that "no one may be subject to arrest, detention, search or confiscation, other than on a written order by a lawful authority in matters and according to the ways regulated in the Law." - Invite". The basic intent contained in Article 7 is to protect human rights. Therefore, an official, whether he is an investigator or investigator and civil servant investigator, cannot detain someone arbitrarily. Regarding the reason for the arrest or the terms of the arrest implied in Article 17. A person is strongly suspected of having committed a crime. And that strong conjecture is based on sufficient preliminary evidence. The method of arrest is regulated in Article 18, stipulating: The implementation of the arrest is carried out by officers of the Indonesian National Police, in this case only the police carry out the arrest unless caught in the act is regulated in Article 11. The officer ordered to make an arrest must carry an arrest warrant. The officer shows an arrest warrant. If in the case of being caught in the act, an arrest is made against the suspect "without an arrest warrant" with the condition that those caught in the act must immediately hand over those caught in the act to the nearest auxiliary investigator, and the ransom warrant for the arrest must be given to

- the suspect's family after the arrest is made. (Timur, 2020)
- e. Detention, Detention is the placement of a suspect or defendant in a certain place by an investigator or public prosecutor or a judge with a stipulation, in terms and according to the manner regulated in this law (Article 1 point 21 of the Criminal Procedure Code) Maximum Time Limits for Detention Time limits for detention by each each authorized official does not need to wait for the stipulated time period to expire. If it turns out that the interest of the examination is no longer needed, then the suspect or defendant can be released from detention. The time limit for detention given by the investigator as stipulated in Article 20 paragraph (1) of the Criminal Procedure Code is a maximum of 20 days, if it has not been completed it will be extended again by the public prosecutor. However, if an extension of detention is required in further investigation, then an extension of detention with a detention period of 40 days. The provisions as in paragraphs 1 and 2 do not rule out the possibility of being issued by law after 60 days as stipulated in Article 24 paragraphs 1 to 4 of the Criminal Procedure Code..
 - f. Examination of Witnesses, In online prostitution crimes only parties from the police are witnesses because in this

- case the police directly arrest the suspects or perpetrators of online prostitution crimes.
- g. Examination of a suspect, The definition of a suspect according to Article 1 point 14 of the Criminal Procedure Code is a person who because of his actions or circumstances, based on initial evidence, should be suspected of being the perpetrator of a crime. From the results of an interview with the suspect DN in this online prostitution crime, a suspect admitted that the suspect had committed online prostitution, because at the time of his arrest the police officers immediately arrested the suspect DN at the hotel..
 - h. Documentation, if deemed sufficient, the investigator immediately makes an official report with the conditions specified in Article 121: Gives a date on the minutes, Contains the suspected criminal act by mentioning the time, place and circumstances when the crime was committed, Name and place of residence of the suspect and witnesses, information on suspects and witnesses (age, nationality, religion, etc.), notes on words and/or things, as well as everything deemed necessary for the sake of settlement of litigation. However, to be more complete, it must be linked to Article 75, this means that each report is made alone or separately during an investigative examination, an investigation report made by the investigator is attached. In the minutes of the investigation in the form of case files resulting from the investigation, the investigator attaches the minutes (Juita, 2017):
 - (a) Examination of the suspect
 - (b) Arrest
 - (c) Detention
 - (d) Search
 - (e) Confiscation of objects
 - (f) Examination of letters
 - (g) Examination of witnesses
 - i. Submission of case files to the Public Prosecutor. Sending files to the Public Prosecutor according to the file delivery system is regulated in Article 8 paragraph (2) and (3) of the Criminal Procedure Code of Criminal Procedure, Article 110 and Article 138, regarding the file system there are 2 (two) stages: First stage, the investigator only sends case files. (Laksana, 2019)
 - j. Sending the physical and real examination document to the public prosecutor, but sending the file has not been considered complete, the public prosecutor still returns the file to the investigator so that the investigator can provide additional investigative examinations, therefore an investigation by the police is called pretrial. The investigative examination is considered completed

according to law if during the 14-day grace period the public prosecutor has not returned the files deemed valid and complete. Second stage, the investigator sends responsibility for the suspect and evidence to the public prosecutor. An investigative examination is considered completed according to law if during the 14-day grace period there has been no return of files by the Public Prosecutor considered to be valid and complete according to law. The submission of the case file is legal and completely transferred to the public prosecutor without the need for any further procedures. Automatically there is a handover of legal responsibility for the entire dossier from the investigator to the Public Prosecutor (Abidin, 2018).

2. Challenges and recommendation in investigating online prostitution crimes faced by the Police.

The challenges faced by the police in the online prostitution investigation process are perpetrators of sexual service providers using anonymous names instead of real accounts (pseudonyms) and random identities, perpetrators of sexual service providers using fake names so that their traces are not known by police officers, making it difficult for officers at the time of tracking. If the payment for sexual services uses a bank account, many of the bank accounts used by the perpetrator

are fictitious bank accounts (accounts bought from other people, accounts with fictitious addresses). This also makes it difficult for officers at the time of tracking. It's easy to get communication services from providers (cellphone numbers), so the perpetrators always change their cellphone numbers, this also makes it difficult for officers when tracking. Perpetrators use social media to offer these girls sexual services. In this case, the social media service provider is difficult (does not want to provide) if the officer asks for the access history of the social media account associated with the perpetrator. (Herman, 2017)

The recommendation from that challenges is that were later presented in overcoming these challenges included the Police coordinating with social media service providers, banks and telecommunications service providers in eradicating online prostitution.

CONCLUSION

The efforts made by the police in investigating online prostitution cases began with the findings of police officers through cyber patrols through social media who found a Twitter account that offered women's services to be used as objects of sexuality, from things that violated the rules set out in the law. The law, especially pornography and the Law on Information and Electronic Transactions. Prior to conducting investigations by police investigators, it is prioritized to carry out investigations to find out and confirm the existence of criminal acts of prostitution through social media. After the arrest was made

and collected evidence at the scene, the suspect and witness were brought by the investigator to the Central Java Regional Police's Criminal Investigation Office to be checked for the fulfillment of the investigator's elements in detaining the suspect, after which the investigator sent an investigation notification to the Prosecutor's Office in the form of an SPDP (Notification Letter of Commencement investigation). The investigation is ongoing, the investigator completes the files, after the minutes are complete, the investigator sends them to the public prosecutor, after the minutes are complete and declared complete by the public prosecutor, P21 proceeds, after which the investigator hands over the suspect and evidence to the Prosecutor's Office. The obstacles faced by the Police in conducting online prostitution investigations include identity anonymity, starting from the identity used in communicating with clients and the identity used for payment transactions. The solution to overcome the obstacles faced by the Police in conducting online investigations of prostitution crimes at the Central Java Regional Police Directorate of Criminal Investigation. Coordinate with providers (communication service providers), social media service providers and, the Bank].

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