

Regulate or Prohibit: a Review of Hidden Prostitution Law Enforcement Policies in Indonesia

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Abstract

Prostitution is an act that is contrary to the norms that exist in society because this act can cause unrest in the community and disrupt the order of life in the surrounding community. Prostitution deviates from the norms of decency where a woman or a man sells himself to get satisfaction from lust. Prostitution is spreading rapidly in Indonesia. Many prostitutions are committed under the guise of, among others, Reflexy Massage Parlors, Beauty Salons, and SPA. This study is motivated by the problem of the practice of hidden prostitution under the guise of these business premises in Indonesia, especially the Sleman Regency area, which are almost entirely unexposed and untouched by law enforcement officials but have the potential for negative impacts on society both socially, psychologically, religiously and culturally. This article aims to find out how law enforcement is against the hidden practice of prostitution under the guise of massage parlors, salons, and spas in Indonesia, especially in the district of Sleman. This study combined field and library research, using an empirical juridical approach with a descriptive-analytic method to explain the data. It also used legal system theory to analyze. This study showed no clear and specific regulations that regulate or prohibit prostitution firmly. So far, the Police and Civil Service Police Unit (Satpol PP) have enforced the law based on Regional Regulation No. 15 2012 concerning Tourism Business Registration in Sleman. However, the participation of every stakeholder in society with local wisdom that has existed so far is expected to create legal awareness about hidden prostitution.

Keywords: *Law Enforcement; Prostitution; legal system.*

Introduction

In this era of the 20th century, the standardization of human life has undergone many changes. It is due to the development of the times which has resulted in changes in the mindset and way of life of humans. In big cities, human life develops into a modern one, influencing a more advanced lifestyle. Still, unfortunately, this advanced lifestyle is often not based on and followed by a foundation of religious knowledge and norms. Hence, this modern human lifestyle has an impact on negative effects on the development of society, such as the fading of social values and norms that used to live in society, which is now increasingly experiencing degradation and decline along with the times.¹

Prostitution is a form of act that deviates from social norms, which has become a very complex social disease. In various countries, including Indonesia, prostitution has a long history and never ends in people's lives. If traced further, the origins of prostitution, especially in Indonesia, had occurred since the kingdom era when trafficking in women was a complement to a feudal government system.²

Several factors lead to the occurrence of prostitution, starting from economic factors, sociological factors, and psychological factors.³ As revealed by Soedjono, economic factors encourage prostitution where women born and raised in a poor environment cause to engage in prostitution. Sociological factors, such as urbanization, human trafficking and psychological factors, such as the feeling of taking revenge for being hurt by a partner, the desire to earn money but are lazy, so they look for alternative jobs that are more instant and the results are satisfying.⁴

As part of the social problems that live in society, prostitution is a problem that has not been resolved until now. The Big Indonesian Dictionary defines the word prostitution in article 506 of the Criminal Code as an exchange between money or gifts for sexual relations or can be called

¹ Bell, D. (1972). The Cultural Contradictions of Capitalism. *Journal of Aesthetic Education*, 6(1/2), 11–38. <https://doi.org/10.2307/3331409>.

² Kartini Kartono, *Patologi Sosial I* (Yogyakarta: PT. Raja Grafindo 1919), p. 1-3. The Relationship between criminology and prostitution needs to be clarified in view of the danger of stigmatization. See Steffan, C., Weinand, M. & Brettel, H. Prostitution und Kriminologie. *Forens Psychiatr Psychol Kriminol* **17**, 267–274 (2023). <https://doi.org/10.1007/s11757-023-00789-1>

³ Understanding the determinants of prostitution is key to regulate it. Ciacci, R. On the economic determinants of prostitution: marriage compensation and unilateral divorce in U.S. states. *Rev Econ Household* **21**, 941–1017 (2023). <https://doi.org/10.1007/s11150-022-09643-5>

⁴ Dirdjosisworo Soedjono, 'Pelacuran Ditinjau Dari Segi Hukum Dan Kenyataan Dalam Masyarakat', (*Bandung: PT. Karya Nusantara, 1997*), p. 17-18.

trading in the form of sexual satisfaction.⁵ Meanwhile, according to Bongger, prostitution is sexual acts used as a livelihood by women by selling themselves to masher men. In this definition, it can be seen clearly that in prostitution. There are events of selling oneself used as a "profession" or livelihood in everyday life by having sexual relations.⁶

Based on the definition described above, it can be clearly concluded that prostitution is an act that violates and tarnishes values and norms. It is contrary to the Indonesian nation's way of life, which upholds the norms of law, religion, decency, and decency. So if prostitution is allowed everywhere, it will be detrimental to society. It is contrary to Pancasila as the way of life of the Indonesian nation, which collects legal, religious, decency, and decency norms.⁷

Therefore, the State must make efforts and provide strict sanctions against violations of norms in society. Still, there is no legal regulation against perpetrators of prostitution, only prohibiting anyone who provides a place or facilitates the practice of prostitution. When viewed from a juridical perspective regarding the legal basis for prostitution as outlined in the Criminal Code (KUHP), which is the primary criminal law regarding prostitution activities involving pimps in Article 296, Article 506 regarding pimps, and Article 297 regarding trafficking in women, no article regulates the punishment of prostitutes and their customers, so that prostitutes and their customers are still free from the snares of the Criminal Code.⁸

In this article, even though pimps or female traffickers have been expressly threatened with criminal threats, in reality, pimps or female traffickers still continue to carry out prostitution activities, meaning that in this case, the law faces a social problem that is difficult to solve because it is unable to directly criminalizes prostitution activities. In simple terms, the existing legal regulations have not been fully able to overcome and prevent the practice of prostitution because there are still many prostitution law enforcement that are not touched by the law.

Based on this, in practice, law enforcement policies against prostitution are still far from expectations. Many prostitution practices are completely

⁵ Oksidelfa Yanto, 'Prostitusi Sebagai Kejahatan Terhadap Eksploitasi Anak Yang Bersifat Ilegal Dan Melawan Hak Asasi Manusia (the Prostitution as the Crime Concerning Exploitation of the Children and against Human Rights)', *Jurnal Legislasi Indonesia*, 12.4 (2018), p. 1–18.

⁶ Reno Bachtiar dan Edy Purnomo, *Bisnis Prostitusi: Profesi Yang Menguntungkan* (Pinus, 2007), p. 7-9.

⁷ Kadek Martha Hadi Parwanta, Made Sugi Hartono, and Ni Ketut Sari Adnyani, 'Analisis Yuridis Tentang Pasal 506 KUHP Sebagai Peraturan Utama Dalam Penanggulangan Tindak Pidana Prostitusi', *Jurnal Komunitas Yustisia*, 4.2 (2021), p. 531–41.

⁸ Koentjoro Koentjoro and Sugihastuti Sugihastuti, 'Pelacur, Wanita Tuna Susila, Pekerja Seks, Dan" Apa Lagi": Stigmatisasi Istilah', *Humaniora*, 11.2 (2012), p. 30–33.

untouched and controlled by law enforcement officials. It is because this prostitution escapes their sight. Lately, there have been many prostitution practices under the guise of massage parlors, spas, pubs, cafes, karaoke places, to salons that prepare and provide sex workers ready to satisfy masher men. These places are used as a cover for practicing prostitution to avoid access that may arise from community rejection or the existence of law enforcement and legal action from the authorities.⁹

In Yogyakarta, the practice of hidden prostitution is no longer a secret. Several places in Yogyakarta, especially Sleman district, prepare women to satisfy their lust. Most are under the guise of massage parlors, spas, pubs, cafes, karaoke places, to salons. All of these places provide beautiful and sexy women. They are ready to satisfy the masher men. The massage, spa, and salon place provides rooms plus "prostitute" women ready to provide services apart from massage, spa, and salon. This fact is unfortunate, considering Yogyakarta's label as a student city, making this fact a paradox for the scholarship that should be embedded in this province.

It is evidenced by a raid by Mlati Police officers at a brothel or prostitution on Jalan Magelang Km. 8, Mulungan Wetan, Sendangadi, Mlati, Sleman, on Thursday, October 9 2014 in the afternoon.¹⁰ The raid carried out by the Mlati Polsek is only one example of prostitution being caught. Still, many more have not been reached by the police due to a lack of information and insufficient evidence.

As Polresjogja.com reported in May 2021, subsequent prostitution practices in Yogyakarta involved minors. The Gondokusuman Police managed to arrest the perpetrators with the initials MO who became Muckari and AI, aged 19. The raid took place at the Yogyakarta Pakualaman Hotel.¹¹ At the beginning of 2022, cases of exploitation of minors who were singing guides in the Parangkusumo area, Bantul, Yogyakarta, were also revealed. They are not only karaoke guides but can also provide sexual relations with more fantastic payment terms.

Based on the background of the problems above, the writer is interested in studying, researching, and then putting it into some research questions. What is the legal policy to deal with hidden prostitution in Sleman

⁹ A A Triyatna dan I G Parwata, 'Kriminalisasi Terhadap Perbuatan Pekerja Seks Komersial Dalam Pembaharuan Hukum Pidana', *Kertha Wicara J. Ilmu Huk*, 2019, p. 1–16.

¹⁰ Sunartono, 'PROSTITUSI TERSELUBUNG DI SLEMAN: Berkedok Rumah Kos, Pasang Iklan Panti Pijat', *HarianJogja.Com*, 2014, <https://news.harianjogja.com/read/2014/10/11/500/543359/prostitusi-terselubung-di-sleman-berkedok-rumah-kos-pasang-iklan-panti-pijat>, diakses 26 Juli 2023.

¹¹ Admin, 'Polsek Gondokusuman Gelar Konferensi Pers Ungkap Kasus Prostitusi Online', *Www.Polresjogja.Com*, 2021 <<https://www.polresjogja.com/2021/05/polsek-gondokusuman-gelar-konferensi.html>>, diakses 26 Juli 2023.

Regency? And how is law enforcement against hidden prostitution in Sleman Regency?

This article uses descriptive analytics to answer the questions above. It analyzes the results of field research and explains them according to what was obtained in the field. The problem approach used in this article is an empirical juridical approach, namely the legal approach as a norm or rule and approach to facts by looking at the reality on the ground.¹² These two approaches will be used in analyzing patterns of law enforcement and the application of hidden prostitution under the guise of salons and SPA in Sleman Regency.

The research data needed in this article is the primary data obtained directly from the field without intermediaries from the source. The primary data in this article were obtained through interviews with those considered to understand the research object. Among them are law enforcement officers and the government of the Special Region of Yogyakarta Province, in this case, the DIY Regional Police, Babinkamtibmas and Civil Service Police Unit, hereinafter referred to as Satpol PP, DIY Health Service, and other related parties. *Second*, secondary data was obtained indirectly from the field by finding data sources obtained from documents, whether from print or electronic media, which contain law enforcement policies against hidden prostitution cases in Sleman Regency.

Talking about the study on prostitution, there are some, but the study that looks at hidden prostitution from Lawrence M Friedman's legal system theory is only this study. So this study will look at the law enforcement policy of hidden prostitution from the legal substance, structure, and culture.

Discussion

Legal Policy in Efforts to Overcome Hidden Prostitution

Along with the times, various aspects of human life have undergone many changes under the pretext of globalization and modernization. One of the exciting issues in this modern era is prostitution because prostitution is a very complex problem to face in society, which causes moral decadence and the decline of religious values.¹³

Prostitution is not a new problem but an old one often raised. Looking at the development of human civilization, almost all countries have problems with prostitution. There has not been a country that has eliminated the

¹² Achmad Ali, *Mengungkap Teori Hukum & Teori Peradilan: Legal Theory & Judicialprudence* (Jakarta: Kencana, 2013).

¹³ Leden Marpaung, *Kejahatan Terhadap Kesusilaan Dan Masalah Prevensinya* (Sinar Grafika, 1996), p. 6-9.

practice of prostitution other than just curbing it. Not infrequently, the practice of prostitution is opposed by religious groups, including the community. It must be seen that prostitution is a social reality that cannot be denied anymore. Prostitution is contrary to morality, morality, and religion, which can damage the integrity of the family and the nation's generation at any time.¹⁴

The legal policy that regulates the prohibition of prostitution is contained in Article 296 of the Criminal Code. In that article, perpetrators whose work or habits intentionally or facilitate others to commit obscenity and immorality by women sex workers with masher men will be threatened and sentenced to prison.¹⁵ Furthermore, Article 506 of the Criminal Code regulates criminal acts against pimps or pimps who take advantage of acts of prostitution committed by female sex workers. The elements contained in Article 506 are as follows:¹⁶

- a. Pimps; are people who take advantage of acts of prostitution committed by PSK (Commercial Sex Workers);
- b. Profit; in this case, profit is anything that can be valued in money or other rewards that benefit the pimp. These pimps become intermediaries by providing facilities to make it easier for prostitutes to carry out sexual activities with men who hire their services.

It is further said that what can be subject to Article 296 of the Criminal Code is a person who provides a house or room for women and men for prostitution (having intercourse or releasing sexual lust)—usually for that also providing a bed. So the sanction for homeowners who make their homes a place of prostitution for acts of prostitution by making them a livelihood, then the owner can be subject to sanctions in accordance with Article 296 of the Criminal Code.¹⁷

Based on the information above, it can be concluded that Articles 296 and Article 506 of the Criminal Code only charge pimps or pimps who provide places for prostitution. Hence, there are still weaknesses in these articles to be used in eradicating hidden prostitution in Sleman Regency. These weaknesses include:

- a. The provisions in the Criminal Code can only be used to punish

¹⁴ Fransisca Utami Masakke, 'Pengaturan Atas Perempuan Yang Menjual Diri Untuk Mendapatkan Keuntungan (PSK)', *NOVUM: JURNAL HUKUM*, 2.4 (2015), p. 87–96.

¹⁵ Soedjono, *Pelacuran Ditinjau Dari Segi Hukum dan Kenyataan Masyarakat*, p. 60–62.

¹⁶ Erdianto Effendi, *Hukum Pidana Indonesia: Suatu Pengantar* (Refika Aditama, 2011), p. 14–17.

¹⁷ Arya Mahardhika Pradana, 'Tinjauan Hukum Pidana Terhadap Prostitusi Dan Pertanggungjawaban Pidana Para Pihak Yang Terlibat Dalam Prostitusi', *Jurnal Hukum & Pembangunan*, 45.2 (2015), p. 276–307.

and ensnare pimps/pimps/providers of PSK.

- b. The provisions in the Criminal Code have not been formulated clearly and unequivocally regarding the act of prostitution, while in the field, the act has spread and spread where the act is contrary to the norms that live in society, both religious norms, decency, and decency;
- c. In the case of regulations related to prostitution, many regulations still overlap with each other, thus causing the law enforcement process to overcome this problem to be hampered.¹⁸

The concept of criminal law used to ensnare perpetrators of prostitution is the task of the People's Representative Council (DPR) as the designer of laws and regulations and the government to propose a bill to eradicate hidden prostitution. It is necessary to have special rules that strictly regulate or prohibit prostitution in Sleman Regency. Because the Criminal Code alone is not strong enough to be used as a legal basis in eradicating prostitution, it is necessary to have rules outlined in a regional regulation that specifically regulates the prohibition of prostitution and prostitution, especially in Sleman Regency. The regional regulations needed to eradicate prostitution must contain several things, including:

- a. It contains provisions that can ensnare prostitutes, both venue providers, prostitutes, and users of the prostitution services.
- b. It contains provisions that clearly formulate prostitution as a prohibited act because it is contrary to the norms and values in society (*living law*).
- c. It contains provisions that strictly regulate prostitution behavior so that there is no overlap with other regulations.¹⁹

Based on the results of interviews conducted with Mr Anom Krisjatmono, the Staff for Enforcement of Regional Regulations for the Satpol PP of Sleman Regency, he explained that there was a practice of prostitution that occurred in the Sleman Regency area. Still, the Regency government itself did not have strict regulations against the practice of prostitution.²⁰

¹⁸ Venny Humairah and Emilda Firdaus, 'Penegakan Hukum Tindak Pidana Prostitusi Secara Online Di Wilayah Hukum Polisi Resor Kota Pekanbaru' (Riau University, 2016), p. 5–9.

¹⁹ Zaka Firma Aditya and Muhammad Reza Winata, 'Rekonstruksi Hierarki Peraturan Perundang-Undangan Di Indonesia (Reconstruction Of The Hierarchy Of Legislation In Indonesia)', *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 9.1 (2018), 79–100.

²⁰ Eriana Mahardika, 'Penegakan Hukum Terhadap Praktek Prostitusi Terselubung Di Kabupaten Sleman' (Skripsi-Universitas Islam Negeri Sunan Kalijaga Yogyakarta, 2020), p. 77.

The efforts made by the Satpol PP of Sleman Regency so far in eradicating prostitution in Sleman are taking procedural actions for several Massage Parlors, Salons, and Spas which are suspected of conducting prostitution business using Regional Regulation No. 5 of 2014 concerning Nuisance Permits. Several massage parlors, salons, spas, and places of business suspected of violating these regulations will be given warnings or sanctions depending on the violations committed per Regional Regulation No. 5 of 2014. The implementation of Regional Regulation No. 5 of 2014 is further explained by Sleman Regent Regulation No. 36 of 2015 regarding Implementation Guidelines for Regional Regulation No. 5 of 2014 concerning Nuisance Permits. The criteria for disturbance are explained in Article 6 paragraph (1) of Sleman Regent Regulation No. 36 of 2015, referring to Article 5 paragraph (3), which consists of environmental, social, and economic. If one of the three criteria is violated, Satpol PP can take action.²¹

In addition, based on Regional Regulation No. 5 of 2014 concerning Disturbance Permits, Satpol PP also took action against several massage parlors, salons, and spas suspected of conducting prostitution business using Regional Regulation No. 15 of 2012 concerning Tourism Business Registration Certificates. The regional regulation explains that every owner of a TDUP/business place should maintain and respect religious norms and values as well as the customs and culture of the local community. Then the business owner is also obliged to participate in preventing all forms of acts that violate decency and activities that violate the law in the environment where his business is to maintain the image of the region through responsible tourism business activities. The sanctions given to massage parlors, salons, and spas suspected of practicing prostitution are administrative sanctions.

There are many salons, massage parlors, and spas with plus-plus services in Sleman Regency, DIY Province. If you search along Magelang Street, Regency Road, Student Soldiers' Palagan Street, Kaliurang Street, and around the North Ring Road, you can almost find these places that provide plus-plus services. Anom Krisjatmono, as Staff for Enforcement of Regional Regulations for Satpol PP Sleman, said that in 2018 data related to TDUP violations from massage business places, salons, and SPA, there were around 132 violations.

The existence of salons, massage parlors, and spas with plus-plus services is very easy to find. The owner of this business usually places a signboard with the name of a woman or the name of an ornamental plant written as a sign of the place of business. Usually, almost all owners replace the windshield where they do business with a dark colour so that it is not

²¹ *Ibid.*, 78.

easily visible from the outside. This phenomenon concerns researchers because the rampant practice of hidden prostitution can tarnish the image of Sleman Regency and DIY Province as a Student City.

Law Enforcement of Hidden Prostitution

Technological developments and the rapid updating of information in people's lives have led to changes in mindset and behavior which, if not accompanied and based on a high level of spirituality, will impact increasingly complex problems and shifting norms and values that exist in society.²²

Changes and shifts in social values give rise to many violations that exist in the social life of society, and this will have an impact on the decline of moral values. One of the complex violations that occur in society is commercial sex workers who commit acts of prostitution with various new modes to trick law enforcement officers.²³ As happened in Sleman Regency, many prostitution violations were committed under the guise of reflexology massage places, salons, and spas. Prostitution is an aberration of behavior that society considers a dangerous violation, threatening household harmony and decreasing the quality of the nation's generation. Therefore, it is necessary to have reasonable law enforcement efforts that are responsive and progressive to overcome the problem of prostitution.

Law enforcement lies in harmonizing the relationship of values spelt out in solid and manifest principles and attitudes as a final stage of the elaboration of values to create, maintain and maintain social peace.²⁴ Therefore, all legal rules must guarantee upholding justice that lives and develops in society. Law enforcement must protect individuals and/or society from various crimes and violations that can harm the interests of individuals, society and/or the State.²⁵

In analyzing criminal law enforcement against hidden prostitution practices in Sleman Regency, the theory that the author uses in this article is the theory put forward by Lawrence M. Friedman about the legal system, which looks at and analyzes law enforcement by taking into account three elements of the legal system, including legal substance, legal structure, and legal culture.²⁶

²² Marpaung Leden, *Kejahatan Terhadap Kesusilaan Dan Masalah Relevansinya*, p. 8-9.

²³ Suprojo Suprojo, 'Penegakan Hukum Pidana Dalam Penanggulangan Pekerja Seks Komersial (PSK) Di Kabupaten Demak', *IJCLS (Indonesian Journal of Criminal Law Studies)*, 1.1 (2017), p. 87-104.

²⁴ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Depok: Raja Grafindo, 2004), p. 12-15.

²⁵ *Ibid.*, 17-19.

²⁶ Lawrence M Friedman, *Sistem Hukum: Perspektif Ilmu Sosial* (Bandung: Nusamedia, 2019), p. 27-30.

1. Legal Substance

The legal substance is a set of laws and regulations that apply and have a binding legal force that must be obeyed and obeyed by all levels of society. The legal substance becomes a guideline for law enforcement officials to take action and punish anyone violating the applicable provisions.²⁷

The legal substance used in prostitution cases where the problem clearly violates the norms of decency is the mainstay of criminal law laws and regulations, namely the Criminal Code (KUHP), then Sleman Regency Regional Regulation Number 15 of 2012 concerning Tourism Business Registration Certificates (TDUP) and Sleman Regency Regional Regulation No. 5 of 2014 concerning Nuisance Permits. In this prostitution case, all these regulations are used as guidelines for prosecuting crimes and violations.

In taking action against prostitution business actors under the guise of massage parlors, salons, and spas that occurred in Sleman Regency, law enforcement officials used the legal basis contained in the Criminal Code, namely the following articles:

Article 296 of the Criminal Code:

"Whoever deliberately causes or facilitates obscene acts by another person with another person, and makes it a livelihood or a habit, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of fifteen thousand rupiahs."

Article 506 of the Criminal Code:

"Whoever takes advantage of a woman's lewd act and makes it as a search shall be punished by a maximum light imprisonment of one year."

Articles 296 and 506 of the Criminal Code are known as articles on *bordeelhouderij* or commonly referred to as pimps or pimps, who provide facilities and act as intermediaries for a prostitute to engage in sexual activity with the man who hires her services. Andi Hamzah revealed that the offense contained in Article 296 was intentionally causing or facilitating obscene acts committed by others and making these acts a "profession" or daily livelihood.²⁸

In articles 296 and 506 of the Criminal Code, couples who commit obscenity are not punished, but providers or dealers are punished. Why is that because the purpose of this article is to limit places of prostitution?²⁹ In the cases discussed by the author, the owners of prostitution businesses under the guise of salons, massage parlors, and spas can be charged and

²⁷ *Ibid.*, 32-35.

²⁸ Andi Hamzah, *Delik-Delik Tertentu (Speciale Delicten) Di Dalam KUHP* (Sinar Grafika, 2015), p. 175.

²⁹ Raden Soesilo, 'Kitab Undang-Undang Hukum Pidana (KUHP): Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal' (Bogor: Politeia, 1995), p. 22-25.

punished under this article because they have provided a place to make it easier for people to commit obscenity with other people and do this business under the guise of their livelihood.

Furthermore, in ensnaring and punishing prostitution under the guise of Massage Parlors, Salons, and Spas, namely by Sleman Regency Regional Regulation Number 15 of 2012 Concerning Tourism Business Registration Certificates (TDUP), why is that because Reflexy Massage Parlors, Salons, and Spas are included in the Tourism Business category, namely the Implementation of Entertainment and Recreation Activities (part seven of the regional regulation).

Article 51 paragraph (2), the TDUP owner is obliged to:³⁰

- a. Maintain and respect religious norms and values, customs, and culture that live in the local community;
- b. Participate in preventing all forms of acts that violate decency and activities that violate the law in the environment where the business is located;
- c. Maintaining the image of the region through responsible tourism business activities.

The TDUP Regional Regulation explains that every owner of a TDUP/business place has an obligation to maintain and respect religious norms and values as well as the customs and culture of the local community. The crime of prostitution is clearly an act that violates moral and religious norms, as well as customs and culture in society. Then the business owner is also obliged to prevent all acts that violate decency and activities that violate the law in the environment where his business is to maintain the region's image through responsible tourism business activities.

The sanctions for TDUP/business place owners who violate the above obligations include:³¹

- a. Article 52 paragraph (1), Entrepreneurs who do not comply with the provisions referred to in Article 2 and Article 51 paragraph (2) are subject to administrative sanctions.
- b. Article 52 paragraph (2), Administrative sanctions are imposed for entrepreneurs who do not yet have a license or already have a permit that violates the provisions referred to in paragraph (1), including:
 1. written warning;
 2. Temporary freezing of TDUP;

³⁰ Peraturan Daerah Sleman Nomor 15 Tahun 2012 tentang Tanda Daftar Usaha Pariwisata (TDUP).

³¹ Pasal 52 Perda Sleman Nomor 15 Tahun 2012 tentang Tanda Daftar Usaha Pariwisata.

3. TDUP revocation;
4. sealing;
5. Temporary closure;
6. Closure of place of business.

The article explains that business owners who violate the provisions in the previous article will be given administrative sanctions, not criminal sanctions. The criminal provisions in the regional regulation only regulate TDUP/business permits, not other violations such as prostitution and so on. Therefore, it is necessary to make a new regional regulation by the Sleman Regency Government regarding the prohibition of prostitution and prostitution in its territory.

In practice, these regulations have been implemented but are not optimal. It can be seen from the data obtained in the field, namely that there are still many prostitution places under the guise of massage parlors, salons, and spas in the Sleman Regency area. In addition to being able to damage the nation's generation, disturb the comfort of the community, and spread social and sexual diseases due to sexual contact or sexual activity, such as AIDS (*Acquired Immune Deficiency Syndrome*). In addition, prostitution under the guise of a place of business can also tarnish the good image of the region, especially Sleman Regency and, in general, the Special Region of Yogyakarta as a Student City.

2. Legal Structure

The legal structure is essentially a law implemented according to the existing patterns in the formal rules. Relating to the legal structure means talking about law enforcement agencies and agencies that support upholding the law to achieve its goals. Every institution and agency in a legal structure is related to one another, meaning that each institution and agency must operate and work according to their authority in accordance with applicable regulations to create an integrated system in building law enforcement.³²

Related to the implementation of criminal law enforcement of prostitution problems that occur in the Sleman Regency area, several institutions and agencies play an active role in tackling prostitution crimes in the Sleman Regency area, including:

1) Civil Service Police Unit (Satpol PP) Sleman

According to Anom Krisjatmono, the Staff for Enforcement of Regional Regulations for Satpol PP Sleman, he thinks that there are still commercial sex workers who work as therapists in massage parlors, salons,

³² I Dewa Gede Dana Sugama and Diah Ratna Sari Hariyanto, 'Politik Hukum Pemberantasan Prostitusi Online Terkait Kriminalisasi Pekerja Seks Komersial Dan Pengguna', *Kertha Wicaksana*, 15.2 (2021), 158–68.

and spas. However, his party finds it difficult to eradicate this problem because no regional regulation regulates the prohibition of prostitution.³³

The Satpol PP's actions that have been carried out so far have only checked the completeness of the permit or TDUP (tourism business registration certificate), not prosecuted prostitutes because, according to him, the Satpol PP has the task of implementing it. The Perda related to prostitution does not yet exist, so there is no legal instrument for enforcing laws against prostitution in the region. Unless there are direct reports from the public regarding their unrest with the existence of these prostitution places to the police, then the police ask the Satpol PP for assistance in raiding these places. The rest of the Satpol PP has not been able to act alone in taking action against the perpetrators of prostitution because, according to him, the Satpol PP Sleman only implements the field according to Sleman Regent Regulation Number 67 of 2016 concerning Position, Organizational Structure, Duties and Functions, and Work Procedures of the Civil Service Police Unit.³⁴

2) Sleman Police

According to the Head of the Tipidter Unit (Specific Crimes) Satreskrim Polres Sleman Ipda Apfryyadi Pratama, when interviewed regarding law enforcement against hidden prostitution practices in Sleman Regency, his party is working with the Yogyakarta Regional Police to carry out a routine operation once a year called Operation Pekat (Community Disease) Progo. The last Progo operation was carried out from June 24 to July 3 2019. As a result, 90 suspects in cases of prostitution, thuggery, gambling, and liquor were arrested. Operation Pekat Progo is the result of cooperation between Polda DIY and Polres in four districts and one city in Yogyakarta.³⁵

Dirreskrimum Polda DIY Kombes Pol Hadi Utomo, in the 2019 Progo concentrated operation, said that currently, what we found in massage parlors, but not all massage parlors provide prostitution. So what we are acting on is prostitution, not massage parlors. In prostitution cases, the perpetrators were arrested for providing sex services at massage parlors.

The crime of decency is a type of criminal complaint, so the police are waiting for residents to report a crime of decency committed in the Sleman Regency area. If no one reports it, then the police, in this case, the Sleman Police, conduct a direct operation to find evidence that a decency crime has occurred in their area.

³³ Eriana Mahardika, *Penegakan Hukum Terhadap Praktek Prostitusi Terselubung Di Kabupaten Sleman*, p. 98.

³⁴ Ibid., 99-100.

³⁵ Ibid., 103.

3. Legal Culture

Law is a set of rules and provisions made by authorized institutions to create and regulate human social relations with others for the better. With the existence of human law will not be able to do as they please. The operation of the rule of law does not only rely on legislation and law enforcement agencies but there must be support from a legal culture where the public is directly involved in the legal system as a whole.³⁶

Law becomes a tool to change humans to improve social relations with others. With the existence of the law, humans cannot do things independently. Humans are arranged in association and can determine what is good and what is not. The operation of law is a function of legislation and the support of the legal culture of those involved in society's legal system.³⁷

The community's obligation to prevent this hidden prostitution crime is to play a role in assisting efforts to prevent and deal with prostitution crimes by providing information/reports of criminal acts of prostitution to law enforcement officials. In doing so, the community has the right to obtain legal protection or with local wisdom.³⁸

Conclusion

The provisions prohibiting prostitution are contained in Article 296 of the Criminal Code, which threatens imprisonment for anyone whose work or habit deliberately organizes or facilitates obscene acts by another person with a third person. Then Article 506 of the Criminal Code regulates punishment against pimps who take advantage of acts of prostitution. Meanwhile, there are no clear and firm regulations to regulate or prohibit the prostitution in Sleman Regency. The legal basis currently used is used to crack down on hidden prostitution under the guise of massage parlors, salons, and spas, namely the Regional Regulation No. 5 of 2014 concerning Disturbance Permits. Apart from Regional Regulation No. 5 of 2014 concerning Nuisance

³⁶ C F G Sunaryati Hartono, 'Peranan Kesadaran Hukum Masyarakat Dalam Pembangunan Hukum', *Bina Cipta. Jakarta*, 1976, p. 56-58. See How Indonesia that consist of some of norm systems should accommodate the social norm as legal system *Rayno Dwi Adityo (2013)*, Mencari Konsep Wajah Sistem Hukum Nasional: Studi Tentang Polemik dan Tantangan Penegakan Hukum Progresif dalam Sistem Hukum Indonesia, *Supremasi Hukum; Jurnal Kajian Ilmu Hukum*, Vol 2, No 1, p. 145-164 <https://doi.org/10.14421/sh.v2i1.1910>

³⁷ Yaris Adhial Fajrin, 'Perempuan Dalam Prostitusi: Konstruksi Pelindungan Hukum Terhadap Perempuan Indonesia Dari Perspektif Yuridis Dan Viktimologi?', *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 10.1 (2019), 67-88.

³⁸ Local wisdom (-as legal culture) has role in law inforcement look. Dinata, M. R. K., Irhamudin, I., Monica, D., & Chansrakaeo, R. (2022). Good Governance and Local Wisdom in Law Enforcement. *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 5(2), 227-242. <https://doi.org/10.24090/volkgeist.v5i2.6740>

Permits, another legal basis used to crack down on this hidden prostitution practice, namely using Regional Regulation No. 15 of 2012 concerning Tourism Business Registration Certificates.

The law enforcers who play the most active role in dealing with or overcoming the problem of prostitution in Sleman Regency are the Sleman Police and the Sleman Satpol PP. The Sleman Police and Satpol PP policy for dealing with or tackling prostitution in Sleman Regency is intensifying concentrated operations against prostitution or prostitution by visiting or raiding places that are allegedly often used for prostitution transactions, such as massage parlors, salons, spas, and so on. Then law enforcement is carried out by the Satpol PP based on Regional Regulation Number 15 of 2012 concerning the Registration of Tourism Businesses. The legal act is for business owners who violate their obligations to maintain and respect religious norms and values, customs, and culture that live in the local community and participate in preventing all forms of acts that violate the law in the environment where they do business to maintain the image of the region through tourism business activities in a responsible manner. Law enforcement officials give the sanctions in this case, namely Satpol PP Sleman, namely Administrative Sanctions in the form of written warnings, temporary freezing of TDUP, revocation of TDUP, sealing, temporary closing, and closing of business premises. Furthermore, so far, the participation of every stakeholder in society with local wisdom that has existed is expected to create legal awareness about hidden prostitution.

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