

**UUMILC 2017**  
**9<sup>TH</sup> UUM INTERNATIONAL LEGAL CONFERENCE**

**THE POLICY OF CRIMINAL LAW IN ERADICATING ONLINE  
PROSTITUTION IN INDONESIA**

Suzanalisa (a)\*

\*Corresponding author

(a) Lecture of Law Faculty Batanghari University, SlametRiyadiBroni Road No. 01, Jambi, Indonesia,  
suzanalisa\_ana@yahoo.co.id, Tel.: +62-813-664-89378

***Abstract***

This research aims to recognize the policy of criminal law toward the online prostitution law in Indonesia. This research uses normative and sociological juridical approach as instruments. The research results show that the progress of information of technology through the internet has been exploited by prostitutes, especially pimps through social media as a place of promotion of female sex workers. This is caused by the factor in which several prostitution places have been closed by the local governments in Indonesia. In relation to this criminal act, the Indonesian Government has had the legal means in overcoming the online prostitution with the Criminal Code, Law Number 21 Year 2007 concerning the Eradication of Crime of Trafficking in Persons, Law Number 35 Year 2014 concerning Child Protection for women who become sex workers who promoted more children, and Law Number 19 Year 2016 about Amendment of Law Number 11 Year 2008 about Information and Electronic Transaction. In reality the online prostitution is still going on. Therefore, the researcher recommends not only the penal law policy but also the penal law policies that need to be improved to provide the Internet Education Programs at schools that include the use of the Internet especially in the fields of development of sciences, positive activities. Besides it is necessary to involve government's roles to synergize in taking policies with society in order to overcome any kinds of criminal acts.

© 2018 Published by Future Academy [www.FutureAcademy.org](http://www.FutureAcademy.org).UK

**Keywords:** The Criminal Law, Criminal Act Online Prostitution, Indonesia.



## 1. Introduction

The advancement of information technology has provided many advantages for every level of society and in various fields. Technological advances in question is the existence of an Internet network that can be accessed by anyone and anywhere, but technological advancements that can be enjoyed by anyone this has become an opportunity to be committed crimes that benefit both personal and corporate for faster processing and light costs. One of the crimes of using internet facilities is prostitution. The problem of prostitution is a complicated matter, many things are related there. Therefore, this issue needs special attention by the community. Prostitution, a business synonymous with the black world, is one of those businesses that makes money very quickly. It does not need much capital, only some bodies are professionally willing to be commercialized. That's why until whenever this business will not meet difficult times. Prostitution not only affects those who do it the treatment and the users of the services but also the impact to the wider community.

Prostitution is even harmful to the life of a household that is interwoven until it can lead to criminal acts of crime and so forth. Religion as one of the guidelines in life is totally ignored by those involved in the practice of prostitution and is really an act that is forbidden by religion. Prostitution is not only an individual phenomenon but it becomes a social phenomenon of normal sexual deviation as well as religion.

It is known that the act of prostitution in Indonesia has occurred since before the liberating independence of the common people to the elite. Prostitution of the Indonesian is one of the despicable acts and violates the norms of decency, customs and religion. But the perception of the people who see this act is a disgraceful act not to discourage the practice of prostitution in Indonesia.

In another sense the word prostitution comes from the Latin word *prostituere* which means to surrender openly to adultery. While the etymology comes from the word *pro stare* means to sell, peddle. So prostitution is a transaction between the prostitute and the prostitute user who gives some money for sexual interactions (Simandjuntak, 2012). Prostitution activities and practices in Indonesia are outlined in two forms: organized prostitution and unregistered prostitution. Prostitution registered in carrying out its activities. The perpetrators are overseen by the Vice Control department of the police, who are assisted and cooperated with social services and health services. Generally they are localized in one particular area. Periodontists should periodically consult a physician or health worker, and receive injections and medication, as a measure of public safety. As Professor W. A Bonger writes in his writings *Maatschappelijke Oorzaken der Prostitue* writes the definition of prostitution is a social phenomenon in which women sell themselves for sexual acts as a livelihood. According to this definition it is clearly stated that there is a self-selling event as a profession or a daily livelihood by doing sexual relationships (Kartono, 2013).

Meanwhile, the prostitution is not registered in carrying out its activities that is those who do illegal prostitution either individually or in groups. The action is not organized, the place is not certain. Can be found anywhere, either seek their own prey or through brokers and call. They do not register with the authorities. So that his health is very doubtful, because not necessarily they are willing to check his health to the doctor.

Compared to online prostitution, organized activities consist of commercial sex workers, pimps and clients (clients) plus advances in technology over the internet, where the media is safer when compared to peddling at street level or locality. By using the media is freely in transactions, not necessarily meet each other directly between a perpetrators of prostitution with a person who wants to use her services. As the case of online prostitution is rampant in Indonesia. They begins Commercial sex workers will promote themselves through social media by pimps next man finder naskey find the sex worker's ads then connect through social media and in connect with BBM or Whatsapp after there is a word deal want to meet . Usually if the process before the deal the man in the nose is expected to give a down payment first to convince sex workers. In advertisements promoted in the social media the sex workers have fully determined the services to be received by the men's nose. After connecting via BBM or WhatsApp, it will determine where the implementation is. When finished usually a masher will immediately ask for a mobile phone number to make it easier to call him back sometime if needed. The work outlined by the Ministry of Communication and Information of the Republic of Indonesia until 2016 has blocked 900,000 sites, which have porn and prostitution charges under MoCI Regulation No.19 / 2014 on Handling Negative Ledger Sites.

## **2. Problem Statement**

The Indonesian government has blocked websites with content of online prostitution transactions as many as 900,000 sites that have porn and prostitution content, but this is not an online prostitution site to be reduced instead of causing new problems. The sites are growing to double the amount that can be easily browsed by internet users so that the content of sites offering sex workers is still growing in different modes to get customers. Online prostitution continues to grow bring negative impact of the State of Indonesia, among others, damage the moral of the nation, especially to the next generations. They are nation's successor relay so that it can threaten the life of nation and nation in the future. The decreasing of Pancasila values as the nation ideology which serve as the foundation of Indonesian country. Religious, moral, and social values will be marginalized, and it will only be left behind the culture of liberalism. Prostitution can be exploited by outsiders to undermine national security, impose the identity of the noble Indonesian nation with noble spirit and uphold the cultural values of eastern and religion and prostitution Online can cause and disseminate venereal diseases and skin. Online prostitution is a crime and therefore a criminal law is required.

The presence of criminal law in society is intended to provide a sense of security to individuals and groups in society in carrying out their daily activities. The sense of security is meant a feeling of calm, without any worries of threats or acts that can harm individuals in society. Losses as intended not only related to losses in the community is intended to provide a sense of security to individuals and groups in society in carrying out their daily activities. The losses referred to are not only related to losses as we understand them in civil terms, but also include harm to the soul and body. The body in this case includes the body that is also related to one's life, the soul in this case includes the feeling or the psychic state (Ilyas, 2012).

This is the author's interest to conduct a study of criminal law policy in the eradication of online prostitution by paying attention to the rules of legislation on online prostitution in Indonesia, the factors

causing the proliferation of online prostitution in Indonesia and providing input through the study of criminal law policy In the eradication of online crime of prostitution in Indonesia so as to minimize online prostitution which can disrupt the stability and stability of the State of Indonesia.

### **3. Research Questions**

The research questions are formulated as follows:

- 1) What is the law enforcement arrangement for online prostitution that is rife in Indonesia?
- 2) What factors caused the proliferation of online prostitution in Indonesia?
- 3) What is the policy of criminal law in eradicating online prostitution crime in Indonesia?

### **4. Purpose of the Study**

This study aims to recognize the criminal law policy in eradicating the crime of online prostitution in Indonesia. In particular the objective of this study as the following below:

- 1) Describe the law enforcement arrangements against online prostitution that are rife in Indonesia
- 2) Assessing the factors leading to the proliferation of online prostitution in Indonesia
- 3) Assessing efforts to eradicate online prostitution in Indonesia through non-penal legal policy.

### **5. Research Methods**

Based on the formulation of problems above. It can be formulated in this study that the main issues included in one of the criminal law policy, especially the implementation of the provisions in formulating criminal acts regarding online prostitution. Therefore, the approach used by the author is the approach that prioritizes policy. The main objective of this study is the provision of legislation in formulating criminal sanctions on online prostitution, so the main approach is the normative juridical approach. And supported by sociological juridical approach. Research using juridical sociology approach to be able to reveal and get the details of the object of research and resource, and how the implementation of law in society based on online prostitution rules in Indonesia. The author uses the statutory approach which is done by searching factual data that exist in the legislation as the foundation to assist the writer in analysing (Amiruddin, 2012).

Library research includes first material of primary law in form: Constitution 1945, Book of Criminal Law. Secondly, secondary materials are materials that provide an explanation of primary materials and can help analyse and understand primary legal materials, such as scientific work. And Third Tertiary legal materials are materials that provide information about primary legal materials and secondary legal materials, such as articles and magazines. After all the data is collected, it will be analysed in a descriptive perspective, intended to provide a clear, systematic, objective and critical description presented in positive law regarding facts that are normative or empirical about the issues discussed, by trying to present relevant material and support (Suzanalisa, 2012).

## 6. Findings

### 6.1. Law enforcement arrangements on online prostitution are prevalent in Indonesia

The advancement of information technology over the internet has created opportunities for sex workers, pimps and clients to use it and they can feel safer to expedite their action from raids by officers, especially for sex workers who do not need to peddle on road-side roads. This is the growing variety of online prostitution sites, the existence of this media one can more freely in transactions, not necessarily meet each other directly between a perpetrators of prostitution with people who want to use her services. So that online prostitution becomes a social phenomenon, the system lies in the conditional factors, especially the biological properties of men and women and relationships with various aspects of complex human life, making it impossible to eliminate altogether. So, the various efforts and actions to deal with this problem the target is not up to the complete annihilation that is certainly not possible, but the direction to stem the spread and prevent the various consequences (Anwar & Andang, 2010).

As set forth in the 1945 Constitution as the basis of the State of Indonesia in Article 28 J Paragraph (1): Everyone shall respect the human rights of others in the order of life of the community, nation and state and Article 28 J Paragraph (2) of the 1945 Constitution that in carrying out Rights and freedoms, everyone shall be subjected to restrictions laid down by law with the sole intent of ensuring the recognition and respect of the rights of the freedoms of others and to satisfy fair demands in accordance with moral, religious, and security considerations. With online prostitution which has caused negative impact of damaging the morals of the nation, especially the nation's successor's succession as the nation's successor relay so that it can be threaten the life of the nation and the State in the future. The decline of Pancasila values as the nation's ideology is the basis of the founding of the State of Indonesia. Religious, moral, and social values will be marginalized, and will only be left behind the culture of liberalism, prostitution can be exploited by outsiders to undermine national security, impose the identity of the noble Indonesian nation with sublime and uphold the cultural values of eastern and religion and prostitution Online can cause and disseminate venereal disease and skin hence the need of arrangement from the Government of Indonesia

Based on this consideration, the Government of Indonesia already has legislation in law enforcement against online prostitution that is rampant in Indonesia, namely the Criminal Code, Law of the Republic of Indonesia Number 39 of 1999 on Human Rights, Law of the Republic of Indonesia Number 21 of 2007 On the Eradication of Crime of Trafficking in Persons, Law of RI No.44 of 2008 on Pornography, Law of the Republic of Indonesia Number 19 of 2016 on Amendment of Law Number 14 Year 2008 on Information and Electronic Transaction.

In the Criminal Code, there are 3 (three) Articles relating to prostitution which gives clearer sanction to the perpetrator of prostitution crime which in full states that:

Article 296 stipulates that "Anyone who deliberately links or facilitates lewd acts by another person, and makes him a search or habit, is punishable by imprisonment of a maximum of one year and four months or a fine of at most one thousand rupiah"

Article 297 of the Criminal Code states that "Trafficking in women and trafficking of boys who are not old enough, threatened with imprisonment of up to six years"

And Section 506 which states that "Whoever withdraws profits from the lewd acts of a woman and makes as a search, is threatened with a maximum of one year's confinement".

Further investigation of Law Number 39 Year 1999 on Human Rights which outlines that:

Article 23 stating that:

- (1) Everyone is free to vote and have political confidence.
- (2) Everyone is free to have, issue and disseminate opinions according to his / her conscience, orally and / or writing through print or electronic media by observing religious values, morals, order, public interest and the integrity of the state.

Article 73 stating that:

"The rights and freedoms provided for in this Law may be limited only by and under the law, merely to ensure the recognition and respect of human rights and fundamental freedoms of others, morals, public order and the interests of the nation

The crime of online prostitution is an act of trafficking in persons, thus violating the Law of the Republic of Indonesia Number 21 Year 2007 on the Eradication of the Crime of Trafficking in Persons. The trafficking of persons referred to in this article is the act of recruiting, transporting, sheltering, shipping, transferring, or receiving a person with threats of violence, the use of force, abduction, capture, falsification, fraud, abuse of power or vulnerable positions, debt bondage or pay or benefits, Obtain the consent of such other person, whether committed within the State or between States, for the purpose of exploitation or exploitation. Sanctions provisions vary, i.e. prisons ranging from a minimum of three years to a lifetime and a fine ranging from a minimum of Rp. 120.000.000, - (one hundred twenty million rupiah) up to Rp. 5.000.000.000, - (five billion rupiahs), depending on the category of action as set forth in Article 2 of the Law of the Republic of Indonesia Number 21 Year 2007 on the Eradication of Trafficking in Persons People states as follows:

Section 2

(1) Any person hiring, transporting, sheltering, shipping, transfer, or receiving person with threats of violence, the use of force, abduction, capture, falsification, fraud, abuse of power or vulnerable positions, debt bondage or pay or benefits The consent of the person in control of another person for the purpose of exploiting that person in the territory of the Republic of Indonesia shall be subject to imprisonment of a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp120,000,000, 00 (one hundred twenty million rupiah) and at most Rp600.000.000,00 (six hundred million rupiah) ".

(2) If the acts as referred to in paragraph (1) result in the exploitation of persons, then the offender shall be punished with the same punishment as referred to in paragraph (1)

The criminal elements contained in this Law shall be any person who undertakes the recruitment, transportation, shelter, transfer, transfer or acceptance of persons under threat of violence, the use of force, abduction, capture, falsification, fraud, abuse of power or vulnerable positions , Debt bondage or pay or benefits, so obtaining the consent of the other person. Furthermore, the acts mentioned above must have a purpose to exploit (note the provisions of article 2, paragraph 1) or result in exploitation (note the provisions of article 2, paragraph 2).

The contents offered on criteria, traits, photographs of sex workers and prostitution services in online prostitution sites have also violated RI Law Number 44 Year 2008 on Pornography more fully contained in Article 4, 7 as follows :

#### Article 4

(1) Everyone is prohibited from producing, making, reproducing, copying, distributing, broadcasting, importing, exporting, offering, selling, renting, or providing pornography explicitly containing:

- a. Coitus, including distorted coitus;
- b. Sexual violence;
- c. Masturbation or masturbation;
- d. Nudity or impressive display of nudity;
- e. genitals; or
- f. Child pornography.

(2) Everyone is prohibited from providing pornographic services which:

- a. Presents explicitly nudity or an impressive display of nudity;
- b. Explicitly presenting genitalia;
- c. Exploit or show off sexual activity; or
- d. Offer or advertise, directly or indirectly, sexual services.

#### Article 7

Everyone is prohibited from funding or facilitating acts as referred to in Article 4.

#### Article 29

Any person who produces, reproduces, reproduces, distributes, broadcasts, imports, exports, offers, sells, leases or provides pornography as referred to in Article 4 paragraph (1) shall be subject to imprisonment of at least 6 (six) months and 12 (twelve) years old and / or a fine of at least Rp. 250.000.000,00 (two hundred fifty million rupiah) and at most Rp. 6,000,000,000.00 (six billion rupiah).

#### Article 30

Any person providing pornographic services as referred to in Article 4 paragraph (2) shall be subject to imprisonment of at least 6 (six) months and a maximum of 6 (six) years and / or a fine of at least Rp. 250.000.000,00 (two hundred fifty million rupiah) and at most Rp. 3,000,000,000.00 (three billion rupiahs).

The crime of online prostitution further violates the Law of the Republic of Indonesia Number 19 of 2016 on the Amendment of Law Number 14 Year 2008 regarding Information and Electronic Transaction. The Law of the Republic of Indonesia Number 19 of 2016 constitutes amendment of Law Number 14 Year 2008 concerning Information and Electronic Transactions in order to guarantee the recognition and respect for the rights and freedoms of others and to fulfil fair demands in accordance with the consideration of security and public order in a society Democratic changes need to be made to the Law Number 11 Year 2008 on Information and Electronic Transactions in order to realize justice, public order, and legal certainty. As regulated in Article 27 paragraph (1) of Law Number 19 Year 2016 on Amendment of Law Number 11 Year 2008, it reads. Every Person intentionally and without right to distribute and / or transmit and / or make accessible Electronic Information and / or Electronic Documents

which have content in violation of morality with criminal penalties set forth in Article 45 paragraph (1) states that Every Person who intentionally and Without the right to distribute and / or transmit and / or make accessible Electronic Information and / or Electronic Documents which have content in violation of morality as referred to in Article 27 paragraph (1) shall be liable to a maximum imprisonment of 6 (six) years and / or a fine At most Rp1,000,000,000.00 (one billion rupiah).

## **6.2.Factors leading to widespread prostitution online in Indonesia**

Online prostitution is the practice of prostitution by using the internet or online media as a means of transactions for those sex workers and who want to use his services where sex workers do not need to wait on the side of the road by using the internet as a means of liaison between psk with who wants to use her services. So the internet only as a means of support or liaison only. The background of someone visiting prostitution work is very difficult everywhere, because the surrounding issues are clear and closely related from the cause of one cause to another. The factors causing someone to become a profession of sex workers through online media as follows:

### 1) Moral Factor or Morals, consisting of

- a. Low moral factor, one's piety towards the teachings of someone religion.
- b. Understanding the importance of education in the family so as to influence the mind-set

### 2) Economic Factors

Poverty levels are supported by a desire to live a life of luxury without having to work hard, feel no ability, special skills, low level of education so have thought everything is done so that sex workers will be pursued.

### 3) Sociological Factors

- a. The invitation of friends of his or her own who had already plunged into the world of prostitution
- b. Their experience and education is very minimal, they are finally easily persuaded and exposed to deceit from men. Especially with the promise of honourable jobs with high salaries that eventually trapped to places of prostitution.

### 4) Psychological Factors

The experiences of life since childhood as well as those encountered after adulthood from family and environment such as sexual violence, divorce of parents, failure in marriage, combined, causing wounds of the soul so that prostitution as an escape to enjoy the fun and medicine against the wounds of the soul.

### 5) Laziness factor

The laziness factor is usually caused by a low psychic and mental, has no religious norms and has the face of life. Only with physical capital, beauty so easily collect money.

### 6) Biological Factor

The existence of abnormal sex appetite, not integrated in the personality that is not satisfied with sex relationships with one wife / husband.

### 7) Supporting Factors



Advances in information technology are indicated by the use of internet and mobile phones that have migrated as an android so as to facilitate internet access without having to use a computer to make someone easily able to deal prostitution.

The results of the study found the proliferation of online prostitution is more preferred because of the main factors are:

1) The closing of prostitution localization in the regions

The existence of policies issued by the local government in relation to the prostitution localization in Indonesia in support of the Government program free of prostitution localization in 2019 such as the localization of "Gang Dolly" in Surabaya City dubbed as Localization of oldest and largest prostitution in Indonesia, Localization "Kramat Tunggak", Localization "Kalijodo" in Kota Jakarta, Localization "Saritem" in Bandung, Lokalisasai "Used Joboan" in Purbalingga City followed by several other lokalisasi in Indonesian cities like Jambi, Yogya, Samarinda, as submitted by the Ministry of Social in Indonesia that has been closed localization As many as 39 of the total target of 139 and Indonesia. Although the government of Indonesia in cooperation with Local Government in localization location has made policy of giving severance and job for sex worker and pimping but this does not stop prostitution, through social media is used as a means of transaction prostitution safely and easy to get client.

2) For Sex Workers

a. The selling price is more expensive

The offer given on the online prostitution site is more expensive than on the streets or in the localization and it does not take long to get the approval. So, it gives benefits to sex workers.

b. Safer

Through online prostitution media the other advantage gained was the security of sex workers, as it was clear where the meeting place was, and everything agreement had been executed by pimps and customers more obediently on the basis of research that the average customer earned from online prostitution were people -people who belong to education and finance better than prostitution on the streets or lokalisasis.

c. Not at risk of dealing with the law

Prostitution on the streets is more at risk from raids by law enforcement in both hotels so that both sex workers and customers feel uncomfortable inversely proportionally through online prosthesis everything is well regulated and provides comfort to sex workers.

3) Pimp

a. Faster transaction processing

Through social media prostitution is offered faster and it does not require a long time in finding agreements and quick payments as well as the way the work begins commercial sex workers will promote themselves through social media by pimps. The customer find the sex worker ads are then related through social media and in connecting with BBM or WhatsApp after there is a word deal. They can meet each other. Usually if the process before the deal the customer is expected to give a down payment first to convince sex

workers. In advertisements promoted in the social media the sex workers have fully determined the services to be received by the customer. After connecting via BBM or WhatsApp, it will determine where the implementation is. When finished usually a masher will immediately ask for a mobile phone number to make it easier to call him back sometime if needed.

b. More profit in terms of revenue sharing

The selling price or offer provided through online prostitution is more expensive than street prostitution / in lokalisasi, so this will affect the profit earned by pimps.

c. More easily monitored the safety of sex workers.

As described above, that by way of direct prostitution work is determined where the meeting between sex workers with clients that have been arranged by pimps, this provides another advantage that pimps will be easier to monitor the safety of sex workers from client actions that violate the agreement

1) Customer (client).

a. Honor (reputation) is more awake

Online prostitution is very beneficial to clients who use the services of sex workers than clients who must come to the localization of prostitution or sex workers in the streets because it can maintain the reputation and the integrity of the household for the client so through online prostitution will not be known that the client personal Like to use sex worker services.

b. More options at the desired rate

Through online prostitution provides an advantage also to the client that there are available services bids from sex workers and criteria, the features that meet the wishes of the client that can be seen through sites that have been available so through online prostitution t as a means of meeting the needs of clients.

### **6.3. Criminal law policy in the eradication of online prostitution crime in Indonesia**

Essentially the policy of prevention of online prostitution crime is a public effort to achieve or create order by reacting rationally to the changing mode of prostitution because of technological advances in facilitating all access for the society. The Government of Indonesia already has the tools of legislation in the eradication of online prostitution known as penal code penal law but this crime continues to grow.

Evolving crime found that there are two central problems in criminal policy by using penal policy (criminal law) which is about the determination of which actions should be made a criminal act and what sanctions should be used or imposed on the offender (Arief, 2014). These two central issues cannot be separated from the integral conception of criminal policy and social policy. This means that the above solutions should be directed towards achieving the specific objectives of the established socio-political policy. In other words, criminal law policy is also included in addressing the two central issues above, should also be done with a policy-oriented approach.

Barda Nawawi argues that crime prevention and prevention must be done with an integral approach and there is a balance between penal and non-penal. Penal Law Enforcement Policy (Penal Law Enforcement Policy), which functionalized through several stages such as Formulation Stage (legislative

policy), Applications (judicial policy) and Execution. (Administrative policy). Viewed in a broad sense, criminal justice policy can cover the scope of policy in the field of material criminal law, in the field of formal criminal law and in the field of criminal execution. Broadly speaking, the effort to overcome the evil of dabat is divided into two, namely through the "penal" (criminal law) like what the author has explained above and through the "nonpenal" (not / outside the criminal law). According to Hoefnagles, crime prevention efforts can be pursued by:

- a. Application of criminal law application (criminal law application);
- b. Prevention without punishment; and
- c. Influencing people's views on crime and mass media punishment (influencing views of society on crime and punishment / mass media). The efforts mentioned by G. P. Hoefnagles above in (b) and (c) may be included in the "nonpenal" effort group (Arief, 2014).

Related to the crime of online prostitution, the limitations of the "penal" line and therefore must be supported by the "nonpenal" line. One of the "nonpenal" lanes to overcome social problems as mentioned above is through the path of "social policy". Social policy is a policy or efforts that recessional to achieve the welfare of society, then based on the description above in point b, prevention without criminal is a policy of penal law non penal.

More clearly the nonpenal criminal law policy in combating the crime of prostitution online is more a precautionary measure for the occurrence of crime, then the main target is to handle the factors conducive to the occurrence of crime. These conducive factors, among other things, centre on problems or social conditions that directly or indirectly can lead to crime. Viewed from the perspective of criminal politics on a macro and global basis, no penal efforts occupy key and strategic positions in overcoming evil causes and conditions. The efforts of non-penal legal policy through the cultivation of community mental health problems (social hygiene), both individually as members of society and welfare of the family, and the wider community in general. When viewed from the previous explanation, religious education and various forms of religious education media in reinforcing the belief and ability of people to follow the path of truth and goodness is very important and strategic role. Effective religious education and counselling, is not only expected for the fostering of a healthy human soul but also the fostering of a healthy family and a healthy social environment. It means that the cultivation of public health or a healthy social environment (as a no penal effort in criminal political strategy) must not only be oriented towards religious appropriation but also oriented towards a national cultural identity approach, with the following efforts:

- a. Giving sex education such as internet education at schools that include effective internet use, especially in the areas of scientific development
- b. Doing positive activity & pray to God
- c. Having close relationship between parent and child
- d. Monitoring the association & choosing a positive environment
- e. Taking a firm government role but synergizes in taking policy

## 7. Conclusion

Online prostitution continues to flourish in Indonesia although the Indonesian government has made penalty efforts in the form of having legislation that is the Criminal Code of Criminal Law, Law Number 39 of 1999 on Human Rights, Law of the Republic of Indonesia Number 21 Year 2007 Concerning the Eradication of the Crime of Trafficking in Persons, Law of the Republic of Indonesia Number 44 Year 2008 About Pornography, Law of the Republic of Indonesia Number 19 Year 2016 About Amendment of Law Number 14 Year 2008 regarding information and electronic transaction due to government of Indonesia policy that is Indonesia clean prostitution localization of 2019. This government policy is not only forcibly shut down but also the sex workers. Imps are given severance and new jobs, then the Indonesian government's effort is to close the porn sites but in reality today closed tomorrow doubled the sites that offer N prostitution services. So that found the limitation of penal law policy hence required policy of non-penal law as media of religious education in reinforcing belief and ability of human to follow the path of truth and goodness very important and strategic role. Effective religious education and counselling, is not only expected to build a healthy human person but also to promote healthy family and healthy social environment in other words as a public health or social health effort through efforts to provide the right sex education, Activity Positive & closer to God, establishing intimate relationships between parents and children monitor the association & Choosing a positive environment and synergy the government's decisive role but synergize in taking policy.

## References

- Amiruddin. (2012). *Pengantar metode penelitian hukum*. Jakarta: PT. RajaGrafindo Persada.
- Anwar, Y., & Andang. (2010). *Kriminologi*. Bandung: Refleksi Aditama.
- Arief, B. N. (2014). *Kebijakan hukum pidana (Perkembangan penyusunan konsep KUHP baru)*. Semarang: Prenadamedia Group.
- Ilyas, A. (2012). *Asas-asas hukum pidana, memahami tindak pidana dan pertanggungjawaban pidana sebagai syarat pemidanaan*. Yogyakarta: Mahakarya Rangkang Offset.
- Kartono, K. (2013). *Patologi sosial*. Jakarta: Rajawali Pers.
- Simandjuntak, S. (2012). *Patologi sosial*. Bandung: Tarsito.
- Suzanalisa. (2012). *Metodologi penelitian hukum*. Jambi: Fakultas Hukum Universitas Batanghari.
- 1945 Constitution as the basis of the State of Indonesia*
- The Criminal Code of Criminal Law*
- Law Number 39 of 1999 on Human Rights*
- Law of the Republic of Indonesia Number 21 Year 2007 Concerning the Eradication of the Crime of Trafficking in Persons,*
- Law of the Republic of Indonesia Number 44 Year 2008 about Pornography*
- Law of the Republic of Indonesia Number 19 Year 2016 About Amendment of Law Number 14 Year 2008 regarding information and electronic transaction.*