

# Prevention of Criminal Prostitution in Indonesian Fitness Center

Hardian Iskandar

Faculty of Law University of Muhammadiyah Gresik

Jl. Sumatra 101 GKB (Gresik Kota Baru) Randuagung,

Gresik 61121, East Java, Indonesia

E-mail: Hardianiskan@umg.ac.id

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## Abstract

This article's purpose is to discuss the prevention of prostitution crime under the guise of gym and fitness center. This study is a normative legal study conducted through literature study or library research using conceptual approach, statute approach and case approach. The results of the study and discussion indicate that prevention of prostitution crime under the guise of fitness place can be done by means of criminal law (penal) and non penal facilities (facilities outside of criminal law). Prevention of criminal acts, especially the crime of prostitution, must be adjusted with the law of development plan which is part of the national development. The process of reforming or establishing a law enforcement is carried out through a formulation / legislation policy, whereas law enforcement and institutional enforcement processes are carried out through the application / judicial appeals and criminal proceedings carried out under the exclusion / administration policy. Constraints in the prevention of criminal prosthesis are due to several factors namely legal factors (law), law enforcement factors, community factors and cultural factors. The legal factors relating to the Penal Code are not directly regulated on the prosecution of prostitution as a form of crime. Law enforcement factors that form the parties or impose the law in this case indicated otherwise tacitly involved in prostitution activities by providing leaks that will be held operations or raids against prostitution activities. Factors of the environment where the law is applicable or applied, the public lacks awareness and few who are willing to be invited to share and the cultural factor as the result of the work, inventiveness, and the sense that is based on human interaction in life.

**Keyword:** Prevention, Crime, Prostitution

## 1. Background

Prostitution is a modern form of human slavery. Trafficking in persons is also one of the worst forms of abusing human dignity. There are increasing trends in people trafficking in many countries, including Indonesia and other emerging countries. The phenomenon of trafficking in Indonesia is no longer a public secret but has become a commonplace that can be found in massage, gym and other places.

The crime of prostitution under the guise of a place of warfare is included in a criminal act, so that with the incident the perpetrator will be required to take responsibility for his actions. Victims are trafficked not only for the purpose of prostitution or other forms of sexual exploitation, but also including other forms of exploitation, such as forced labor or forced service, slavery or similar practices of slavery.

The perpetrator of a criminal act of prostitution undertakes the recruitment, transportation, transfer, concealment or acceptance of persons for the purpose of trapping, plotting or exploiting the person in the practice of exploitation of any kind with threats of violence, the use of force, abduction, falsification, fraud, abuse of power or vulnerable positions, or pay a fee or benefit to obtain the consent of the person in control of the victim.

Prostitution has begun in the business world with the frills of massage parlors and gyms who run illegal business due to huge profit if in the business there are masseurs who can satisfy customers' lust. Along with its development also prostitution business under the guise of fitness place is often happened. So the mode or the way that perpetrators do not only through disguised massage place (traditional massage and spa but already penetrated at the gym).

Lately we often find news in the media both the mass media and electronic media about the practice of prostitution in the midst of society. The above phenomenon can cause unrest in the community. Based on the point of view of the development of human civilization, almost all countries have problems in the field of prostitution. Sex is a human need that is always presented in human and can appear suddenly. Sex can also mean an expression of the abstract taste of human love for beauty.

The provisions on prostitution are regulated in the Criminal Code (Criminal Code) precisely in Article 296 which reads:

“Anyone who deliberately causes or facilitates lewd deeds by others with others, and makes them a search or habit, is punishable by a maximum imprisonment of one year and four months or a fine of at most fifteen thousand rupiah.”

The recent case of a sex party that took place in North Jakarta is located in Atlantis Jaya Gym office building. This case of prostitution occurs from the presence of a gym as a place to exercise. True to its name as the center of evolution, Atlantis Jaya Gym provides Fitness tools. However, the 2nd to 4th floor of the shop is used as a prostitution business. There are 141 men participating in a sex party titled *The Wild One*.

Based on the above description there is a division of two groups in the case of criminalization. One of them is providers of prostitution as manager / owner Atlantis Jaya Gym. The venue administrator will be subject to Article 30 Juncto Article 4 paragraph (2) of Law Number 44 Year 2008 on Pornography. The second group to be imposed by the criminal, who is acting as a striptease dancer, is subject to Article 36 Juncto Article 10 of Law Number 44 Year 2008 on

Pornography.

For that reason the topic of prostitution crime under the guise of a proper fitness center is needed to be studied. The study focused on the issue of 1). How does the prevention of prostitution that take place in fitness center? 2). What are the obstacles in preventing the crime of prostitution? 3). What is the criminal liability of the perpetrators of prostitution?

This study is a normative law study conducted through literature study or library research, using conceptual approach, statute approach, and case approach. The legal materials used are primary, tertiary, and secondary legal materials.

## **2. Discussion**

### **A. Countermeasures of Prostitution Crime under Fitness Place**

The purpose of development of a State is basically to improve the welfare of the community. In the process of implementing equitable distribution of development to improve the welfare of Indonesian society, in reality it shows there are still many marginal people. Crime by means of criminal law is the oldest way, as old as human civilization. The use of criminal law is part of legal policy / politics which is a criminal politics as an integral part of the national development plan.

Various efforts to prevent the crime of prostitution have been done in various ways but the results are considered unsatisfactory, even efforts using legal means also still not show significant results. The use of criminal law as an *ultimumremedium* is intended as an attempt to address social issues, including the field of law enforcement policy, as a rational effort to achieve community welfare.

Prostitution is a symptom of society that existed and arose from ancient times until now. Many problems caused by prostitution, not only in the material but also non-material. Society in response to this prostitution symptoms vary, some are resisting by condemning hard and giving severe punishment to the perpetrators. Nevertheless there are also people who are neutral with the attitude of ignorance and ignorance with the existence of prostitution. Besides, there are also people who accept well the practice of prostitution.

In the effort to overcome prostitution is considered very difficult and difficult because it must go through several processes and a long time and with a considerable cost. The efforts undertaken for the prevention are usually by preventative and repressive measures.

Preventive efforts are usually manifested in forms and precautions aimed at preventing the emergence of prostitution. Such actions are like:

- 1) The existence of firmness and refinement of laws or regulations governing and prohibiting the issue of the practice of prostitution;
- 2) Intensification of religious and spiritual education to improve faith in religious and moral values;
- 3) Expanding employment for women who are tailored to their nature and talents, and provide an adequate salary for the fulfillment of daily living needs;
- 4) Sex education and understanding of the value of marriage in family life;
- 5) Establishment of coordination teams from relevant agencies working with local communities in the context of prevention of prostitution practices;

- 6) For children or adolescents who are in the puberty phase, enhanced and channeled in positive activities such as sports and recreation to get busy so they can channel excess energy to useful activities;
- 7) Confiscation of books, magazines, movies and pornographic images and closure of porn sites on the internet that can stimulate sexual appetite;
- 8) Improving the welfare of the people, so there is no longer an economic reason by the perpetrators of prostitution to continue to practice prostitution.

In addition to preventive measures in the prevention of prostitution is also done curative repressive measures with the aim of suppressing, erasing, and suppressing and healing efforts against the perpetrators of prostitution practices to be taken to the right path. These efforts include:

- 1) Conducting strict control and supervision of prostitutes in the prostitution area, so that if there are prostitutes who are infected with the disease then immediately provided treatment in order to avoid the occurrence of disease transmission to the users of prostitution services;
- 2) Conducting rehabilitation and reconciliation of prostitutes so that they can be returned as members of a morally legitimate community. Rehabilitation and resocialisation is done by providing moral and religious education, job training, coaching according to interests and talents respectively, skills education with the aim that they become creative and productive human;
- 3) Providing new jobs for prostitutes who are willing to abandon their profession as prostitutes and who want to start a life of joy;
- 4) Conducting an approach to the family and community of prostitutes so that they can recover former prostitutes to start a new life;
- 5) Seeking a permanent spouse (husband) for prostitutes to bring a new life to life;
- 6) Including prostitutes to participate in the equitable distribution of the population in the country.

Furthermore, rational efforts to tackle crime are not only enough to use the penal law, but can also use non-penal means (facilities outside the penal law). Non-penal means is to determine:

- 1) What actions should be criminalized?
- 2) What sanctions should be used or imposed on violators?

To be able to carry out efforts to prevent criminal acts, especially the crime of prostitution, must be adjusted with the law development plan which is part of national development. This is in line with Sudarto's opinion that if criminal law is to be involved in overcoming the negative side of the development of society, it should be seen in the overall relationship of criminal law politics, since the politics of the criminal law is an integral part of the national development plan.

In reality, there is no imposition of sanctions / penalties that can be commensurate with each crime. Thus the imposition of sanctions and the application of criminal law should always be updated and adapted to the basic humanity, but maintaining order and order of society, so that law enforcement is carried out not only on the juridical aspects, but also the sociological aspects by involving the community.

Legal or legal reform has a strong relationship with politics, since legal reforms that start from formation to institutionalization are carried out by political institutions, which are institutions of power in society. The process of making the law enforcement is carried out by formulation policy, while the law enforcement or institutionalization process is carried out through the application / judicial appeals and the criminal proceeding process is carried out with the exclusion / administration policy. The three stages of criminal law policy carried out in the prevention of prostitution are as follows:

1). Formulation / Legislation Policy

Formulation policy / legislation is the process of legislative drafting by lawmakers (the government together with the House of Representatives / DPR). Both of these bodies / institutions are authorized to make the rule of law, namely through the process of realizing legal expectations in reality.

The formulation / legislation policy stage is the most strategic stage, because at this stage a legal rule will be produced that will guide the next steps in the legal policy process. This legislative product called law in the level of legal policy is the level of formulation, and its position is in an abstract level, meaning that this law will have a meaning, if implemented in reality. Therefore, in order for this law to be eligible within the society, it is necessary for bodies that can implement it in the science of law / political science called *ekskutif* institution. While bodies in charge of implementing or streamlining legislation in the judiciary of independent / neutral judicial bodies / judiciary bodies, and free from interference by other bodies.

Formulation policies can be either criminalization / legal reform by creating new rules, or may be regulations that change and add / revise old rules. In general, an amendment to criminal law may be made to all parts of the penal law globally / comprehensively, or partially / part in both criminal law and special criminal law. One part of the special criminal law which is the result of formulation in the field of criminal law is a criminal act of trafficking of persons manifested through prostitution. Therefore, the renewal of criminal law against prostitution is one part of efforts to achieve law enforcement in criminal law.

The rational approach in policy formulation of criminal law, according to Sudarto is a logical consequence in doing policy, so it can be done by giving assessment and choice of some alternatives faced. Formulation policy on criminal law means, choosing and establishing criminal law as a means of coping with crimes that must be supported by the functioning of law in society.

Thus, in implementing the formulation policy on prostitution crimes should also be considered approaches that are not only based on legal policy alone, but must consider the values, and culture that lives in society. It is important to consider, because in applying the applicable criminal law policy will be able to work and run optimally, if in accordance with community values.

Likewise with the crime of prostitution, today is considered an act that is not in accordance with the norms of law and development of society. Therefore it is appropriate that Article 297 of the Criminal Code be reviewed and updated with rules referring to the values of Indonesian society, and the international community. Prostitution is regarded as a violation of

human dignity and human dignity, already in separate place in the Indonesian criminal law system, thus strengthening Indonesia's national criminal system.

## 2). Application Policy / Judication

The application policy is the stage of enforcing criminal law by law enforcement officers ranging from police, prosecutors, and courts. This stage is called the stage of judgement. The application / judicial policy can not be separated from the criminal justice system, which is a community effort in tackling crime / crime. The application / judicial policy relates to law enforcement processes and legal work in the community. Therefore, in realizing the criminal justice system, law enforcement officers (police, prosecutors, and judges) should be able to coordinate well in performing their duties, harmonious and authoritative, or should refer to the management of the Criminal Justice System.

As known the crime of prostitution is part of the criminal law. In the Indonesian criminal law system, the crime of prostitution is regulated and formulated in Article 30 Juncto Article 4 paragraph (2) of Law Number 44 Year 2008 on Pornography, the prohibited act is to provide pornographic services. Read More Article 4 paragraph (2) as follows:

Everyone is prohibited from providing pornographic services:

- 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.

Meanwhile, the sound of Article 30 of Law Number 44 Year 2008 on Pornography, that:

“Any person providing pornographic services as referred to in Article 4 paragraph (2) shall be liable to a maximum imprisonment of 6 (six) months and a maximum of 6 (six) years and / or a fine of at least Rp250,000,000.00 (two hundred and fifty millions of rupiah) and a maximum of Rp3,000,000,000.00 (three billion rupiahs).”

If the Article 4 paragraph (2) of Juncto Article 30 of Law Number 44 Year 2008 regarding Pornography is concerned, then the article is liable for prostitution / prostitution providers.

Likewise Article 10 Juncto Article 36 of Law Number 44 Year 2008 About Pornography which shall be penalized for striptease dancers. Article 10 reads that “Everyone is prohibited from showing themselves or others in a show or in public that depicts nudity, sexual exploitation, sexual intercourse, or other pornographic content.”

While Article 36 of Law Number 44 Year 2008 About Pornography states, that:

“Any person displaying himself or any other person in a show or publicly depicting nudity, sexual exploitation, coercion or other pornographic charge as referred to in Article 10 shall be liable to a maximum imprisonment of 10 (ten) years and / or the maximum fine many Rp5,000,000,000.00 (five billion rupiah).”

## 3). Execution / Administration Policy

Execution policy is a legal policy in the implementation stage of criminal law in concrete by the criminal implementing officers, and this stage is also called the administrative stage. The criminal offenders are conducted by prison officers (prison officers), for those who have been sentenced by the judge.

At this stage the judge in applying the punishment, can be the imposition of sanctions in the form of criminal and administrative sanctions. With regard to the imposition of sanctions for the perpetrators of prostitution, judges may refer to the concept of development law of MochtarKusumaatmadja, which is derived from law, jurisprudence, or a combination of laws and jurisprudence.

If the perpetrators of prostitution will be subject to sanctions in accordance with the concept of development law, may refer to Law Number 44 Year 2008 on Pornography, or on jurisprudence. However, in the Indonesian legal system, the law enforcement process refers more to the principle of legality, that is, by the rule of law. Thus also the judges in Indonesia, more often dropped the witness in accordance with the rules in Law Number 44 Year 2008 About Pornography.

To overcome the crime of prostitution, the prevention efforts can not be separated from the workings of law in society, and the compliance and awareness of community law, which in principle part of criminal politics. The government's commitment to the prevention of trafficking in persons has been embodied in some legal products that constitute an update to prostitution. However, all of these regulations in its implementation are still not optimal and maximum. Because until now prostitution crime is still rampant. This proves that the law has not worked as expected.

Legal reform usually ends with a legal regulation. Any legal reform should be based on the needs of society which includes social, political, economic needs. But in reality, the law often prioritizes political and economic interests only, but is separated from social needs, so that in law enforcement can not run optimally. Legal reform should pay more attention to the social interests of the community, because the law is applied to people's lives. Criminal law reform is the result of a joint decision of the various authorities within the country working together in responding to criminal matters. Therefore, efforts to prevent crime / crime are not enough by using legal means, but also through other social efforts, such as education, improving living standards of low-income members of society, reducing unemployment, improving the environment, and social strategies others.

According to Kunarto cited by Sunarto, crime prevention efforts can be done by conducting routine operations and special operations, namely :

1) Repressive Efforts

Law enforcement efforts to combat crimes after the crime occurred.

2) Preventive Efforts

Efforts which are made to prevent the occurrence of crime. This effort is made to prevent before the crime by narrowing the opportunity.

3) Pre-Emptive Efforts

Efforts are made to eliminate the cause of the crime. This effort is done to eliminate the causal factors that drive the occurrence of such crimes.

4) Special Operations

Special operations are operations that will be applied specifically to face the predicted vulnerability in new calendars of vulnerability based on data recording of past years.

The legal basis for the prevention of crime of prostitution without penalization as for the basis of law the effort to overcome the crime of prostitution without penalization is:

1) In view of the fact that scholars consider that prostitution is not strictly regulated in the Criminal Code (KUHP), in accordance with Article 1 paragraph (1) namely, the principle of *Nullum Delictum Nulla Poena Sine Praevia Lege Poenalli* that there is no deed may be punished but on the strength of the criminal provisions in the previous Law rather than the act. Therefore, the crime of prostitution can not be criminalized.

2) Crime prevention efforts with no punishment constitute one form of criminal law politics taken to prevent the occurrence of crime by conducting preventive measures. Preventive action to combat prostitution tragedy, either by using the rehabilitation of CSWs in social institutions.

### **B. Constraints in Prostitution Crime Prevention**

Attempts to overcome the practice of prostitution with a kind (raid) still faces a variety of problems that are quite heavy, whether located on social factors, economic and cultural factors as well as the attitude of people who still support the existence of prostitution or prostitution.

Arrest and punishment may not be deterrent as it may be accepted, in contrast to the support of identifying themselves as prostitutes. Again, for this purpose, specialist police personnel are required to be educated and may also work as social workers in the field of crime prevention of prostitution. Criminal law legislation that can support existing criminal law regulations should also be considered, the goal is not merely condemnation, but also rehabilitation efforts for the perpetrators of criminal prostitution and a place of recruitment of members of organized crime groups.

The urban community is where most of the spread of this prostitution crime moves, especially in public places such as malls, shopping centers, nightspots, etc., it is often difficult for police to ensure that transactions have been committed by prostitutes with masher men who need sex relationships. Public participation is needed to report the activities of the prostitution.

In general there are barriers to overcome the problem of prostitution, they are:

1) When raids will be conducted to the location, the prostitutes already know, it means that they often have missed, where information about the arrival of the apparatus has been known before by the perpetrators, so they fled first before the apparatus came;

2) The existence of members of the community who still keep renting a place or house without knowing and only concerned from the economic side;

3) The existence of a group of people who support the existence of the prostitutes;

4) The existence of parties that obstruct the control done by the authorized apparatus, because they feel aggrieved;

5) The existence of persons employed by prostitutes or pimps, who are assigned to take precautions around locations that are ready to inform prostitutes or pimps if there is sweeping by the authorities;

Furthermore, the inhibiting factors in tackling prostitution crime are as follows:



#### 1) Legal factors (Act)

The legal factors relating to the Penal Code are not directly regulated on the prosecution of prostitution as a form of crime.

#### 2) Law enforcement factors

Law enforcers ie the parties that establish and apply the law in this case indicated otherwise tacitly involved in prostitution activities by giving leaks that will be held operations or raids of prostitution activities.

#### 3) Community factors

Community is the environment where the law is applicable or applied, people lack awareness and few who want to be invited to share.

#### 4) Cultural factors

The culture of society that is as a result of work, creativity, and sense that is based on humans in the social life.

The handling of prostitution problems according to the author's analysis is not an easy problem because it involves many factors in it, such as legal factors, law enforcement factors, social, cultural and economic factors. So that not everyone wants this prostitution to be solved, because there are those who still want the existence of prostitution, which would make it possible to reap the benefits of them especially the problem of legal certainty or legal force to overcome it needs to be addressed again, thus the prevention of prostitution will be able to run effectively.

### **C. Criminal Accountability of Prostitution Criminal Actors**

Criminal accountability contains the principle of error (principle of culpability), which is based on the monodualistic equilibrium that the principle of error based on the value of justice must be aligned in pairs with the principle of legality based on the value of certainty. Although the Concept is principled that criminal responsibility is based on errors, but in some cases does not rule out the possibility of vicarious liability and strict liability. The problem of error either error about its condition (error facti) or misguidance about its law is in accordance with the concept of forgiving reason so that the perpetrator is not punished except his heresy is to blame.

Furthermore, criminal liability is intended to determine whether a suspect / defendant is held liable for a crime committed or not. In other words whether the defendant will be convicted or acquitted. If he is convicted, it must be proved that the action is unlawful and the defendant is responsible. This ability shows the errors of the act in the form of deliberate or negligent. This means that the actions are reprehensible accused aware of the actions taken.

Furthermore, liability (criminal) leads to criminal prosecution, if it has committed a crime and fulfills its elements as defined in law. Seen from the point of occurrence of a prohibited (required) action, a person will be held liable for such actions if the action is unlawful (and there is no omission of the law or rechtsvaardigingsgrond or justification) for it. Viewed from the point of accountability, only someone who is "capable of responsible accountable. It is said that a person can be responsible (toerekeningsvatbaar), when in general.

Criminal liability is applied by punishment, which aims to prevent criminal acts by enforcing legal norms for the protection of conflicts generated by criminal acts to restore balance to bring a sense of peace in society to popularize the convicted person by coaching to become a good person and to free the guilt of the convicted person.

The error consists of two types of deliberate (*opzet*) and negligence (*culpa*). In accordance with the theory of Indonesian criminal law, the deliberate consists of three kinds, namely as follows:

a. Purpose of a purpose

That with purposeful intent, the perpetrator can be accountable and easily understood by the public. If such intent is present in a crime, the offender deserves a criminal penalty. Because with this purposeful intent, meaning the offender really wants to achieve a result which is the main reason for the threat of this punishment.

b. The deliberate insecurity of certainty

This deliberate exists when the perpetrator, with his deeds, does not aim to achieve the underlying consequences of the offense, but he is well aware that the result will surely follow that act.

c. Deliberation by chance is possible

This lucid intent is not accompanied by a shadow of certainty will occur due to the concerned, but only imagined a possibility of the consequences. Furthermore, regarding negligence because it is a form of error that produces can be held accountable for the actions of someone who did.

Criminal responsibility is a mechanism to determine whether a defendant or suspect is accountable for a criminal act that occurred or not. In order to punish the perpetrator, it is required that the criminal act he does fulfills the elements specified in the law.

Judging from the occurrence of prohibited actions, a person will be held liable for such actions, if the action is unlawful and there is no justification or exclusion of the unlawful nature of the crime he committed. Viewed from the point of responsibility, only a responsible person can be held accountable for his actions. Crime if there is no mistake is a principle of criminal responsibility, therefore in the case of a person who commits the act as has been threatened, it depends on whether in doing this act he has mistakes.

Based on the above, criminal liability or criminal law, consisting of three conditions, namely:

- 1) A responsible or accountable ability of the author;
- 2) The existence of an act against the law is a psychological attitude of the perpetrator associated with his behavior that is intentional and less careful or negligent;
- 3) There is no justification or reason that eliminates the criminal liability for the author.

Based on the above description it can be analyzed that the responsible ability is an element of error, then to prove the error of the element had to be proven again. Given that it is difficult to prove and takes a long time, then the element of responsible ability is thought to be secretly always there because in general every normal person is inner and capable of being responsible, unless there are signs indicating that the defendant is not normal. In this case, the judge ordered a special examination of the circumstances of the defendant's mental even if

not asked by the defendant. If the results still doubt the judge, it means that the responsible ability does not stop, so the error does not exist and the criminal can not be imposed based on the principle of not being punished if there is no mistake.

Criminal penalty is not merely as a revenge but rather the responsibility of the acts perpetrated by the perpetrators and the deterrent effect to the perpetrator that his actions are wrong and in conflict with the applicable law. The most important of the existence of the criminal penalty to the perpetrator is the provision of guidance and guidance. Securing the community and to the convicted person to be a good person.

The problem of responsible ability is contained in Article 44 paragraph (1) of the Criminal Code which reads: "Whosoever commits an act which is not accountable to him because his soul is flawed in growth or disrupted by disability, not punished". According Moeljatno, if not accounted for because of something else, for example his soul is not normal because he is young, then the article can not be imposed.

Based on the facts of the above case then, every criminal act must be accounted for by the perpetrators. Criminal liability can only occur if a person has committed a crime. Moeljatno said "people can not be held accountable (sentenced) if he does not commit a crime". Thus, accountability first depends on the commission of a criminal offense. Criminal liability will only occur if someone has previously committed a criminal offense. Conversely, the existence of a crime does not depend on whether there are persons who in fact commit such crimes.

The crime does not stand alone only when there is criminal liability. This means that a person committing a crime does not necessarily have to be convicted. Criminal liability is born with the continuation of an objective (vewijtbaarheid) denunciation of the applicable act, and subjectively to the creator who is eligible to be subject to criminal punishment for his actions.

The basis of a criminal offense is the principle of legality, whereas the basis for being punished is the principle of error. This means that the criminal offender will be punished if he / she has an error in committing the criminal. According to Article 31 of the Draft Penal Code (Criminal Code) criminal liability is the continuation of objective condemnation on the offense because of his actions.

Associated with the case of prostitution discussed in this scientific paper is related to criminal responsibility. In this case that there has been a crime of prostitution is a sex party that occurred in North Jakarta located in the building of Antlantis Jaya Gym shop. This case of prostitution occurs from the gym (gym) as a place to exercise. True to its name as the center of evolution, Antlantis Jaya Gym provides Fitness tools. However, the 2nd to 4th floor of the shop is used as a prostitution business. There are 141 men who joined the sex party titled The Wild One.

Based on the above description there is a division of two groups in the case of criminalization. One of them providers of prostitution as manager / owner Antlantis Jaya Gym. The venue administrator will be subject to Article 30 Juncto Article 4 paragraph (2) of Law Number 44 Year 2008 on Pornography. The second group to be imposed by the criminal, who is acting as a striptease dancer, is subject to Article 36 Juncto Article 10 of Law Number 44 Year 2008 on Pornography.

Based on the above description, it is known that the crime of prostitution is part of the criminal law. In the Indonesian criminal law system, the crime of prostitution is regulated and formulated in Article 30 Juncto Article 4 paragraph (2) of Law Number 44 Year 2008 on Pornography, the prohibited act is to provide pornographic services. Read More Article 4 paragraph (2) as follows:

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Meanwhile, the sound of Article 30 of Law Number 44 Year 2008 on Pornography, that:

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If the Article 4 paragraph (2) of Juncto Article 30 of Law Number 44 Year 2008 regarding Pornography is concerned, then the article is liable for prostitution / prostitution providers.

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“Any person displaying himself or any other person in a show or publicly depicting nudity, sexual exploitation, coercion or other pornographic charge as referred to in Article 10 shall be liable to a maximum imprisonment of 10 (ten) years and / or the maximum fine many Rp5,000,000,000.00 (five billion rupiah).”

### **3. Conclusion**

Based on the results of the analysis conducted through the assessment as described in the previous explanation, this paper comes to the following conclusion:

- a. Prevention of prostitution crime under the guise of fitness center can be done by means of criminal law (penal) and non-penal facilities (facilities outside of criminal law). Prevention of criminal acts, especially the crime of prostitution, must be adjusted with the law development plan which is part of national development. The process of reforming or establishing a law enforcement is carried out through a policy of formulation / legislation, whereas law enforcement or institutionalization is carried out through the application / judicial appeals and criminal proceedings carried out under the exclusion / administration policy.
- b. Constraints in the prevention of prostitution crime due to several factors namely the legal factors (law), law enforcement factors, community factors and cultural factors. The legal factors relating to the Penal Code are not directly regulated on the prosecution of prostitution as a form of crime. Law enforcement factors, namely the parties that form or impose the law

in this case indicated otherwise tacitly involved in prostitution activities by providing leaks that will be held operations or raids against prostitution activities. Factors of the society in which the law applies or applies, the community lacks awareness and few who want to be invited to share and cultural factors as the result of work, inventiveness, and the sense of being based on human interaction in life.

c. The criminal responsibility of the perpetrator of prostitution is evidenced by the act which contains the element of mistake in the form of deliberate recruitment, holding or receiving someone in human trafficking by using threats or the use of violence or other forms of coercion with the purpose and purpose of exploitation.

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