

## THE INDONESIAN LEGAL POLICY ON PROSTITUTION, COULD IT BE LEGALIZED?

Ni Luh Gede Yogi Arthani  
Universitas Mahasaraswati Denpasar, Bali, Indonesia  
[yogi\\_arthani@yahoo.com](mailto:yogi_arthani@yahoo.com)

Made Emy Andayani Citra  
Universitas Mahasaraswati Denpasar, Bali, Indonesia  
[emyandayanifh@unmas.ac.id](mailto:emyandayanifh@unmas.ac.id)

### **Abstract**

*Prostitution is an eternal business throughout the history of human civilization. This activity has existed since the royal era until now. In terms of finance, the business of prostitution brings a huge turnover of money. Prostitute income per day is even higher than the applicable minimum wage in each district and city. This business continues to grow even though many countries prohibit prostitution. This study aims to examine regarding the causes and dimensions of violence in prostitution and the state's legal policy on prostitution. This research is a normative legal research that examines the possibility of legalizing or prohibiting prostitution. The research was conducted using statutory approaches, legal concepts and comparative law. The analysis was carried out qualitatively. The findings of this study are prostitution is influenced by educational, economic, social, legal and political factors. This activity can involve women, men, LGBT, both adults and children. However, the greatest involvements as the sex workers are women and children. Indonesia is a country that prohibits prostitution as regulated in Article 296 and 506 of the Criminal Code, as well as several other special provisions. To overcome prostitution, the Indonesian Government issued a number of policies to disband the red-light districts. There are countries in the world that prohibit prostitution like Indonesia, some allow it with strict restrictions, and some even allow state revenue from taxes.*

**Keyword:** *Legalization; Policy; Prostitution.*

### **A. INTRODUCTION**

Prostitution is seen as a social and legal problem in Indonesia. The practice of prostitution in Indonesia has long been developing in which one of the most prominent development was in the Japanese colonial era. Sex workers have their own name called *Jugun ianfu*.<sup>1</sup> The origin of prostitution in Indonesia can be traced back to the Javanese kingdoms in which the female trade at that time was a complement to the system of feudal government. At that time, the concept of power of a king was described as

---

<sup>1</sup> Miftah Raharjo and Lilik Mulyadi, Penerapan Sanksi Pidana Terhadap Pelaku Prostitusi Online di Yogyakarta, *Kajian Hasil Penelitian Hukum* Vol. 1, No. 2, 2017

a supreme and noble. They were often regarded as people who were not only had power of the property, but also of the life of their people.<sup>2</sup> The Kings were free to choose the woman they liked to get sexual services. Brothels were also especially available for the officials in the Kingdom. In the kingdom relation, women were often used as gifts to be handed over to the host.

It can be said that the prostitution businesses have never been eroded by the time. Prostitution develops from roadside sexual offers, brothels, spa massages, red-light district, and even through online media. Cyber prostitution in Indonesia was firstly revealed in May 2003, in which the Metro Jaya Police Criminal Investigation Unit succeeded in capturing cyber pimps. The culprit is a husband and wife, Ramdoni aka Rino and Yanti Sari aka Bela. Cyber prostitution is new modus by offering women through a web address. This web owner displays photos of the women with minimal clothing who are ready to serve the customers. The interested customers only need to contact the cell phone number of the pimps that are displayed on the web page, then this pimp will deliver the order to the hotel room or to the apartment according to the customer's wishes.<sup>3</sup> Online prostitution cases are also associated with the involvement of actresses who become sex workers with very high prices. Sexual transactions are carried out professionally by pimps who already have many networks.

In Indonesian law, prostitution is illegal. This act is included as a crime as stipulated in Article 296 and Article 506 of the Criminal Code. While prostitution is technically illegal in Indonesia and immoral in the eyes of many of its people, the sex trade continues to flourish, especially in the capital Jakarta. The city is home to least 11,860 active female prostitutes, based on 2014 data from the Jakarta AIDS Commission. Of these, 3,435 ply their trade in the center of the capital. The total number in the trade, however, is likely to be much higher, as the data does not currently capture male and transgender sex workers.<sup>4</sup>

The Ministry of Social Affairs of the Republic of Indonesia states that Indonesia is the country with the greatest number of red-light districts in the world. In fact, a total of 40 thousand commercial sex workers inhabits these red-light districts. Director of Social Rehabilitation of Nonsocial and Victims of Trafficking in Persons, Ministry of Social Affairs said that since 2013, 168 red-light districts had been established in 24 provinces and 76 districts / cities. The data was collected from social services throughout the province and various sources.<sup>5</sup> Even though prostitution is against the law in

---

2 T. Hull, E. Sulistyarningsih., and Gavin W, *Pelacuran di Indonesia Sejarah dan Perkembangannya*, Jakarta, Pustaka Sinar Harapan, 2017, page.1

3 Sutarman, *Cyber Crime Modus Operandi dan Penanggulangannya*, Yogyakarta, LaksBang PRESSindo, 2017, page.67

4 P. Promchertchoo., *Indonesia's Sex Trade 'Impossible' to Shut Down*, Accessed on 2 December 2022, <https://www.channelnewsasia.com/news/asia/indonesia-s-sex-trade--impossible--to-shut-down-8009820>

5 M. Mediani., *Kemensos: 40 Ribu PSK Menghuni Lokalisasi Indonesia*, Accessed on 2 December 2022, <https://www.cnnindonesia.com/nasional/20180419112100-20-291933/kemensos-40-ribu-psk-menghuni-lokalisasi-indonesia>

Indonesia, people can easily find places of prostitution. The place is easily accessible and even in residential areas.

The prostitution business is believed to be a business that provides huge profits. Based on reports from Havocscope, the black-market research institute in the world, including prostitution, Indonesia is one of the countries with the biggest money turnover from prostitution in the world. Quoted by detikFinance, Havocscope notes that the total money turnover from the prostitution business reached US \$ 186 billion or if it is calculated at the current exchange rate, it reaches IDR 2,697 trillion (exchange rate: IDR 14,500 / US dollar). Indonesia is among the 24 countries in the Havocscope list. According to this report, the circulation of money in the world of prostitution in Indonesia reaches US \$ 2.25 billion or equivalent to IDR 32 trillion (at an exchange rate of IDR 14,500).<sup>6</sup>

Research on the topic of prostitution has been written by several researchers before. Katy Smith and Walter Block published a study entitled "Legalization of Prostitution: A Cost-Benefit Analysis." This study discusses the possibility of legalizing prostitution activities on the grounds that this legalization will provide protection for the safety of the sex workers.<sup>7</sup> Lorenzo Escot, et.al. produced a study entitled "Can the Legal Framework for Prostitution Influence the Acceptability of Buying Sex?" This article analyzes the extent to which the legal framework for prostitution can influence an individual's moral judgments about purchasing sex. The conclusion from this study is that different legal approaches to the sex industry can influence attitudes toward purchasing sexual services.<sup>8</sup> Rebecca Hayes-Smith and Zahra Shekarkhar research on "Why is Prostitution Criminalized? An Alternative Viewpoint on the Construction of Sex Work." Prostitution/sex work remains criminalized in most parts of the United States because prostitution is viewed as dangerous work. Alternative prostitution constructions such as decriminalization or legalization are supported because they are seen as more just from a legal perspective and a public health perspective.<sup>9</sup> The author's research is different and has never been written by previous researchers because in this study, the authors provide considerations regarding the possibility of legalizing prostitution in Indonesia by exploring from various perspectives. These considerations are reviewed from the construction of law in Indonesia, the values held by society and comparisons with legal responses in various countries.

---

6 H.A.A. Hikam., *Perputaran Uang di Bisnis Prostitusi RI Capai Rp 32 T?*, <https://finance.detik.com/berita-ekonomi-bisnis/d-4374535/perputaran-uang-di-bisnis-prostitusi-ri-capai-rp-32-t>

7 Katy Smith, Katy, and Walter Block., *Legalization of Prostitution: A Cost-Benefit Analysis*, *Journal of Accounting, Ethics & Public Policy*, JAEPP, Vol. 20, No. 3, 2019, page.351-36851.

8 Lorenzo Escot, et al., *Can the Legal Framework for Prostitution Influence the Acceptability of Buying Sex?*, *Journal of Experimental Criminology*, Vol. 18, No. 4, 2022, page.885-909.

9 Rebecca Hayes-Smith and Zahra Shekarkhar, *Why is Prostitution Criminalized? An Alternative Viewpoint on the Construction of Sex Work*, *Contemporary Justice Review*, Vol. 13, No. 1, 2010, page.43-55.

## **B. RESEARCH METHODS**

This study will discuss about the phenomenon of prostitution, the dimensions of violence in prostitution, the crimes related to prostitution and the legal response of countries in the world to prostitution. The research will also discuss comprehensively about legal policies in Indonesia against prostitution. This study aims to analyze the causes factors and dimensions of violence in prostitution activities and to find the national legal response on prostitution.

This research is a normative legal research that examines the laws and regulations regarding the legality and prohibition of prostitution. The study of the causal factors and dimensions of violence will be placed on an analysis of various legal principles. The study will be carried out with a statutory approach, legal concepts and comparative law. The legal materials used consist of primary legal materials, namely statutory regulations and secondary legal materials, namely legal books and journals. The collection of legal materials is done by using library research techniques. The analysis was carried out qualitatively so as to produce conclusions and recommendations.

## **C. RESULTS AND DISCUSSION**

### **1. Causes Factors and Dimensions of Violence in Prostitution**

Prevailing poverty in Indonesia reinforces the tendency to pay the least. If commercial sex in Indonesia were cheap, clients would hardly care about the price that they pay, thereby weakening the relationship between the price of sex and the preference. On the contrary, commercial sex in Indonesia is never cheap. According to our data, the mean price of sex was 44 times greater than the mean hourly wage for young working women in Indonesia.<sup>10</sup> Prostitution promises a tantalizing income with a short duration of work compared to work in an office. In reality a woman with no education can make more money through sex work than any other entry-level job. Any return to sex-work prohibition will only make the profession more dangerous.<sup>11</sup> Muamar Emka, an observer of prostitution, believes that the existence of prostitution is closely related to 5 problems, namely:

- a. Education. Those who become sex workers, the majority are low educated. With low education, they cannot be accepted to work in the formal sector such as in the government or in the private sector. While to open their own business, there are no capital, skills, place of business, business license, and so on.
- b. Economy. In general, those who become sex workers, are from the poor. They become sex workers because they are deceived by people who promise to give jobs (not as sex workers) such as restaurant workers, shopkeepers, and so on. After arriving in

---

10 Kitae Sohn, Men's Revealed Preferences Regarding Women's Ages: Evidence from Prostitution, *Evolution and Human Behavior*, Vol. 37, No. 4, 2016, page.272-280.

11 O.D. Partlow, *The Evolution of Policing Tendencies Towards Sex Work in America: Colonial Era to Today*, 2017, page.22.

Jakarta, they were made as sex workers. Getting out from the black valley is not easy, because usually their parents in the village have been given money, so women who are recruited to become sex workers have received money with an agreement that it will be taken from their salary.

- c. Social. Prostitution is increasingly widespread because people do not participate in building community morality. There is a culture developed in the society that people do not want to be involved in preventing prostitution and various problems in the community because there are no legal regulations that protect them. In many cases, those who take the initiative to prevent things that violate the law, often get into trouble and even become suspects on charges of defamation.
- d. Law. The process of law enforcement is weak, so that those who carry out prostitution, especially men, escape legal entanglement. In the process of law enforcement, prostitutes drag women more than men.
- e. Politics. To end the rampant emergency of prostitution, political decisions are needed. The Government and Parliament of the Republic of Indonesia should make laws to prevent and stop prostitution in the community. This can only be realized if there are political will and political decisions.<sup>12</sup>

The prostitution of the women has turned into a paradigmatic case of the complexity of meanings that operate in the conceptualization of a problem. In the debate on prostitution, there diverge first of all the discourses that give priority to the women as subjects of right in equality, opposite to which they legitimize their exploitation for serving men. In this first level, the discursive split separates those who claim the delegitimization of the patriarchy or feminists discourses, from those who defend the perpetuation of the patriarchal order for the sake of other values.<sup>13</sup> In terms of quantity, prostitution carried out by women is indeed more numerous than by men and LGBT people. Regarding to this, Chris Jones argues "Prostitution, pornography and other aspects of the commercialisation of sex are clearly very gendered. Men are almost invariably the customers, and other men are the biggest profit-takers. The industry fosters the view that being male means that you have a right to dominate and access female bodies."<sup>14</sup>

Prostitution is a form of sexual crime committed with or without violence. This crime is carried out with violence when prostitution is carried out by trafficking persons and coercion. The case of the sexual

---

12 Harris Y.P. Sibuea, Penegakan Hukum Prostitusi di Indonesia, *Info Singkat Hukum*, Vol. 7, No. 10, 2015, page.1-2.

13 C. D. Álvarez & A. G. García, Social Representation of Prostitution in Gender Perspective, *Procedia-Social and Behavioral Sciences*, Vol. 161, 2014, page.82-89.

14 Chris Jones, Paying for Sex; The Many Obstacles in The Way of Men with Learning Disabilities Using Prostitutes, *British Journal of Learning Disabilities*, Vol. 41, No. 2, 2013, page.121-127.

trafficking of children and underage women shows that the reality of women's rights to enjoy peace and happiness have been violated from an early age (underage). The right to live in dignity and be free from dangers threaten them has been reduced by crime.<sup>15</sup> Even so, there are adult women who do choose to become sex workers, although there is always an assumption that no one in the world wants to work as a sex worker.

Men who become sex workers can be categorized into two, namely adult and children. In 2010, the world was shocked by a short film entitled "Cowboy in Paradise." The film aired on the Youtube channel described the sexual services carried out by adult men on Kuta Beach, Bali. Gigolos offer sexual services to Western women. Responding to the documentary film, the police had conducted an investigation. Police on the Indonesian holiday island of Bali have arrested around 30 men suspected of male prostitution with western women.<sup>16</sup>

The prostitution business involves boys as sex workers. Erlinda, a commissioner from the Indonesia Child Protection Commission (KPAI) said that underage male prostitution in Indonesia is increasing every year. KPAI says in 2016, 300 to 400 boys reported they had been sold for sex. Erlinda said child pornography and cyber crime reports during January – October 2016 recorded 414 victims. The numbers are higher especially when it comes to trafficking underage males for prostitution. She stated many victims don't want to report to the KPAI. Pribudiarta Sitepu a Deputy of Child Protection of The Ministry of Woman's Empowerment and Children Protection said sexual abuse against boys is higher than the girls. The survey of violence against children reported 1 of 12 boys, and 1 of 19 girls got sexually abused."<sup>17</sup>

Prostitution activities, besides involving women and men as sex workers, also involve LGBT as sex workers. Offerings are made both through acquaintances, pimp networks, and even through online applications that connect LGBT people. In the application, sex workers use the term "massage boy" or abbreviated as MB. Indonesian police have detained 51 men including several foreigners in a raid on what authorities described as a "gay spa" in Jakarta late on Friday, and some could face up to six years in prison under pornography and prostitution laws.<sup>18</sup>

The existence of prostitution in Indonesia is a social reality that cannot be covered, even though this activity is an illegal activity.

---

15 A. Wahid and M. Irfan, *Perlindungan Terhadap Korban Kekerasan Seksual Advokasi atas Hak Asasi Perempuan*, Bandung, Refika Aditama, 2011

16 Daily Mail., *Bali 'Gigolos' Arrested after YouTube Video Shines Light on Indonesian Sex Tourism*, Accessed on 2 December 2022, <https://www.dailymail.co.uk/travel/article-1269723/Bali-YouTube-film-Cowboys-Paradise-exposes-male-prostitution.html>

17 Farabi Ferdiansyah., *Increasing Boys Prostitution in Indonesia*, Accessed on 2 December 2022, <https://themonsoonproject.org/2017/03/24/increasing-boys-prostitution-in-indonesia/>

18 The Guardian, *Indonesia Police Detain 51 Men in Raid on Jakarta 'Gay Spa'*, Accessed on 2 December 2022, <https://www.theguardian.com/world/2017/oct/08/indonesia-police-detain-51-men-in-raid-on-jakarta-gay-spa>

Prostitution sites can be found easily in central city, even now, clients can use internet media to conduct sexual transactions.

## 2. National Legal Response on Prostitution

Pros and cons regarding the legalization of prostitution occur in almost all countries. As a result, there is no similar understanding regarding the legalization of prostitution. Some countries claim that prostitution is a legal activity, even earning state revenues through taxation on prostitution, some of them allow prostitution to be limited, and the others take policies to criminalize the prostitution. These countries say prostitution is a crime.

Sweden, Norway, and Iceland have tried to combat trafficking through criminalization of the buying of sex, while the Netherlands and Germany have tried to improve the conditions of sex workers partly through legalization. From both sides politicians have currently argued that both types of policies could be a way to decrease trafficking, although the law was initially not justified to fight trafficking in neither Germany nor the Netherlands. In Spain, the UK and Denmark, the buying of sex is legal but running a brothel is criminalized.<sup>19</sup>

The number of countries where legal prostitution is treated as a controlled industry is astounding. In fact, there are 77 countries that have completely legalized it and 11 that have limited prostitution but still allow it. Some places, like the United States, have made it illegal with a few exceptions. In the US, prostitution is legal in some rural counties in Nevada, but sex workers are required to register with the state and undergo regular health checks.<sup>20</sup>

Selling sex is not illegal in Canada, but a new law that criminalizes its purchase is putting sex workers in harm's way, warns the Canadian Public Health Association (CPHA). Canada's existing prostitution laws "do not address the root causes and pathways that lead many people into the sex industry, nor do they address the workplace health and safety [concerns](#) of sex workers," the association levelled in a December position paper. Instead, the sex industry should be regulated like any other business under workplace health, safety and antidiscrimination laws - not the Criminal Code.<sup>21</sup> Each country's policy on prostitution can be seen in the following map:

---

19 S. Jonsson and N. Jakobsson., Is Buying Sex Morally Wrong? Comparing Attitudes Toward Prostitution Using Individual-Level Data Across Eight Western European Countries, *Women's Studies International Forum*, Vol. 61, 2017, page.58-69.

20 Lyra Radford., *15 Countries Where Prostitution Is Legal and How It Works*, <https://www.ranker.com/list/legal-prostitution-facts/lyra-radford>

21 Lauren Vogel, Prostitution Laws Failing Sex Workers: CPHA, *CMAJ*, Vol. 2, 2015, page.E63-E63.

Figure 1. The country's response to prostitution<sup>22</sup>



Indonesia is a country that prohibits prostitution, even though prostitution always exists in this country. In criminal law in Indonesia, prostitution is a crime as stipulated in Article 296 and 506 of the Criminal Code. Article 296 of the Criminal Code states "Anyone who intentionally causes or facilitates obscene conduct by other person with another, and makes it a search or habit, is threatened with imprisonment for a maximum of one year four months or a fine of at most fifteen thousand rupiah." Article 296 The Criminal Code determines that punishment can only be imposed on people who intentionally cause or facilitate obscene conduct with others, and make it a search or habit. In the formulation of this article, it can be seen that the only people who can be punished are pimps, while the prostitute and client cannot be punished. Likewise in the formulation of Article 506 of the Criminal Code which states "Whoever benefits from the obscene conduct of a woman and makes it as a search, is threatened with a maximum of one year imprisonment."

The criminal provisions currently regulated in Article 296 of the Criminal Code by the National Legal Development Agency of the Indonesian Ministry of Law and Human Rights have been deemed necessary to be maintained in the new Criminal Code. If the thing that is prohibited in the criminal provisions stipulated in Article 296 of the Criminal Code, among others, making intentions cause acts to violate decency by others with third party as livelihoods, then what is prohibited in the design of criminal provisions is making work to connect other people commit obscene.<sup>23</sup>

22 M. Meltzer., *A World Map of Countries That Have Legal Prostitution*, Accessed on 2 December 2022, <https://www.thrillist.com/travel/nation/legal-prostitution-world-map-of-every-country-that-has-legal-prostitution#>

23 P. A. F Lamintang, *Delik-delik Khusus Kejahatan Melanggar Norma Kesusilaan dan Norma Kepatutan*, Jakarta, Sinar Grafika, 2009, page.205.



Along with the acceleration of technology and communication, prostitution is supported by online media; therefore, this activity is often referred to as online prostitution. Prostitutes use cyberspace to bring together sex workers with clients. In Indonesian law, online prostitution is contrary to the provisions in Article 27 paragraph (1) of Act No. 11 Of 2008 concerning Information and Electronic Transactions. Article 27 paragraph (1) of Act No. 11 Of 2008 concerning Information and Electronic Transactions form prohibited actions, namely "Every person intentionally and without rights distributes and / or transmits and / or makes accessible Electronic Information and / or Electronic Documents which has a content that violates decency." The criminal provisions regarding Article 27 paragraph (1) of Act No. 11 Of 2008 concerning Information and Electronic Transactions are regulated in Article 45 paragraph (1) of Act No. 19 Of 2016 concerning Amendments to Laws. Number 11 of 2008 concerning Information and Electronic Transactions. In the provision is stated as follows:

Everyone who intentionally and without rights distributes and / or transmits and / or makes access to Electronic Information and / or Electronic Documents that have contents that violate decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment of a maximum of 6 (six) years and / or a fine of no more than IDR 1,000,000,000.00 (one billion rupiah).

Prostitution is an activity related to other crimes, namely human trafficking and sexual exploitation, especially against women and children. According to Noyon-Langemeyer as quoted by Sudradjat Bassar, trafficking in women must be interpreted as all actions which directly aim to place a woman in a situation depending on the willingness of others, to control the woman to be told to commit obscene acts with a third person (prostitution).<sup>24</sup> Human trafficking as referred to in Article 1 number 1 of Act Number 21 of 2007 Eradicating Human Trafficking Criminal Acts is:

The act of recruiting, transporting, sheltering, sending, transferring or receiving someone with the threat of violence, the use of violence, kidnapping, confinement, fraud and misuse of power or vulnerable positions, trapping money or providing payments or benefits, thus obtaining approval from the person holding control of other people, whether done within the country or between countries, for the purpose of exploitation or causing people to be exploited.

There is Act No. 21 of 2007 concerning Eradication of Crime in Human Trafficking. In Article 1 point 8 of the Law, it is explained that what is meant by sexual exploitation is any form of utilization of sexual organs or other organs of the victim to obtain benefits, including but not limited to all activities of prostitution and fornication. In Explanation of Article 66 of Act No. 35 Of 2014 concerning Amendment to Act No. 23 of 2002 concerning Child Protection states that "Sexually exploited is any

---

24 S. Bassar, *Tindak-tindakan Pidana Tertentu di Dalam Kitab Undang-undang Hukum Pidana*, Bandung, Remadja Karya, 2016, page.173.

form of utilization of sexual organs or other organs of the child to gain benefits, including but not sexual abuse.

Sexual exploitation of children is one of the worst forms of child labour and a modern form of slavery. Global findings show that children are put at risk of such exploitation by poverty, inequality, discrimination, persecution, violence, armed conflicts, HIV/AIDS, dysfunctional family environments, the demand factor and criminality. The broad causes of sexual exploitation therefore demand a range of comprehensive responses.<sup>25</sup> The involvement of children as sex workers is a serious crime that can destroy a child's future. Child prostitution is a horrible phenomenon which is affecting millions of children worldwide and lives on despite the world's knowledge about it and a lot of actors fighting to end it.<sup>26</sup> The war on sexual exploitation of children is not only a national agenda, but also an important agenda at the international level as outlined in the Optional Protocol to the Convention on Child Prostitution and Child Pornography (Adopted and opened for signature, ratification and accession by General Assembly resolution A / RES / 54/263 of 25 May 2000 entered into force on 18 January 2002).

The Indonesian government announced a plan to shut down all the 168 red-light districts, in an effort to minimize prostitution in Indonesia. The government has already shut down 68 red-light districts, while another 100 would be closed down within three years. Indonesian authorities already managed to close Jakarta's most notorious red-light districts, called Kalijodo, and replace them with parks. The government of Indonesia, a country with an estimated \$872.6 billion GDP in 2015, wants to deal with the stereotype of prostitution in Indonesia. Prostitution is already considered illegal, but in practice it was tolerated and regulated. In recent years, the situation got out of control, as child sex tourism has become an issue at the resort islands of Batam and Bali.<sup>27</sup> Judging from the attitude of the government in closing prostitution places in various regions in Indonesia, it can be seen that the government, especially the local governments, has strictly prohibited prostitution. Even so, this policy actually gave birth to a new phenomenon where the offer of sexual services is carried out through cyberspace, even packaged with a sexual tourism platform.

---

25 UNICEF., *What is Child Sexual Exploitation?*

[https://www.unicef.org/indonesia/UNICEF\\_Indonesia\\_Sexual\\_Exploitation\\_Fact\\_Sheet\\_-\\_July\\_2010.pdf](https://www.unicef.org/indonesia/UNICEF_Indonesia_Sexual_Exploitation_Fact_Sheet_-_July_2010.pdf)

26 L. Johansson., *Child Prostitution in Southeast Asia: A Qualitative Case Study on The Factors that Contributes to Child Prostitution in Thailand, Cambodia, Vietnam and The Philippines*, 2018, page.1.

27 Neo Online, *The Government Announced a Plan to Close all 168 Red-light Districts Across Indonesia by 2019, as It Wants to Deal with Prostitution in The Country*, Accessed on 2 December 2022, <https://www.neweurope.eu/article/government-plans-to-fight-prostitution-in-indonesia/>

#### **D. CONCLUSION**

Prostitution can involve women, men, and LGBT people, both adults and children as sex workers. The causal factors that influence the development of the prostitution business are educational, economic, social, legal, and political factors. Countries in the world have different policies on the legality of prostitution. The policy can be grouped into 3, namely, countries that legalize prostitution, the state which somewhat legalizes prostitution with very strict rules, and a state that prohibits prostitution. Indonesia is a country that prohibits prostitution. In Indonesian law, prostitution is a crime. Prostitution is also related to several types of crimes such as human trafficking and sexual exploitation of children.

#### **BIBLIOGRAPHY**

##### **Books:**

- Bassar, S., 2016, *Tindak-tindak Pidana Tertentu di Dalam Kitab Undang-undang Hukum Pidana*, Remadja Karya, Bandung;
- Hull, T., E. Sulistyaningsih, and Gavin W., 2017, *Pelacuran di Indonesia Sejarah dan Perkembangannya*, Pustaka Sinar Harapan, Jakarta;
- Johansson, L., 2018, *Child Prostitution in Southeast Asia: A Qualitative Case Study on The Factors that Contributes to Child Prostitution in Thailand, Cambodia, Vietnam and The Philippines*;
- Lamintang, P. A. F., 2009, *Delik-delik Khusus Kejahatan Melanggar Norma Kesusilaan dan Norma Kepatutan*, Sinar Grafika, Jakarta;
- Partlow, O. D., 2017, *The Evolution of Policing Tendencies Towards Sex Work in America: Colonial Era to Today*;
- Sutarman., 2017, *Cyber Crime Modus Operandi dan Penanggulangannya*, LaksBang PRESSindo, Yogyakarta;
- Wahid, A. and M. Irfan., 2011, *Perlindungan Terhadap Korban Kekerasan Seksual Advokasi atas Hak Asasi Perempuan*, Refika Aditama, Bandung;

##### **Journals:**

- Álvarez, C. D. and A. G. García., *Social Representation of Prostitution in Gender Perspective*, *Procedia-Social and Behavioral Sciences*, Vol. 161, 2014;
- Escot, Lorenzo, et al., *Can the Legal Framework for Prostitution Influence the Acceptability of Buying Sex?*, *Journal of Experimental Criminology*, Vol. 18, No. 4, 2022;
- Hayes-Smith, Rebecca and Zahra Shekarkhar., *Why is Prostitution Criminalized? An Alternative Viewpoint on the Construction of Sex Work*, *Contemporary Justice Review*, Vol. 13, No. 1, 2010;

- Jones, Chris., Paying for Sex; The Many Obstacles in The Way of Men with Learning Disabilities Using Prostitutes, *British Journal of Learning Disabilities*, Vol. 41, No. 2, 2013;
- Jonsson, S. and N. Jakobsson., Is Buying Sex Morally Wrong? Comparing Attitudes Toward Prostitution Using Individual-Level Data Across Eight Western European Countries, *Women's Studies International Forum*, Vol. 61, 2017;
- Raharjo, Miftah and Lilik Mulyadi., Penerapan Sanksi Pidana Terhadap Pelaku Prostitusi Online di Yogyakarta, *Kajian Hasil Penelitian Hukum*, Vol. 1, No. 2, 2017;
- Sibuea, Harris Y.P., Penegakan Hukum Prostitusi di Indonesia, *Info Singkat Hukum*, Vol. 7, No. 10, 2015;
- Smith, Katy and Walter Block., Legalization of Prostitution: A Cost-Benefit Analysis, *Journal of Accounting, Ethics & Public Policy, JAEPP*, Vol. 20, No. 3, 2019;
- Sohn, Kitae., Men's Revealed Preferences Regarding Women's Ages: Evidence from Prostitution, *Evolution and Human Behavior*, Vol. 37, No. 4, 2016;
- Vogel, Lauren., Prostitution Laws Failing Sex Workers: CPHA, *CMAJ*, Vol. 2, 2015;

**Internet:**

- Daily Mail., *Bali 'Gigolos' Arrested after YouTube Video Shines Light on Indonesian Sex Tourism*, Accessed on 2 December 2022, <https://www.dailymail.co.uk/travel/article-1269723/Bali-YouTube-film-Cowboys-Paradise-exposes-male-prostitution.html>;
- Ferdiansyah, Farabi., *Increasing Boys Prostitution in Indonesia*, Accessed on 2 December 2022, <https://themonsoonproject.org/2017/03/24/increasing-boys-prostitution-in-indonesia/>
- Hikam, H.A.A., Perputaran Uang di Bisnis Prostitusi RI Capai Rp 32 T? <https://finance.detik.com/berita-ekonomi-bisnis/d-4374535/perputaran-uang-di-bisnis-prostitusi-ri-capai-rp-32-t>
- Mediani, M., Kemensos: 40 Ribu PSK Menghuni Lokalisasi Indonesia, Accessed on 2 December 2022, <https://www.cnnindonesia.com/nasional/20180419112100-20-291933/kemensos-40-ribu-psk-menghuni-lokalisasi-indonesia>
- Meltzer, M., A World Map of Countries That Have Legal Prostitution, Accessed on 2 December 2022, <https://www.thrillist.com/travel/nation/legal-prostitution-world-map-of-every-country-that-has-legal-prostitution#>;
- Neo Online., The Government Announced a Plan to Close all 168 Red-light Districts Across Indonesia by 2019, as It Wants to Deal with

Prostitution in The Country, Accessed on 2 December 2022,  
[https://www.neweurope.eu/article/government-plans-to-fight-prostitution-in-indonesia/;](https://www.neweurope.eu/article/government-plans-to-fight-prostitution-in-indonesia/)

Promchertchoo, P., Indonesia's Sex Trade 'Impossible' to Shut Down, Accessed on 2 December 2022,  
<https://www.channelnewsasia.com/news/asia/indonesia-s-sex-trade--impossible--to-shut-down-8009820;>

Radford, Lyra., 15 Countries Where Prostitution Is Legal and How It Works,  
<https://www.ranker.com/list/legal-prostitution-facts/lyra-radford;>

The Guardian., *Indonesia Police Detain 51 Men in Raid on Jakarta 'Gay Spa'*, accessed on 2 December 2022.  
<https://www.theguardian.com/world/2017/oct/08/indonesia-police-detain-51-men-in-raid-on-jakarta-gay-spa;>

UNICEF., *What is Child Sexual Exploitation?*,  
[https://www.unicef.org/indonesia/UNICEF\\_Indonesia\\_Sexual\\_Exploitation\\_Fact\\_Sheet\\_-\\_July\\_2010.pdf.](https://www.unicef.org/indonesia/UNICEF_Indonesia_Sexual_Exploitation_Fact_Sheet_-_July_2010.pdf)