



## **Cirebon Law Enforcement is Using the Michat App to Combat Online Prostitution**

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**Abstract.** The purpose of this study is to (1) evaluate the efforts made by law enforcement to combat online prostitution offences in Cirebon via the MiChat app. (2) Being aware of the challenges faced by law enforcement officers in Cirebon when handling online prostitution offences via the MiChat program. Cyber Prostitution is a form of prostitution that takes place online. It is illegal and is governed by Law No. 11/2008 (ITE Law), which lists it as a criminal act in Article 27. Online prostitution through the MiChat app is one of the many offenses that violate moral standards that are currently on the rise. The quantity of prostitutes still engaged in online prostitution using the MiChat software serves as evidence of this. The Regional Regulation's criminal penalties do not have a deterrent impact, Satpol PP's human resources are of poor quality, there are no official vehicles available for transportation during operations or raids, and social media abusers are among the problems impeding progress. The younger generation appears to be blind to the Cirebon culture's diversity and the influence of social media technologies, which can have a detrimental effect.

**Keywords:** Law Enforcement, Online Prostitution, MiChat, Perda, Cirebon

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### **INTRODUCTION**

In the age of digitization, social media is still evolving and growing quickly to keep up with the pace of the times. Humans and social media currently coexist and are essential for communication. The growth of technical innovations that are simple to access through hardware, notably smart devices (smartphones), and many produce software in the form of applications that can be used to connect remotely in real time is demonstrated by social media service providers and chat communication. Everyone can function thanks to easy access to the software provided by communication applications. Anyone can search for and download any application using app stores like Play Store, App Store, or other smartphone default applications, but only with a smartphone that is connected to the internet.

Numerous groups can simply utilize the numerous chat communication tools available in Indonesia. Among them are the apps for Instagram, Facebook, Whatsapp, and MiChat. MiChat is one of the programs that has been abused, specifically as a way of engaging in activities that flout moral standards like prostitution, as the era has progressed. Customers no longer have to visit

sites or places where commercial sex workers (PSK) are "absent" thanks to MiChat. In Indonesia, prostitution is viewed as a violation of both the law and morality. Since ancient times till the present, prostitution has been a crime and an unlawful trade. Prostitution is an activity where someone receives sexual services to satiate their lust in exchange for money or other advantages.

Cyber Prostitution is a form of prostitution that takes place online. It is illegal and is governed by Law No. 11/2008 (ITE Law), which lists it as a criminal act in Article 27. A Commercial Sex Worker (PSK) is someone who sells their services to these clients on their own. The MiChat software is now used by many prostitutes to engage in prostitution. The MiChat app has received the most attention recently due to the detrimental impact of people using it to engage in illegal online prostitution. Global Positioning System (GPS) functions are offered through the MiChat application, which must first be downloaded onto a smartphone from the Playstore or Appstore.

One can find other MiChat app users nearby by using this app, which displays nearby users' locations on the user's app wall. This application is frequently used illegally in Cirebon for online prostitution transactions because of its simple registration procedures and data security. For registration or application registration, a phone number is necessary. If a verification code was obtained, the application is usable after completion. By changing the identity of their name, photo, or phone number, users can also conceal their data. There are no particular regulations regarding prostitution in the Criminal Code (KUHP). Regarding, the Criminal Code's articles 296 and 506 exclusively govern offenders who act as middlemen (pimps) between customers and prostitutes.

There is no article that can ensnare offenders, commercial sex workers (PSK), or their users. In accordance with Article 506 of the Criminal Code, it is illegal to practice the profession of a pimp and is punishable by up to a year in jail for activities that fall under this ban. According to Article 296 of the Penal Code, committing indecent activities with others and making it a habit is punishable by a lengthy sentence of one year and four months in jail. One of the places where it is illegal to engage in online prostitution is Cirebon. These unlawful entrepreneurs profit from hotel services that are offered at the lowest possible rates as well as unrestricted free lodging options.

There are spots in Cirebon proper that are frequently utilized as "mangkal" destinations for prostitutes, like Geronggong Talun, Sukalila Cirebon, Terminal, and so forth. While the MiChat app is a popular platform for prostitution today, where prostitutes go straight to customers instead

of peddling their bodies where they conduct traditional prostitution transactions, pictures of prostitutes have been displayed on the MiChat application's walls. Cirebon Regency Regional Regulation No.4/2021 modifying Regional Regulation No.7/2015 addressing public order has been implemented by law enforcement officers of the Civil Service Police Unit (Satpol PP) in an effort to combat the issue of internet prostitution offenses in Cirebon. According to preliminary research the author did at the Satpol PP office, 12 cases of online prostitution through the MiChat application were investigated by Satpol PP in 2022.

Satpol PP regularly regulates prostitutes who use the MiChat application to find clients every month. Based on the results of the author's second research, it was discovered recently that some three-star hotels in Cirebon City were home to incidents of internet prostitution, according to members of the city's investigation and crime unit (satreskrim). Inside the hotel room, police detained a male client and several prostitutes. The culprits admitted to carrying out the prostitution transaction through an online program they downloaded on smartphones after questioning the prostitutes and clients.

## **LITERATURE**

In accordance with the 1945 NKRI Constitution, Indonesia is a legal jurisdiction. The state of law is essentially founded on the idea of the doctrine of State Sovereignty (Soeverignty), which in theory asserts that the law is the ultimate power in a state. According to Sri Soemantri Martosoewignyo, law plays a significant role in the dynamics of people's lives both inside and outside of the state. The Criminal Code (KUHP) is one example of how these legal standards are put into practice. Law enforcement is required to bring about order in an internet prostitution offense. A legal norm's enforcement or operation is accomplished through the practice of law enforcement.

The idea of law enforcement is in line with how values relate to one another through the exposure of a clear norm and as an attitude of action to construct the last stage of values in order to establish, preserve, and defend a sense of peace of mind. Soerjono Soekanto outlined the purpose of law enforcement and the elements that influence its efficacy, including the legal, law enforcement, facilities/facilities, community, and cultural considerations:

- Legal Factors (Law)

Legal factors are always related to the conflict between legal certainty and justice in a rule (Law). The abstract nature of justice and normative legal certainty make it imperative in definite

legal clarity, such as sanctions to conformity with the reality of community life in order to achieve a goal in the form of justice.

- Law Enforcement Factors

JE Sahetapy said the law will work well if the quality factor of law enforcement who has a good mentality and personality. If the law has been well formed with the aim of realizing peace and peace in people's lives. Law enforcement must implement the legal regulations that have been made, in order to show an example to the community. The law will be said to be successful if the community obeys the rules.

- Facilities/Facilities Factor

The facilities/facilities factor is a supporting factor for the smooth achievement of a desire in law and aims to make the community obey these rules. If the facilities/facilities are effective and can be used properly, it will achieve the wishes of law enforcement and community compliance with law enforcement regulations.

- Community Factors

The community has an important role in realizing the goals of law enforcement. The suitability of the laws that have been regulated and the community who have high legal awareness will realize the success of law enforcement successfully implemented by the community.

- Cultural Factors

Soerjono Soekanto said culture has an important role for human life and society. A culture that has existed for a long time regulates human behavior to act, behave, and behave in accordance with religious norms and culture itself. Good human behavior can affect the implementation of law enforcement.

These factors are closely related to each other in the essence of law enforcement, they also make a benchmark for the effectiveness of the enactment of laws or regulations. From the above factors can be studied based on the theory of the legal system from Lawrence M. Friedman. He stated that as a legal system of the social system, the law includes three components, namely;

- Legal Substance (Subtansi Hukum)

It is the rules, norms and patterns of real human behavior that are in the system including the products produced by people in the legal system including the decisions they issue or the new rules they compile.

- Legal Structure (Struktur Hukum)

It is the skeleton, the part that survives, the part that gives some kind of form and limitation to the whole of law enforcement agencies. In Indonesia, which is the structure of the legal system, among others, institutions or law enforcement such as advocates, police, prosecutors and judges.

- Legal Culture (Budaya Hukum)

It is the mood of the system mind and social forces that determine how the law is used, avoided, or abused by society. In the crime of online prostitution practice crimes, the theory of the rule of law and the theory of law enforcement are very important. The theory of the rule of law is the basis that all human actions and behaviors have been supervised by legal entities, and law enforcement theory plays an important role in regulating all community activities and becoming a benchmark for the implementation of a regulation.

## **METHOD**

The author adopts an empirical juridical technique when producing this thesis. Empirical research is the style of study used. Empirical study is a type of legal inquiry that concentrates on the social realities of law, particularly those that have been learned via experimentation and observation. The empirical juridical method, which looks at legal norms, relates to realities that happen in society, and looks at how law functions there, focuses on application in society and relates to characteristics of relevant laws or regulations. In order to collect data for this study that is based on experience and facts that frequently happen in the lives of society and legal bodies, the author used qualitative descriptive approaches.

Non-doctrinal research and an examination of social law are the two types of research the author used. Primary data and actual facts, which serve as the primary source of non-doctrinal study, can then offer well-organized solutions to the issue at hand related Law Enforcement Against Online Prostitution Crimes using the MiChat application. The writing in this study focuses on Cirebon's Law Enforcement Against Online Prostitution Crimes. via means of the MiChat application

## **DISCUSSION**

"Law Enforcement Against Online Prostitution Crimes in Cirebon through the MiChat Application" is the main topic of this study. The crime of internet prostitution through the MiChat program is a difficult issue that law enforcement personnel are now dealing with. The issue of prostitution is said to be complex since it affects people's lives and is influenced by a variety of factors, including social, cultural, economic, order, and environmental security. It may

be claimed that combating prostitution is difficult because it calls for professional handling with mature stages and the implementation of directed, integrated, and long-lasting activities. Prostitution also involves mental attitudes.

Cirebon is a region that has expanded and developed, and there are many different Cirebon residents that are aware of the advantages of social media. Online prostitution using the MiChat application media is one of the obvious examples of how social media can have a detrimental impact on society. Online prostitution is a crime that occurs in Cirebon and can lead to conflict at all social levels. It is preferred by prostitutes to engage in online prostitution through the MiChat program, yet it is still possible that victims or perpetrators may be kids. However, because there are still a lot of prostitutes who engage in the illegal act of practicing prostitution online through the MiChat application, there isn't much of a difference between the Cirebon Regency Civil Service Police Unit and the Cirebon City Police Police in terms of how to enforce the law against online prostitution.

In response to these issues, the Cirebon Regency Government released Cirebon Regency Regional Regulation No.4/2021 revising Regional Regulation No.7/2015 concerns public order. This regulation outlines the policy. The MiChat application by PSK is still used for online prostitution, despite the existence of these local regulations. The regional regulation is thought to not be operating as efficiently as it could because there are still many barriers to regulating online prostitution coming from both internal law enforcement officials and from external sources like the community. When responding to these issues, Cirebon City Police law enforcement personnel also feel the need to modify situations that arise in line with the law.

If there are elements that could catch the offender in violation of Law No. 35/2014's amendments to Law No. 23/2002's child protection (PA Law) articles 81 and 82, and Law No. 19/2016's amendments to RI Law No. 11/2008's electronic transaction information (ITE) provisions, as well as Criminal Code Article 506's prohibition on the pimping profession. The culprit may be dealt with in line with the legislation if one of these criteria is supported by the evidence:

- Legal Factors

Criminal law is the basis of regulations in the sex industry in Indonesia. Because the prohibition on providing sexual services, especially against the crime of conventional prostitution and online prostitution, is not in State law, regulations in the prostitution industry tend to be based on regulations issued by local governments, both at the provincial, district and sub-district

levels by considering the actions, reactions and pressures of various community organizations that support or oppose a prostitution activity aforementioned.

A regional rule may include penalties as described in Law of the Republic of Indonesia No. 23/2014, including incarceration, fines, penalties that repair the initial condition, or administrative penalties. based on interviews provided to Satpol PP, a local law enforcement source. Regional Regulation No. 4/2021 for Cirebon Regency amends Regional Regulation No. 7/2015 for public order. Article 24 paragraph (2) explains the restriction on being a prostitute, utilizing the services of a prostitute, and ordering, enabling, influencing, or forcing people to become prostitutes. Local governments have the authority to regulate things that have violated the law and public order. The penalties for prostitutes, which were formerly only in the form of coaching, have been changed as part of the regional regulation renewal to a maximum of 3 months in jail and a fine of Rp 50,000,000.00 (fifty million rupiah).

It attempts to achieve efficacy in law enforcement with the introduction of sanctions in the regional legislation. To accomplish the objectives set forth by the government, it is vital to adapt to the realities of people's lives. There are still plenty of prostitutes and prostitutes who openly engage in online prostitution crimes through the MiChat program without worrying about being caught by law enforcement. It is anticipated that the establishment of these penalties will have a deterrent impact on those who commit offenses involving online prostitution. Then, the police's efforts to use the MiChat application to crack down on online prostitution activities and enforce the criminal laws outlined in the Criminal Code.

Article 506 of the Criminal Code, which prohibits the pimping profession, and Articles 81 and 82 of Law No. 35/2014, which amends Law No. 23/2002 concerning child protection (PA Law), can be applied in combination to the use of this criminal provision if the offender is proven to be a pimp or the crime of online prostitution involving minors:

- Law Enforcement Factors

The quality factor of law enforcement is very influential on achieving an effectiveness of law enforcement. Law enforcement officials in Cirebon have made efforts in accordance with the provisions of the law and its proxy. The steps taken in enforcing online prostitution laws are preventive and repressive measures. The preventive steps taken in handling online prostitution cases in Cirebon Regency are not in accordance with the criminal law (KUHP) because as is well known, there are no articles directly related to prostitutes but are proven to be pimps and if they involve minors who can be threatened with crime.

Satpol PP Cirebon Regency has tried to regulate online prostitution. Mr. Nova Abda Nugraha S.Pt as the Head of Operations and Control was pleased to be a resource person, he explained that law enforcement against online prostitution crimes is in accordance with local regulations, with regular control operations carried out every month and also on big days such as welcoming the holy month of Ramadan, valentine, new year and so on. In practice, Satpol PP repressively made efforts to curb online prostitution activities through the MiChat application, including:

- Identify locations that are often used as a means of online prostitution. When this identification is deemed necessary, officers always disguise themselves as potential customers through the MiChat application as a means to criminalize online prostitution practices and make it easier to find suspects.
- If in trapping the target through chat has determined the location, then the prostitute has been identified, then, when knowing the location of the target, Satpol PP will conduct a raid, and secure evidence in the form of contraceptives.
- The prostitutes who are caught will be immediately taken to the Satpol PP office, then the officer will ask for their KTP (Identity Card) or identity, occupation and origin.
- The collected prostitutes will then stay one night before being tried the next day at the Sumber District Court. Before the prostitutes are tried, the prostitutes are asked for their biodata, photographed along with a photo of their ID cards.
- They are then tried by the Sumber District Court, then PSK can be determined to be in criminal imprisonment for a maximum of 3 months or a maximum fine of Rp. 50,000,000.00.

Then according to Mr. Iman Hendro, S, SH as Kanit PPA Polres Cirebon Kota. He explained that handling online prostitution cases through the MiChat application is not much different from the stages carried out by Satpol PP. Lure the target by posing as a customer. If in carrying out the operation the police cannot fulfill the criminal elements in accordance with the Law and the Criminal Code, such as being proven to work as a pimp, involving minors, disseminating indecent photos, and other cases that can be criminalized in accordance with the Law and Criminal Code, the case will be transferred to Satpol PP.

#### 1. Facilities/Facilities Factor

The factor of facilities or facilities is a factor that affects the smooth achievement of law enforcement effectiveness. Especially to curb the crime of online prostitution through the MiChat

application, in carrying out routine operations every month, Satpol PP officers use vehicles in the form of private cars owned by officers. Therefore, carrying out this routine operation must require careful strategic preparation, and so that the disguise is not easy to suspect, the officer also uses the officer's private car. Two to three cars that are often used by officers, in order to get prostitutes, officers do not use Satpol PP uniforms.

## 2. Community Factors

The community has an important role in realizing the goals of law enforcement. Law enforcement officials have made every effort to eradicate the crime of online prostitution through the MiChat application, but the crime of online prostitution is difficult to detect by the authorities and its rapidly growing movement.

Tackling the crime problem of online prostitution is not an easy problem, because it involves many factors in it, internal factors and external factors. Internal factors originate from within oneself such as lack of strong faith, having biological, psychological, emotional, personality or personality disorders, and gaps in the family, while external factors originate from outside in the form of social influences in the surrounding environment, economic pressure, lifestyle, and so on.

In order to strengthen the explanation above, the author has conducted observations and interviews with prostitutes who use the MiChat application service. There were three resource persons who used the MiChat application who were willing to be interviewed to obtain information and research data related to the factors behind the practice of online prostitution through the MiChat application. There are other factors behind the MiChat application as a means of online prostitution:

- Easy Internet Access

In this day and age the internet is not a difficult thing to use, because everyone has used internet facilities. With the internet we can access everything easily and are given the convenience of unlimited access. With that comfort, the main factor arises for some individuals to commit online prostitution crimes. Plus the emergence of the MiChat application which makes it easier for online prostitution crimes. One of the facts obtained when interviewing prostitutes, one of the sources said that he had found a student customer, which meant that easy internet access made all people able to access the MiChat application.

- Easy to Do because It Has a Small Risk

It is one of the triggers for prostitutes to use the MiChat application because the application is easy to use and has a small risk of being known and tracked by law enforcement officials. It is

evident from the prostitutes who use the MiChat application for so long, and from the confessions of prostitutes who were first raided by Satpol PP.

- Lack of Public Attention

Conventional prostitution crimes still need enormous attention from the public and law enforcement, especially perpetrators of online prostitution crimes from the MiChat application where crimes continue to grow and roam without being noticed. This is due to the low knowledge factor about the use of the MiChat application in the general public.

## CONCLUSION

In handling the problem of online prostitution practices in accordance with laws and regulations in accordance with applicable law. In this study, the author uses Soerjono Soekanto's theory about law enforcement factors. In this theory, there are several factors that affect the effectiveness of law enforcement, including:

1. Legal factors are the main factor in this problem of online prostitution. Cirebon Regency Regional Regulation No. 4/2021 concerning amendments to Regional Regulation No. 7/2015 concerning public order is a guideline for Satpol PP to regulate the practice of prostitution with a maximum penalty of imprisonment of 3 months and a maximum fine of Rp. 50,000,000. And then the Cirebon City Police officers are guided by the Law and the Criminal Code, it must adjust the elements contained in the Law and the Criminal Code.
2. Law enforcement factors, Satpol PP Cirebon Regency and Cirebon City Police make efforts to eradicate online prostitution crimes such as operations and raids regularly every month.
3. The third is the means factor, this is especially the operation of online prostitution practices through the MiChat application of Satpol PP law enforcement officers using vehicles in the form of officers' private cars, with rationalization of strategies from Satpol PP not easily known by suspect targets.
4. The fourth is community factors, as for prostitutes who have been interviewed and conclusions can be drawn about the factors behind prostitutes doing prostitution online, namely, factors of lack of faith, economic factors, lifestyle factors, and educational factors.
5. Fifth, cultural factors, culture has no correlation with online prostitution through the MiChat application in this modernization era.

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