

## THE ADOPTION OF THE LAW AGAINST THE PERPETRATORS OF PIMPS

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### Abstract

*This study aims to explore the settlement of prostitution cases focused on the role of pimps in the city of Makassar and the steps that have been and will be done by the police in preventing the practice. The results showed that Polrestabes Makassar has implemented a strategy in accordance with Perkapolri number 14 of 2012 on Investigation Management. This approach includes planning, organizing, and conducting investigations consisting of Investigation, forced effort, examination, case title, settlement of Case Files, submission of suspects and evidence, until the termination of the investigation. Meanwhile, efforts to prevent and eradicate human trafficking, especially in sexual exploitation are realized through preventive and repressive actions by the Makassar Polrestabes. This reflects the commitment of the police in dealing with prostitution cases comprehensively, from investigation to prevention.*

*Keywords: Women; Pimps; Police.*

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### Abstrak

Penelitian ini bertujuan untuk menggali penyelesaian kasus prostitusi yang terfokus pada peran mucikari di Kota Makassar serta langkah-langkah yang telah dan akan dilakukan oleh pihak kepolisian dalam mencegah praktik tersebut. Hasil penelitian menunjukkan bahwa Polrestabes Makassar telah menerapkan strategi yang sesuai dengan Perkapolri Nomor 14 tahun 2012 tentang manajemen penyidikan. Pendekatan ini mencakup perencanaan, pengorganisasian, serta pelaksanaan investigasi yang terdiri dari penyelidikan, upaya paksa, pemeriksaan, gelar perkara, penyelesaian berkas perkara, penyerahan tersangka dan barang bukti, hingga penghentian penyidikan. Sementara itu, upaya pencegahan dan pemberantasan human trafficking khususnya dalam eksploitasi seksual diwujudkan melalui tindakan preventif dan represif oleh Polrestabes Makassar. Hal ini mencerminkan komitmen pihak kepolisian dalam menangani kasus prostitusi secara komprehensif, dari investigasi hingga pencegahan.

*Kata Kunci: Perempuan; Mucikari; Kepolisian*

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## INTRODUCTION

Indonesia is a country based on law. Therefore, all public behavior is bound by applicable law. Legal norms are made firmly and written by authorized institutions so that if there are individuals who violate these rules, they will be sanctioned with fines and physical sanctions in the form of imprisonment or the death penalty. One of the purposes of law is to organize the activities of human life in all aspects in order to be orderly. The rule of law that is able to accommodate the interests of society is a manifestation of the legal feelings of people who live and develop in society (living law). But sometimes criminal law does not go hand in hand with the legal norms that apply in society. If an act according to the measure prevailing in 2 societies is seen as an act that violates legal norms, the act must be punished. But according to the criminal law is not seen as an act that violates the law (criminal law rules). Or vice versa, an act that is seen as an act that does not violate the norms applicable in society, but is seen as an unlawful act, according to criminal law.

The real difference between the above is prostitution. The practice of prostitution has actually existed for a long time and among the people is considered to have violated the norms of morality on which to behave in society. However, when considering one by one the articles in the Criminal Code, none of the articles that regulate specifically about prostitution. Therefore, for a woman, prostitution is not considered a crime under the Penal Code. In criminal law prostitution is an act that falls into the category of victimless crime or victimless crime. Except, if there is coercion, violence or threats of violence, or deceit so as to make someone entangled in prostitution, also if users of sexual services do it with minors by force or without force. Such acts may be punishable. The rise of prostitution in the city of Makassar makes some people restless. Moreover, it is known that there has been a pimp caught who is 19 years old. The existence of increasingly sophisticated technology also gives great influence to the pimps to facilitate their actions in offering prostitutes to customers.

## METHOD

This study uses the method of Field Research that researchers conduct research by plunging directly into the research site and describe and describe the events that occurred.<sup>1</sup> The criminological and qualitative approaches are also used to obtain results that can explain the research results well.

## RESULT AND DISCUSSION

### 1. *Application of Articles 296 And 506 On Pimping or Pimp in Makassar City*

If the media such as magazines and newspapers disseminate pornography in the form of images, writing or sexual transactions can be subject to legal sanctions in accordance with the Criminal Code (KUHP), but with the mode of dissemination of pornography through the means of Information Technology, the existence of articles governing the crime of pornography it needs to be reviewed substance and the enforcement process. This issue needs to get serious attention given the limitations and capabilities of criminal law in tackling crime. This kind of phenomenon gives members the impression that they feel less than perfect or tasteless if a product of legislation does not have criminal provisions (sanctions).

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<sup>1</sup> Ahmad Tanzeh, *Metode Penelitian Praktis*, (Jakarta: PT Bina Ilmu, 2004), h. 39

As specified in Article 296 and Article 506 of the Indonesian criminal code, Indonesian criminal law prohibits pornography in any form. Historically, it can be seen that the Criminal Code was designed not to anticipate the development of the internet as it is today.

It is well realized that the criminal law system that is now in force in Indonesia/KUHP is unable to accommodate the aspirations of a dynamic society and is not in accordance with the values that live in Indonesian society. With the situation that is developing at this time, especially in terms of technology, causing difficulties in the application of the criminal code on the issue of prostitution. However, however, this criminal code can be used as a handle to ensnare parties in the practice of online prostitution.

However, other laws are needed as a complement. Because we know, the Criminal Code was formed not to solve problems in the world of internet technology. Therefore, the discussion this time is not so detailed to all parties involved, but to anyone who is threatened in the Criminal Code. The Criminal Code (KUHP) with a very old age, because the criminal code is a relic of the Dutch colony which was later adopted by Indonesia into law.

The essence of both articles is the same, that is, only punish those who seek profit in this practice of prostitution, namely pimps. Therefore, the Criminal Code now deserves to be revised. Because revising the criminal code means strengthening and clarifying all actions that are moral. According to podgorwcki, as quoted by soedarto said, there are four principles that must be considered in the formation of the law, namely the determinant of the law must be:

- a. Have sufficient knowledge of the actual situation
- b. Know the system in force in society that deals with the situation, in the way it is proposed and with the objectives to be achieved, so that it can be taken into account and respected.
- c. Have knowledge of the casual relationship between the means (the law and for example the witnesses present in it) and the objectives to be achieved.
- d. Conduct research on the effects of the Act, including unexpected side effects.

Pornography laws that have been passed in the modern era still have gaps in it. That's because policymakers don't seem to be sitting down with experts who really understand the discussion of the legislation. However, we can still get rid of the bug in order to solve the problem. The Criminal Code can be used as a companion in the prosecutor or judge in considering the punishment that will be given to the perpetrators.

## *2. Police Efforts to Prevent Acts of Pimping or Pimping in The City Of Makassar*

Based on the results of the author's interview, according to Iptu Ismail, a head of PPA polrestabes Makassar as we know that the problem of prostitution has harmful effects on the joints of people's lives, such as the destruction of moral, legal, and religious joints. For this reason, this problem must be addressed, even though we realize that history proves the difficulty of dealing with this prostitution problem.

However, prostitution must be tackled not only because of its harmful consequences, but also so that this symptom is not accepted by society as a cultural pattern, in other words, prostitution that is left

unchecked and overcome can gradually be viewed by the community concerned as normal and reasonable and may even be institutionalized as appropriate.

For this reason, the government must continue to strive to overcome it, so that the public can view prostitution as a bad and despicable thing or a community disease that must still be cured by minimizing or eliminating the factors that cause it.

Based on the results of research conducted by the author in several relevant agencies, there are several *upaya penanggulangan* that have been done in order to tackle the problem of prostitution in the city of Makassar. According to Iptu Ismail as head of PPA Polrestabes Makassar there are several efforts that we have done in tackling the problem of prostitution, namely:

- a. Preventive efforts, namely efforts aimed at preventing prostitution in the city of Makassar. These efforts are carried out in the following ways:
  - 1) conducting round-the-clock patrols in Makassar City and conducting legal counseling to the community.
  - 2) the placement of uniformed police members in places that have been suspected of being vulnerable points of prostitution and in crowded places frequented by the public, so inevitably the prostitutes will discourage their intentions.
  - 3) collecting data on workers in massage parlors and other places where there may be indications of prostitution, and requiring these workers to use police surveillance cards.
- b. Repressive countermeasures are efforts aimed at suppressing (abolishing) prostitution. In this case, the police conduct raids in places that are suspected of being vulnerable to prostitution. For places that are proven to have committed violations by practicing prostitution, the place of business is closed and the owner is processed according to the law while the prostitutes are handed over to the Makassar City Social Service to obtain guidance.

Thus efforts have been made to overcome/minimize the practice of prostitution in the city of Makassar. In this case, it is carried out by the parties concerned or obliged to counter and prevent prostitution. To achieve the target in an effort to overcome and prevent the occurrence of prostitution in the future, these efforts need to be implemented appropriately, efficiently and purposefully. Because if the problem is neglected, it will gradually damage the joints of people's social lives, both those around the place of prostitution and people outside the area of prostitution. It should be known and understood that society in general in seeing the problem of prostitution, his views only corner the prostitute solely, so that the woman is condemned, insulted and so on.

Whereas in an event of prostitution, the least involved in it is a pimp, pimp, or intermediary and do not forget that the event occurred due to the presence of a swinger man. In addition, in fact, most of the women who commit prostitution themselves are victims of a situation related to various factors which sometimes force them to plunge into the black world, even based on the results of the author's research there are among those who become prostitutes because of fraud.

The views of the community that are only addressed to the fault of prostitutes alone, apparently affect the officers who tackle prostitution, it is evident if a raid is held that only prostitutes are arrested, even if there is counseling and guidance on skills provided counseling and guidance only for prostitutes, so that efforts to overcome it have not brought maximum results/concrete because the treatment is only to one part is not comprehensive.

However, these alarming views on prostitution are always trying to put prostitution as a disease of society that must be overcome, even though various ways and efforts have been made but have not

succeeded in eliminating the practice of prostitution, but countermeasures must still be carried out as supporters of social norms or norms of decency, morality, law and religion that consider prostitution as one of the diseases of society and as a despicable act that must be prohibited.

## CONCLUSION

The legal sanction for pimping in the concept of positive criminal law is confinement for a maximum of six months. According to Article 506 of the Indonesian criminal code, whoever takes advantage of a woman's lewd act and makes it a search, shall be punished with imprisonment for a maximum of six months. Article 506 of the Criminal Code, addresses the issue of immorality that leads to the practice of prostitution, whose subjects are people who work as pimps, article 506 of the Criminal Code, also regulates pimps who take advantage of the act of prostitution. Which can be categorized into offenses article 506 of the Criminal Code, are: (1).A liaison who rents out a room for perversions. (2).A liaison who gives permission to a couple to use one of the rooms of his house, while he knows that there will be lewd acts. (3).The active liaison comes to certain people while having tantalizing photos that he can also contact. The legal sanction for pimping according to Islamic criminal law is Ta'zir (punishment given by the government), with a volume penalty as the main punishment and the judge as ulil amri can provide additional punishment in the form of imprisonment. But for the size of the sanctions jarimah Ta'zir depends on ijtihad and the decision of the judge.

The role of the police against human trafficking crimes, especially sexual exploitation through electronic media carried out by the Makassar Police as in accordance with Perkapolri number 14 of 2012 on Investigation Management which is divided into several parts, including planning, organizing, implementation (investigation, forced effort, examination, degree of case, completion of Case Files, submission of case files, detection of suspects and evidence, termination of Investigation, supervision and control). Meanwhile, efforts to prevent and eradicate trafficking in Persons, Especially for the purpose of sexual exploitation carried out by Makassar Polrestabes, are in the form of preventive measures and repressive measures.

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