

## Effectivity of Law Number 21 of 2007 in Ensnaring Pimps as Sex Commercial Services Procurees (in The Perspective of Criminal Law)

Winda Fathia Phili

Magister Ilmu Hukum Universitas Muhammadiyah Yogyakarta

Email: [winda.phili@gmail.com](mailto:winda.phili@gmail.com)

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### ABSTRACT

*In the modern era, prostitution metamorphose into the branch of industry which in line with the pornography or striptease. For Indonesian people, prostitution have been understood as work, in which exchange intercourse with money or prizes, the same with services purchase or trade. Yogyakarta which known as education city is not spared either with prostitution. Cited by Tribun Jogja, revealed that cases of human trafficking that covered by prostitution in Sleman, Yogyakarta. It was occurred in three different locations, are Pasar Kembang, Bong Suwun and Giwangan. This work aims were to know and to analyze how criminal law in Indonesia regulated pimp as procurees of sex commercial agent in Yogyakarta and its law enforcement mechanism. Laws related of pimp regulated in the Article 290 and 560 Indonesia Criminal Code. Meanwhile, in Yogyakarta there is a regulation which prohibit the public prohibition i.e. Local Regulation Number 18 of 1954. Law enforcement mechanism towards prostitution by implement the Law Number 21 of 2007 in punishing pimps in Yogyakarta, with strong commitment to eradicate this crime. This work is empirical legal research which applied juridical and empirical approaches in Yogyakarta by taking data in Local Police Office of Yogyakarta.*

**Keywords:** *Prostitution; Pimp Eradication; Criminal Law*

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### INTRODUCTION

Indonesia is one of the largest countries of trafficking cases, both domestic and cross-border. The majority of victims are women who have been trafficked for the purpose of sexual exploitation. Trafficking in Indonesia has previously been regulated in the Criminal Code in Article 297 which stated that "Trafficking of minor girls and boys, are threatened with imprisonment of up to six years", but because the article has narrow scope, it can only ensnare minors, so that Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking (UU PTPPO) regulates more specifically and since trafficking numbers are increasing in Indonesia. Even though there are laws that specifically regulate trafficking in persons in Indonesia, trafficking is adapted with various modes. The economic factor of the victim is usually a supporting condition that makes it easier for traffickers to carry out their actions.

Provisions regarding trafficking are regulated in Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking. In point C of the consideration section, Law no. 21/2007

states that trafficking has expanded in the form of organized and unorganized crime networks, between and within the countries, so that it becomes a threat to the people of the nation and the state, as well as to the norms of life based on respect for human rights. Other considerations that led to the formation of Law no. 21 of 2007 is the desire to prevent and tackle the criminal act of trafficking based on noble values, national and international commitments to take preventive measures from an early age, to prosecute the perpetrators, protection of victims, and increasing cooperation. According to article 1 paragraph (1) of Law No. 21 of 2007, the definition of trafficking is “Series of act of recruiting, transporting, holding, or accepting someone with the threat of violence using violence, kidnapping, imprisonment, forgery, fraud, abuse of power or vulnerable position, entrapment. debt or giving payments or benefits, so as to obtain the consent of the person who has control over the other person whether it is done within the country or between countries, for the purpose of exploitation or causing people to be exploited.”<sup>1</sup>

The forms of trafficking that occur in one country have different characteristics, but in general the forms include: “sexual exploitation, forced labor, domestic slavery, illegal adoption of children between countries, debt bondage, mail order bride and trade in human organs ”<sup>2</sup>. Lack of awareness and the wrong concept of thinking is one of the factors that cause trafficking in women. Another factor that causes trafficking in persons is poverty.

In the modern era, prostitution is metamorphosed become an offshoot of an industry on the same level as pornography or striptease. For the Indonesian, prostitution is understood same as prostitution, which is interpreted as work that exchanges sexual relations for money or gifts as a sale and purchase transaction or trade. A person who provide sexual services is called a prostitute. One example is the owner of a prostitution hotel or cafe in the area around the location of prostitution and some even become an intermediary between the men and the women providing sex services, usually the prostitutes call them “mami” (mother in english) and the general public refer to them as “Mucikari”.

R. Soesilo stated that what is meant women trafficking committing acts with the intention of surrendering for prostitution. Also covered by this term is who used to look for young women to be sent out of the country who would otherwise be used for prostitution<sup>3</sup>. In many prostitution cases, especially that of a mass nature, sex workers do not usually have direct contact with service users. Pimps who act as a liaison between the two parties and get commission, pimps are usually dominant in regulating the relationship between service users and prostitutes.

The legal rules for ensnaring Pimps are regulated in Article 296 and 506 of the Criminal Code.<sup>4</sup> In addition, the rules regarding Pimping have also been regulated in Law Number 21

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<sup>1</sup> Aziz Syamsuddin, *Special Crimes*, SinarGrafika, p. 56

<sup>2</sup> Mahrus Ali and Bayu Aji Pramono, *Human Trafficking: Dimensions, International Instruments and Their Arrangements in Indonesia*, Citra Aditya Bakti, Bandung, p. 24

<sup>3</sup> R. Soesilo, *Criminal Code and its Comments Complete Article by Article*, Ctk. 1996 Birthday, Poleteia, Bogor, 1996, p. 217

<sup>4</sup> *Criminal Code*, Grahamedia Press

of 2007 concerning the Trafficking, Article 1 point 8 with the existence of legal rules in the Criminal Code and the Law on Trafficking Number 21 of 2007 it is hoped that it can eradicate or at least reduce crimes with the motive of trafficking in women to become commercial sex workers in Indonesia, but in reality these laws have not been able to eradicate the crime of trafficking, instead the crime is increasingly widespread and rampant and causing more victims and other losses.

Yogyakarta, which is known as the city of education, also has this prostitution practice. Reporting from *Tribun Jogja*, it is revealed that the alleged case of human trafficking under the cover of prostitution in Sleman Yogyakarta. The head of the Yogyakarta Child Protection Agency (LPA), Sari Murti Widyaštuti, believes there is not just one case like this. Contacted by *Tribun Jogja*, Sari said that cases like this are usually somewhat hidden. Where the cases that reach the surface cannot be found. "If this is revealed at the Regional Police, this is good news, this will be the entrance for other cases, because I am sure there is not only this one, he said. Hopefully this case can be investigated further. Because according to him, similar cases involving minors have occurred in different places, namely in the Jambon area, Sleman.

As is known, the Yogyakarta Regional Police revealed the crime of alleged trafficking under the cover of a salon in Mlati, Sleman District. Suspect Hariyatia. k.a Ari, a resident of Mlati Sleman, employed a third-grade junior high school student, let's say his name Anjeli, who is 15 years old.<sup>5</sup> Also from *Tribun Jogja*, two online prostitution pimps who were suspected of committing the crime of trafficking or trafficking in persons were not active when they were secured from inns in the Pajangan and Parangtritis areas. They are JatiRahayu alias Mamah (43), a resident of Tamanmartani, Sleman Regency and Nurhadiyah alias Maya (50), a resident of Kreet, Bantul Regency. For their actions of selling dozens of women in masher, they are threatened with criminal penalties in accordance with Law Number 21 of 2007 Article 12 concerning trafficking and the Criminal Code.<sup>6</sup> It is unfortunate that Yogyakarta is known as the City of Students but it turns out that the practice of prostitution is still found in it. In Yogyakarta, there are at least three locations that is famous as prostitution locations, namely:

1. Pasar Kembang

Pasar Kembang is known as Sarkem. Located in Sosromenduran Village, Gedongtengan District. Sarkem is the largest prostitution place in this city compared to the other two places. In this place there are at least more than 100 commercial sex workers (PSK).

2. Bong Suwun

Bong Suwun or more commonly known as "Ngebong" is a prostitution area located in Pringgokusuman Village, Gedongtengen District, Yogyakarta. In this place, there are at least 80 prostitutes from various regions.

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<sup>5</sup> <http://jogja.tribunnews.com/2017/10/17/kasus-perdagangan-orang-yang-diungkap-polda-diy-diharapkan-jadi-pintu-masuk-kasus-lain?page=2>

<sup>6</sup> <http://jogja.tribunnews.com/2016/06/01/jual-perempuan-dua-mucikari-onlinedijerat-uu-perdagangan-orang>

### 3. Giwangan

The place for prostitution this time is in the Giwangan Village area, Umbulharjo District, Yogyakarta. Approximately 150 CSWs are in this location. Most of them hung on the side of the road in the south ring-road area and around the terminal.<sup>7</sup>

The facts above can illustrate how the practice of prostitution in Yogyakarta is rampant and accessible to all people with high and low economic classes, both office workers and students. In fact, prostitution cannot be eliminated and even increases from time to time, even prostitution is considered an economic commodity that can bring financial benefits. According to Kompol Ardi Hartana as the Head of Trafficking at the Yogyakarta Regional Police, the role of law enforcement is very important in this matter. The role of law in its function and meaning is part of the concept of legal structure, regarding the role of law enforcers being an important part of administering the judiciary in order to uphold law and justice which are the main objectives of implementing community life in a state of law. The success of law enforcement is largely determined by the role of law enforcement officials who are involved in the process of upholding the law.<sup>8</sup>

**Based on the description above, the writer wants to try to examine the problem regarding the Crime of Trafficking in Persons and discuss it in the form of a Thesis entitled “The Effectiveness of Law Number 21 of 2007 in Enticing Pimps as Providers of Commercial Sex Services (Criminal Law Perspective).**

#### **Problem Formulation**

1. What are the criminal regulations against Pimps who broker commercial sex services in DIY?
2. What is the law enforcement mechanism against pimps as providers of commercial sex services?
3. What solutions should law enforcers take so that Law Number 21 Year 2007 can be properly and properly applied to pimps who are providers of commercial sex services in DIY?

#### **METHOD**

The type of research used is empirical normative, namely empirical legal research method regarding the implementation of normative legal provisions (laws) in action in any particular legal event that occurs in a society. Such as the problem raised by researchers regarding the effectiveness or not of Law Number 21 of 2007 in ensnaring pimps as providers of commercial sex services. The research approach used is a juridical empirical approach. This research was conducted in the Special Region of Yogyakarta, by taking data from Polda DIY.

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<sup>7</sup> [http://krjogja.com/web/news/read/3141/menguak\\_prostitusi\\_terselubung\\_d1100Di\\_Yogyakarta](http://krjogja.com/web/news/read/3141/menguak_prostitusi_terselubung_d1100Di_Yogyakarta)

<sup>8</sup> Initial interview with Yogyakarta Police Trafficking Head.

## ANALYSIS AND DISCUSSION

### Criminal regulations against Pimps who broker commercial sex services in DIY

Pimping is a profession in society which is regulated in the Criminal Code and is very contrary to decency, it is mentioned that the term *mucikari* is classified as a moral crime regulated in CHAPTER XIV Book II of the Criminal Code. A pimp is a person who get financial benefits from a sexual transaction through partially or fully involved in organizing, facilitating and controlling the management of prostitution, including providing a place for sexual transactions to take place, supervising the implementation and / or recruitment, providing food and protection, or making decisions on mobilization work of sex workers. Meanwhile, intermediaries can act as brokers or recruiters who get rewarded by the role of connecting consumers with sex workers or with pimps who manage prostitution practices, in addition to having a role in finding, recruiting, persuading, or bringing women to become sex workers in prostitution locations.<sup>9</sup>

With regard to prostitution, the Criminal Code regulates it in two articles, namely Article 296 and Article 506, where the differences between the two articles are as follows:

| Number | Article 296  | Article 506   |
|--------|--|---|
| 1      | Whoever. The whoever element is the person   | Whoever. The whoever element is the person            |
| 2      | Intentional. –The element “Intentionally” is defined as doing an act or prohibited action which is willed and known <sup>1</sup> | There are no elements on purpose                      |
| 3      | Linking or facilitating sexual immorality by others with other people; (Brokers)   | Take advantage of a women’s sexual services; (pimp)   |
| 4      | Make it a livelihood or habit  | Make as a search                                      |
| 5      | Shall be punished with a maximum imprisonment of one year and four months or a maximum fine one thousand rupiah                  | Be threatened with a maximum imprisonment of one year |

The difference in the treatment of the application of the Article lies in the presence or absence of an element of coercion when the perpetrator orders the victim to serve male masher, if the perpetrator’s actions are not committed by depriving the victim of freedom and not by forcibly ordering the victim to commit the crime of trafficking in persons. In this case, the relationship between the legal incident between the perpetrator and the victim can be perceived only as a managerial relationship.<sup>10</sup> If this statement is further examined, acts that violate

<sup>9</sup> Binahayati Rusyidi, Nunung Nurwati. *Handling of Commercial Sex Workers in Indonesia*. Padjadjaran University: Scientific Journal.

<sup>10</sup> *Ibid.*

decency (politeness) or acts that are heinous in the environment or the scope of lust is actually very broad, for example sexual coercion of others, sexual violence, sexual harassment, sexual abuse, rape are also heinous acts, in the scope of lust and violating modesty, even though in reality rape is formulated separately.<sup>11</sup>

With regard to the intentional element in the act of prostitution, there is a difference between the formulation in Article 296 and Article 506 of the Criminal Code. Article 296 of the Criminal Code includes an explicit element of intention, while Article 506 does not formulate an element of intention. In connection with this, it is not clearly formulated deliberately, according to Sudarto<sup>12</sup>, deliberation can be seen from the whole sentence, especially the verb contained in the formulation of the article, namely there is a clause “to take advantage of “ which cannot simply be said to be negligence. Thus, the two articles actually contain an element of intent.

The third difference from these article lies in the perpetrator who must be responsible for the crime of prostitution. In Article 296 of the Criminal Code, the person responsible for prostitution is a “liaison”, namely a person who facilitates obscenity while in Article 506 of the Criminal Code, the person responsible is a pimp (as a beneficiary / direct perpetrator). The liaison is given higher sanctions than the pimp because the liaison has a more important role in the occurrence of illegal activities, namely by looking for customers or “User” or “Buyer” or male masher.<sup>13</sup>

In Yogyakarta, there are regulations regarding the prohibition of prostitution in public places, namely the Yogyakarta Regional Regulation number 18 of 1954 (Perda Number 18 of 1954), however, this Perda is failed eradicate prostitution or prostitution to its roots, besides that this Perda is considered irrelevant so it needs to be revised. This regional regulation only regulates the prohibition of prostitution in public places, but does not regulate penalties for pimps or providers of prostitution places. Thus, this Perda needs to be revised, so that basic rights can be fulfilled, especially the rights of women and children. Laws and policies that favor women will be able to provide protection for women from being trapped in sex work which has a negative impact on women.<sup>14</sup>

According to the author’s view, Perda No. 18/1984 is no longer relevant to the development of prostitution cases in Yogyakarta, so it is necessary to revise it in order to ensnare all prostitutes. Based on the results of research conducted by the author, there are several criminal cases of trafficking in persons in Yogyakarta, namely:

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<sup>11</sup> Am.Endah Sri Astuti, Cindy Eka Febriana. *Law Enforcement Against Online Prostitution (Understanding And Roots of Law Enforcement Problems)*. Diponegoro University: Legal Journal.

<sup>12</sup> Sudarto. (2009). *Criminal Law I*, Sudarto Foundation d / a Faculty of Law. Semarang : Diponegoro University, Semarang

<sup>13</sup> Am.Endah Sri Astuti, Cindy Eka Febriana. *Law Enforcement Against Online Prostitution (Understanding And Roots of Law Enforcement Problems)*. Diponegoro University- Legal Journal.

<sup>14</sup> <https://www.dprd-diy.go.id/kajian-perda-nomor-18-tahun-1954-sudah-tidak-relevan/>

1. This case occurred in 2016, was reported by the US aged 30 years with the victim aged 18 years, and the suspect named JR 48 years old, the scene of the case is in Bantul with a short chronology of trafficking women into commercial workers. Thus, the criminal act of trafficking in persons Article 10 of law number 21 of 2007 concerning the eradication of the crime of trafficking in persons.
2. The next case occurred in the same year, reported by the US aged 30 years with the victim IN aged 19 years and the suspect NH aged 49 years, the scene of the case is in Bantul, with a brief chronology of the case of trafficking women into commercial sex workers. The article imposed on the suspect is Article 10 of Law Number 21 of 2007 concerning the eradication of criminal acts in persons.

The next case occurred in 2017, this case was reported by EB with the victim with the initials AK who was 15 years old and the reported initials US with a short chronology The victim and the reported was caught stealing in the Wirobrajan Police jurisdiction, after confirmation that the victim had left home since early August 2017 and worked as a capster in the SDA Salon owned by the reported, the victim was employed to serve guests who requested services for sexual intercourse in exchange for IDR 250,000 per guest, the victim was a minor. According to the investigator, the reported could be charged with TIP Article 2 of the Republic of Indonesia Law No. 21 of 2007 concerning TIP or Article 83 of Law of the Republic of Indonesia No. 35 of 2014 concerning Amendments to Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection.

### **Law enforcement mechanisms against pimps as providers of commercial sex services**

Law enforcement is the process of realizing the desire of the law to become a reality. What is meant by the desire of law here is nothing but the thoughts of the legislative body formulated in the legal regulation. There are two elements in law enforcement, namely the human element and the social environment.<sup>15</sup> In the law enforcement mechanism, there are three main values contained in the law as described by Gustav Radbruch, quoted by Raharjo, namely legal certainty, justice, and legal benefit.

As explained in the previous discussion, there are several cases concerning trafficking that occurred in Yogyakarta. in terms of the law enforcement mechanism against pimps including 5 stages, namely:

#### **1. Investigation**

Article 1 point 2 of Law Number 2 of 2002 concerning Police, which is meant by investigation, is a series of actions by an investigator in matters and according to the method regulated in this law to seek and collect evidence, it makes clear about the criminal act that

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<sup>15</sup> SatjiptoRaharjo. (1986). "*Law Enforcement Issues*". Bandung: SinarBaru, p. 23

has occurred and in order to find the suspect. The purpose of the investigation is to determine who has done the crime and provide proof of evidence regarding the wrong acts he has committed. To achieve this purpose, the investigator will collect information in relation to certain facts or certain events.<sup>16</sup>

The process of investigating the criminal act of trafficking in persons, that the investigation includes: a) investigation; b) Actions consist of: Summons, Arrest, Detention, Search, Confiscation; c) Examination consists of: Witnesses, Experts and Suspects; d) Settlement and submission of case files in the form of: Preparation of resumes, preparation of case files, and submission of case files.<sup>17</sup>

## 2. Examination

Examination is a series of actions by an investigator to search for and discover an event that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out in a manner regulated by law.<sup>18</sup>

The process of investigating criminal investigations is carried out to:

- a. Seeking information and evidence in order to determine an event being reported or complained of, whether it is a criminal act or not;
- b. Complete information and evidence that has been processed so that it becomes clear before the next action is taken;
- c. Preparation for the implementation of action and or examination.

Investigation is not a stand-alone function but is only a method or sub-function of the investigation.<sup>19</sup>

## 3. Court Examination

At this stage, if the files from the investigation and investigation process have been completed and complete, the criminal case of trafficking in persons will be tried in court.

### **Solutions that law enforcers should take in order to applied Law Number 21 of 2007 properly and correctly to pimps who are providers of commercial sex services in DIY**

At the beginning of its development, trafficking in persons was not yet a criminal act, so that no punishment was given to the traffickers. Then, during the independence era, trafficking in persons was declared an act against the law. The Indonesian government criminalizes trafficking in persons with Article 297 of the Criminal Code which explicitly regulates trafficking, in that article it states that minors trafficking, can be punished by imprisonment of up to 6 (six) years. Articles that are often used as a legal basis to ensnare human trafficking offenders are Article 285, Articles 287-298, Article 324, and Article 506 of the Criminal Code. The provisions in the Criminal Code still need improvements in order to ensnare every activity or new mode

<sup>16</sup> Pricilia Irene Debora, Thesis, Investigation of the Crime of Trafficking in Persons by Officers of the Investigation Unit of the Women and Children Service Unit at the Riau Regional Police, Riau State University.

<sup>17</sup> The set of persuasion, persuasion, persuasion. Criminal investigation process. Jakarta, 1990, p. 17

<sup>18</sup> M. Husein Harun. Investigators and prosecutors in criminal proceedings. PT rinekaCipta. Jakarta. 1991, p.56

<sup>19</sup> The set of persuasion, persuasion, persuasion, *Op. Cit.* p. 24

of trafficking in persons, then this is answered by the issuance of Law Number 21 of 2007 concerning the eradication of the criminal act of trafficking.<sup>20</sup>

The presence of Law Number 21 of 2007 concerning Trafficking, in fact does not provide a guarantee that trafficking can be eradicated. The law enforcement agencies have not been able to maximize their role in eradicating trafficking. This can occur because of the light sentences given to traffickers in Indonesia. As a result, cases of trafficking can not be solved but on the contrary is increasing.<sup>21</sup>

This increase occurred due to several factors such as weaknesses in legal instruments (laws and regulations) and also factors beyond the statutory regulations. Weaknesses in legal instruments are due to the existence of regulations that are difficult to apply to human trafficking cases handled by law enforcement officials.<sup>22</sup> Factors beyond the statutory regulations, for example, the society's view of women who think that if a crime has happened to her, it is her own fault. In addition, the public is also reluctant to get involved with other people's problems, especially those related to the police because it will harm themselves, another reason is the tendency of the government paradigm which views labour as a commodity that generates foreign exchange, then there are social factors that develop in society, for example there is still discrimination against women. There are also weaknesses that come from law enforcement officials due to their ignorance of the problem of trafficking.<sup>23</sup>

There are at least four things that need to be improved from the Trafficking Law, namely the qualification of offenses, the types of punishment threatened, the purpose of punishment, and the protection of children's rights. First, the Trafficking Law does not confirm the qualifications for crimes and offenses. This can cause problems because the Trafficking Law is a special law from the Criminal Code, but it is related to the general rules in the Criminal Code regarding the juridical consequences of differentiating between "crimes" and "violations". In addition, lawmakers also do not distinguish between legal consequences or punishment for "trial" and "assistance", because the criminal threat for trial and punishment is the same as for the offender of trafficking as regulated in Articles 10 and 11 of the PTPPO Law. The legal consequences of differentiating between "crimes" and "offenses" are not only in the matter of trial and assistance, but also in discourse, expiration of prosecution and execution of crimes, and in enacting the principle of active nationality, as regulated in Article 5 paragraph (1) to 2 of the Criminal Code. Article 10 of the PTPPO Law does regulate probation and assisted offenses, but only for criminal offenses as regulated in Article 2, Article 3, Article 4, Article 5, and Article 6. As for Articles 19 until Article 24 does not regulate the offense.<sup>24</sup>

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<sup>20</sup> Journal of Legal Studies, "Eradication of the Crime of Trafficking in Persons through the Law on the Prevention and Eradication of Money Laundering". By: HotlarisdaGirsang, University of Cendrawasih Jayapura, Papua.

<sup>21</sup> *Ibid.*,

<sup>22</sup> Farhana. (2010). "Legal Aspects of Trafficking in Indonesia". Jakarta: SinarGrafika, p. 137

<sup>23</sup> *Ibid.*

<sup>24</sup> Neni Nuraeni & Dede Kania, Law Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking in Islamic Law Perspective. Faculty of Sharia and Law UIN Sunan Gunung

Second, in general, criminal threats for perpetrators of TIP in the PTPPO Law are imprisonment and fines. In fact, imprisonment is not completely suitable for all types of crimes of trafficking in persons. According to the author, the most serious threat, namely the death penalty, must be considered for trafficking in persons with a serious offense. The imprisonment is only imposed for moderate or light offenses.

Third, the purpose of punishment contained in the PTPPO Law has not deterred the perpetrator, as evidenced by the increasing number of victims of human trafficking. Fourth, the PTPPO Law ignores children's rights. The law only contains regulations on trafficking in persons with child victims, but it does not specifically regulate trafficking in children. In fact, cases of trafficking in persons with child victims are no less numerous than adult victims.<sup>25</sup>

On several occasions the author interviewed one of the Polri members at Polda DIY who was reluctant to be named, he agreed with George Edwards' opinion that there are variables that determine policy implementation, including:

- a. Communication, which indicates that each policy will be implemented properly if there is an effective communication between program implementers (policies) and target groups. What are the goals and objectives of the policy must be transmitted to the target group so that it will reduce the distribution of implementation.<sup>26</sup>
- b. Resources, namely designating every policy that must be supported by adequate resources, both human resources and financial resources.<sup>27</sup>
- c. Disposition, pointing to characteristics that stick closely to the policy/program implementer. An important character possessed by the implementer is honesty, commitment and democracy. Implementers who are highly committed and honest will always survive among the obstacles encountered in the program / policy.
- d. Bureaucratic structure. Designating a bureaucratic structure is important in policy implementation. Aspects of bureaucratic structure include two important things. The first is the mechanism and organizational structure of the executing itself which is usually established through standard operating procedures (SOPs) which are included in the policy program guidelines.

If these four factors are implemented, it is possible that the implementation of the Law Number 21 of 2007 will be effective, if it is studied more deeply Article 10 of Law number 21 of 2007 can be the basis for ensnaring Mucikari, then Juncto Article 296 of the Criminal Code.<sup>28</sup> The same is the case with what has been done by the DIY Regional Police itself, which ensnares pimps by using Article 10 of Law Number 21 of 2007.

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<sup>25</sup> *Ibid.*

<sup>26</sup> Subarsono, AG. (2010). *Public Policy Analysis, Theory and Application Concepts*. Yogyakarta: Student Library

<sup>27</sup> Indiahono, Dwiyanto. (2009). *Public Policy, Based on Dynamic Policy Analysis*. Yogyakarta: Media Style

<sup>28</sup> Results of interviews with informants on 10/16/2020

## CONCLUSION

Based on the results of the discussion in this study, the following conclusions can be drawn that, first of all, The criminal regulations against Pimps who are intermediary providers of commercial sex services in DIY are the Criminal Code which regulates it in two articles, namely Article 296 and Article 506. The Criminal Code is a crime of deliberate crime. Causes or makes it easy to commit acts of decency with a third person as a means of livelihood or as a habit regulated in Article 296 of the Criminal Code which reads: "Anyone who deliberately causes or facilitates obscene acts by another person, and makes it a means of livelihood or habit, shall be punished with imprisonment at the most one year and four months or a maximum fine of fifteen thousand rupiahs ". Article 506 of the Criminal Code regulates the criminal act of being a pimp or seeker who takes advantage of an act of violating immorality committed by a woman or man, which reads: "Anyone who takes advantage of the immoral act of a woman and makes her a prostitute, shall be punished by imprisonment for a maximum of one. year. In Yogyakarta itself, there are regulations regarding the prohibition of prostitution in public places, namely Yogyakarta Regional Regulation number 18 of 1954. As well as Law of the Republic of Indonesia Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Secondly, The law enforcement mechanism against pimps as providers of commercial sex services is the implementation of Investigation, Investigation and Judicial Examination. And finally, the solution that law enforcers should take so that Law Number 21 of 2007 can be applied properly and correctly to pimps who are providers of commercial sex services in DIY is a commitment to eradicate the crime of trafficking in persons.

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