

## How to Cite

Manullang, S. O. (2020). The declaration content in law of electronic transaction information on online prostitution: in the review of the legal sociology view. *International Journal of Social Sciences*, 3(1), 62-70. <https://doi.org/10.31295/ijss.v3n1.151>

# The Declaration Content in Law of Electronic Transaction Information on Online Prostitution: In the Review of the Legal Sociology View

**Sardjana Orba Manullang**

*Universitas Krisnadwipayana, Bekasi, Indonesia*

*Corresponding author email: [somanullang@unkris.ac.id](mailto:somanullang@unkris.ac.id)*

**Abstract---***In the legal context that lives in the community, prostitution is a despicable activity, an activity that violates the norm, and is inappropriate activity. Therefore, this activity is not only against humans but also against human dignity. Criminal Code Bill. According to the Criminal Code Bill, prostitution is a despicable activity, not only by those who take advantage but also whoever is involved in this activity. The Criminal Code Bill also pays attention to the laws that live in the community, so taking action relating to the values that live in the community is classified as unlawful acts. Thus in the opinion of the Panel of Judges, "Everyone" has been fulfilled and valid; Ad.2. Element Intentionally and without rights. Intentionally here can be transferred as intentional in all forms following the science of law, i.e. intentionally done because it is desired/ supported by the authorities (opzet met zekerheidsbewustzijn), intentionally related or realized the purpose/results to be carried out/results (opzet met noodzakelijkheidsbewustzijn) and/or deliberately published, that is by calculating the goals or results achieved/intended to be truly approved or unsuccessful (opzet meets mogelijkhedenbewustzijn).*

**Keywords---** *electronic transaction, institutional content, legal sociology, online prostitution.*

## Introduction

Social changes experienced by humans, then everything has changed positive values to negative or vice versa from negative values to positive values. This value changes due to changes in value experienced by humans (Aslan, 2019; Aslan & Hifza, 2020). Values that become the order of values for society no longer contain sacred, but little have started profane (Aslan *et al.*, 2020; Aslan *et al.*, 2020). Sacred is something that should not be violated (Pals, 1996; Daud, 1997). Meanwhile, profane is something that is no longer taboo in human life, because of the social changes experienced by humans. This change has shifted the positive values that are customary in human life (Aslan *et al.*, 2019). These values have made human culture hedonistic and other negative cultures (Aslan, 2017), like prostitution. Prostitution is one of the negative effects of technological change experienced by humans. Humans have used technology to be introduced using online (Manullang, 2020). The purpose of utilizing information technology for personal privacy is not known by many people.

Commercial sex workers in the world of prostitution consist of three categories, namely personal, professional, and constitutional (Sedyaningsih, 2010; Brožová, 2015). Before technology changed development (Aslan, 2019), prostitution was only carried out by localization that was suitable for a residence such as Jakarta known as the Localization of Kramat Tunggak, in Bandung known as Saritem Localization, in Surabaya known as Dolly Localization, in Yogyakarta known as Dolly Localization, in Yogyakarta, it is known as Giwangan Localization and Ngebong, in Semarang it is known as Sunan Kuning Localization, in Cirebon, it is known as Sukalila Localization, Harjamukti Terminal, and Pejagalan Gang, while in Sukabumi it is more in a boarding house. The boarding house is located in Gang Surya II, RT. 01, RW 04, Kelurahan Nyomplong, Warudoyong District. By the time the prostitution localization system was closed, commercial sex workers had moved to online prostitution using Facebook, Instagram, and Twitter applications. Online prostitution has been increasing development since the extension of 2017. The payment system is also carried out by electronic media which involves at least two parties who use the

services of a section and a service provider section or commercial section workers (CSWs). Besides, in certain cases also involving other people who are invited to "facilitate" or facilitate prostitution in this network (online prostitution) which we know as pimps or pimps. Based on the Indonesian Criminal Code (KUHP), only those who "provide" this can be threatened with safety.

This is because the purpose of the articles in the Criminal Code is to punish people whose work facilitates, facilitates, and benefits from prostitution. Still according to the Criminal Code, CSWs, and people who use prostitution services no one threatens with this action included in the category of crime without victims or crime without victims. Why because in prostitution activities cannot be determined who is the victim and who is the victim. Except if sexual intercourse is carried out by force either by force or violence, or if someone denies CSW having sex or by deception makes a person ensnared in the practice of prostitution, or providers of free sex services with minors either by coercion or by force without coercion.

These actions can be carried out due to rape, trafficking for sexy exploitation, obscene acts, or child prostitution. In this situation, CSWs can be categorized as victims. In the current case, namely in the context of online prostitution, CSWs and their customers are not convicted of sexual intercourse at an auction of prostitution but are threatened with transportation diversion that refutes decency following what was made by the ITE Law. The development of prostitution both online and non-online is divided into professional prostitution and non-professional or hidden prostitution (Kartono, 2009; Zukerman, 2011). In a recent event, several people were involved in online prostitution cases and could be threatened with criminal offenses. For this reason, law enforcement officials must be able to examine carefully and carefully. Besides, several things need to be proven, first, the presence of people who benefit from this online prostitution. An example of one large case that is attracting public attention is the Vanessa Angel case in case file No. 1112 / Pid.Sus / 2019 / PN. Sby, in which process Vanessa Angel was charged with practicing prostitution online through Whatapps with the help of Siska. Siska (who is the party that benefits) then contacted Tentri and Nindy to meet someone known as Rian Subroto. Article 27 Paragraph 1 of the ITE Law, which transmits/regulates immoral content.

While the Criminal Code is not following the provisions, which carry out prostitution as a livelihood, where these people can be approved according to Article 506 of the Criminal Code with maximum protection of 1 year of confinement. Or, involve people in prostitution online and make it a livelihood, by facilitating or handling prostitution where these people are referred to as pimps and can be threatened with Article 296 of the Criminal Code with a security threat of no longer than 1 year 4 months or a maximum fine Rp. 15 million (according to the provisions in Article 3 of the Republic of Indonesia Supreme Court Regulation No. 2 of 2012 concerning Adjustment of Limits of Minor Crimes and the Number of Fines in the Criminal Code).

Second, the parties involved also need to prove whether CSWs can In this case, according to the authorities, the offender sends content (information, pictures, videos, etc.) that contains morality to pimps and / or prospective / users of sexual services through messages with social media platforms that can only be done online with electronic media. Thus the perpetrator / CSW is not threatened with criminal offenses because of his prostitution (the practice of prostitution) but because he has sent or disseminated information or electronic documents containing decency through electronic media.

Those who become users of online prostitution services cannot be threatened with criminal sanctions because there are no regulations that can be used as a legal basis to punish users of sexual services by online prostitution mode. Unless sexual relations with CSWs are carried out by force either by violence or threats of violence or by deception or if he does it with a minor (whether with consent or not) or if he sends or redistributes immoral information or electronic documents sent by the CSW to another party. If it is proven that the party redistributes immoral content sent by CSWs to him, then he may be subject to the provisions of Article 27 paragraph (1) of the ITE Law.

In Chief of Police Regulation No. 12 of 2009 Oversight and Control of Criminal Case Handling within the Republic of Indonesia State Police (Perkap 12/2009) which has been revoked and replaced with Police Chief Regulation Number 14 of 2012 concerning Management of Criminal Investigation, to establish a person as a suspect, the police must have sufficient preliminary evidence, namely at least 2 types of evidence that are determined through the case title.

Thus, a law enforcer who issued a statement that has a tendency and makes a person a suspect by ignoring the process following the laws and regulations has the potential to violate ethics and discipline. If a suspect is not determined according to procedures, the police can be reported to the Police Service Center (SPK) at the nearest police station, the Indonesian National Police Professional and Security Division and will be followed up with the National Police Code of Ethics Commission, with the threat of sanctions and disciplinary punishment.

This online prostitution case is a moral offense, thus reporting on the examination process should be carried out in a limited or even closed manner because the characteristics of the examination and trial process of morality are

closed to the public according to applicable law. This is to respect the rights of each party involved in particular to guarantee the protection of the rights of the perpetrators as suspects so that they can be proven guilty of what they have done. Widespread reporting in the mass media can make those who appear vulnerable to judgments by the public, which can violate the presumption of innocence guaranteed by the Criminal Procedure Code. In this paper, the issue raised is how does the crime of transmitting immoral content in online prostitution? And how are efforts to tackle the occurrence of immoral content in online prostitution in the sociology of law?

## Research Methods

The method for this research was in the form of a normative juridical research approach that is research emphasizes the use of legal norms in writing (Simatupang, 2010). This study discussed the crime of transmitting immoral content in online prostitution. The research was prescriptive because it illustrated the applicable laws and regulations and is associated with legal theories in the practice of its implementation relating to the problem, as well as describing/describing facts that occur as a reflection of the implementation of the legislation and principles legal principles that are associated with legal theories and the practice of their implementation (Simatupang, 2010).

The data used were secondary, that is data obtained directly through library research or from official documents, namely books on crime, sacrilegious content, and online prostitution in general and the science of legislation. Primary data was the source of law which becomes the binding / legal basis such as: Law Book, Criminal Law, Law Number 11 the Year 2008 concerning Information and Electronic Transactions, and court decisions. Meanwhile, secondary data is the material that explains primary legal sources such as material in the form of books, diaries/magazines, and scientific papers.

The data collection method used was Library Research. This literature study, what was done is studying and reading books about criminal acts of immoral content so that the material can be related to problems related to this research. The method of data analysis obtained is quality. After data collection, then analyzed and carried out so that conclusions can be drawn that can be scientifically justified. The form of research results following the type of research that is prescriptive in the analysis is a study that produces solutions that focus on the problem (Simatupang, 2010).

## Results and Discussion

### *Criminal Act Transmits Asusila Content in Online Prostitution*

In general criminal law, the issue of prostitution is regulated only in 1 article, namely Article 298 of the Criminal Code. This article prohibits anyone who makes a livelihood or habit and takes advantage of the obscene activities carried out by others and criminal sanctions for a maximum of 1 year and 4 months. This article is interpreted by Indonesian criminal law experts as an article that threatens the crime of pimps, pimps or owners and or managers of standing houses. Thus, this article prohibits all forms and practices of the prostitution of others and benefit or make a living. In some court decisions, not only a pimp who was convicted, someone who rents out his room for prostitution activities has also been sentenced by the court even though the person is not a pimp or pimp, but benefits from an obscene act committed by prostitution with a customer.

Prostitution between prostitutes (commercial sex workers) and their customers is not a crime according to the Indonesian Penal Code so that all forms of prostitution that are managed or managed by themselves and their customers cannot be categorized as offenses threatened with punishment including online prostitution. managed by the customer/customers. The Electronic Information and Transaction (ITE) Law, namely Law No. 11 of 2008 also does not provide criminal threats for an act of prostitution online managed by the prostitute to its customers. Article 27 paragraph (1) of the ITE Law threatens only acts that distribute, transmit, or make electronic information accessible in violation of decency.

Electronic information that violates decency according to interpretations from criminal law scientists includes images, videos, conversations, animations, sketches that contain obscenity, sexual intercourse, sexual violence, genitalia. The object of this decency must also be disseminated to the public through electronic media (e-mail, social media, or short message services). Referring to the provisions of UU-ITE, if the activities carried out contains a message to prostitute itself but is not disseminated to the public, then it does not meet the elements of article 27 paragraph (1) of the ITE Law.

Then what about sex customers? The Criminal Code does not question customers who buy sex in prostitution activity. This shows that the sex buyer in a prostitution activity is not an offense or an unlawful act unless the child is not yet 18 years old. If this is done, then this act can be threatened with the Child Protection Act (Law No. 23 of 2002 Juncto Law No. 35 of 2014). Likewise, if sex buyers are men or women who have a husband/wife, they can be subject to adultery as stipulated in Article 284 of the Criminal Code with a maximum penalty of 9 months. But this adultery offense is a complaint offense, so there must be complaints from a legitimate partner, namely the husband or wife of adultery. If there is no complaint, then the sex buyer cannot be said to have committed a crime as regulated in Article 284 of the Criminal Code.

Sex buyers cannot be convicted if they do not meet the qualifications I mentioned above, so also with prostitutes (commercial sex workers) cannot be convicted. Their position is only as a witness, and even if the constitution involves pimps or pimps or other parties who benefit from the sexual transaction (Xu *et al.*, 2019). In the context of online prostitution, which is wrapped around an artist, the legal analysis is the same. If the artist is not a pimp or a person who benefits from prostitution, then of course his actions cannot be declared as offenses or criminal acts. Neither the Criminal Code nor UU-ITE can ensnare it.

The question is why does the Criminal Code not criminalize prostitution and sex buyers? As it is known, the Criminal Code or in Dutch is called wet book van strafrecht is a law book made in the Netherlands which was put into effect in Indonesia on January 1, 1918. When Indonesia became independent, this book was still in force by making improvements in several parts. Therefore, the values or principles adhered to in the Criminal Code are western values which of course are different from the values that live in Indonesian society.

In the context of the law that lives in society, prostitution is a despicable activity, activities that violate the norm, and inappropriate activities. Therefore, this activity is not only contrary to the soul of the nation but also against human dignity. This view is in line with the views of the Draft Criminal Code. According to the Draft Penal Code, prostitution is a despicable activity, not only by those who take advantage but also whoever is involved in this activity. The Criminal Code Bill also pays attention to the laws that live in the community, so that acts that are considered to be contrary to the values that live in the community are classified as acts that are against the law.

In the opinion of the Panel of Judges, the element "Everyone" has been fulfilled legally and convincingly; Ad.2. Element Deliberately and without rights. Deliberately here can be interpreted as intentional in all its forms according to the science of law, namely deliberately because it is intended/intended by the perpetrators (opzet met zekerheidsbewustzijn), intentionally as a necessity or inconsistent goal/effect that will occur/achieved (opzet met noodzakelijkheidsbewustzijn) and/or deliberately as a possibility, namely by calculating that the goals or consequences achieved/intended can be achieved or not achieved (opzet met mogelijkhedenbewustzijn).

Concerning these elements, the Panel of Judges considers as follows: Ad.1. Elements of Everyone. What is meant by "Everyone" is anyone or everyone as a legal subject who is capable and can be held responsible for his actions in committing a crime following what was done to him. Concerning the "Everyone" element above, the Panel of Judges will consider it with the following considerations: (1) The trial of the Public Prosecutor has confronted a man named Jupri with all of his identities listed in the Public Prosecutor's Indictment and following the results of the examination before the trial. (2) According to the opinion of the Panel of Judges, the element "Deliberately and without rights" has been fulfilled legally and convincingly.

Distributing and/or transmitting and/or making accessible Electronic Information and/or Electronic Documents ". What is meant by Electronic Information is one or a collection of electronic data, including but not limited to writing, sound, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail (electronic mail), telegram, telex, teletype or the like, letters, tamda, numbers, Access Codes, symbols or perforations that have been processed that have meaning or can be understood by people who can understand it. Electronic Documents are any Electronic Information that is created, forwarded, sent, received or stored in analog, digital, electromagnetic, optical or the like, which can be seen, displayed and/or heard through a Computer or Electronic System, including but not limited to writing, sound, pictures, maps, designs, photographs or the like, letters, signs, numbers, Access Codes, symbols or perforations that have meaning or meaning or can be understood by people who can understand it.

What is meant by distributing is sending and/or spreading electronic information and/or electronic documents to many people or various parties through an electronic system? What is meant by transmitting is sending electronic information and/or electronic documents addressed to one other party through an electronic system. Whereas what is meant by making it accessible is all other acts besides distributing and transmitting through an electronic system that causes electronic information and or electronic documents to be known to other parties or the public. From the standpoint of the sociology of law against prostitution online, the socio-juridical theory is known, which is the science of sociology that examines the enactment of statutory regulation during society to engineer so that the community is in an orderly situation of anti-prostitution law and prevents the practice of prostitution (Bohle *et al.*, 1994). This theory was developed by many sociologists, one of them being Roscoe Pound.

### *Efforts to Overcome the Occurrence of Asusila Content in Online Prostitution*

Seeing various arrangements regarding online prostitution business practices that do not protect the community, a deeper study is needed on how to create a set of regulations that can provide certainty with regulations that are more specific to the practice of online prostitution. In essence, the practice of prostitution through online or conventional media is the same, that is, as a form of adultery, there are only differences regarding the media used in the practice. The development of national law that is currently underway, including the renewal of criminal law, the study of online prostitution is interesting to study concerning the culture of Indonesian people or the local wisdom of the Indonesian people. Excavation of law that lives in the community such as customary law and Islamic law in addition to western law which is still guided by the Indonesian people is the third source of law that needs to be used as a basis in forming a statutory regulation. Renewal of criminal law is part of the criminal law political policy (penal policy).

Soedarto said as quoted by Barda Nawawi Arief, legal politics is:

1. Efforts to realize good regulations following the circumstances and situations at one time.
2. The policy of the state through the authorized bodies to establish the desired regulations that are expected to be used to express what is contained in society and to achieve what is aspired.

According to Barda Nawawi Arief, the renewal of criminal law must be carried out with a policy approach because it is part of a policy and every policy in it contains a value. Therefore the meaning and nature of renewal of criminal law can be described as follows:

1. Viewed from the perspective of the policy approach
  - a) As part of social policy, criminal law reform is essentially part of an effort to overcome social problems (including humanitarian issues) to achieve/support national goals (community welfare and so on);
  - b) As part of criminal policy, reforming criminal law is essentially part of efforts to protect the public (especially efforts to tackle crime);
  - c) Part of law enforcement policies, criminal law reform is essentially part of efforts to renew the legal substance (legal substance) to make law enforcement more effective.
2. Seen from the standpoint of the approach of reforming criminal law is essentially an attempt to review and re-evaluate ("reoriented and re-evaluate") sociopolitical, sociophilophropic, and sociocultural values that underlie and provide content to the normative and substantive content of criminal law that is confiscated -tell me. It is not a renewal ("reform") of criminal law if the orientation of the value of the idealized criminal law (for example the new KUHP) is tantamount to the orientation of the value of the old criminal law inherited by the invaders (the old KUHP or WvS).

Seeing this understanding, it can be concluded that the renewal of criminal law is part of the legal political policy intended to create a set of good regulations and following the conditions/conditions or laws that live in the community intending to achieve the goals that are aspired. The background to reforming criminal law can be seen from various aspects that lie behind it, namely the aspects of sociopolitical, psychophysiology, sociocultural, and various other aspects (social policy, criminal policy, and legal policy). So that the intended renewal is not only editorial change but rather emphasizes the aspects underlying the renewal.

According to Lawrence M. Friedman, three elements influence the operation of law: Legal structure, Legal substance, and Legal culture. Based on the description above, it appears that essentially the renewal of criminal law requires the excavation of all existing legal potential in Indonesian society which is very diverse, as well as efforts to replace the national legal system that still uses or is oriented towards western law, namely the Dutch Colonial inheritance law which is not appropriate with Pancasila and the 1945 Constitution.

The excavation of Islamic law as a source of national law is an effort to reform the national criminal law following the conditions of the majority of Indonesian Muslims. Judging from the historical aspect since the Dutch Colonial era Islamic law has been imposed on Muslims in Indonesia because Muslims cannot be separated from their teachings. Islamic law is one source of national law, in addition to customary law and western law which is an ingredient in reforming national law. The three legal sources are written and unwritten legal sources that have the same position in the context of reforming criminal law in Indonesia. The recognition of the position of the legal source is based on the provisions of Article 1 of the Decree of the People's Consultative Assembly No. 3 of 2000, that:

- 1) Legal sources are sources used as material for the drafting of legislation.

- 2) Legal sources consist of written and unwritten legal sources. Prostitution in Islamic Law is known as adultery. Islamic law views every sexual relationship outside of marriage as adultery and is threatened with punishment, whether the perpetrator of adultery is married or not, and is done with like and dislike. Adultery in Islamic law is Jarimah hudud, which is Jarimah (deeds forbidden by sharia) which is threatened with punishment. Punishment is a punishment that has been determined by Shara 'and is the right of Allah. In other words, the punishment has been determined based on the provisions in the Qur'an and is a right of God that cannot be aborted by an individual, that is a person who is a victim or his family or by the community represented by the state.

The characteristics possessed by jarimah hudud are as follows:

- 1) The punishment is certain and limited, that is the sentence has been determined by syara 'and there is no minimum and maximum limit.
- 2) The punishment is God's right solely, if there are human rights besides God's rights, then God's rights are more dominant.

The forms of punishment for adultery that is prescribed by Islamic law are as follows:

- a) The punishment for adultery carried out by perpetrators who are not married (ghair muhshan) is Dera / whip/volume one hundred times and Exile for one year.
- b) Penalties for adultery by perpetrators who are married (muhshan) are Dera / whip/volume one hundred times and stone, which is the death sentence by being stoned or similar.

Provisions regarding khalwat or obscene which is a form of adultery have been adopted by the province of Nanggroe Aceh Darussalaam through Qonun (regulations at the level of local regulations) which constitute the implementation of Islamic sharia in the province. As in Qonun Nanggroe Aceh Darussalam Province Number 14 of 2003 concerning Seclusion (Pervert).

Article 22 paragraph (1): "Every person who violates the provisions referred to in Article 4, is threatened with taqazat uqubat in the form of whipping at a maximum of 9 (nine) times, a minimum of 3 (three) times and / or a maximum fine of Rp. 10,000,000 (ten million rupiahs), at least Rp. 2,500,000 (two million and five hundred thousand rupiahs)". The provisions of Article 4 state that Seclusion / immoral law is haram. The existence of provisions regarding the enforcement of the law that lives in the community implies that the development of national law including the renewal of criminal law requires the entry of unwritten laws including customary criminal law to become part of Indonesian law. Nyoman Serikat Putra Jaya, stated that the development of national law is sourced and explored from the legal values that live in a society so that national law reflects the social, cultural, and structural values of Indonesian society.

The handling of this online prostitution must be done immediately by revising existing legislation or issuing new laws in the spirit of renewing criminal law with a policy approach, namely social policies to address social problems (including humanitarian issues) to achieve/supporting national goals (community welfare and so on), criminal policy, part of community protection efforts (especially crime prevention), and law enforcement policies, because criminal law reform is essentially part of efforts to renew legal substance in order more effective law enforcement. In addition to the value-approach, which is to conduct a review and re-evaluation ("reorienting and re-evaluating") the sociopolitical, sociophilosophic, and sociocultural values that underlie and provide content to the normative and substantive content of the criminal law aspired. Paying attention to the value approach, the excavation of the law that lives in society is important.

Islamic law strongly condemns adulterers. This can be seen from the severity of the punishment for the perpetrators of adultery which is God's right, whether the perpetrators of adultery are not yet married or have already been married both are threatened with punishment. Customary law also considers adultery as a despicable act or as an act of cohabitation, even a child born from adultery is a disgrace as an illegitimate child. In-Law No. 1 of 1974 concerning Marriage also mentions that children born outside of marriage only have a civil relationship with their mother and mother's family. The consequences arising from adultery or prostitution give a lot of harm both to the perpetrators of prostitution itself and children who are likely to be born.

Besides, prostitution affects the spread of various venereal diseases. Formation of new laws or revisions to laws by stipulating Zina acts as crimes / criminal acts in national criminal law is a necessity in the handling of online prostitution. Because clear arrangements will minimize the practice of online prostitution which increasingly causes unrest for the community. Establishment of new laws and regulations which can provide strict sanctions not only for the prostitution business owners but also for the perpetrators of prostitution. So that technology will be created wisely.

Associated with legal sociology. The sociology of law in the United States has found very detailed and extensive accuracy, thanks to the scientific findings of Roscoe Pound, an unrivaled expert from the school of "sociological jurisprudence". Pound prioritizes practical goals, which include:

1. Examine "the actual social consequences of legal institutions and legal doctrines", and therefore they look more at the work of law than on its abstract content.
2. Submitting "sociological studies regarding legal studies to prepare legislation".
3. Creating "the effectiveness of the study of ways to make regulations and emphasize social goals that must not be achieved by law rather than sanctions".
4. The study of "the history of sociological law" that is about the social consequences that have been produced by legal doctrines and how to produce them.
5. Defending what has been called the fair implementation of the law and insisting that the teachings of the law must be regarded as indicative directions towards results that are fair to the community and not primarily as forms that cannot be changed.
6. Finally, the goal to be achieved from the whole is so that more effective efforts to achieve the aims and objectives of the law.

The emphasis of the Pound on social interests, which is sometimes considered wrong as a tendency to social benefit, is a view which is always opposed to firmly, as evidenced by the dispute with him. Hering to him essentially is only a method of getting the courts to pay attention to the reality of social groups the specifics and the order of each. In his works expressly shows the sociological relativity of legal techniques, legal categories, and legal concepts. The pound is not aware that people can have attention with values incarnated in special facts and still do not state the merits.

From all this arises a dogmatic and disgusting tendency which directly threatens the establishment of methods in the sociology of law. As a result of this teleological orientation, it can be noted that the Pound's refusal to win the trust of the State must first, and the country's priority superiority over other groups. Law as social engineering or a means of social engineering is a prominent phenomenon in the 20th century. Unlike in a traditional setting, where the law is more a form of social norms embedded in society, the law is now a tool laden with political decisions. Certainly, the use of law as a means of social engineering was pioneered by Roscoe Pound, who in 1912 launched a package of ideas that came to be known as a program of sociological legal flow. The program was formulated in his article entitled Scope and Purposive of Sociological Jurisdiction Program.

The pound shows its sociological meaning in its nature which:

1. More directed towards the operation of the law than towards the abstract contents;
2. Looking at the law as a social institution that can be developed through human effort and considers it as their obligation to find the best ways of promoting and directing such efforts;
3. More emphasis on social goals served by law rather than sanctions;
4. Emphasize that the rule of law must be seen as a guideline for achieving results that are considered fair by the community rather than as a rigid framework.

The use of law as a means of social engineering cannot be separated from the assumption and understanding that punishment is a means (instrument) used to achieve clear objectives. The use of law as a means of social engineering leads us to research into the relationship between lawmaking or the methods employed by the law and the results or consequences which then emerge. Adam Podgorecki proposes several steps that must be taken if the lawmaking wants to have the desired effect. The steps in social engineering include: Describing the situation faced well, Analysis of assessments about the situation and determining the level of its composition, Verifying hypotheses, and Measurement of legal effects made.

The process of social engineering using the law is a process that does not stop at measuring its effectiveness but instead continues. The ongoing process means that the findings in the measurement will be feedback to bring the law closer to the goals it wants to achieve, including in this case related to immoral content in online prostitution.

## Conclusion

Based on the description above, the conclusion is:

1. Crimes Transmitting Asusila Content in Online Prostitution. In the context of the law that lives in society, prostitution is a despicable activity, activities that violate the norm, and inappropriate activities. Therefore,

this activity is not only contrary to the soul of the nation but also against human dignity. This view is in line with the views of the Draft Criminal Code. According to the Draft Penal Code, prostitution is a despicable activity, not only by those who take advantage but also whoever is involved in this activity. The Criminal Code Bill also pays attention to the law that lives in the community, so that actions which are considered contrary to the values that live in the community are classified as acts that are against the law. Distributing and/or transmitting and/or making accessible Electronic Information and / or Electronic Documents ".

2. What is meant by Electronic Information is one or a collection of electronic data, including but not limited to writing, sound, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail (electronic mail), telegram, telex, telecopy or the like, letters, tamda, numbers, Access Codes, symbols or perforations that have been processed that have meaning or can be understood by people who can understand it legislation during society to engineer so that the community is in an orderly situation of anti-prostitution law and prevents the practice of prostitution. This theory was developed by many sociologists, one of them being Roscoe Pound.
3. Efforts to Tackle the Occurrence of Asusila Content in Online Prostitution. Tackling online prostitution must be done immediately by revising existing legislation or issuing new laws in the spirit of renewing criminal law with a policy approach, namely social policy, criminal policy, and law enforcement policy. In addition to the value-approach, which is to conduct a review and re-evaluation ("reorienting and re-evaluating") the sociopolitical, sociophilosophic, and sociocultural values that underlie and provide content to the normative and substantive content of the criminal law aspired. Excavation of law that lives in society both Islamic law and customary law needs to be done, in addition to western law. This can be done by setting adultery acts wrapped in prostitution as offenses or criminal acts in national criminal law. The use of law as a means of social engineering cannot be separated from the assumption and understanding that punishment is a means (instrument) used to achieve clear objectives. The use of law as a means of social engineering leads us to research into the relationship between lawmaking or the methods employed by the law and the results or consequences which then emerge.

### *Suggestion*

As for suggestions related to immoral content in online prostitution, it should be that service users in online prostitution crime are also regulated in positive laws in Indonesia and regulate all subjects related to online prostitution crime.

### **References**

- Aslan, A. (2017). Pendidikan Remaja Dalam Keluarga Di Desa Merabuan, Kalimantan Barat (Perspektif Pendidikan Agama Islam). *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman*, 16(1), 122-135. <https://dx.doi.org/10.18592/al-banjari.v16i1.1158>
- Aslan, A. (2019). Peran Pola Asuh Orangtua di Era Digital. *Jurnal Studia Insania*, 7(1), 20-34. <https://dx.doi.org/10.18592/jsi.v7i1.2269>
- Aslan, A. (2019). Pergeseran Nilai Di Masyarakat Perbatasan (Studi tentang Pendidikan dan Perubahan Sosial di Desa Temajuk Kalimantan Barat).
- Aslan, A., & Hifza, H. (2020). The Community Of Temajuk Border Education Values Paradigm On The School. *International Journal of Humanities, Religion and Social Science*, 4(1).
- Aslan, A., Setiawan, A., & Hifza, H. (2019). Peran Pendidikan dalam Merubah Karakter Masyarakat Dampak Akulturasi Budaya di Temajuk. *FENOMENA*, 11(1), 11-30. <https://doi.org/10.21093/fj.v11i1.1713>
- Aslan, A., Sihalo, N. T. P., Nugraha, I. H., Karyanto, B., & Zakaria, Z. (2020). Paradigma Baru Tradisi “Antar Ajung” Pada Masyarakat Paloh, Kabupaten Sambas. *IBDA: Jurnal Kajian Islam dan Budaya*, 18(1), 87-103.
- Aslan, A., Suhari, S., Antoni, A., Mauludin, M. A., & MR, G. N. K. (2020). Dinamika Keagamaan Masyarakat Perbatasan Paloh Kabupaten Sambas, Kalimantan Barat. *Jurnal Antropologi: Isu-Isu Sosial Budaya*, 22(1), 90-101. <https://doi.org/10.25077/jantro.v22.n1.p90-101.2020>
- Bohle, H. G., Downing, T. E., & Watts, M. J. (1994). Climate change and social vulnerability: toward a sociology and geography of food insecurity. *Global environmental change*, 4(1), 37-48. [https://doi.org/10.1016/0959-3780\(94\)90020-5](https://doi.org/10.1016/0959-3780(94)90020-5)
- Brožová, D. (2015). Modern labour economics: the neoclassical paradigm with institutional content. *Procedia Economics and Finance*, 30, 50-56. [https://doi.org/10.1016/S2212-5671\(15\)01254-X](https://doi.org/10.1016/S2212-5671(15)01254-X)
- Daud, A. (1997). *Islam dan masyarakat Banjar*. RajaGrafindo Persada.



- Kartono, K. (2009). *Patologi Sosial Edisi 2. Jakarta: Rajawali Pers.*
- Manullang, S. O. (2020). The online prostitution act from legal sociology perspective in Indonesia. *International research journal of management, IT and social sciences*, 7(4), 36-42. <https://doi.org/10.21744/irjmis.v7n4.945>
- Pals, D. L. (1996). *Seven theories of religion*. Oxford Univ. Press.
- Sedyaningsih, E. R. (2010). *Perempuan-Perempuan Kramat Tunggak*. Kepustakaan Populer Gramedia.
- Simatupang, D.P., (2010). *Modul Perkuliahan Metode Penelitian*. Program Studi Magister Ilmu Hukum Unkris, Jakarta.
- Xu, G., Zhang, Y., Sangaiah, A. K., Li, X., Castiglione, A., & Zheng, X. (2019). CSP-E2: An abuse-free contract signing protocol with low-storage TTP for energy-efficient electronic transaction ecosystems. *Information Sciences*, 476, 505-515. <https://doi.org/10.1016/j.ins.2018.05.022>
- Zukerman, W. (2011). Could online prostitution crackdown endanger women?. [https://doi.org/10.1016/S0262-4079\(11\)62895-9](https://doi.org/10.1016/S0262-4079(11)62895-9)