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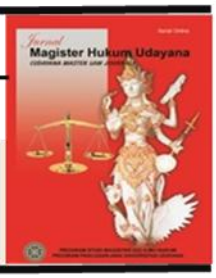

Madani Community and Criminal Action on Children's Online Prostitution in Social Media

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Abstract

Rampant and rampant crime against children on social media, resulting in increasingly restless and worried every parent, especially trafficking child prostitution, and carried out using the internet media. This online prostitution also spreads the contents of child pornography, whether done by the perpetrators themselves, a group of people or even corporations. The aim is to find out how to deal with civil society in dealing with child crimes through online prostitution, the ways that civil society do in eradicating crimes or criminal acts that occur in the environment or civil society life so that they are always vigilant, cautious and not easily trapped in criminal acts or crimes that occur in social medial that is by using social media namely through the internet, or facebook, instagram and so forth. While the research method used is normative research that is by examining and processing theories or in existing concepts and regulations and even legislation that is considered relevant and related to this research, in this case cannot be separated by using books or literature which exists. The results of this finding are various mitigation efforts that can be carried out by civil society in responding to criminal acts related to online prostitution of children, namely by carrying out various measures which are also called preventive, repressive, persuasive, curative and rehabilitation, considered to be able to reduce prostitution crime. existing children on social media, accompanied by a mindset which is advanced modern and supervision from the community and law enforcement which exist.

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1. Introduction

Humans as social beings are inseparable from society, due to the dependence of one another and termed social life. Dependence in question is because they cannot live alone but need help from others when there is an urgent need or interest, such as when they are sick, they must definitely need someone, because they cannot move and therefore help is needed from others, dependence here is meant because humans are social beings who cannot live alone. The formation of society is due to the presence of thoughts and also deep feelings and desires that are the same and have the same goals in the environment or region, said to have the same goal due to life in a relatively long

time period, this is what causes the interaction of existing community members, and ultimately can result in culture[1].

The development of people's lives with changes in dynamics, culture and the entry of the nation into an area and the sophistication of modern technology have resulted in drastic changes especially in thinking patterns that are increasingly laden with progress, realistic thinking in dealing with problems or things that disrupt life in these communities. Regarding the life of civil society, it is inseparable from crimes or non-conventional violations related to child pornography content, which are increasingly prevalent, children are trafficked and sold or commonly known as online prostitution. The formation of a community is due to the same thoughts and feelings and deep desires and have the same goals in the environment or region, said to have the same goal because of living in a relatively long period of time, this is what causes the interaction of existing community members , and ultimately can produce a culture. Relating to the life of civil society is inseparable from crime or non-conventional violations relating to child pornographic content that is increasingly prevalent, children are trafficked and sold or commonly known as online prostitution. Where the perpetrators not only committed conventional crimes bringing children to be sold or reunited with pimps, but now are done in very easy ways, using social media such as Facebook, Instagram, even also with cell phones and pimps and commercial sex facilitators many wander around and become predators for those who are considered weak and vulnerable and powerless.

The purpose of this writing is to find out ways of handling carried out by civil society in addressing child crime through online prostitution, ways or actions taken by civil society in eradicating crimes or criminal acts that occur within the environment or the life of civil society.

As is still warm in our memories, cases that occurred in 2017 involving minors and have spread widely with a network not only involving the State of Indonesia but also the vast countries where the perpetrators sell children under age to the offender called Pedophilia , this case is called the Official Lolly Candy's Group, if for Indonesia it can be indicted using the Information and Electronic Transaction Law (UU-ITE) No. 19 of 2016. However, to close the contents of child prostitution content on social media is very difficult, because each country have different legal jurisdictions, there is no common legal perception of each country.

Social media is used to post photos of underage children, even more sadly, obscene things done to children are uploaded on the account, and such things cannot be allowed because treating children is already inhumane the existence of rights of life, said violation of the right to live because of online prostitution by selling underage children which should be the responsibility of everyone to be protected, meaning that the perpetrators must be given severe sanctions, however children must be protected and this already a form of violence against children[2], which is more precisely sexual violence, should the children be protected from their rights such as getting education, teaching, health, growth and development of children, in this case the provisions of the legal rules violated by the perpetrators of the trafficking laws, pornography and child

[1]Masyarakat Madani : Pengertian, Ciri-Ciri,Unsur Dan Pilar Penegak, https://www.maxmanroe.com/vid/sosial/masyarakat-madani.html, (Diakses, 8 Agustus 2019)

[2] Wijaya Adika, (2016) *Darurat Kejahatan Seksual.* Cetakan ke-1, Jakarta : Sinar Grafika, hal. 10-1

protection. Prostitution has been a long time and has always evolved and places have varied, such as businesses for fake massage, childcare, motels or hotels, places to live from a club, sex tourism, restaurants and even door-to-door sales, lots of the way people do to carry out prostitution business[3].
Based on the introduction above, the formulation of the problem is how the role of civil society in overcoming child prostitution online on social media.

2. Research Methods

The approach used in this problem is to use normative research based on the main material by reviewing the theories, and concepts, as well as regulations on legislation related to this normative research, While the approach used is a conceptual approach and also uses document study techniques in tracking existing legal materials.

3. Result and Discussion

3. 1. Civil Society

Often termed civil society, which is a process of history, and the existence of civilized societies in it which can sustain the culture of law and culture itself, can be interpreted as a culture of civilization inseparable from the culture of a society, the growth of civilization in that culture will impact progress which exists.[4] With regard to civil society it is no longer a remote or traditional society far from progress or civilization, but as a society that is said by the expert Hikam (supriatna) that groups of people who act independently and independently and are active and practical about all things generally social.

It is said to be independent, practical and active because the characteristics that are inherent in it grow automatically, feeling together, together, social values and feeling in need and mutual complement, this is, volunteerism, mutual commitment and agreed to carry it out without any coercion or threat with the aim of bringing together an ideal, self-sufficiency, independence implemented without relying on the state or organization that exists, able to organize their lives, besides being called sufficient independence high when dealing with community groups or countries, and the relationship to existing legal rules, the law is made to be obeyed not to be violated, so that a just and prosperous state can be realized in the community and its life[5]

3. 2. Child Prostitution on Social Media

The practice of prostitution has long been known, not only because of technological advances or civilization, but also a long time ago and the perception or perception in the community that trafficked women and children are indeed vulnerable and do not dare to fight, with their weaknesses utilized by certain parties the presence of pimps to be sold at a profit. The practice of prostitution is due to moral values in human life, everything that is illegitimate is permissible especially when it comes to life, especially

[3] Susca Lamb Laura and Clements Thomas Paul, (2018) Intersection Of Human Trafficking And The Emergency Depertment, *Journal Of Emergency Nursing,* 44 (6) Page. 563-569

[4] Ibid, hal. 28

[5] Suroto, (2015) Konsep Masyarakat Madani Di Indonesia Dalam Masa Postmodern (sebuah analitis kritis), *Pendidikan Kewarganegaraan* 5 (9) 665-666

not getting a job or because of a stomach that is hungry, so everything is done, but it is also necessary to examine the causes of prostitution, explains Soekanto.

Endogenous factors, large sexual desires, lazy nature, the desire to live luxuriously exogenous factors due to the economy, irregular urbanization and housing conditions that do not meet the requirements.[6] Children are called those who are between the ages of 8-18 years old and unmarried, and these children since being in the womb of their mothers have received protection by nutritional intake and vitamins consumed by the mother so that children born healthy and safe.

Transactions or child prostitution are carried out everywhere in accordance with the agreement between the person who sells and receives, without any mercy, and the offender deserves a punishment as a result of his actions, the right of life of a child as if trampled, tortured and not appreciated, again, even though the child is the generation and successor of the nation and is also a creature of God, it is not appropriate to do this for children who do not know anything.

Child trafficking is a serious crime that violates human rights and is violently committed by irresponsible people, violates the right to life, not only can online prostitutes be punished severely and layered because of several rules violated as in article 2 paragraph 1st Law No. 21 of 2007 Eradication of Criminal Trafficking in Persons (UUPTPPO), Law Number 35 Year 2014 concerning Child Protection paragraph 1 Article 4 of Law Number 44 of 2008 Pornography and Law Number 19 of 2016 concerning Information on Electronic Transactions. Demonstrating and showing children in child pornography content, whether there are girls or boys, even those that are still fresh in our memories of the sale of boys at the top or those done by gays, where the perpetrators are looking for children who dropping out of school then with the lure and sweet promise to go and stay overnight, but the syndicate was finally revealed. Prostitution workers are very free to use internet media and will feel comfortable with raids from officers because usually they also sell around the edges, and there are several media from the internet that are usually used by prostitution workers to carry out their work, forums, websites, applications and social networking.[7] The ministry of communication and informatics has the duty to close or block pornographic or prostitution content online, so that it does not spread widely and ultimately the perpetrators can be convicted in positive Indonesian law. A person must be held responsible for the existence of elements of a criminal offense that is a mistake and is against the law, both that is done by individuals or corporations, because it is done on social media, of course there is Article 27 Juncto paragraph 1 Juncto Article 45 paragraph 1 of the Information and Electronic Transaction Act Number 19 of 2016 and or article 297 juncto article 506 of the Criminal Code, so that perpetrators can be punished with 6 (six) years and a fine of 1 billion rupiah.

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[6] Laksono Puji & Magfairani Riska, (2014) Cyber Prostitution : Bergesernya Masalah Sosial Ke Dalam Ruang Virtual, *Analisa Sosiologi*, 2 (1), 56

[7] Imam Khairul, Kallo Syafruddin, Syahrin Alvi, Marlina, (2018) Pertanggungjawaban Pidana Bagi Pelaku Tindak Pidana Prostitusi Online Di Tinjau Dari Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik (Studi Putusan Nomor 267/Pid B/2015/PN.PgP), *USU Law Journal*, 6 (3) 101-102

3. 3 Criminal and Accountability

Acts that are deemed inappropriate and despicable in the life of the community, and the maker must be responsible for what he does, whether intentional or not. Responsible for the actions that have been carried out by my custodian or maker and the punishment he received, in the first case, the person who is convicted can be convicted while in the case of the two perpetrators he can be convicted.

Elements of Criminal Accountability

a) The existence of subjects and being able to be responsible. Accountability (criminal) which is in the person of my guardian will certainly lead to and direct the punishment that has been done, if the act has committed a crime and has fulfilled an element that has been determined in the law.

b) Errors are always considered to exist in the offender, the intended error can cause consequences in the actress which results in something that is prohibited in the rule of criminal law, where the errors are intentional (dolus) and negligence (negligence) will be in the self and in the will of the maker

c) Unlawful, that is material and formal, where material arrives with local customary rules, while formal ones are in line with existing rules of law stipulated by the authorities.

d) These actions are regulated in a regulation that exists, all actions that have been committed and are considered crimes and violations have already been regulated in the general criminal code (KUHP) and specific rules, along with threats of penalties and fines applied.

e) Time, Place and Situation, commonly called *tempus delicti* and *locus delicti,* seen from when the action was carried out and where, and how the state of action, healthy soul or mentally disturbed, and not in the category of children or under guardianship or guardianship.

f) There is no forgiving reason. The relationship between the actress and his actions is determined by the ability to be responsible for the act, whoever commits an act that is detrimental to the community, sanctions or applicable law must be imposed.[8]

3. 4 Countermeasures for Child Prostitution on Social Media

As part of an advanced community group, of course, they can address every problem that exists in the surrounding environment, including online prostitution cases involving children, although there are arrangements and threats of punishment, of course there are efforts that people always do not be fooled into everything but seek the root causes. Because it involves prostitution online in social media and in international networks, meaning that the legal jurisdiction of country is different, if the not from Indonesian citizens, so that in addressing this problem, civil society as a developed society that thinks, acts and can reach and see what will going forward, seeing that punishment is the last step in giving a deterrent, if it is proven to have

[8] Prodjodikoro Wiryono, (2003) *Asas-Asas Hukum Pidana Di Indonesia*, Bandung : Refika Aditama, hal. 15-16

committed a crime of law enforcement officers, but what must be addressed is the concrete steps taken by civil society groups, online child prostitution carried out on the Internet is evidence of the sophistication and progress of a technology, on the other hand advanced communities can also respond to criminal acts from advances in existing technology, not silent or fixated on the situation, but trying to find a way for his parents, the actions taken which are based on the prevention of prostitution are not increasingly widespread and even reduced by advanced communities or civil society are as follows:

a) Preventive

Performed as early as possible, prevention is intended to avoid falling victims, the need for vigilance and caution, observing the truth of the website or promising information and not easily affected by something or lulled by uncertain things where the edges do not provide benefits but instead giving a stump.

b) Repressive

Frequent occurrence of victims, then do approaches to recovery or treatment, after the violation is carried out this repressive action, learn and look for the causes of events that occur, the goal is that there are no casualties, look for causes as much as possible so as to minimize victims and not again, while this repressive action can be carried out in 2 (two) ways, namely:

(i) Persuasive

Social control is carried out by persuading and directing people to obey the norms or rules and regulations, the approach can be through appeals, do not be easy to trust, and raise awareness of the community, fatal consequences of online prostitution of children, parents must always take care of their children.

(ii) Coercive

Countermeasures carried out by civil society by being assertive, in this response the community can cooperate or coordinate with law enforcement officers, if they see or find suspicious things related to online prostitution children immediately report, or there are recruitment of obscure forms of work or the mode of deception must be immediately enforced[9].

c) Curative

Punishment given to the perpetrator can provide awareness not to do or repeat his actions, meaning that what he does is wrong and is very detrimental to the public interest, assuming the perpetrator as the subject that must be protected because it is in accordance with the penal system not punished but his actions and promised not to repeat his actions and return to his life to be better, as well as the community where he wanted to live for the return.

c) Rehabilitation

Providing recovery or treatment to the perpetrators with medical treatment in the form of medication, and a doctor's examination so that they can slowly heal.

In Indonesian law 3 (three) theories of punishment are available, namely:

a) **Theory of Retaliation**

The intended retaliation is commensurate with the offender's wrongdoing, with the punishment received by the offender for his actions

[9] Anindia Ayu Islamia, & Sularto R.B, (2019) Kebijakan Hukum Pidana Dalam Penanggulangan Prostitusi Sebagai Pembaharuan Hukum Pidana, *Pembangunan Hukum Indonesia,* 1 (1), 20-21

b) **Theory of Purpose**
Not only to provide retaliation to the perpetrators, but also as a means to and protect the interests of the community, so that it aims to make the community orderly and peaceful

c) **Combined Theory**
It is a combination of the theory of retaliation and purpose, but it is more important that the perpetrators do not repeat the crimes that have been committed[10]

4. Conclusion

In responding to criminal acts that occur as a civil society has advanced to make efforts or actions through preventive, repressive, curative, persuasive and rehabilitation measures against perpetrators who commit prostitution crimes against minors through social media by reporting and coordinating with the authorities the law and other relevant parties when it occurs or it is appropriate to suspect the existence of online crime of child prostitution nearby.

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[10] Dirgantara Muhammad Andi, Kallo Syafrudin, Syahrin Avi, Bariah Chairul (2017) *Analisis Yuridis Kebijakan Pemidanaan Dengan Hukuman Kebiri Terhadap Pelaku Pedofilia,* USU Law Journal 5 (1), 121

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