



THE PROBLEM OF CRIMINALIZATION OF COMMERCIAL SEXUAL WORKERS AND USERS OF PROSTITUTION SERVICES

Rianda Dirkareshza¹, Eka N.A.M Sihombing², Rosalia Dika Agustanti³

^{1,3} Faculty of Law UPN Veteran Jakarta

² Faculty of Law Universitas Muhammadiyah, Sumatera Utara

Corresponding email. Author: riandadirkareshza@upnvj.ac.id

Paper received on: 02-10-2022; Revised on: 26-10-2022; Approved to be Published on: 29-11-2022

DOI: <http://dx.doi.org/10.30641/dejure.2022.V22.525-536>

ABSTRACT

Prostitution is a complex problem because it intersects with so many aspects, especially in women's rights. However, the complexity of the problem is not accompanied by legal certainty of regulations regarding prostitution. This paper aims to find out and understand how the problem of criminalization of prostitutes and users of prostitution services in Indonesia. This research method is normative juridical law research with a concept and legislation approach. Data used secondary data consisting of primary, secondary, and tertiary materials. The result found is a legal vacuum related to the regulation of prostitution actions so that prostitutes and users of prostitution services often escape the legal snare. The need for criminalization as a countermeasure against users of prostitution services that are key in the practice of prostitution and protecting women's rights. As well as countermeasures by providing rehabilitation for prostitutes and in them to have skills and not fall back into the vortex of prostitution practices.

Keywords: problematic; commercial sex workers; criminalization

INTRODUCTION

The State of Indonesia is a country based on law, this is as confirmed in article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945).¹ To ensure the welfare of the people, the state needs to ensure that its state's offices that intend to work are not extrapolated by certain parties, to contribute to the welfare of the community.² This is because workers and their families are very dependent on the wages they receive to be able to meet their needs for clothing, food, housing and other needs.³

Prostitution is not a new phenomenon that has emerged recently. The phenomenon of sex commercialization known as the practice of prostitution has existed and developed since the Dutch colonial period. Prostitution⁴ is a fundamental problem that society considers to be closely related to moral problems. The existence of the practice of prostitution continues to exist and keep up with the times is a problem that has not been completely resolved until now. The relation of prostitution to social, gender, legal, health, moral and ethical aspects, religion, education, psychological, economic, and industrialization as well as political issues puts the problem of prostitution very complex. The problem of commercial sex workers in Indonesia is very contrary to legal norms, in particular religious norms, norms of decency, and norms of decency. The existence of places of commercial sex workers in Indonesia is increasing rapidly. Along with the large demand for sexual gratification services for

- 1 Ida Hanifah and Andryan Andryan, "The Rights to Review Policy Rules in the Perspective of Rule of Law," *Jurnal Penelitian Hukum De Jure* 21, no. 3 (2021): 321.
- 2 Rianda Dirkareshza and Eka NAM Sihombing, "Acceleration of Village Welfare through Bumdes: Disorientation of Implementation of Bumdes Regulations and Policies," *De Jure Journal of Legal Research* 21, no. 4 (2021): 419.
- 3 Oki Wahyu Budijanto, "Peningkatan Akses Bantuan Hukum Kepada Masyarakat Miskin," *Jurnal Penelitian Hukum De Jure* 16, no. 4 (2017): 463-475, <https://ejournal.balitbangham.go.id/index.php/dejure/article/viewFile/193/56>.

- 4 Erianjoni Erianjoni and Ikhwan Ikhwan, "Patterns and Networks of Prostitution In The City Of Padang," *Humanus: Scientific Journal of the Humanities* 11, no. 2 (2012): 112, <http://repository.unp.ac.id/544/>.

users of commercial sex worker services, users of commercial sex worker services have become the point of prostitution.⁵⁶⁷

One of the social problems is the problem of prostitution or prostitution which is still widely found in society and is carried out openly or closely. As reported by the Ministry of Social Affairs in 2015, the number of Commercial Sex Workers reached 64,435 in Indonesia. This condition is increasingly concerning, especially the involvement of women under 18 years old, which is estimated by UNICEF to be as much as 30%. It is also estimated that each year there are 40,000 to 70,000 children who are exploited for sexual activities.⁸⁹¹⁰¹¹

The exploitation of commercial sex workers as victims also occurs when the party who exploits them provides death threats, and torture of the victim's family, and the victim's children if the commercial sex worker does not work royally against his master. Thus, there is also a lot about the personal data of sexual sex workers being violated by those who exploit it by

being disseminated without their permission on the internet. The discourse on the relationship between privacy and personal data is growing in this digital era. This is because, in the digital era, everything is connected and without boundaries.¹²

The government and society worked together to eliminate the prostitution business. The rejection and war against the business of prostitution were carried out because it was not by the values contained in Pancasila, the 1945 Constitution, and the ideals of the Indonesian nation. Not only that, the business activities of prostitution are not by the values, religious norms, and customs of the Indonesian people. The health and well-being of women are also threatened and are a problem for local governments.¹³¹⁴

The proliferation of prostitution in Indonesia is caused by several factors. Soekanto stated that two factors cause the practice of prostitution, namely endogenous and exogenous factors. Endogenous factors are related to great sexual appetite, having great desires and luxury but being lazy, while exogenous is economic, massive and irregular urbanization and others. In addition, prostitution is also caused by the lack of full attention from parents, even victims of violence.¹⁵¹⁶

Indonesian criminal law adheres to the principle of legality as stated in Article 1 paragraph (1) of the Criminal Code which states "*that an act cannot be punished, except based on the strength of existing criminal legislation provisions*". The regulation

-
- 5 Elizabeth Pisani, *The Wisdom Of The Prostitute: The Dark Story Behind The Sex And Drug Business* (Jakarta: Serambi, 2008), 69.
 - 6 Arya Mahardhika Pradana, "Criminal Law Review Of Prostitution And Criminal Liability Of Parties Involved In Prostitution," *Journal of Law & Development* 45, no. 2 (2015): 277.
 - 7 Yolanda Islamy and Herman Katimin, "CRIMINALIZATION EFFORTS AGAINST USERS OF PROSTITUTION SERVICES IN POSITIVE LEGAL PERSPECTIVES IN INDONESIA," *Galuh J Scientific Journal* 9 (2021): 78.
 - 8 Terence H. Hull, Endang Sulistyarningsih, and Gavin W. Jones, *Prostitution In Indonesia: Its History And Development* (Jakarta: Pustaka Sinar Harapan in collaboration with the Ford Foundation, 1997), 42.
 - 9 Murdiyanto Murdiyanto, "The Impact of Localization Closures on Commercial Sex Workers and socioeconomic communities," *Social Welfare Research Information Media* 43, no. 3 (2020): 196.
 - 10 Institute For Criminal Justice Reform, "Countering the Practice of Child Prostitution in Indonesia and its Challenges," *Icjr.or.Id*, last modified 2020, accessed January 2, 2020, <https://icjr.or.id/melawan-praktik-prostitusi-anak-di-indonesia-dan-tantangannya/>.
 - 11 Ibid.

-
- 12 Faiz Rahman and Dian Agung Wicaksono, "Researching References on Interpretation of Personal Data in the Indonesian Constitution," *Jurnal Penelitian Hukum De Jure* 21, no. 2 (2021): 187.
 - 13 Binahayati Rusyidi and Nunung Nurwati, "Handling Commercial Sex Workers in Indonesia," *Proceedings of Research and Community Service* 5, no. 3 (2019): 303.
 - 14 Amalia and Astry Sanda, "The Impact of Localization of Commercial Sex Workers on the Surrounding Community (Case Study on Jalan Soekarno-Hatta Km.10 Purwajaya Village, Kutai Kartanegara Regency)," *Journal of State Administration* 1, no. 2 (2013): 12.
 - 15 P & Riska Magfiraini Laksono, "Cyber Prostitution: The Shifting of Social Problems Into Virtual Spaces," *Journal of Sociological Analysis* 3, no. 1 (2014): 58.
 - 16 Lutfi Irwansyah, "Poverty, Family And Prostitution In Adolescents," *Psychology Forum UMM* 2, no. 1 (2016): 214.

regarding prostitution has not been clearly and unequivocally regulated in the Criminal Code. Article 296 and Article 506 of the Criminal Code only regulate and can be imposed against pimps or pimps. Article 296 of the Criminal Code stipulates that any person who deliberately facilitates obscene acts by others as his job is threatened with a maximum of one year and four months or a maximum fine of fifteen thousand rupiahs. Furthermore, Article 506 of the Criminal Code provides that any person who draws a fee from a woman employed as a prostitute is threatened with imprisonment for a maximum of one year. That the criminal law only categorizes prostitution as a criminal offense against its intermediaries, namely pimps and pimps. Looking at the moral deliberations that have been regulated in the Indonesian Criminal Code, namely between Article 201 and Article 303, it is very difficult to apply to prostitution workers and users of prostitution services who come to visit them. So, in other words, commercial sex workers and service users often escape the entanglement of the law. Likewise, online prostitution that utilizes technology and information can be imposed only if the parties involved spread pornographic content as stipulated in Article 45 of Law Number 11 of 2008 concerning ITE.¹⁷

The absence of guidelines or standards on how to calculate the burden of fair punishment in imposing criminal sanctions, especially imprisonment in deciding criminal cases in Indonesia, makes the sense of justice and legal certainty immeasurable or uncertain.¹⁸

The crime of being victimless as a term of prostitution is known in criminology.¹⁹ Users of prostitution services are rarely caught during raids.²⁰ Like economic theory, in prostitution, there is also *supply* and *demand*. CKUHP does not regulate the prostitute customers who are often known as “striped nose men”. According to Eddy O.S. Hiarij stated that “The provisions of

Article 296 of the Criminal Code can be qualified as a discriminatory formulation of deliberation, that he also stated that, Therefore, the provisions of Article 296 of the Criminal Code can be said to be provisions that are out of date or not by the times, or are no longer by the order of life of the local community, because the threat of article 296 of the Penal Code is only against persons who facilitate obscene acts, not including against the perpetrators of obscenity themselves”.^{21,22}

The problem regarding the regulation gave birth to an idea for the criminalization of commercial sex workers and service users as an effort to enforce the law so that it can be strictly acted upon and not pass the prostitutes and service users from the legal trap. However, on the other hand, the question arises whether criminalization is the only way that can and should be done to eradicate the practice of prostitution. Because prostitution is also motivated by other factors, especially the economy, which is seen as the root of the problem of prostitution. The eradication of prostitution is very necessary to also touch the root so that the problem does not recur in the future.²³

Based on several previous studies researched by Muhammad Khalif et al (2021). The result of this research is that there is no clear regulation in Indonesian criminal law regarding criminal liability for the actions of workers and users of commercial sex worker services other than those contained in certain regional regulations, and in the future with the criminalization of acts of copulation outside the marriage bond as an act Of complaint in the Draft Criminal Code must be changed to an ordinary criminal form so as not to limit the movement of enforcement officers law in enforcing laws related to the actions of workers and users of commercial sex workers.²⁴

17 Cesare Beccaria, *Crimes And Punishments* (Yogyakarta: Genta Publishing, 2011), 21.

18 Muhaimin Muhaimin, “Restoratif Justice Dalam Penyelesaian Tindak Pidana Ringan,” *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 185.

19 A. S. Nature, *Prostitution And Extortion The Sociological Study Of Human Exploitation By Man*, (Bandung: Alumni Publishers, 1984), 160.

20 Beccaria, *Crimes And Punishments*, 22.

21 I Komang Mahardika and Yusa Wijaya I Gede, “Criminalization of The Use of Prostitution Services in Indonesia,” *Kertha Speech : Journal of Legal Sciences* 9, no. 1 (2019): 4, <https://ojs.unud.ac.id/index.php/kerthawicara/article/view/48276/28803>.

22 Mahardika and Wijaya I Gede, “Kriminalisasi Terhadap Perbuatan Penggunaan Jasa Prostitusi Di Indonesia.”

23 Rusyidi and Nurwati, “Penanganan Pekerja Seks Komersial Di Indonesia.”

24 Rehnalemken Ginting Muhamad Khalif Ardi, Supanto Supanto, “Criminalization of Commercial

Research with a similar theme was also carried out by I Dewa Gede Dana DKK (2021), In this research, the Criminal Code has not regulated the actions of the “striped nose man”, so they cannot be held criminally responsible for these actions. If the rules related to online prostitution outside the Criminal Code are further reviewed, sex workers and their service users can be ensnared under the ITE Law, but the rules are still general–regulating, it is quite rare for regions to regulate the prohibition of prostitution through regional regulations. The legal politics that can be learned from this reality is the reform of criminal law through the synergy of the concept of the Criminal Code through criminalization and criminal sanctions for commercial sex workers and users of online prostitution services so that they can be detained.²⁵

Research on prostitutes and users of prostitution services was also carried out by Lukasz Wieczorek (2020), the study explains the question of whether some form of meeting one’s sexual needs can lead to the exploitation of those who do so. Detailed depictions of all these phenomena, while the description of the researcher takes into account the similarities and differences between the forms discussed and typical prostitution. The selection of the four countries for the study is not a coincidence, since they represent four models of sexual service provision arrangements currently functioning in Europe: from full punishment (Croatia) to full legalization (the Netherlands). On the other hand, looking at these alternative forms of commercial sex from the perspective of human trafficking.²⁶

Commercial sex workers as victims are not only from the perspective of trafficking, commercial sex workers are also seeing deceived by being exploited to make money, The crime of fraud today is still developing with the times.²⁷

This research complements previous studies that discussed related to prostitution and users of online prostitution services. The research of Muhammad Khafu and I Dewa Gede only discusses the legal vacuum for the protection of prostitution and violations of users of prostitution services. Followed by Lukasz’s research that complicates the pattern of online prostitution services in four different countries can enrich the author’s knowledge to compile the concept of the best regulations with the prevailing legal culture in Indonesia. Based on the three previous writings that have been mentioned, there is a new update in this article, namely explaining the legal vacuum that occurs in Indonesia related to prostitution and users of online prostitution services and violates the human rights of women in Indonesia.

Thus, based on the background that has been described, a paper entitled “**Problems of Criminalization of Commercial Sex Workers and Users of Prostitution Services That Violate Women’s Human Rights**” is important to do. This is because it is to find out legal certainty and legal expediency and as a form of law enforcement of the practice of prostitution. It is also hoped that the practice of prostitution can be eradicated which has mushroomed and become a problem that is troubling to society and is not by the values and norms of Indonesian society.

RESEARCH METHOD

The method used in this study is normative juridical research. The approach used is a conceptual approach and a statutory approach. This study used secondary data consisting of primary, secondary, and tertiary legal materials. This research is a descriptive analysis by describing the analysis and describing problem-based legal and regulatory theories related to prostitution. In this research we use

Sex Workers and Service Users of Commercial Sex Workers in Criminal Law Renewal,” *International Journal of Multicultural and Multireligious Understanding* 8, no. 12 (2021): 267, <https://ijmmu.com/index.php/ijmmu/article/view/3203>.

25 I Dewa Gede Dana Sugama and Diah Ratna Sari Hariyanto, “The Legal Politics of Eradicating Online Prostitution Related to the Criminalization of Commercial Sex Workers and Users,” *Kertha Wicaksana* 15, no. 2 (2021): 157, <https://ejournal.warmadewa.ac.id/index.php/kertawicaksana/article/view/2601>.

26 Łukasz Wieczorek and Zbigniew Lasocik, “Legal and Social Implications of Sexual Services Other than Prostitution,” *Archiwum Kryminologii*, no.

XLII/2 (2020): 133–174, <https://bibliotekanauki.pl/articles/1375398>.

27 Tony Yuri Rahmanto, “Penegakan Hukum Terhadap Tindak Pidana Penipuan Berbasis Transaksi Elektronik,” *Jurnal Penelitian Hukum De Jure* 19, no. 1 (2019): 31.

a comparative study to find good regulation for sex workers in US and UK. The major premise is that values related to exploited sex workers need to be protected by the law with the philosophy of law the eight principles in positive law put forward by Lon Fuller. The minor premise is what the law looks like to protect exploited sex workers. So as to use the ITE Law and the Draft Law of the Criminal Code as an analysis knife in this study.

DISCUSSION

Lon Fuller revealed the conditions that must be met in positive law which include: It is required to have rules that are used as guidelines in making decisions. This matter must be general and conditional. In other words, the legal form must give authoritative decisions to the authorities but their creation is not based on Adhoc, so that policies are made freely and based on general rules. It does not keep secret the rules that are used as guidelines for the authorities so that they are still announced. In the future, there must be rulemaking as a guideline in carrying out activities so that the enactment of the law must be put up. Lawmaking must be done in such a way that the people can understand. The rules of one another should not contradict each other. The law is a system that is interrelated and interconnected in each of its subdivisions. Parties who have behavior beyond the ability of the affected have no conditions in the rule of law. Therefore something impossible to implement cannot be ordered by law.

Fiat Justitia et ruat caelum is an adage that means that justice must be upheld even if the sky falls. In the civic system, a legal system consisting of binding criminal law regulations, procedures, and sanctions is needed. G.P. Hoefnagels mentioned that criminal law policy is also a wedge of law enforcement policy, and the law enforcement system is part of social policy. So, in carrying out efforts to overcome the crime of commercial sex offenders, it must also be seen in the overall social policy. Criminal law as a system of legal regulation, in principle, is designed to protect the values and norms of social affairs that

live in society.²⁸²⁹³⁰

There is a legal vacuum in the regulation of national law, namely the Criminal Code which regulates prostitution, especially for commercial sex workers and users of prostitution services. Legal certainty in the criminalization of prostitution and the use of prostitution services is necessary to prevent the increasing prevalence of prostitution, violations of women's rights and other criminal acts that are the impact of prostitution. Thus, overcoming the criminalization of Commercial Sex Workers and Users of Prostitution Services needs to be regulated in the Draft Law of the Criminal Code and Law Number 11 of 2008 concerning Information and Electronic Transactions.

However, the vacancy should be manifested in the form of reconstruction or reformulation of the Criminal Code, RUUKUHP, Article 45 of Law Number 11 of 2008 concerning ITE. What is the concrete form of changes and formulation of article 2 that can overcome the criminalization of commercial sex workers and users of prostitution services in the future more optimally.

Comparative with US and UK, In the UK, the issue is human rights and repressive legislation, thus inviting comparisons with how other countries protect sex workers. Governments and health and social services have a duty of care without discrimination. Decriminalisation could restore public health priorities and human rights.³¹ In the US, for several years, the GHJP has worked closely with the Sex Workers Project (SWP) of the Urban Justice Center to understand how criminalization impacts the lives of people in the sex sector and to explore potential strategies for changing

28 Dwi Handoko, *Principles of Criminal Law and Penitentiary Law in Indonesia: (Equipped with Evaluation of Learning in the Form of Legal Crossword Puzzles and Accompanied by Humor in the Scope of Science and Knowledge about Law)* (Pekanbaru: Eve and Ahwa, 2017), 169.

29 Barda Nawawi Arief, *Some Aspects of Criminal Law Enforcement and Development Policies*, Revi Edition. (Bandung: PT. Image of Aditya Bakti, 2005), 29.

30 Dey Revena and Kristian, *Criminal Justice Policy* (Jakarta: Kencana, 2017), 3.

31 Michael D E Goodyear, assistant professor and Linda Cusick, reader in substance use, Protection of sex workers, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1767242/>, accessed on October, 24, 2022..

harmful laws and policies in the US. The project has evolved in its focus and scope concomitant with our investigations and engagement with key actors, including sex workers.³²

The problem that occurs is considered by the state to intervene too much in the realm of private affairs of its citizens and is considered to violate human rights regulated in Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR). However, when referring to Article 28J paragraph (2) of the 1945 Constitution, it states that there are restrictions on human rights (HAM) stipulated by law and must be obeyed by everyone.

In Indonesia, prostitution in people's lives is carried out by covering up, some even blatantly causing unrest in society.³³ As a complex and structural problem, people often blame victims for the practice of prostitution. Prostitution when viewed in terms of its activities is divided into two, namely registered and unregistered prostitution, the obvious difference between the two is in the organization of registered in one particular area or also known as localization.^{34,35} For this reason, it is necessary to immediately regulate the criminalization related to the use of prostitution services in Indonesia. Criminalization is a criminological study, that is, criminalization is a process that shows behavior that was not initially categorized as a criminal act but was later classified as a criminal act by society. Based on this context the idea of "criminalization" has a place to study and

examine human behavior, which at first the act has not been formulated in the form of norms, but is only reproached based on the values of civility of society, according to Herbert Lionel Adolphus Hart, calling it still limited to primary law., not yet a secondary legal norm. According to Moeljatno, there are three criteria for the nature of criminalization in the process of forming criminal law. First, the determination of an act as a prohibited act (a criminal act) must be by the legal feelings that live in society. Secondly, the threat of punishment and the imposition of criminal penalties are the main ways to prevent violations of this prohibition. Thirdly, is that the government, by passing through the relevant state instruments, is capable of actually carrying out criminal threats if it turns out that someone violated it.³⁶

Acts of using prostitution services by the description of the properties of criminalization above have met these three criteria, therefore it is necessary to be classified as "criminal acts" through the formulation of norms so that people are considered to have committed acts against the law by the basic principles in criminal law, namely the principle of legality can be punished. Prostitution is a form of crime that is very difficult to deal with and this type of crime is widely supported by economic factors in people's lives, where society itself gets the fulfillment of human needs. Moreover, criminalization is a process of formulating laws into criminal acts, not solely in the model of the formation of norms of recent legislation. But it can also be in the form of predetermined additions/increases/convictions of criminal offenses.^{37,38} Prostitution in carrying out its practice does not only consist of commercial sex workers, but also consists of sexual workers service users, pimps, and pimps. In positive law in Indonesia, the regulation against prostitution is contained in the Criminal Code, namely Article 296 reads "whoever whose livelihood or habit is to deliberately hold or facilitate obscene acts with others is threatened with a maximum imprisonment of one year and four months or a maximum fine of fifteen thousand rupiah" and Article 506 reads "whoever as a muncikari (souteneur) takes the

32 Yale Law School, Protecting the Health and Rights of Sex Workers in the US and globally, <https://law.yale.edu/ghjp/projects/gender-sexuality-and-rights/protecting-health-and-rights-sex-workers-us-and-globally>, accessed on October 24, 2022.

33 Mia Amalia, "Analysis of The Crime of Prostitution Is Linked To Moral Ethics And Countermeasures In The Cisarua Area Of Arab Villages," *Justitia Pulpit Law Journal* 2, no. 2 (2016): 862.

34 Pisani, *The Wisdom Of The Prostitute: The Dark Story Behind The Sex And Drug Business*.

35 Wahyu Adi Prasetyo, "Social Network Prostitution The Role And Function Of Pimps In The Localization Of Tretes Rebuttal," *UNAIR Journal* 3, no. 1 (2014): 25.

36 Mahardika and Wijaya I Gede, "Criminalization of The Use of Prostitution Services in Indonesia," 9.

37 T Purnomo, *Dissecting the World of Prostitution Surabaya Dolly's Prostitution Complex Case* (Jakarta: Graffiti Press, 2010), 3.

38 Purnomo, *Membedah Dunia Pelacuran Surabaya Kasus Kompleks Pelacuran Dolly*.

advantage of female prostitution, threatened with imprisonment for a maximum of one year.”

The article is a reflection of Article 1 paragraph (1) of the Criminal Code that an act cannot be punished, except based on the strength of the provisions of existing criminal regulations. That in Indonesia itself the regulation regarding online prostitution cannot be imposed on commercial sex workers and users of prostitution services, but only devolved to pimps or pimps. Because when referring to Article 297 of the Criminal Code, the object being trafficked is considered a victim. Victims refer to Law Number 13 of 2006 concerning Witness and Victim Protection is: “a person who experiences physical, mental, and/or economic losses caused by a criminal act”.

In addition, the definition of victim is also contained in Article 1 point 3 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons, namely: “a person who experiences psychic, mental, physical, sexual, economic, and/or social suffering, resulting from the crime of trafficking.” Then he held an important position in the continuity of prostitution by service users and prostitutes. Because in the practice of prostitution there is an agreement between a prostitute and a user that is carried out directly or through the intermediary of a pimp or pimp even though there is also a person who is plunged without knowing that he will be hired as a prostitute. The assumption that economic factors are the main factor that encourages a person to enter the world of prostitution begins to shift in line with an interesting phenomenon in this activity, namely the rise of very young adolescent girls or known as ABG (Anak Baru Gede) who work as prostitutes. When it was confirmed about the motives that led the ABGs to work in this profession, consumerism was at the heart of their answers. The desire to enjoy a luxurious life without having to work hard has made the ABGs decide to become prostitutes.³⁹

The provisions that can be imposed on users of prostitution services when referring to Article 284 of the Criminal Code can only be imposed on prostitutes and service users, one of which is in a marriage bond and the offense applied is a complaint. Furthermore, arrangements regarding

prostitution can now be found in local regulations. However, not all regions have bylaws that regulate prostitution. Some areas that have local regulations related to prostitution are Aceh Regional Regulation or Qanun No. 6 of 2014 concerning the Jinayat Law. Article 33: “Any person who knowingly commits adultery is threatened with *uqubat hudud* whipping 100 (one hundred) times”. Perda Kota pangkal pinang No. 2 of 2018 concerning the Prevention and Eradication of Prostitution and Immoral Acts in CHAPTER IX Article 21 paragraph (1) “Any person who violates the provisions as referred to in Article 4 (person who becomes a prostitute), Article 5 (user of prostitution services), Article 7, Article 8, Article 9 and Article 10, shall be sentenced to a maximum of 3 (three) months confinement and/or a maximum fine of Rp. 25,000,000.00 (twenty-five million rupiah).” In addition, there is also a Regional Regulation No. 8 of 2007 DKI Jakarta concerning Public Order, mentioned in Article 42 paragraph (2):

“Everyone is prohibited from:

- a. ordering, facilitating, persuading and forcing others to become commercial sex peddlers;
- b. became a commercial sex peddler;
- c. using the services of a commercial sex peddler.

Sanctions that can be imposed on people who violate this provision are subject to the threat of imprisonment for a minimum of 20 days and a maximum of 90 days or a fine of at least Rp. 500 thousand and a maximum of Rp. 30 million.”

However, because the existence of the Perda comes from the authority of the regional head to regulate the area he leads, so that the scope of application of regional regulations only applies to his jurisdiction.⁴⁰ In the above laws and regulations related to prostitution, there are differences in the way they are regulated. In the Criminal Code, the provisions that are said to relate to prostitution, none of them mention the word prostitution, or provide certain clear restrictions on prostitution. In fact, in the bylaw, prostitution is clearly stated and regulated by sanctions.

Actions in the practice of prostitution carried

39 M. Patnani, “Prostitution: Between Choice Or Compulsion.,” *COGNITION Of The Scientific Magazine Of Psychology* (Jakarta, 1999), 58.

40 Rosjidi Ranggawidjaja, *Introduction to Indonesian Legislation* (Bandung: Mandar Maju Publishers, 1998), 23.

out by commercial sex workers and users of prostitution services have met the criteria for criminalization because these actions violate the values and norms that live in society, both customary, moral, and religious, and exceed the permissible limits. There is a negative impact of prostitution activities, namely the erosion of the morale of the community and the nation's submissive generation. Moreover, prostitution is one of the groups that has a considerable risk of being exposed to HIV / AIDS because it is a large transmission of HIV & AIDS because the practice of prostitution touches⁴¹⁴² 49.8%. Commercial sex workers are also placed in a dangerous position because they are vulnerable to contracting HIV due to unsafe behavior or sex.

In fact, it also has an impact on the existence of multiple traumas including 71% of physical violence, 63% of rape, 89% of dislike of prostitution but being powerless to go out, 75% of not having a home and 68% of PTSD / Posttraumatic stress disorder. Criminalization in this case has the potential to prevent the spread of other criminal acts such as abortion, child neglect or the disposal of children resulting from the relationship.⁴³

In line with what Nonet and Selznick have suggested that the law must be able to understand the shifts or changes in the surrounding circumstances. Because the law is also a means of achieving the goal. In knowing that the law is responsive to changes and social

problems that continue to develop, there are two indicators, namely that the law must be functional, pragmatic, purposeful, and rational, as well as competent to be a benchmark for evaluating all legal implementations.⁴⁴⁴⁵

However, on the other hand, the provisions for the punishment of prostitutes are not in accordance with the characteristics of the criminal as ultimum remedium, which is the last method or effort used if other methods cannot be used. The complexity of the problem of prostitution related to various aspects illustrates the problem of prostitution-related to criminal acts but also other phenomena such as poverty, difficulty finding a job, and so on. It raises the question of whether criminalization will be able to stop and eradicate prostitution activities if the root of the problem is caused by other factors, especially the economy.

One of the countries that have succeeded in reducing the number of prostitutes through the criminalization of users of prostitution services in Sweden. The establishment of the Sex Purchase Act and further in 2005 included provisions regarding the criminalization of users of prostitution services in the Swedish Criminal Code in Chapter 6 of Article 11, namely that if a person makes payments and such payments are intended for sex services, he will be subject to criminal sanctions. The policy issued by Sweden is because of the inseparable demand for these services even to underage women who are vulnerable to sexual exploitation, the increasingly uncontrolled prostitution activities that are difficult to stop. Since 6 (six) years of enactment of the law had sharply reduced the number of prostitutes.⁴⁶⁴⁷⁴⁸

Then prostitution in The 1995 Platform of Action at the World Conference on Women in Beijing categorizes prostitution in two types and has an influence on the mechanism of its handling

41 Lidya Suryani Widayati, "The Policy of Criminalization of Decency In The Criminal Code Bill From Moral Perspectives," *The State of Law: Building Laws for Justice and Welfare* 9, no. 2 (2019): 193.

42 Suzanalisa Suzanalisa, Abadi B Darmo, and Bunyamin Alamsyah, "JURIDICAL STUDY OF THE DETERMINATION OF PERPETRATORS OF COMMERCIAL SEX WORKERS OF ONLINE PROSTITUTION AS VICTIMS OF TRAFFICKING CRIMES ACCORDING TO INDONESIAN CRIMINAL LAW (Case Study in the Jurisdiction of the Jambi Regional Police)," *Legality: Law Journal* 11, no. 2 (2019): 291.

43 Suhar Nanik, Sanggar Kamto, and Yayuk Yuliati, "The Phenomenon of the Existence of Prostitution in the View of Feminism" 15, no. 4 (2013): 25.

44 Henry Arianto, "Responsive Law And Law Enforcement In Indonesia," *Lex Jurnalica* 7, no. April (2010): 119.

45 Harris Y P Sibuea, "Prostitution Law Enforcement In Indonesia," *Legal Brief Info* 7, no. 10 (2015): 3, Brief http://berkas.dpr.go.id/puslit/files/info_singkat/Info-VII-10-II-P3DI-May-2015-46.pdf.

46 Gea Illa Sevrina, "The Policy of Criminalizing the Practice of Prostitution in Indonesia," *Law and Justice* 5, no. 1 (2020): 24.

47 Sevrina, "Kebijakan Kriminalisasi Praktik Prostitusi Di Indonesia."

48 Ibid.

as well as the laws imposed. The two types are *involuntary prostitution (forced prostitution)* and *voluntary prostitution*. The difference between the two is that in *forced prostitution* pimps must be convicted because they are included in sexual exploitation and must view prostitutes as victims who are entitled to restitution. Meanwhile, in *voluntary prostitution*, the absence of coercion by others must be inspired as an agreement between the two parties involved in sexual services transactions, which means that prostitution cannot be said to be victims as stipulated in the trafficking law.⁴⁹

G.P Hoefnagles stated that the countermeasures against crimes can be carried out in several ways including: 1) Application of crimes; 2) Prevention without criminal charges; and 3) Influencing people's views on crime and punishment through the mass media. So that in solving the problem of prostitution in Indonesia, it is not only through criminal means but other ways can be taken as well. Although it is also necessary to have rules governing these activities in order to create legal certainty and can be acted upon by law enforcement officials.⁵⁰

Based on the foregoing, a legal rule is needed that can imply all parties involved in prostitution, one of which is prostitution. There is a need for a renewal of the criminal law system to address the problem of prostitution. The renewal of the criminal law system may include a very broad scope, which includes the renewal of the "nature of criminal law", which includes the renewal of articles of criminal law (criminal law and laws outside the criminal law), formal criminal law (criminal procedural law) and the implementation of criminal law. Renewal of the "Criminal Law Structure" which includes, among others, institutional renewal, system / administration management, support for mechanisms and facilities / infrastructure of the criminal law

49 Compass, "The PA Prostitution Case, How Should Law Enforcement Be?," *Kompas.Com* (Jakarta, 2021), last modified 2021, accessed January 15, 2021, <https://www.kompas.com/tren/read/2019/10/27/203300165/kasus-prostitusi-pa-bagaimana-seharusnya-penegakan-hukumnya?page=all>.

50 Saiful Abdullah, "Criminal Law (Penal) And Non-Penal (Non Penal) Law Policies In Tackling Saiful Abdullah's Heretical Sect, Sh Abstract," *Law Reform* 4, no. 2 (2017): 5.

enforcement system (*criminal justice system*). Renewal of the "Culture of Criminal Law", which includes, among others, issues of legal awareness, legal behavior, legal education and criminal law science.⁵¹

A judge's decision is a statement from a judge in deciding a case in a trial and has permanent legal force.⁵² This is because the target of preventing trafficking in persons from vulnerable rural communities is victimized because of their incomprehension has been neglected.⁵³

In this case, as has been done by the Ministry of Social Affairs which has appointed the Directorate General of Social Rehabilitation of sex workers aimed at tackling social reintegration and social rehabilitation which has been mandated in Law No. 11/2009 on Social Welfare which in Article 7 paragraph (1) :

"social rehabilitation is intended to strengthen and develop the capacity of a person experiencing social dysfunction so that one's abilities can be properly utilized".

So that in this case, prostitutes are not only criminalized related to their work but are given the provision of skills and capital to build a business so that they can get out of the scope of prostitution and work better in other fields.

Thus, the need for criminalization as a penal measure against users of prostitution services is the key to the practice of prostitution because the existence of prostitution is very inseparable from the demand for sexual services and the actionability of prostitution is included in the category of *voluntary prostitution*.⁵⁴ It is also noted that it was also carried out through a non-

51 Barda N Arief, *New Criminal Code Bill: A Restructuring/Reconstruction of Indonesia's Criminal Law System* (Semarang: Diponegoro University Publishing Agency, 2017), 6.

52 Hardianto Djanggih and Nasrun Hipan, "Pertimbangan Hakim Dalam Perkarapencemaran Nama Baik Melalui Media Sosial (Kajian Putusan Nomor: 324/Pid./2014/PN.SGM)," *Jurnal Penelitian Hukum De Jure* 18, no. 1 (2018): 93.

53 Okky Chahyo Nugroho, "Tanggung Jawab Negara Dalam Penanganan Tindak Pidana Perdagangan Orang," *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 543.

54 Islamia Ayu Anindia and R B Sularto, "Criminal Law Policy in An Effort to Combat Prostitution as a Renewal of Criminal Law," *Indonesian Journal of Legal Development* 1, no. 1 (2019): 20.

penal approach by directly targeting the roots that became the outbreak of prostitution.⁵⁵

The legislative and positivistic perspective is indeed relevant in the enforcement of criminal cases, if there is a breakthrough and legal discovery, it can occur by the judges' rulings. Cases of online prostitution always have many perspectives, for example, about the position of commercial sex workers whether as perpetrators or victims.⁵⁶ Determining who is the perpetrator or victim, then criminal liability has been regulated in detail in the law.⁵⁷

In this case, countermeasures are conducted by providing rehabilitation for prostitutes and training so that they have skills and do not fall back into the vortex of the practice of prostitution. Synergy and balance of penal and non-penal policies are expected to be able to complement each other and achieve the goal of reducing and eliminating the practice of prostitution that is not in accordance with human values.

CONCLUSION

That there is a legal vacuum in the regulation of national law, namely the Criminal Code, which deals with prostitution, especially among commercial sex workers and users of prostitution services. Legal certainty in the criminalization of prostitution and users of prostitution services is needed in order to prevent the increasingly widespread criminal acts of prostitution, violations of women's rights and other criminal acts that are the impact of prostitution. It is necessary to reformulate Article 2 of the ITE Law so that commercial sex workers who are exploited get protection and the direction of legal responsibility lies with users of prostitution services and those who exploit sex workers.

55 Anindia and Sularto, "Kebijakan Hukum Pidana Dalam Upaya Penanggulangan Prostitusi Sebagai Pembaharuan Hukum Pidana."

56 Eko Noer Kristiyanto, "Jangkauan Hukum Nasional Terhadap Prostitusi Daring," *Jurnal Penelitian Hukum De Jure* 19, no. 1 (2019): 1.

57 Ferry Irawan Febriansyah and Halda Septiana Purwinarto, "Pertanggungjawaban Pidana Bagi Pelaku Ujaran Kebencian Di Media Sosial," *Jurnal Penelitian Hukum De Jure* 20, no. 2 (2020): 177.

SUGGESTION

The need for criminalization as a penal measure against users of prostitution services is key in the practice of prostitution. However, in solving the problem of prostitution in Indonesia, it is not enough solely through criminal means alone. But it can also be combined with providing skills and capital training for commercial sex workers. So that in this case sex workers are not only criminalized related to their work but also given skills to avoid re-entering the world of prostitution and being protected by women's human rights in Indonesia.

ACKNOWLEDGMENTS

Thank you to the Faculty of Law of UPN Veteran Jakarta and the University of Muhammadiyah North Sumatra for supporting the completion of this research. The author also expressed his gratitude to *Pengelola Journal of Legal Research De Jure*. Hopefully, this article will provide benefits for readers.

REFERENCES

- Abdullah, Saiful. "Kebijakan Hukum Pidana (Penal) Dan Non Hukum Pidana (Non Penal) Dalam Menanggulangi Aliran Sesat Saiful Abdullah, Sh Abstrak." *Law Reform* 4, no. 2 (2017): 95–110.
- Alam, A. S. *Pelacuran Dan Pemerasan Studi Sosiologi Tentang Eksploitasi Manusia Oleh Manusia*. Bandung: Penerbit Alumni, 1984.
- Amalia, Mia. "Analisis Terhadap Tindak Pidana Prostitusi Dihubungkan Dengan Etika Moral Serta Upaya Penanggulangan Di Kawasan Cisarua Kampung Arab." *Jurnal Hukum Mimbar Justitia* 2, no. 2 (2016): 850–865.
- Amalia, and Astry Sinda. "Dampak Lokalisasi Pekerja Seks Komersial (PSK) Terhadap Masyarakat Sekitar (Studi Kasus Di Jalan Soekarno-Hatta Km.10 Desa Purwajaya Kabupaten Kutai Kartanegara)." *Jurnal Administrasi Negara* 1, no. 2 (2013): 1–14.
- Anindia, Islamia Ayu, and R B Sularto. "Kebijakan Hukum Pidana Dalam Upaya Penanggulangan Prostitusi Sebagai Pembaharuan Hukum Pidana." *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 18–30.
- Arief, Barda N. *RUU KUHP Baru: Sebuah*

- Restrukturisasi/Rekonstruksi Sistem Hukum Pidana Indonesia*. Semarang: Badan Penerbit Universitas Diponegoro, 2017.
- Arief, Barda Nawawi. *Beberapa Aspek Kebijakan Penegakan Dan Pengembangan Hukum Pidana*. Edisi Revi. Bandung: PT. Citra Aditya Bakti, 2005.
- Beccaria, Cesare. *Perihal Kejahatan Dan Hukuman*. Yogyakarta: Genta Publishing, 2011.
- Budijanto, Oki Wahyu. "Peningkatan Akses Bantuan Hukum Kepada Masyarakat Miskin." *Jurnal Penelitian Hukum De Jure* 16, no. 4 (2017): 463–475. <https://ejournal.balitbangham.go.id/index.php/dejure/article/viewFile/193/56>.
- Dirkareshza, Rianda, and Eka NAM Sihombing. "Acceleration of Village Welfare through Bumdes: Disorientation of Implementation of Bumdes Regulations and Policies." *Jurnal Penelitian Hukum De Jure* 21, no. 4 (2021): 419.
- Djanggih, Hardianto, and Nasrun Hipan. "Pertimbangan Hakim Dalam Perkarapencemaran Nama Baik Melalui Media Sosial (Kajian Putusan Nomor: 324/Pid./2014/PN.SGM)." *Jurnal Penelitian Hukum De Jure* 18, no. 1 (2018): 93.
- Erianjoni, Erianjoni, and Ikhwan Ikhwan. "Pola Dan Jaringan Prostitusi Terselebung Di Kota Padang." *Humanus: Jurnal Ilmiah Ilmu-Ilmu Humaniora* 11, no. 2 (2012): 112–118.
- Febriansyah, Ferry Irawan, and Halda Septiana Purwinarto. "Pertanggungjawaban Pidana Bagi Pelaku Ujaran Kebencian Di Media Sosial." *Jurnal Penelitian Hukum De Jure* 20, no. 2 (2020): 177.
- Handoko, Dwi. *Asas-Asas Hukum Pidana Dan Hukum Penitensier Di Indonesia: (Dilengkapi Dengan Evaluasi Pembelajaran Dalam Bentuk Teka-Teki Silang Hukum Dan Disertai Dengan Humor Dalam Lingkup Ilmu Dan Pengetahuan Tentang Hukum)*. Pekanbaru: Hawa dan Ahwa, 2017.
- Hanifah, Ida, and Andryan Andryan. "The Rights to Review Policy Rules in the Perspective of Rule of Law." *Jurnal Penelitian Hukum De Jure* 21, no. 3 (2021): 321.
- Henry Arianto. "Hukum Responsif Dan Penegakan Hukum Di Indonesia." *Lex Journalica* 7, no. April (2010): 115–123.
- Hull, Terence H., Endang Sulistyaningsih, and Gavin W. Jones. *Pelacuran Di Indonesia: Sejarah Dan Perkembangannya*. Jakarta: Pustaka Sinar Harapan bekerja sama dengan the Ford Foundation, 1997.
- Institute For Criminal Justice Reform. "Melawan Praktik Prostitusi Anak Di Indonesia Dan Tantangannya." *Icjr.or.Id*.
- Irwansyah, Lutfi. "Kemiskinan , Keluarga Dan Prostitusi Pada Remaja." *Psycology Forum UMM* 2, no. 1 (2016): 214.
- Islamy, Yolanda, and Herman Katimin. "UPAYA KRIMINALISASI TERHADAP PENGGUNA JASA PROSTITUSI DALAM PERPSEKTIF HUKUM POSITIF DI INDONESIA." *Jurnal Ilmiah Galuh J* 9 (2021): 76–91.
- Kompas. "Kasus Prostitusi PA, Bagaimana Seharusnya Penegakan Hukumnya?" *Kompas.Com*. Jakarta, 2021.
- Kristiyanto, Eko Noer. "Jangkauan Hukum Nasional Terhadap Prostitusi Daring." *Jurnal Penelitian Hukum De Jure* 19, no. 1 (2019): 1.
- Laksono, P & Riska Magfiraini. "Cyber Prostitution: Bergesernya Masalah Sosial Ke Dalam Ruang Virtual." *Jurnal Analisa Sosiologi* 3, no. 1 (2014): 53–69.
- Mahardika, I Komang, and Yusa Wijaya I Gede. "Kriminalisasi Terhadap Perbuatan Penggunaan Jasa Prostitusi Di Indonesia." *Kertha Wicara : Journal Ilmu Hukum* 9, no. 1 (2019): 1–17.
- Michael D E Goodyear, assistant professor and Linda Cusick, reader in substance use, Protection of sex workers, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1767242/>, accessed on October, 24, 2022.
- Muhaimin, Muhaimin. "Restoratif Justice Dalam Penyelesaian Tindak Pidana Ringan." *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 185.
- Muhamad Khalif Ardi, Supanto Supanto,

- Rehnalemken Ginting. "Criminalization of Commercial Sex Workers and Service Users of Commercial Sex Workers in Criminal Law Renewal." *International Journal of Multicultural and Multireligious Understanding* 8, no. 12 (2021): 267–273.
- Murdiyanto, Murdiyanto. "Dampak Penutupan Lokalisasi Terhadap Pekerja Seks Komersial (PSK) Dan Sosial Ekonomi Masyarakat Sekitar." *Media Informasi Penelitian Kesejahteraan Sosial* 43, no. 3 (2020): 195–210.
- Nanik, Suhar, Sanggar Kamto, and Yayuk Yuliati. "Fenomena Keberadaan Prostitusi Dalam Pandangan Feminisme" 15, no. 4 (2013): 23–29.
- Nugroho, Okky Chahyo. "Tanggung Jawab Negara Dalam Penanganan Tindak Pidana Perdagangan Orang." *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 543.
- Patnani, M. "Prostitusi: Antara Pilihan Atau Keterpaksaan." *KOGNISI Majalah Ilmiah Psikologi*. Jakarta, 1999.
- Pisani, Elizabeth. *Kearifan Pelacur: Kisah Gelap Di Balik Bisnis Seks Dan Narkoba*. Jakarta: Serambi, 2008.
- Pradana, Arya Mahardhika. "Tinjauan Hukum Pidana Terhadap Prostitusi Dan Pertanggungjawaban Pidana Para Pihak Yang Terlibat Dalam Prostitusi." *Jurnal Hukum & Pembangunan* 45, no. 2 (2015): 276.
- Prasetyo, Wahyu Adi. "Jaringan Sosial Prostitusi Peran Dan Fungsi Mucikari Di Lokalisasi Sanggahan Tretes." *Jurnal UNAIR* 3, no. 1 (2014): 17–28.
- Purnomo, T. *Membedah Dunia Pelacuran Surabaya Kasus Kompleks Pelacuran Dolly*. Jakarta: Grafiti Pers, 2010.
- Rahman, Faiz, and Dian Agung Wicaksono. "Researching References on Interpretation of Personal Data in the Indonesian Constitution." *Jurnal Penelitian Hukum De Jure* 21, no. 2 (2021): 187.
- Rahmanto, Tony Yuri. "Penegakan Hukum Terhadap Tindak Pidana Penipuan Berbasis Transaksi Elektronik." *Jurnal Penelitian Hukum De Jure* 19, no. 1 (2019): 31.
- Ranggawidjaja, Rosjidi. *Pengantar Ilmu Perundang-Undangan Indonesia*. Bandung: Penerbit Mandar Maju, 1998.
- Revena, Dey, and Kristian. *Kebijakan Kriminal (Criminal Justice)*. Jakarta: Kencana, 2017.
- Rusyidi, Binahayati, and Nunung Nurwati. "Penanganan Pekerja Seks Komersial Di Indonesia." *Prosiding Penelitian dan Pengabdian kepada Masyarakat* 5, no. 3 (2019): 303.
- Sevrina, Gea Illa. "Kebijakan Kriminalisasi Praktik Prostitusi Di Indonesia." *Law and Justice* 5, no. 1 (2020): 17–29.
- Sibuea, Harris Y P. "Penegakan Hukum Prostitusi Di Indonesia." *Info Singkat Hukum* 7, no. 10 (2015): 1–4.
- Sugama, I Dewa Gede Dana, and Diah Ratna Sari Hariyanto. "Politik Hukum Pemberantasan Prostitusi Online Terkait Kriminalisasi Pekerja Seks Komersial Dan Pengguna." *Kertha Wicaksana* 15, no. 2 (2021): 158–168.
- Suzanalisa, Suzanalisa, Abadi B Darmo, and Bunyamin Alamsyah. "KAJIAN YURIDIS TERHADAP PENETAPAN PELAKU PEKERJA SEKS KOMERSIL PROSTITUSI ONLINE SEBAGAI KORBAN TINDAK PIDANA PERDAGANGAN ORANG MENURUT HUKUM PIDANA INDONESIA (Studi Kasus Di Wilayah Hukum Kepolisian Daerah Jambi)." *Legalitas: Jurnal Hukum* 11, no. 2 (2019): 288.
- Widayati, Lidya Suryani. "Kebijakan Kriminalisasi Kesusilaan Dalam Rancangan Undang-Undang Tentang Hukum Pidana Dari Perspektif Moral (Criminalization Of Decency In The Criminal Code Bill From Moral Perspectives)." *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 9, no. 2 (2019): 181–198.
- Wieczorek, Łukasz, and Zbigniew Lasocik. "Legal and Social Implications of Sexual Services Other than Prostitution." *Archiwum Kryminologii*, no. XLII/2 (2020): 133–174
- Yale Law School, Protecting the Health and Rights of Sex Workers in the US and globally, <https://law.yale.edu/ghjp/projects/gender-sexuality-and-rights/protecting-health-and-rights-sex-workers-us-and-globally>, accessed on October 24, 2022.