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| **Submission**  **Track:**  Received:  ..................  Final Revision:  ..................  Available online:  .....................  Corresponding  Author:  Aya Mohammed Youssef Abd Allah, Wardah Yuspin, Kelik Wardiono, Indah Maulani | **ABSTRACT / ABSTRAK**  **Purpose of thestudy :**  Describe the comparison of Online Prostitution Law in Indonesia and Egypt  **Methodology :**  Basing it on qualitative doctrinal approach methods. Therefore, in this study, it is preferable to secondary data collected by literature studies. Data that has been processed for further qualitative analysis  **Results:**  The results of this study found that the comparison of the two countries has similarities, namely the lack of legislation on online prostitution and the existence of a police speciality that investigates cases of prostitution in Egypt namely "Good Moral Police" while in Indonesia there is no.  **Applications of this study :**  **Novelty/ Orginalty of this study:**  The novelty value of this study is the comparison of the law with the specificity of the police who are in the case of prostitution in Egypt which is the differentiator.  *Keywords: Legal Comparisons, Legal Considerations, Online Prostitution* |

# Introduction

Prostitution or prostitution is one form of community disease that must be stopped from spreading, without neglecting prevention and repair efforts. Pimping in the practice of prostitution is an important aspect because most of the prostitution cases that are revealed in Indonesia especially in major cities are run bypimps. Nowadays with technology, the development of prostitution is very easy to obtain. The use of internet-based technology makes it easier to pimps to run their businesses, usually used by obscene content through online media such as [[1]](#footnote-1) *Whatsapp* to attract their customers. Many pimps who use online media with obscene content are only tried with minimal criminality sourced in the Criminal Code only. The use of online media as a promotional medium for prostitution we already know can be punished more severely with the provisions contained in Law No. 11 of 2008 on Information and Electronic Technology. Prostitution is the exchange of sexual relations with money or gifts as a prostitution trade transaction. Meanwhile, in prostitution there are several people involved, including service providers, service users, and Commercial Sex Workers (PSK). [[2]](#footnote-2)

Online prostitution is becoming one of the forms of crime that is growing due to the advancement of science and technology, the development of technology leads to the spread of prostitution business because it can utilize internet means in the transactions and offers of prostitution. The advantages of using computer technology and the internet, transactions for prostitution activities no longer need to meet in places where Commercial Sex Workers (PSK) usually peddle themselves such as in localization places or on the roadside. It certainly provides security for both service users and Commercial Sex Workers (PSK), so that the use of the internet as a marketing tool for Commercial Sex Workers (PSK) and pimps in order to attract customers is becoming increasingly popular. By using internet media provides flexibility for someone to transact without the need to meet in person. In its development there are various internet facilities used in online prostitution activities, such as using social media, websites, blogs, and online forums. The mode used is to offer and install photos of Commercial Sex Workers (PSK) complete with personal data and contact info that can be contacted by consumers at any time either by mobile phone or electronic mail.[[3]](#footnote-3)

[Prostitution](https://www.liputan6.com/tag/prostitusi) or prostitution is considered a crime against decency or morals and against the law. Even so, statistics show that this business is increasingly booming. Havocscope calculates the world's prostitution revenues, there is a number of countries that are on the highest list in the business. The country that ranked first in the transaction up to 73 billion U.S. dollars is China. Meanwhile, Indonesia ranked 12th with a business value of 2.25 billion US dollars. Meanwhile, a number of cases that have been convicted of crimes related to online prostitution, as follows:[[4]](#footnote-4)

**Table 1. Online Prostitution Case Data in Indonesia and Egypt**

|  |  |  |
| --- | --- | --- |
| Indonesian | | |
| Award Number | punishment | regulation |
| 800/Pid.Sus/2017/PN.Bpp | Imprisonment for 1 year 3 months and a fine of Rp 100.000.000,- | Fulfilling the elements of Article 27 paragraph (1) of Law No. 19 of 2016 concerning amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions, Criminalization of Article 197 kuhap |
| 443/ Pid.Sus/2019/PN.Smn | Imprisonment of 5 Years and a fine of Rp 200.000.000,- | Article 2 UURI No. 21 of 2007 concerning the Eradication of Trafficking Crimes jo article 65 paragraph (1) penal code |
| 70/ Pid.Sus/2019/PN.Bjn | Imprisonment 1 year and 2 months | Article 27 paragraph (1) Jo Article 45 (1) UURI No.19 year 2016 on amendments to Law No. 11 of 2008 on ITE, Law No.8 of 1981 |
| 193/ Pid.B/2020/PN.Tjg | Imprisonment 1 year | Article 296 of the Criminal Code, Law No.8 of 1981 on KUHAP, Article 193 kuhap |
| Egypt | | |
| Award Number | punishment | Regulation |
| Case No. 120 in 2016 from the Court of Appeal | Imprisonment for a period of no more than two years and a fine of no less than five thousand pounds | Criminal Article 178 of the Criminal Code governs, Any person who publishes graphic clips on social networking sites if it is harmful to life |
| Case No. 535 of 2020Inventaris of Supreme State Security | Imprisonment for a period of not less than two years and not exceeding 5 years, and a fine of not less than 100,000 pounds and not exceeding 300,000 pounds, or one of two penalties | The Anti- CyberCrime Act Article 25 Anyone who violates any of the principles or values of the family or violates the sanctity of personal life or sends many e-mails to a particular person without his or her consent |

Source: Self-processed

Criminal law enforcement has been using Article 296 of the Criminal Code,namely:

"Anyone who intentionally abuses or facilitates obscene by others with others and makes it a livelihood or habit, is threatened with a maximum imprisonment of one year and four months or a maximum fine of fifteen thousand rupiah."

This article stipulates that punishment can only be imposed on people who intentionally cause or facilitate obscene acts with other people, and make it a livelihood or habit.[[5]](#footnote-5) Article 297 of the Criminal Code threatens anyone who trafficks women and trafficking in boys who are not yet mature. And in Article 506, it is stated that:

"Whoever takes advantage of the obscene act of a woman and makes it a livelihood, is threatened with a maximum imprisonment of one year"

Thus, the enforcement of criminal law against prostitution service providers who market prostitution online is done to the maximum, because it should be toughened up in relation to online marketing.

Based on the description of the research problem above, the **problem is formulated:**How does thelaw of online prostitution in Indonesia and Egypt compare? . **The purpose** of this study is to describe the comparison of Online Prostitution Law in Indonesia and Egypt

# RESEARCH METHOD

* 1. Types of Research

The type of research used in this study is normative legal research. **Normative legal** research is legal research that places the law as a building system of norms. The system of norms referred to is about the principles, norms, rules of legislation, court decisions, agreements and doctrines (doctrines).[[6]](#footnote-6)

* 1. Research Approach

The research approach used in this study is qualitative approach.

* 1. Data and Data Sources

In this study the authors used two data sources, namely:

* + 1. Primary Data

Primary data is data obtained directly from the first source. Data in the form of information or facts obtained through the interview process with the source at the research site.[[7]](#footnote-7)

* + 1. Secondary Data

Secondary data is data obtained by an organization or individual from another party who has collected and processed before. Secondary data include official documents, books, research results in the form of reports and so on.[[8]](#footnote-8)[[9]](#footnote-9)

The secondary data types in this study are:

1. Primary Legal Materials
   * + - 1. Criminal Code;
         2. Law No. 23 of 2004 on the Elimination of Domestic Violence;
         3. Law No. 21 of 2007 on People Trafficking;
         4. Law No. 44 of 2008 on Pornography
         5. Law No. 11/2008 on Information and Electronic Transactions.
2. Secondary Legal Materials

Materials that provide explanation of primary legal materials in the form of literature, research results, opinions of legal experts, and from the internet media.

* + 1. Data Collection Techniques

Based on the approach used in this research, the method of data collection used is the study of literature or documents (library research). Literature studies are conducted on secondary data, namely data sourced from literature research, and obtained not directly from the first source, but from data that has been documented in the form of legal materials. This literature research is intended to obtain secondary data by studying literature, legislation, theories, opinions of scholars and other matters related to penal policy.

* + 1. Data Analysis Techniques

Data analysis is conducted qualitatively and then identified and categorized. Qualitative analysis is a method of analysis that basically uses logical thinking, analysis with logic with induction, deduction, analogylinterpretation, comparison and the like. The method of thinking used is a deductive method that is based on a general knowledge base to examine specific issues. From the results of the analysis will then be drawn conclusions as an answer to the problem.

**RESULTS &DISCUSSION**

**3.1 Legal Comparison on Online Prostitution in Indonesia**

**Verdict No. 800/Pid.Sus/2017/PN.Bpp**

The first element based on the norm is "whoever". Whoever is any person as the subject of criminal law, in this case is a person who is brought before the court as a defendant. Based on thejudge's consideration of the element of "whoever" states that the subject or perpetrator of a criminal offence, namely a certain person as a person (Natuurlijk Persoon) as the subject of law supporting rights and obligations, none other than the person himself, who committed the crime as alleged. That in this case what is meant by "Whoever" in the Public Prosecutor's Indictment is referred to is the defendant IDA NORHAYATI Alias MBOK IDA Binti NORMANSYAH, with the identity as mentioned in the Indictment where based on the testimony of the witnesses and the testimony of the defendant himself during the trial, the defendant has the ability to follow the course of the trial properly, and not found on the accused the existence of physical and spiritual behavior in the accused based on justification and forgiving reasons in criminal law can release him from the ability to be responsible. Thus the element of "whoever", has been proven legally and convincingly according to the law. The legal consideration of the judge refers to the evidence presented in the Indictment and based on the testimony of the witnesses and the testimony of the accused.

Comparison of the content of the judge's considerations with norms, jurisprudence and doctrine. The element "whoever" in The Verdict No. 800/Pid.Sus/2017/PN.Bpp mentioned that IDA NORHAYATI Alias MBOK IDA Binti NORMANSYAH as a defendant, in this case can be categorized as a legal subject in the element "whoever". Statements about whether or not the element of "whoever" and indicators are examined by the judge. in nsur "whoever" in The Verdict No. 800/Pid.Sus/2017/PN.Bpp mentioned that IDA NORHAYATI Alias MBOK IDA Binti NORMANSYAH as a defendant, in this case can be categorized as a legal subject in the element of "whoever". Based on the norm, Jurisprudence and Doctrine whoever constitutes any person as the subject of criminal law, in this case is a person who is filed before the court as a defendant. Whereas according to the judge's consideration of the element "whoever" states that the subject or perpetrator of a criminal act, namely a certain person as a person (Natuurlijk Persoon) as the subject of law supporting rights and obligations, none other than the person himself, who committed the crime as alleged.

Argument statement about whether or not the element of "whoever" and indicators examined by the judge in the element "whoever" in The Verdict No. 800/Pid.Sus/2017/PN.Bpp mentioned that IDA NORHAYATI Alias MBOK IDA Binti NORMANSYAH as a defendant, in this case can be categorized as a legal subject in the element of "whoever" considered by the judge based on the prosecutor's indictment and facts in the trial. The element of "whoever" between The Verdict No. 800/Pid.Sus/2017/PN.Bpp with Norma, Jurisprudence and Existing Doctrine has been appropriate, evidenced by the doctrine that "whoever" is everyone as the subject of criminal law, in this case is a person who is presented before the court as a defendant, meaning the defendant IDA NORHAYATI Alias MBOK IDA Binti NORMANSYAH proved valid, able to be responsible.

The second element, which is the element *"Intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and/or electronic documents that have content that violates decency".* Intentionally / intentionally that is to want to realize an act, want not to do / neglect a legal obligation, and also want the onset of the consequences of the act. As already known together in the doctrine (group of opinions of legal experts) then the element of Deliberateness (opzetelijk) is divided into 3 (three) categories:

* + Opzet als oogmerk (intentionality as a meaning);
  + Opzet als rechtste bewuste zijn (deliberately aware of certainty);
  + Opzet als mogelijkheid (intentionally aware of the possibilities);

From the description if connected, then the element of deliberateness in distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have the content of insult and/or defamation is Opzet als oogmerk (intentionally as a purpose) or at least Opzet als rechtste bewuste zijn (intentionally aware of certainty), so that we will describe the role of the accused who has had such an element of deliberateness.

According to S.R. SIANTURI, SH. (In his book Principles of Criminal Law in Indonesia and its Application, p.165) that Deliberateness from the point of formation is a will (desire) to carry out an action driven by the fulfillment of lust. In other words, intentionality is directed against an action. What is meant deliberately here is the act done by the accused by knowing the consequences of the accompanying circumstances. That according to the Great Dictionary of The Indonesian Language, the intended deeds (planned), are intended so, not by chance, can be concluded as an act done deliberately, said without rights because the defendant did by offering the women and photos to serve men striped noses to intercourse through WhatsApp media and the accused sent to the man with a striped nose who ordered that Article 27 paragraph (1) of the Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions: "Every Person willfully and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have a charge that violates decency".

Thus the element "Intentionally and without right to distribute and/or transmit and/or make accessible electronic information and/or electronic documents that have content that violates decency", has been proven legally and convincingly. Consideration of the Judge with the element "*Intentionally and without the right to distribute and / or transmit and / or make accessible electronic information and / or electronic documents that have a charge that violates decency"* refers to the Indictment by taking into account the facts of the trial obtained from the testimony of witnesses, instructions, experts, defendants' information and evidence, as follows:

* + That is true, on Wednesday, September 20, 2017 around 01.00 Wita at Swiss Bell Inn Hotel on Jalan Jenderal Sudirman Balikpapan, East Kalimantan;
  + That is true, on Monday, September 18, 2017 Sdr. KURDI along with witness LUKMAN HAKIM, Sdr. SUYANTO and witness RONI PATANA who is a Member of Unit II Subdit IV Reknata Ditreskrimum Polda Kaltim get information from the public if in Tenggarong there is a mother who works as a pimp;
  + That is true, then the next day on September 19, 2017 kurdish witnesses contacted the accused as pimps through a chat "WhatsApp" to ask If there is a girl who can meet a man with a striped nose, but at that time the defendant replied, shortly afterwards the defendant sent 2 (two) photos of women that can be chosen through "WhatsApp" to Sdr. KURDI, then Sdr. KURDI chose one of the 2 (two) women, namely sak the PRINCESS SYAHRUL BC and asked the tariff for short time and long time, then the defendant informed the tariff for short time of Rp.3.500.000,- (three million five hundred thousand rupiah) and at that time the defendant promoted the woman who can be booked through WhatsApp with the aim of ordering Sdr. KURDI wanted to book witness PUTRI SYAHRUL BC, then after receiving the promotion through the message "WhatsApp" Sdr. KURDI agreed to book the witness PUTRI SYAHRUL BC and asked the defendant to bring witness PUTRI SYAHRUL BC to the Swiss Bell Inn Hotel in Balikpapan, after an agreement then Sdr. KURDI sent a down payment as a token of Rp.2.000.000,- (two million rupiah) to BNI Bank account in the name of the accused and the rest will be paid after the defendant along with witness PUTRI SYAHRUL BC arrived at Swiss Bell Inn Balikpapan Hotel;
  + That is true, around 11:50 p.m. when the defendant along with witness PUTRI SYAHRUL BC at the Swiss Bell Inn Balikpapan Hotel met with Sdr. KURDI, then witness PUTRI SYAHRUL BC was taken to room number 312 to meet with witness LUKMAN HAKIM, arriving in Room 312 conducted security against the witness PUTRI SYAHRUL BC by witness LUKMAN HAKIM, Sdr. SUYANTO and witness RONI PATANA, then made an arrest of the accused in the Lobby of the Swiss Bell Inn Balikpapan Hotel by Sdr. KURDI, then the defendant along with witness PUTRI SYAHRUL BC and evidence in the form of 1 (one) small Samsung hp unit white color with no. Imei 358305/06/589383/7 No. HP 085245613094, 1 (one) unit of HP Asus black white color with No. Imei 353263062540221 with No. HP 085787568010, 1 (one) BNI ATM card with the number 5371 7604 9006 8888 signature on behalf of IDA NORHAYATI and cash amounting to Rp. 2.210.000,- (two million two hundred ten thousand rupiah) brought to the Dit Office. Reskrimum Polda Kaltim for further examination;
  + That is true, the defendant who received money from guests (bookers) amounting to Rp.4.000.000,- (four million rupiah), with the payment of Rp.2.000.000,- (two million rupiah) transferred Sdr. KURDs to BNI account number: 0358702457 in the name of the accused, while the remaining Rp.2.000.000,- (two million rupiah) received by the defendant in the room of Swiss Bell Inn Balikpapan Hotel from Sdr. KURDI;
  + That after the examination and interrogation of the accused is known to the accused in carrying out the pimping activities are carried out by promoting or informing the woman who can be booked through social media means "WhatsApp" by giving a tariff or price of Rp.3.500.000,- (three million five hundred thousand rupiah) for short time whose payment is received by the defendant, then from the payment of ata tariff u the price of the witness PUTRI SYAHRUL BC as the woman in the booking will get paid or wages accompanying guests (bookers) of Rp.3.000.000,- (three million rupiah) and the defendant gets a wage of Rp.500.000,- (five hundred thousand rupiah) ;
  + That the accused in carrying out his activities as a Pimp or selling women to serve intercourse with men with striped noses conducted by promoting or informing women who can be booked through social media means "WhatsApp" has deliberately and without the right to distribute and / or transmit and / or make accessible Electronic Information and / or Electronic Documents that have a content that violates decency and it is continuously done as an effort to make it as a search or habit;

The legal consideration of the Judge refers to the evidence presented in the Indictment in the form of:

* + 1 (one) unit of HP Xiomi Redmi 3s rose gold color with Imei Number: 86111037997221 with Mobile Number : 081256250419 ;
  + 1 (one) small Samsung hp unit black color with Imei number: 356805/07/815572/0 with mobile number: 085347556642;
  + 1 (one) small white Samsung HP unit with Imei number: 358305/06/589383/7 with mobile number: 0857787567010 ;-
  + 1 (one) BNI ATM card with Number: 5371 7604 9006 888 Signature An. IDA NORHAYATI ;
  + 1 (one) bill swiss bell hotel room number 312 An. Guest Mr. Lukman Hakim check in date 19/09/2017 ;

And based on the facts in the trial in the form of:

* + 1 (one) small Samsung HP unit in White color with no. Imei 358305/06/589383/7 No. hp 085245613094
  + 1 (one) unit of HP Asus black white color with Imei No. 353263062540221 with No. HP 085787568010,
  + 1 (one) BNI ATM card with number 5371 7604 9006 8888 signature on behalf of IDA NORHAYATI and 1 (one) bill of Swiss Bell Hotel No.Kamar 312 an guest Mr.Lukman Hakim check date 19/09/2017,. which has been used to commit crimes and is feared to be used to repeat crimes / is the result of crime, it is necessary to be determined that the evidence is destroyed;
  + Cash amounting to Rp. 2.210.000,- (two million two hundred and ten thousand rupiah) that has been used to commit crimes and or is the result of crimes and has an economic value, it is necessary to set the evidence for the state to be seized;

Comparison of the content of the judge's consideration with norms, jurisprudence and doctrine in the element "*Intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and/or electronic documents that have a charge that violates decency"*in Decision No. 800/Pid.Sus/1 2017/PN.Bpp mentioned that the defendant deliberately committed an act by carrying out his activities as a pimp or selling women to serve intercourse with men with striped noses that are done by promoting through social media "Whatsapp" deliberately and continuously carried out as an effort to make it as a search or habit, this can be categorized as intentional.

Element "*Intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and/or electronic documents that have a charge that violates decency*" in Decision No. 800/Pid.Sus/2017/PN.Bpp mentioned that the defendant deliberately doing deeds by carrying out its activities as pimps or selling women to serve intercourse with men striped noses that are done by promoting through social media "Whatsapp" deliberately and continuously done as an effort so as to make it as a search or habit, this can be categorized as intentional.

Based on the norm, Jurisprudence and Doctrine Intentionally / intentionally that requires to realize an act, wants not to do / neglect a legal obligation, and also wants the onset of the consequences of the act. Whereas according to the judge's consideration, deliberately is an act done by the defendant by knowing the consequences of the accompanying circumstances.

The defendant deliberately committed the act by carrying out his activities as a pimp or selling women to serve intercourse with men with striped noses that are done by promoting through social media "Whatsapp" deliberately and continuously carried out as an effort so as to make it as a search or habit, this can be categorized as deliberate consideration by the judge based on the prosecutor's indictment as well as facts in p the view.

Element "*Intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and/or electronic documents that have content that violates decency*" in Decree No. 800/Pid.Sus/2017/PN.Bpp with Norma, Jurisprudence and Doctrine that exist has been appropriate, evidenced by the doctrine that deliberately is to realize an act, want not to do / neglect a legal obligation, and also want the onset of the consequences of the act, in this case the defendant deliberately committed the act by carrying out his activities as a pimp or selling women to serve intercourse with men striped noses conducted by promoting through social media "Whatsapp" deliberately and continuously conducted as an effort.

**Verdict No. 70/Pid.Sus/2019/PN.Bjn**

The first element is the "Everyone" element. Everyone is an individual or corporation, whether incorporated or non-incorporated. The Judge's consideration of the element of "everyone" states that everyone is the subject of criminal law which in this case refers to the human being as a persoon naturlijk who is suspected of committing a crime as outlined in the prosecutor's indictment. That in the Law of the Republic of Indonesia Number 11Year 2008 concerning Information and Electronic Transactions Article 1 number 21 has set the understanding of people are individuals, both Indonesian citizens, foreign nationals, and legal entities. Consideration of the judge with the element "*Everyone*" refers to the Indictment filed by thePublic Prosecutor, as well as based on the testimony of the witnesses and the testimony of the defendant himself during the trial. The element "*Everyone*" referred to is thedefendant YULIATIN BINTI MASKUN, with the identity as mentioned in the Indictment.

That the defendant's trial is an individual who expressly confirms the identity as mentioned in the indictment, as well as the testimony of witnesses, knowing and justifying, that the person who is suspected of committing a crime in this case, which means that in this case there is no error in Persona submitted before the court, therefore according to the Assembly the elements of each person as intended have been fulfilled. The legal consideration of the judge refers to the Indictment filed by the Public Prosecutor based on the facts of the trial by the accused and witnesses. The element of "everyone" in the Verdict No. 70/Pid.Sus/2019/PN.Bjn mentioned that YULIATIN BINTI MASKUN as a defendant, in this case can be categorized as an individual in the element of "every person". Based on the norm, jurisprudence and the doctrine of "everyone" is an individual or corporation, both incorporated and non-incorporated. Meanwhile, according to the judge's consideration of the element "everyone" states that everyone is the subject of criminal law which in this case refers to humans as naturlijk persoon who is suspected of committing a criminal offence.

The element of "everyone" in The Verdict No. 70/Pid.Sus/2019/PN.Bjn mentioned that YULIATIN BINTI MASKUN as a defendant, in this case can be categorized as an individual in the element of "everyone" considered by the judge based on the prosecutor's indictment as well as facts in the trial. The element of "every person" between The Verdict No. 70/Pid.Sus/2019/PN.Bjn with Norma, Jurisprudence and doctrine has been appropriate, evidenced by the norm that everyone is an individual or corporation, both incorporated and not incorporated, meaning that defendant YULIATIN BINTI MASKUN proved as human being as a naturlijk persoon who is suspected of committing a criminal offence.

The second element is the element "Intentionally and without rights". Intentionally is to want to realize an act, want not to do / neglect a legal obligation, and also want the consequences of it. The Judge's consideration of the element "intentionally and without rights" in its development as contained in Decision No. 50/PUU-VI/2008, the Constitutional Court states "That the element intentionally and without rights is a unity that in the state of law enforcement must be proven by law enforcement, the element "intentionally" and "without rights" means the perpetrator "wills" and "knows" consciously that his actions are carried out without rights.

That in order to be fulfilled this element of an inner nature must be fulfilled first elements of its material deeds, therefore the Assembly will consider the next element. Consideration of the judge with the element "Intentionally and without rights" refers to the Prosecutor's Indictment filed by the Public Prosecutor in the form of:

* + 1. Cash amounting to Rp. 300.000,- (three hundred thousand rupiah)
    2. 1 (One) unit nokia brand hand phone white color black combination with sim cardnya
    3. 1 (One) unit of Huawei black hand phone
    4. 1 (One) blue OPPO hand phone unit with sim card
    5. 1 (One) unit of nokia hand phone brand black;- Cash of Rp. 200.000,- (two hundred thousand rupiah)
    6. Datsun GO PANCA White Vehicle No.Pol : S-1322-AV on behalf of WAHYU DWI HANDAYANI address Dusun Karang Desa Tanjungharjo Kec. Kapas Kab. Bojonegoro. with the key
    7. VEHICLE REGISTRATION DATSUN GO PANCA White color No.Pol: S-1322- AV on behalf of WAHYU DWI HANDAYANI address Dusun Karang Desa Tanjungharjo Kec. Kapas Kab. Bojonegoro;

The element "intentionally and without rights" in The Verdict No. 70/Pid.Sus/2019/PN.Bjn mentioned that the accused deliberately and without inner rights. Based on the norm, Jurisprudence and Doctrine, deliberately is a desire to realize an act, want not to do / neglect a legal obligation, and also want the onset of the consequences of the act. Whereas according to the judge's consideration that the element intentionally and without rights is a unity that in the state of law enforcement must be proven by law enforcement, Element "intentionally" and "without rights" means the perpetrator "wants" and "knows" consciously that his actions are done without rights. That in order to be fulfilled this element of an inner nature must be fulfilled first elements of its material deeds, therefore the Assembly will consider the next element.

The element "intentionally and without rights" in The Decision No. 70/Pid.Sus/2019/PN.Bjn mentioned that the defendant deliberately and without inner rights, in order to be able to fulfill this element of an inner nature must be fulfilled first elements of his material deeds, therefore the Tribunal will consider the next element.

The element "intentionally and without rights" between The Decision No. 70/Pid.Sus/2019/PN.Bjn with the Norms, Jurisprudence and Existing Doctrines has been appropriate, in order to be able to fulfill this element that is mentally must be fulfilled first elements of its material deeds, therefore the Tribunal will consider the next element

The third element is the element *"Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency", relating to the*  previous element of the element "intentionally and without rights", with objective elements as follows:

* + His actions in the form of distributing and/or transmitting and/or making accessible
  + Against the law in the form of without rights that is an act that violates the law and brings harm to others, obliging the person who inflicts the loss because of his fault to compensate for the loss
  + The object is electronic information and/or electronic documents that have a charge that violates decency

While the subjective element is deliberately a desire to realize an action, want not to do / neglect a legal obligation, and also want the onset of the consequences of the act. Judge's consideration that in the formulation of Article 27 paragraph (1) law No. 11 of 2008 there are 2 elements, namely objective elements and subjective elements. The objective elements in the article are:

* 1. His actions (in the form of distributing, transmitting, making accessible) ;
  2. Against the law, which is meant by "without rights";
  3. The object is electronic information and/or electronic documents

While the subjective element is in the form of error, which is meant by "intentionally". Consideration of judges with the element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" refers to the indictment filed by the Public Prosecutor in the form of:

* + 1. Cash amounting to Rp. 300.000,- (three hundred thousand rupiah)
    2. 1 (One) unit nokia brand hand phone white color black combination with sim cardnya
    3. 1 (One) unit of Huawei black hand phone
    4. 1 (One) blue OPPO hand phone unit with sim card
    5. 1 (One) unit of nokia hand phone brand black;- Cash of Rp. 200.000,- (two hundred thousand rupiah)
    6. Datsun GO PANCA White Vehicle No.Pol : S-1322-AV on behalf of WAHYU DWI HANDAYANI address Dusun Karang Desa Tanjungharjo Kec. Kapas Kab. Bojonegoro. with the key
    7. VEHICLE REGISTRATION DATSUN GO PANCA White color No.Pol: S-1322- AV on behalf of WAHYU DWI HANDAYANI address Dusun Karang Desa Tanjungharjo Kec. Kapas Kab. Bojonegoro ;

The element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" in Decree No. 70/Pid.Sus/2019/PN.Bjn states that distributing and/or transmitting and/or making accessible is an act against the law intentionally and without rights, in this case it is included in the element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" and relates to the element "intentionally and without rights".

The element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" in Decree No. 70/Pid.Sus/2019/PN.Bjn states that distributing and/or transmitting and/or making accessible is an act against the law intentionally and without rights, in this case it is included in the element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" and relates to the element "intentionally and without rights".

Based on norms, jurisprudence, and the doctrine that the element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have a charge that violates decency" relates to the previous element of the element "intentionally and without rights", with objective elements as follows:

* + His actions in the form of distributing and/or transmitting and/or making accessible
  + Against the law in the form of without rights that is an act that violates the law and brings harm to others, obliging the person who inflicts the loss because of his fault to compensate for the loss
  + The object is electronic information and/or electronic documents that have a charge that violates decency

Then the subjective element is intentionally a desire to realize an act, want not to do / neglect a legal obligation, and also want the onset of the consequences of the act.

While the Consideration of Judges that in the formulation of Article 27 paragraph (1) Law No. 11 of 2008 there are 2 elements, namely objective elements and subjective elements. The objective elements in the article are:

1. His actions (in the form of distributing, transmitting, making accessible) ;
2. Against the law, which is meant by "without rights";
3. The object is electronic information and/or electronic documents

While the subjective element is in the form of error, which is meant by "with". The element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" in Decree No. 70/Pid.Sus/2019/PN.Bjn states that distributing and/or transmitting and/or making accessible is an act against the law intentionally and without rights, in this case it is included in the element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have a charge that violates decency" and relates to the element "intentionally and without rights" considered by the judge based on the prosecutor's indictment as well as the facts in the trial.

Element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" between the consideration of the judge in Decision No. 70/Pid.Sus/2019/PN.Bjn with Norma, Jurisprudence and Doctrine have been appropriate, it is proven that distributing and/or transmitting and/or making accessible is an act against the law intentionally and without rights, in this case included in the element "Distributing and/or transmitting and/or making accessible electronic information and/or electronic documents that have content that violates decency" and relates to the element "intentionally and without rights".

**Verdict No. 443/Pid.Sus/2019/PN Smn**

The first element is the "Everyone" element. Everyone is an individual or corporation, whether incorporated or non-incorporated. The Judge's consideration is that whoever is a legal subject, to whom he can be held accountable for all his actions.

The judge's consideration of the element of "everyone" refers to the indictment filed by the Public Prosecutor. That in this case filed as Defendant is a man who claimed to be named ANTON YUNIANTO AL. PANDU BIN SLAMET RIYADI with all his identity in accordance with the indictment, which during the trial behaved normally and can answer well the questions asked to him, so that the element of whoever this is has been fulfilled. The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor. The element of "everyone" in The Verdict No. 443/Pid.Sus/2019/PN Smn mentions that ANTON YUNIANTO AL. PANDU BIN SLAMET RIYADI as a defendant, in this case can be categorized as an individual in the element of "everyone".

The element of "everyone" in The Verdict No. 443/Pid.Sus/2019/PN Smn mentions that ANTON YUNIANTO AL. PANDU BIN SLAMET RIYADI as a defendant, in this case can be categorized as an individual in the element of "everyone". Based on the norm Everyone is an individual or corporation, both incorporated and unentities, while based on the consideration of the judge anyone who can be the subject of the law, to whom he can be held accountable for all actions he does.

The element of "everyone" in The Verdict No. 443/Pid.Sus/2019/PN Smn mentioned that ANTON YUNIANTO AL. PANDU BIN SLAMET RIYADI as a defendant, in this case can be categorized as an individual in the element of "everyone" considered by the judge based on the prosecutor's indictment as well as facts in the trial. The element of "every person" between the consideration of the judge in The Decision  No. 443/Pid.Sus/2019/PN Smn with the Norms, Jurisprudence and Doctrines that exist has been appropriate, evidenced in the doctrine that "everyone" is an individual, namely ANTON YUNIANTO AL. PANDU BIN SLAMET RIYADI as the subject of law, which can account for all actions that he does.

The second element, *"The element of recruitment, transportation, shelter, transfer, transfer, or acceptance of a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, entangling of debts or giving payment or benefit despite obtaining the consent of the person in control of another person".*

That the element of "hiring, transporting, sheltering, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt entangling or paying or benefiting despite obtaining consent from a person in control of another person" is therefore evidenced by the facts of the trial.

Judge's consideration that in the element referred to because it contains an alternative understanding then in this case will be directly proven based on the facts revealed in court. The judge's consideration of "Elements of recruitment, transport, shelter, transfer, transfer, or acceptance of a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, entangling of debts or paying or benefiting despite obtaining the consent of the person in control of another person" refers to the defendant's answer based on the facts trial because it is an alternative.

The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor in the form of:

* + - * 1. 21 (twenty-one) nominal money sheets of Rp100,000, (one hundred thousand rupiah) and 1 (one) nominal money sheet of Rp.50.000,- (fifty thousand rupiah) totaling Rp.2.150.000,- (two million one hundred fifty thousand rupiah)
        2. 1 (one) piece of Oppo F 9 Brand Mobile maroon color with Mobile Number: 08122087776;
        3. 7 (seven) pieces of denominations worth Rp 100,000, (one hundred thousand rupiah) with a total of Rp. 700.000,-;
        4. 1 (one) piece of Vivo Y.9 Brand Mobile in black;
        5. 15 (fifteen) pieces of cash denominations of Rp 100,000, (one hundred thousand rupiah) and 1 (one) nominal money sheet of Rp.50.000,- (fifty thousand rupiah) totaling Rp.1.550.000,- (one million five hundred fifty thousand rupiah);
        6. 1 (one) card-shaped room key, orange color, inscribed with 226 ID: Horaios PASS : horaioshotel.
        7. 1 (one) white bed linen;
        8. 1 (one) white bedcover;
        9. 1 (one) white towel;- 1 (one) pair of white Horaios hotel slop sandals.
        10. 1 (one) de Laxton hotel room key with number 225;
        11. 1 (one) key to Hotel De Laxton room number 228.
        12. 2 (two) bath towels;
        13. 2 (two) single duve (blanket);
        14. 2 (two) inner singles;
        15. 1 (one) black mobile phone, Brand XIOMI REDMI 5 PLUS;
        16. 8 (eight) condoms brand fiesta strawberry red color;
        17. Some tissue sheets paseo brand white color;
        18. 2 (two) pieces of red silk condom wrap;
        19. 1 (one) used condom.
        20. 5 (five) packs of red fiesta condoms;
        21. Some tissues have been used.

The element of "recruiting, transporting, sheltering, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, bondage or giving payment or benefit despite obtaining approval from the person in control of others" in the verdict no. 443/Pid.Sus/2019/PN Smn is alternative therefore proven based on the facts of the trial.

The element of "recruiting, transporting, sheltering, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, bondage or giving payment or benefit despite obtaining approval from the person in control of others" in the verdict no. 443/Pid.Sus/2019/PN Smn is alternative therefore proven based on the facts of the trial.

The element of "recruiting, transporting, sheltering, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt entangling or paying or benefiting despite obtaining consent from a person in control of another person" in the verdict no. 443/Pid.Sus/2019/PN Smn has been considered by the judge based on the defendant's testimony based on the facts in the trial because it is alternative.

The element of "recruiting, transporting, sheltering, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, bondage or payment or benefit despite obtaining approval from the person in control of others" among the considerations of the judge in the decision no. 443/Pid.Sus/2019/PN Smn with norms, jurisprudence and existing doctrines are appropriate, because it is alternatively proven based on the facts of the trial.

The third element, namely the Element "for the purpose of *exploiting the person in the territory of the Republic of Indonesia".* Exploitation is an act with or without the consent of a victim that includes but is not limited to prostitution, forced labor or service, slavery or similar practices of slavery, oppression, extortion, physical, sexual, reproductive organ utilization, or unlawfully transferring or transplanting organs and/or body tissues or utilizing one's energy or ability by others to gain material or immaterial benefits.

The Judge's consideration that as the facts above turned out that the defendant had correctly asked witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who needed sexual services, and the defendant had determined the amount of one sexual relations service amounting to Rp.1.200.000,- (one million two hundred thousand rupiah), with the distribution of the defendant's proceeds get money of Rp.500.000 ,- (five hundred thousand rupiah) of each sexual relations service transaction, then in this case according to the Assembly for the purpose of exploiting the person in the territory of the Republic of Indonesia has been fulfilled. Consideration of the judge with the element "For the purpose of exploiting the person in the territory of the Republic of Indonesia" refers to the indictment. The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor in the form of:

* + - * 1. 21 (twenty-one) nominal money sheets of Rp100,000, (one hundred thousand rupiah) and 1 (one) nominal money sheet of Rp.50.000,- (fifty thousand rupiah) totaling Rp.2.150.000,- (two million one hundred fifty thousand rupiah)
        2. 1 (one) piece of Oppo F 9 Brand Mobile maroon color with Mobile Number: 08122087776;
        3. 7 (seven) pieces of denominations worth Rp 100,000, (one hundred thousand rupiah) with a total of Rp. 700.000,-;
        4. 1 (one) piece of Vivo Y.9 Brand Mobile in black;
        5. 15 (fifteen) pieces of cash denominations of Rp 100,000, (one hundred thousand rupiah) and 1 (one) nominal money sheet of Rp.50.000,- (fifty thousand rupiah) totaling Rp.1.550.000,- (one million five hundred fifty thousand rupiah);
        6. 1 (one) card-shaped room key, orange color, inscribed with 226 ID: Horaios PASS : horaioshotel.
        7. 1 (one) white bed linen;
        8. 1 (one) white bedcover;
        9. 1 (one) white towel;- 1 (one) pair of white Horaios hotel slop sandals.
        10. 1 (one) de Laxton hotel room key with number 225;
        11. 1 (one) key to Hotel De Laxton room number 228.
        12. 2 (two) bath towels;
        13. 2 (two) single duve (blanket);
        14. 2 (two) inner singles;
        15. 1 (one) black mobile phone, Brand XIOMI REDMI 5 PLUS;
        16. 8 (eight) condoms brand fiesta strawberry red color;
        17. Some tissue sheets paseo brand white color;
        18. 2 (two) pieces of red silk condom wrap;
        19. 1 (one) used condom.
        20. 5 (five) packs of red fiesta condoms;
        21. Some tissues that have been used;

The element "for the purpose of exploiting the person in the territory of the Republic of Indonesia" in The Verdict No. 443/Pid.Sus/2019/PN Smn stated that the defendant had properly asked witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests in need of sexual services, and the defendant has determined the amount of one sexual relations service tariff of Rp.1.200.000,- (one million two hundred thousand rupiah), with the distribution of the proceeds of the accused getting money of Rp.500.000,- (five hundred thousand rupiah) from each sexual relations service transaction, then in this case according to the Assembly for the purpose of exploiting the person in the territory of the Republic of Indonesia has been fulfilled;

The element "for the purpose of exploiting the person in the territory of the Republic of Indonesia" in The Verdict No. 443/Pid.Sus/2019/PN Smn stated that according to the judge's consideration based on the fact that the defendant had properly asked witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who needed sexual services, and the defendant has determined the amount of one sexual relations service tariff of Rp.1.200.000,- (one million two hundred thousand rupiah), with the distribution of the proceeds of the accused getting money of Rp.500.000,- (five hundred thousand rupiah) from each sexual relations service transaction.

Whereas under doctrine, Exploitation is an act with or without the consent of the victim which includes but is not limited to prostitution, forced labor or service, slavery or similar practices of slavery, oppression, extortion, physical, sexual, reproductive organs, or unlawfully transferring or transplanting organs and/or tissues of the body or utilizing one's energy or ability by others to gain material or immaterial advantage, so in this case according to the Tribunal for the purpose of exploiting the person in the territory of the Republic of Indonesia has been fulfilled;

The element "for the purpose of exploiting the person in the territory of the Republic of Indonesia" in The Verdict No. 443/Pid.Sus/2019/PN Smn stated that according to the judge's consideration based on the fact that the defendant had properly asked witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who needed sexual services, and the defendant has determined the amount of one sexual relations service tariff of Rp.1.200.000,- (one million two hundred thousand rupiah), with the distribution of the proceeds of the accused getting money of Rp.500.000,- (five hundred thousand rupiah) from each sexual relations service transaction, which is considered by the judge based on the defendant's testimony based on facts in the trial

Element "for the purpose of exploiting the person in the territory of the Republic of Indonesia" between the consideration of the judgein The Verdict No. 443/Pid.Sus/2019/PN Smn with Norma, Jurisprudence and Doctrine that exist has been appropriate, evidenced by the fact that the defendant has rightly asked witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who need sexual services, and the defendant has determined the amount of one sexual relations service tariff of Rp.1.200.000,- (one million two hundred thousand rupiah), with the distribution of the proceeds of the accused getting money of Rp.500.000,- (five hundred thousand rupiah) from each sexual relations service transaction, which is considered by the judge based on the defendant's testimony based on facts in the trial

The fourth element is, Element *"do a concurrent few actions that should be seen as a stand-alone act so that it is some crime that is threatened with similar principal criminal".* Perbarengan is the occurrence of two or more crimes by one person where the first crime is not necessarily in the criminal fall, or between the first crime and the next criminal has not been limited by a judge's decision. Judge's consideration that based on the facts as outlined above, at the time the defendant was found to have asked the witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who needed sexual services then; elements of doing along with some actions that must be seen as stand-alone deeds so that some crimes that are threatened with similar principal crimes, have been fulfilled and proven;

The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor in the form of:

* + - * 1. 21 (twenty-one) nominal money sheets of Rp100,000, (one hundred thousand rupiah) and 1 (one) nominal money sheet of Rp.50.000,- (fifty thousand rupiah) totaling Rp.2.150.000,- (two million one hundred fifty thousand rupiah)
        2. 1 (one) piece of Oppo F 9 Brand Mobile maroon color with Mobile Number: 08122087776;
        3. 7 (seven) pieces of denominations worth Rp 100,000, (one hundred thousand rupiah) with a total of Rp. 700.000,-;
        4. 1 (one) piece of Vivo Y.9 Brand Mobile in black;
        5. 15 (fifteen) pieces of cash denominations of Rp 100,000, (one hundred thousand rupiah) and 1 (one) nominal money sheet of Rp.50.000,- (fifty thousand rupiah) totaling Rp.1.550.000,- (one million five hundred fifty thousand rupiah);
        6. 1 (one) card-shaped room key, orange color, inscribed with 226 ID: Horaios PASS : horaioshotel.
        7. 1 (one) white bed linen;
        8. 1 (one) white bedcover;
        9. 1 (one) white towel;- 1 (one) pair of white Horaios hotel slop sandals.
        10. 1 (one) de Laxton hotel room key with number 225;
        11. 1 (one) key to Hotel De Laxton room number 228.
        12. 2 (two) bath towels;
        13. 2 (two) single duve (blanket);
        14. 2 (two) inner singles;
        15. 1 (one) black mobile phone, Brand XIOMI REDMI 5 PLUS;
        16. 8 (eight) condoms brand fiesta strawberry red color;
        17. Some tissue sheets paseo brand white color;
        18. 2 (two) pieces of red silk condom wrap;
        19. 1 (one) used condom.
        20. 5 (five) packs of red fiesta condoms;
        21. Some tissues that have been used;

The element of "doing along with some acts that should be seen as stand-alone acts so that it is some crime that is threatened with similar principal crimes" in The Verdict No. 443/Pid.Sus/2019/PN Smn mentioned that the defendant had asked witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who needed sexual services then the element of conducting a concurrent number of acts that should be seen as stand-alone acts so that it is some crime that is threatened by a similar criminal, fulfilled and proven.

The element of "committing a series of acts that must be seen as stand-alone acts so that it is some crime that is threatened with similar principal crimes" in Verdict No. 443/Pid.Sus/2019/PN Smn mentioned that based on norms, jurisprudence and doctrine of The Compound is the occurrence of two or more crimes by one person where the first crime is not necessarily in the criminal fall, or between the first crime and the next criminal act has not been limited by a judge's verdict.

While based on the consideration of the judge the defendant turned out to have asked the witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who need sexual services then the element of doing a concurrent number of acts that should be seen as a stand-alone act so that it is some crimes that are threatened with similar principal crimes, has been fulfilled and proven.

The element of "doing along with some acts that should be seen as stand-alone acts so that it is some crime that is threatened with similar principal crimes" in The Verdict No. 443/Pid.Sus/2019/PN Smn mentioned that the defendant had asked witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who needed sexual services then the element of conducting a concurrent number of acts that should be seen as stand-alone acts so that it is some crime that is threatened by a similar criminal, has been fulfilled and proven, which is considered by the judge based on the defendant's testimony based on the facts in the trial.

Element "doing alongside some acts that should be seen as stand-alone deeds so that it is some crime that is threatened with similar principal criminal" between the judge's decision in Decision No. 443/Pid.Sus/2019/PN Smn with Norma, Jurisprudence and Doctrine that exist has been appropriate, evidenced by the defendant turned out to have asked the witness Winda Fatmawati and witness Heni Nawangjati to provide sexual services to male guests who need sexual services then the element of doing along with some acts that should be seen as a stand-alone act so that it is some crimes threatened with similar principal crimes, has been fulfilled and proven, which is considered by the judge based on the testimony of the accused based on the facts in the trial

**Decree No. 193/Pid.B/2020/PN.Smn**

The first element is the *"Anyone".* Whoever is any person as the subject of criminal law, in this case is a person who is brought before the court as a defendant. The Judge's consideration of the element of "whoever" states that anyone who is anyone is a legal subject of the alleged criminal. Consideration of the judge with the element of "anyone" refers to the indictment filed by the Public Prosecutor. That the meaning of "anyone" is LUNTANG BIN LANTUNG which after going through the examination at the level of investigation and pre-prosecution is then faced at the trial as a Defendant, which based on the testimony of witnesses and the testimony of the Defendant himself, it can be concluded that the person who faced the trial is the true Defendant, the person referred to by the Public Prosecutor with the identity in accordance with the identity of the Accused as mentioned in the Indictment. The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor.

The element "whoever" in The Verdict No. 193/Pid.B/2020/PN.Smn mentioned that LUNTANG BIN LANTUNG as a defendant, in this case can be categorized as a legal subject in the element "whoever". Based on the norm, Jurisprudence and Doctrine whoever constitutes any person as the subject of criminal law, in this case is a person who is filed before the court as a defendant. Whereas according to the judge's consideration of the element "whoever" states that anyone as the subject of the law is charged as the perpetrator of a criminal offence.

The element "whoever" in The Verdict No. 193/Pid.B/2020/PN.Smn mentioned that LUNTANG BIN LANTUNG as a defendant, in this case can be categorized as a legal subject in the element of "whoever" is considered by the judge based on the prosecutor's indictment as well as the facts in the trial. The element of "whoever" between the consideration of the judge in The Decision No. 193/Pid.B/2020/PN.Smn with the Norms, Jurisprudence and Doctrine that exist has been appropriate, evidenced by the doctrine that "whoever" is everyone as the subject of criminal law, in this case is a person who is filed before the court as a defendant, meaning that the defendant LUNTANG BIN LANTUNG proved valid, and able to be responsible for the crimes committed.

The second element is the *"Intentional" element.* Intentionally / intentionally that is to want to realize an act, want not to do / neglect a legal obligation, and also want the onset of the consequences of the act. Judge's consideration that the understanding of "Intentionally" means the act and its consequences is indeed desired. Consideration of the judge with the element "Other elements" refers to the indictment filed by the Public Prosecutor, this element "Deliberately" the evidence is suspended on the provenness of material acts as described in the third to fourth elements for which must be considered first;

The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor, in the form of:

* + - * 1. 9 (nine) unused silk condoms;
        2. 1 (one) used silk condom;
        3. 1 (one) blue Xiomi Note 7 mobile phone;
        4. Cash Rp. 610.000,-(six hundred ten thousand rupiah).

The comparison of elements "deliberately" in The Decision No. 193/Pid.B/2020/PN.Smn mentioned that the evidence is hung on the provenness of material acts as described in the third to fourth elements for which must be considered first.

The element "intentionally" in The Decision No. 193/Pid.B/2020/PN.Smn mentioned that the evidence is hung on the provenance of material acts as described in the third to fourth elements for which must be considered first. Based on the norm, Jurisprudence and Doctrine Intentionally / intentionally that requires to realize an act, wants not to do / neglect a legal obligation, and also wants the onset of the consequences of the act. While according to the consideration of the Judge, deliberately means the act and its consequences are desired.

The element "intentionally" in The Decision No. 193/Pid.B/2020/PN.Smn mentioned that the evidence is hung on the provenance of material acts as described in the third to fourth elements for which must be considered first, so that in consideration the element judge "deliberately" refers based on the testimony of the accused based on the facts of the trial.

The element of "deliberate" between the consideration of the judge in The Decision No. 193/Pid.B/2020/PN.Smn with the existing Norms, Jurisprudence and Doctrine has been appropriate. Evidenced by the doctrine that intentionally / intentionally that is to want to realize an act, want not to do / neglect a legal obligation, and also want the onset of the consequences of the act. While according to the judge's consideration, deliberately means the act and its consequences are desired

The Third Element, which is the Element *"causes or facilitates obscene by others with others".* Fornication is an arbitrary act against the other party with an element of violence and coercion. Consideration of judges with the element of "causing or facilitating obscene by others with others" in The Decision No. 193/Pid.B/2020/PN.Smn, that obscene acts are all acts that violate decency (decency) or abominable acts, all of them in the environment of sexual lust.

In the third element is an alternative, so this element is declared fulfilled sufficiently when one of the alternative actions can be proven. That based on these considerations, the Panel of Judges held that the Defendant had facilitated lewdness between others and others where the Defendant had promoted it through his Mi Chat Application through his Mobile phone in order to obtain a male consumer with a striped nose who would have sex with witness Fajriany Mahdjah Als Pia Als Jajung Binti Syahran and witness Nur Laila Khamisah Als Lala Binti Irman. The judge's consideration of the element of "causing or facilitating obscene by others with others" refers to the indictment. The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor in the form of:

* + - * 1. 9 (nine) unused silk condoms;
        2. 1 (one) used silk condom;
        3. 1 (one) blue Xiomi Note 7 mobile phone;
        4. Cash Rp. 610.000,-(six hundred ten thousand rupiah).

The element of "causing or facilitating obscene by others with others" in The Verdict No. 193/Pid.B/2020/PN.Smn mentioned that the defendant facilitated lewdness between others and others where the defendant had promoted it through the Mi Chat application through his mobile phone in order to obtain a male consumer with a striped nose who would be in contact with witness Fajriany Mahdjah Als Pia Als Jajung Binti Syahran and witness Nur Laila Khamisah Als Lala Binti Irman.

The element of "causing or facilitating obscene by others with others" in The Verdict No. 193/Pid.B/2020/PN.Smn mentioned that the defendant facilitated lewdness between others and others where the defendant had promoted it through the Mi Chat application through his mobile phone in order to obtain a male consumer with a striped nose who would be in contact with witness Fajriany Mahdjah Als Pia Als Jajung Binti Syahran and witness Nur Laila Khamisah Als Lala Binti Irman.

Based on the norm, Jurisprudence and Doctrine, fornication is an arbitrary act against the other party with an element of violence and coercion. But based on the judge's consideration of lewd acts are all acts that violate decency (decency) or abominations, all of them in the environment of sexual lust.

The element of "causing or facilitating obscene by others with others" in Verdict No. 193/Pid.B/2020/PN.Smn mentioned that the defendant facilitated lewdness between others and others where the defendant had promoted it through the Mi Chat application through his mobile phone in order to obtain a male consumer with a striped nose who would be in contact with witness Fajriany Mahdjah Als Pia Als Jajung Binti Syahran and witness Nur Laila Khamisah Als Lala Binti Irman, considered by the judge based on the prosecutor's indictment as well as the facts in the trial.

The element of "causing or facilitating obscene by others with others" among the considerations of judges in Decision No. 193/Pid.B/2020/PN.Smn with Norma, Jurisprudence and Doctrine that exist has been appropriate, evidenced by the defendant facilitates obscene between others and others where the defendant has promoted it through the application Mi Chat through his mobile phone to get consumers men striped nose that will be in contact with witnesses Fajriany Mahdjah Als Pia Als Jajung Binti Shahran and witness Nur Laila Khamisah Als Lala Binti Irman

The fourth element, which is the Element  *"make as a search or habit".* Search is the job that becomes the joint of livelihood. The consideration of the Judge in the fourth element is alternative, so that this element is declared fulfilled sufficiently when one of the alternative acts can be proven. That based on these considerations, the Panel of Judges argued that the defendant's actions were premature to make it as a search because from the beginning the Defendant had booked a hotel, gave condoms when serving male consumers with striped noses, and the Defendant had also obtained a money yield of Rp. 50,000.- (fifty thousand rupiah) for 1 (one) guest received by the Defendant after a transaction/payment of Rp. 300.000,- (three hundred thousand rupiah); The judge's consideration with the element "Other elements" refers to the indictment. The legal consideration of the judge refers to the evidence submitted by the Public Prosecutor in the form of:

1. 9 (nine) unused silk condoms;
2. 1 (one) used silk condom;
3. 1 (one) blue Xiomi Note 7 mobile phone;
4. Cash Rp. 610.000,-(six hundred ten thousand rupiah).

The element of "making as a search or habit" in The Verdict No. 193/Pid.B/2020/PN.Smn mentioned that the defendant had been diniati to make it as a search because from the beginning the defendant had already booked a hotel, provide condoms when serving male consumers with striped noses, and the defendant has also obtained a money yield of Rp 50,000,- (fifty thousand rupiah) for 1 (one) guest received by the Defendant after a transaction / payment of Rp 300,000,- (three hundred thousand rupiah).

The element of "making as a search or habit" in The Verdict No. 193/Pid.B/2020/PN.Smn mentioned that the defendant had been diniati to make it as a search because from the beginning the defendant had already booked a hotel, provide condoms when serving male consumers with striped noses, and the defendant has also obtained a money yield of Rp 50,000,- (fifty thousand rupiah) for 1 (one) guest received by the Defendant after a transaction / payment of Rp 300,000,- (three hundred thousand rupiah).

Based on the norm, Jurisprudence and Doctrine, Search is the work that becomes the joint of livelihood. Whereas according to the judge's consideration of the element "make as a search orhabit" states that the element mustbe declared fulfilled sufficiently when one of the alternative acts can be proven based on the facts in court.

The element of "making as a search or habit" in The Verdict No. 193/Pid.B/2020/PN.Smn mentioned that the defendant had been diniati to make it as a search because from the beginning the defendant had already booked a hotel, provide condoms when serving male consumers with striped noses, and the defendant has also obtained a money yield of Rp 50,000,- (fifty thousand rupiah) for 1 (one) guest received by the Defendant after a transaction / payment of Rp 300,000,- (three hundred thousand rupiah), which is considered by the judge based on the defendant's testimony based on facts in the trial.

Element "make as a search or habit" between the consideration of the judge in The Decision No. 193/Pid.B/2020/PN.Smn with Norma, Jurisprudence and Doctrine have been appropriate, it is proven that the defendant was indeed diniati to make it as a search because from the beginning the defendant had booked a hotel, gave condoms when serving male consumers with striped noses, and the defendant had also obtained a money of Rp 50,000,- (fifty thousand rupiah) for 1 (one) guest received by the Defendant after a transaction / payment of Rp 300,000,- (three hundred thousand rupiah).

**3.2 Legal Comparison of Online Prostitution in Egypt**

**Case 1: )**  **case No. 4917 for 2020 Sahel Crimes, restricted to 2016 for the year 2020)**

Hanin Hossam Known as the "Tik Tok Girl", Whose Account on "Tik Tok" is being monitored by about a million users, The Supreme State Security Prosecutor charged her with "committing the crime of human trafficking by dealing with normal persons who are girls who she used in acts contrary to the principles and values of Egyptian society , For money.

The Monitoring Unit of the Attorney-General's Office monitored a wide range of social media participants, and several requests were received to its official Facebook account to investigate the accused for publishing a video posted through her social media account; During which she invited the girls to participate in an electronic group called "Agency" founded through the said app and the owner of the Chinese company; For girls to broadcast live, available to all, watch it, get to know and talk to their followers; In exchange for receiving wages in US dollars, the number of followers and participants in this broadcast increases, The Attorney-General ordered an investigation into the incident and the arrest and interrogation of the accused.

Investigations and follow-up confirmed the creation of the section, which is the subject of investigation, a violent shock to Egyptian society, because it contained a direct invitation from the accused of the girls to commit acts contrary to public morals and the values and principles of Egyptian society, And her attempt to circumvent this by claiming through the section the legitimacy of what she is doing , and inciting the girls to what she called to achieve the highest possible percentages to follow what they offered through the said application in pursuit of profit, And that these follow-ups lead to abnormal conversations between girls and men and the holding and arranging of sinful sexual encounters between them in closed rooms for dialogue that end in incitement to debauchery , Girls were motivated to provoke men with immoral acts in an effort to increase the proportion of broadcast followers to a certain extent required by the owner's company to receive the financial return they had promised.

Using an online social media app "likee app" It carries with it in a hidden way calls for incitement to debauchery and the temptation to prostitution. By calling them on a group called "Likee Pyramid" she created on her phone to meet young people through live video and make friends during the quarantine., which has spread to the world because of the Corona epidemic with the intention of getting money,

At the trial hearing scheduled for 17 August for appeal in the Hanin Hossam case known as the "Tik Tok Girls" **case No. 4917 for 2020 Sahel Crimes, restricted to 2016 for the year 2020** whole north of Cairo, She was sentenced to two years in prison and a fine of 300,000 Egyptian pounds (about $20,000), for "violating the principles of Egyptian society and family", by publishing images and videos "disruptive to public modesty", The announcement of "immoral" meetings and the call for females to use these platforms, according to the authorities.

**Discussion:**

Criminal responsibility in Egyptian law is the obligation of the individual to bear the consequences of his own actions unless there is any reason to commit the crime such as justification and legalization.

From the above definition we can classify the case as a criminal case because the actions committed by Hanin Hossam have disturbed the public interest and the family values of Egyptian society.

**Article 2 of the Anti-Human Trafficking Act No. 64 of 2010**

1. The perpetrator of the crime of human trafficking is anyone who deals in any way in a natural person, including sale, offer for sale, purchase or use.
2. Or exploit the state of vulnerability or need or promise to give, or receive money or benefits in exchange for the consent of a person to trade another person with control over him - and all of that - if it is for the purpose of exploitation whatever his form, including exploitation in prostitution and other forms of sexual exploitation.
3. Child exploitation in this and in pornography, forced labour, forced service, slavery, slavery-like and enslavement, begging or removal of organs or human tissues or part of them.

In accordance with **article 1 of the Anti-Prostitution Act No. 10 of 1961,** "Anyone who incites, assists or facilitates the commission of debauchery or prostitution by a male or female person, anyone who uses, lured or seduced him with the intention of committing debauchery or prostitution is punishable by a minimum of one year's imprisonment and no more than 3 years' imprisonment and a fine of 100 to 300 pounds".

**Article 14 of the same Act**noted: "Anyone who has declared in any way an invitation that includes the temptation to debauchery or prostitution or to draw attention to this, he shall be sentenced to a maximum of 3 years' imprisonment and a fine of not more than 100 pounds".

**Case 2: ( No. 479 of 202 Cairo Economic Misdemeanour Court)**

Mawadah al-Adham is also a celebrity of "Tik Tok" in Egypt with 2.5 million followers, The accused Moda al-Adham trafficked in human beings, using both the child with “Sandy” and "Yasin. M”. Who is under the age of 18 In video shooting uploads her and posts it on her social media accounts taking advantage of their weakness and they're kids who don't realize in order to get a profit behind them, and upload videos of the child -child mentioned above- posted on social media They were decorated with behavior's contrary to the values of society that would encourage them to deviate.

Investigations confirmed that they were commercially exploited by earning money from them, and the defendants from the third to the fifth to participate in the ways of agreement and assistance with the first accused Hanin Hossam in committing the crime by agreeing with her to help her to grant her membership in the social media app "Likee" They enabled her to set up her own group to invite girls to participate in the application and the crime was committed.

The Cairo Economic Misdemeanors Court also punished, in Case No. 479 of 2020, two years imprisonment and a fine of 300,000 pounds, on YouTubers Mawaddah Al-Adham, Mohamed Abdel Hamid Zaki, Mohamed Alaa El-Din, and Ahmed Sameh Attia for accusing them of transgressing family principles and values in Egyptian society and inciting immorality and immorality. Create and manage social media accounts.

**Discussion:**

The first case was the violation of the curfew, at the beginning of its issuance at the beginning of the "Corona" pandemic, where it appeared in videos accompanied by a young man while they were on the street in the New Cairo area.

The above article, **No. 64 of 2010**, she was punished on combating human trafficking

The penalties are expected to be issued against the accused Mawadah al-Adham if the accusations of debauchery and debauchery are proven, as stipulated in **Article 269, duplicates of decree No. 11 of 2011 issued by the Supreme Council of the Armed Forces to amend some provisions of the Penal Code**

It states: "Anyone found in a public road or place of rain inciting passers-by to debauchery with signs or statements shall be sentenced to at least three months' imprisonment.

According to the law: "If the offender returns to commit this crime within one year of his final sentence for the first offence, the penalty shall be imprisonment for at least one year and a fine of at least 500 pounds and not more than 3,000 pounds, and the conviction entails placing the convicted person under police surveillance for a period equal to the length of the sentence".

**Article 306 of the article "A" stipulates:** "A penalty shall be punishable by imprisonment of at least six months or more than two years and a fine of not less than 500 pounds and not more than 2,000 pounds or one of these penalties. Anyone who has been exposed to a person by word, deed or pointing at a face that is ashamed of himself in a public road or place is subject to the provision of the previous paragraph if the scratching of modesty occurred by telephone or any means of wired or wireless communication.

**Case 3: (No. 26812 of 2020 Petitions of the Attorney General Lawsuit No. 579 of 2021(**

Reynad Emad is one of the heroines of the dance videos on Instagram and Tik Tok app, accused of creating a page on the Tik Tok app with the intention of declaring himself to engage in prostitution and inciting others to commit such facts, in violation of principles and values, The charges included human trafficking by exploiting her 8-year-old sister to gain followers. And create a page with the intention of committing a punishable crime.

It was the General Administration for the Protection of Morals, she has monitored the circulation of videos of a girl named Mona Allah A H, known as Reynad Emad, appearing with indecent content, Reynad also posts videos on Musically and Tik Tok, and the photos caused a stir on Facebook.

Investigations indicated in **case No. 26812 of 2020**, the Attorney General's petitions That the videos that the girl posted are Immoral and a call for debauchery Contrary to family and social values and principles in exchange for financial benefit that are determined by how much viewers increase those videos which are posted to all without discrimination.

And the shocking thing that the girl revealed in the investigations before the prosecution was that she left her father's house because of her anger at her for appearing on social media, she had relationships with young people and explained that she had sex with three young people in one night.

The Economic Court, in his presence, punished the accused, Renad Emad, a “Tik Tok” girl, with 3 years in prison and a fine of 100,000 pounds, for her conviction of assaulting values, by creating and broadcasting content outside of morals, and advocating for herself in an indecent manner, in the lawsuit filed against her by Lawyer Ashraf Farhat , founder of the campaign to cleanse the community, which bears No. 579 of 2021.

**Discussion:**

Criminal law is a law that regulates violations and crimes against the public interest and for violators are threatened with a law that is an affliction ortorment.

From the above definition we can classify the case as a criminal case because the actions committed by "Mena Allah" aka "Reynad Emad" have disturbed the public interest.

**Law No. 175 of 2018 to combat IT crimes states Article (25)** Punishable by imprisonment for at least six months, and a fine of not less than 50 thousand pounds or more than 100 thousand pounds, or in one of these penalties, anyone who assaulted any of the principles or family values in Egyptian society, violated the sanctity of private life or sent extensively many e-mails to a particular person without his consent, or granted data to an electronic system or website to promote goods or services without his consent or to publish through the information network or by one means of information Information technology, information, news, images and its judgment violates the privacy of any person without their consent , whether olished informmation is correct or incorrect.

**Legal opinion in the text of the punishable article:**

By reviewing the first paragraph of the article above the statement, we find it punishing "anyone who has attacked any of the principles or family values in Egyptian society" and Despite the provision of the state's right to establish family values under Article 10 of the Constitution, we are facing a punitive text and given the sanctions imposed by the penal code From serious restrictions on personal freedom , the text in this way is vague, inaccurate and broad in meaning and can be interpreted from several points of view, Especially in the absence of the executive regulations of the law, which might have been explained to us what family values meant to us.

**Case 4: (In Case No. 20 of 2020, the misdemeanour of Kufr Shukr)**

Manar Sami used to broadcast videos on the tik Tok app, which is bold and incites debauchery like dancing to folk songs in her home or on the street, besides its habit of photography in situations that are not in line with the morals and general morals of egyptian society.

Manar has nearly 300,000 followers on the photo and video sharing site Instagram, Investigations revealed that the accused indecently portrayed himself and broadcast it on social media in order to attract young people to practice vice in exchange for money.

**Discussion:**

The same article mentioned in the top 25 of Law No. 157 of 2018 to combat information technology

# CONCLUSION

Based on the results of the research and discussion conducted, it is concluded that:

Prostitution or prostitution is a profession of work that commercializes sex as a form of service to others. While Online Prostitution is an act that is done online using technology media. The regulation of criminal acts in positive law in Indonesia against online prostitution sanctions can be ensnared by using the Criminal Code contained in articles 296 and 506 for a pimp then concerning a psk Kitab Undang Hukum Kuhp mentions it as a religious on the basis of likes, which is done by a person with a married person or married (marriage) as contained in article 284 of the Criminal Code. Law No. 11 of 2008 concerning Information and Electronic Transactions which has been stipulated in article 27 paragraph (1) only limits the prohibition of commercial sex service providers and website owners only. And according to the author against the sanctions are still less severe, because the maximum fine of Rp. 1 billion is still relatively small when compared to the profit that can be obtained in managing the online prostitution network.

Online Prostitution according to Egypt is the act of renting out, providing, or engaging in sexual services for a fee stipulated in Anti-Prostitution Act No. 10 of 1961. Therefore, thelegal comparison between Indonesia and Egypt has similarities, namely that it does not have its own laws on online prostitution, especially to perpetrators and to Commercial Sex Workers without complaint. While the difference lies in law enforcement, that in Egypt there is a special police called "good moral police" who are specifically tasked to deal with online prostitution.

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