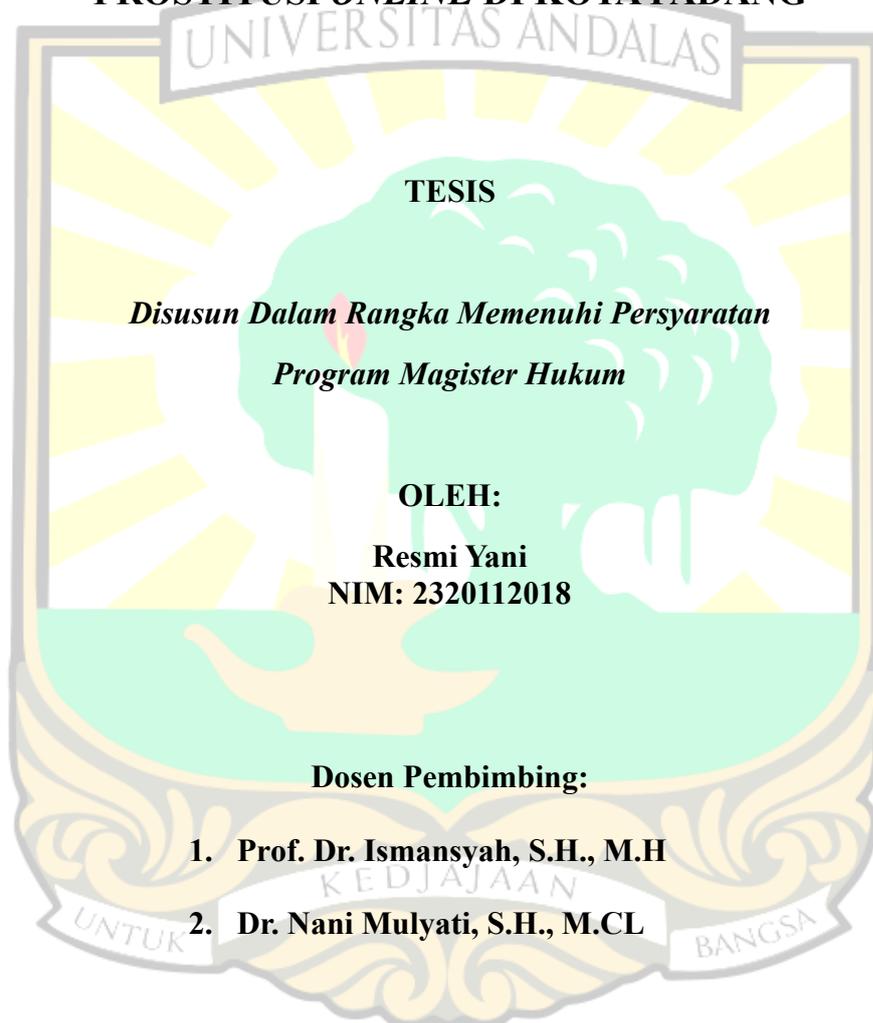




PENEGAKAN HUKUM TERHADAP PELAKU TINDAK PIDANA

PROSTITUSI *ONLINE* DI KOTA PADANG



TESIS

*Disusun Dalam Rangka Memenuhi Persyaratan
Program Magister Hukum*

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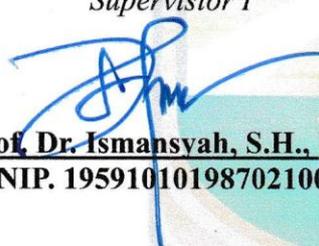
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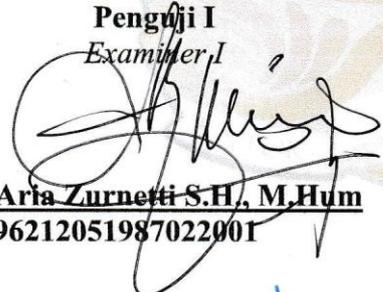
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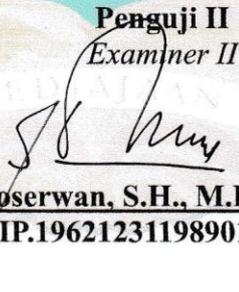
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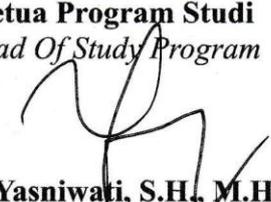
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ABSTAK

Perkembangan teknologi informasi telah mengubah pola kejahatan kesusilaan, termasuk praktik prostitusi yang bergeser dari pola konvensional ke ruang digital melalui media sosial dan aplikasi pesan instan. Fenomena prostitusi online di kota padang menimbulkan keresahan sosial karena bertentangan dengan nilai-nilai adat dan agama yang hidup dalam masyarakat sekaligus memunculkan tantangan baru bagi aparat penegak hukum terutama pada aspek pembuktian dan penentuan konstruksi pasal yang tepat. Rumusan Masalah pada penelitian ini adalah: (1) bagaimanakah penegakan hukum terhadap pelaku tindak pidana prostitusi online di kota padang? (2) apakah kendala dalam penegakan hukum terhadap pelaku tindak pidana prostitusi online di kota padang? (3) bagaimanakah upaya yang dilakukan untuk mengoptimalkan penegakan hukum terhadap pelaku tindak pidana prostitusi online di kota padang? Metode penelitian yang digunakan adalah penelitian hukum empiris dengan pendekatan yuridis-sosiologis, bersifat deskriptif-analitis. Data diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan yang relevan serta data lapangan melalui wawancara dengan aparat penegak hukum dan pihak terkait. Hasil penelitian menunjukkan bahwa penegakan hukum terhadap prostitusi online di kota padang menggunakan ketentuan Undang-Undang Nomor 1 Tahun 2023 tentang KUHP Baru terkait perbuatan memudahkan perbuatan cabul, serta dapat dikaitkan dengan UU TPPO, Penegakan hukum oleh Polresta Padang pada dasarnya telah berjalan secara sistematis melalui tahapan penyelidikan, penyidikan sesuai KUHAP, pengumpulan alat bukti (terutama perangkat komunikasi dan jejak digital/transaksi), penetapan tersangka, hingga pelimpahan berkas perkara ke kejaksaan, disertai koordinasi bersifat internal, eksternal, dan yuridis, meliputi keterbatasan jumlah penyidik dan kompetensi siber, kesulitan memperoleh alat bukti dan keterangan saksi/korban akibat stigma sosial, penggunaan identitas palsu, serta keragaman regulasi yang menuntut kehati-hatian dalam pembuktian unsur delik. Upaya optimalisasi yang diperlukan mencakup langkah previntif melalui pemantauan ruang digital dan literasi hukum, langkah represif dengan penguatan pembuktian elektronik dan ketepatan penerapan pasal, serta langkah rehabilitatif melalui penguatan perlindungan dan pemulihan korban.

Kata Kunci: Penegakan Hukum, Prostitusi Online, Pembuktian Elektronik, KUHP Baru, TPPO, Kota Padang

***LAW ENFORCEMENT AGAINST PERPETRATORS OF
ONLINE PROSTITUTION CRIMES IN PADANG CITY***

ABSTRACT

The development of information technology has transformed patterns of morality-related crimes, including prostitution, which has shifted from conventional practices to the digital sphere through social media and instant messaging applications. The phenomenon of online prostitution in Padang City has created social anxiety because it contradicts the customary and religious values upheld within the community, while also posing new challenges for law enforcement agencies, particularly in terms of evidentiary issues and the determination of an appropriate legal construction. The research questions in this study are: (1) how is law enforcement carried out against perpetrators of online prostitution in Padang City? (2) what are the obstacles in enforcing the law against online prostitution crimes in Padang City? and (3) what efforts are undertaken to optimize law enforcement against perpetrators of online prostitution in Padang City? This study employs an empirical legal research method with a socio-juridical approach and is descriptive-analytical in nature. Data were obtained through a literature review of relevant laws and regulations as well as field data collected from interviews with law enforcement officers and related parties. The findings show that law enforcement against online prostitution in Padang City applies the provisions of Law Number 1 of 2023 concerning the new Criminal Code (KUHP), particularly those related to facilitating indecent acts, and may also be linked to the Law on the Eradication of the Crime of Human Trafficking (TPPO) when elements of exploitation are present. In practice, law enforcement by the Padang City Police (Polresta Padang) has generally been conducted systematically through the stages of investigation and criminal investigation in accordance with the Indonesian Criminal Procedure Code (KUHAP), evidence collection (especially communication devices and digital/transaction traces), suspect designation, and the submission of case files to the public prosecutor's office, accompanied by coordination with relevant institutions for victim protection. The obstacles encountered are internal, external, and juridical in nature, including limited numbers of investigators and uneven cyber-competency, difficulties in obtaining evidence and witness/victim statements due to social stigma, the use of false identities, and the diversity of applicable regulations which requires careful proof of offense elements. Efforts to optimize law enforcement should include preventive measures through monitoring the digital sphere and strengthening legal literacy, repressive measures through enhancing electronic evidence handling and ensuring accurate application of legal provisions, and rehabilitative measures through strengthening victim protection and recovery.

Keywords: Law Enforcement, Online Prostitution, Elektronik Evidence, New Criminal Code (KUHP), Human Trafficking (TPPO), Padang City