

Criminal Policy on Prostitution and the Legal Position of Sex Workers in Indonesian Criminal Law Reform

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Abstract

This article examines how Indonesian law regulates parties involved in prostitution, the need for statutory harmonisation, and the relationship between penal and non-penal policy. It uses doctrinal legal research through statutory and conceptual analysis, supplemented by a limited comparison with Sweden's approach to purchaser liability. The findings show that facilitation, extramarital intercourse, trafficking, sexual exploitation, and pornography are governed by offences with different elements and protective purposes. Legal responsibility therefore depends on conduct and statutory requirements, while victim status requires separate assessment. The National Criminal Code and the 2026 Penal Adjustment Law also require careful distinction between historical and current provisions. Sweden illustrates a policy that criminalises purchasing sexual acts without criminalising their sale under the same provision. This comparison informs legislative options but does not establish that purchaser criminalisation would achieve the same outcomes in Indonesia. Any proposed offence should address a defined harm, specify fault and evidentiary requirements, avoid unnecessary overlap, and protect access to assistance. Enforcement should be integrated with social support, economic opportunities, education, digital literacy, and coordinated services. The article concludes that reform should pursue legal certainty and prevention of exploitation through differentiated responsibility and proportionate measures.

Keywords: criminal policy; prostitution; legal harmonisation; criminal law reform; victim protection.

Introduction

Indonesian criminal policy on prostitution requires distinctions among the conduct of sex workers, purchasers, intermediaries, and people who exploit others. Participants in the same transaction may occupy different legal positions. An adult may provide sexual services voluntarily, another person may be subjected to coercion, and a child may be experiencing sexual exploitation. Purchasers may fall within an applicable sexual offence or an offence involving the use of a trafficking victim. Intermediaries may facilitate indecent acts without necessarily committing trafficking. Criminal liability must rest on the conduct, fault, and statutory elements established in each case. Participation in an activity does not, by itself, resolve whether a person is also entitled to protection as a victim.

The constitutional framework combines the rule of law with protection of human dignity. Article 1(3) of the 1945 Constitution establishes Indonesia as a state governed by law, while Articles 28D(1) and 28G(1) provide a basis for legal certainty and personal protection. These principles require intelligible criminal prohibitions and safeguards for people exposed to exploitation. Public concern about prostitution, including its moral and social dimensions, may inform legislative deliberation. It does not independently establish an offence or authorise punishment beyond the applicable legal framework (Republic of Indonesia, 1945).

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Under the former Criminal Code, Articles 296 and 506 addressed facilitating indecent acts as an occupation or habit and obtaining benefit from a woman's prostitution. This arrangement generated criticism that regulation concentrated on intermediaries while inadequately articulating the responsibility of other participants. Sevrina (2020) discussed the need for criminalisation policy concerning prostitution, and Amrianto et al. (2023) proposed reformulation of the relevant offences. Their arguments identify a legislative problem, but proposals developed before the National Criminal Code took effect must be reassessed against the provisions now applicable.

Law No. 1 of 2023 on the Criminal Code entered into force on 2 January 2026. Its regulation of facilitation, extramarital intercourse, and trafficking must be read together with Law No. 1 of 2026 on Penal Adjustment and the remaining special legislation. The reform also affects references previously made to electronic indecency and pornography offences. Consequently, an assertion that only intermediaries can be punished, or that every digital prostitution case remains governed by the former electronic indecency provision, is too broad. The legal issue concerns the scope and interaction of particular offences rather than an absolute absence of regulation (Republic of Indonesia, 2023, 2026).

Digital communication adds another layer to the analysis. The offer, arrangement, payment, publication of sexual material, and exploitation of a person are legally distinguishable acts even when they occur through one platform. Identifying a transaction as online prostitution cannot replace proof of the offence alleged. Harmonisation is needed to connect the substantive conduct with the appropriate legal basis while preventing the same factual description from concealing differences between a transaction, facilitation, exploitation, and unlawful publication.

Criminal law reform provides a framework for examining these distinctions. Mansar and Lubis (2023) place harmonisation within the transition towards a more humane national criminal law. Criminal policy theory also connects the formulation and application of offences with social protection and welfare, rather than treating legislation as an isolated exercise in increasing punishment (Amrani, 2019; Kenedi, 2017). Applied to prostitution, that framework requires consideration of purchaser responsibility, the different circumstances of sex workers, and measures addressing the conditions through which exploitation occurs.

This article asks how Indonesian law regulates participants in commercial sex, what harmonisation the relevant instruments require, and how penal and non-penal measures should guide reform. It develops a framework connecting differentiated responsibility with statutory coherence and prevention of exploitation. A limited comparison with Sweden examines purchaser liability as one legislative option. The analysis keeps the legal position of sex workers in view while considering purchasers and organisers involved in the same activity.

Method

This study uses doctrinal legal research with statutory and conceptual approaches. It identifies and assesses applicable provisions through the concepts of legal certainty, harmonisation, criminal responsibility, and criminal policy. Legal materials are gathered through documentary research and analysed qualitatively. This approach is suited to examining legislation and legal concepts rather than measuring social outcomes (Atikah, 2022).

Primary materials include the 1945 Constitution, the former Criminal Code for historical comparison, Law No. 1 of 2023 as amended by Law No. 1 of 2026, and relevant provisions concerning trafficking, sexual violence, electronic information, and pornography. The comparative discussion examines Chapter 6, Section 11 of the Swedish Criminal Code and official materials on its development and implementation. Books and scholarly articles provide secondary materials. The analysis identifies regulated conduct and legal subjects, compares protective purposes, and examines the relationship among instruments. Historical provisions are distinguished from those applicable after the National Criminal Code entered into force.

The article develops the author's thesis by bringing its three substantive inquiries into a single analysis. It distinguishes historical rules, the 2026 statutory framework, and prospective reform. The comparison is confined to selected features of Sweden's purchaser offence, with a brief reference to Ireland's official review; it is not a comprehensive survey of foreign legal systems. The study includes no interviews, survey, case sample, or measurement of prostitution prevalence. Official evaluations are discussed as findings of those sources rather than as original data. Its own conclusions concern legal coverage and coherence. The effectiveness and consequences of proposed social and enforcement measures require further empirical evaluation.

Results and Discussion

Legal Position of Parties Involved in Prostitution

Prostitution is addressed through several offences with different elements. The absence of a single national offence governing every paid sexual transaction must be distinguished from the existence of offences applicable to associated conduct. A person's status as a sex worker or purchaser does not, by itself, establish criminal liability. Assessment must identify the applicable offence, establish its elements and required fault, and respect any procedural condition governing prosecution.

The former Criminal Code supplies the historical background to this fragmented approach. Article 296 concerned intentionally causing or facilitating indecent acts between others as an occupation or habit. Article 506 concerned obtaining benefit from a woman's prostitution. These provisions explain the criticism in the underlying study of the concentration on intermediaries. They should be presented as historical law rather than the ordinary basis for acts committed after the National Criminal Code took effect. The legal consequences of earlier conduct must also account for the rules governing changes in criminal legislation (Republic of Indonesia, 1946, 2023, 2026).

Article 420 of the National Criminal Code criminalises connecting or facilitating others to perform indecent acts. Article 421 permits an increase of one-third where the offences specified in Articles 419 or 420 are committed habitually or for profit as a livelihood. The maximum imprisonment under Article 420 is two years. The principal object of these provisions remains facilitation and its aggravated form. A provider of accommodation or an organiser should therefore be assessed through the actual role performed; the presence of a paid sexual transaction alone does not establish every element against every person associated with it (Republic of Indonesia, 2023, arts. 420-421).

That emphasis does not mean purchasers and sex workers are invariably outside the Criminal Code. Article 411 regulates intercourse with a person who is not one's spouse and makes prosecution dependent on a complaint from the persons specified by the statute. The provision can extend to intercourse between unmarried persons, subject to its complaint requirement. Article 412 concerns living together as husband and wife outside marriage, which must be distinguished from an individual paid encounter. Consequently, these provisions cannot be treated as unconditional prostitution offences. Equally, their potential application makes a categorical statement that no purchaser or sex worker can face criminal liability inaccurate (Republic of Indonesia, 2023, arts. 411-412).

The trafficking framework requires another distinction. Before the 2026 transition, Article 2 of Law No. 21 of 2007 supplied the central formulation concerning recruitment, transportation, harbouring, transfer, or receipt through prohibited means for exploitation. The operative provision is now Article 455 of the National Criminal Code, read in its amended form. Article 622 repeals Article 2 of the trafficking law and redirects references to Article 455. The elements concerning a process, prohibited means, and an exploitative purpose prevent all facilitation from automatically becoming trafficking. Threats, deception, debt bondage, and abuse of vulnerability must be examined where relevant, rather than assuming that receipt of payment proves voluntary participation (Republic of Indonesia, 2007, 2023, 2026).

The remaining trafficking provisions also matter to purchaser responsibility. Article 12 of Law No. 21 of 2007 addresses using or benefiting from a trafficking victim, including

through intercourse or other indecent acts. Its reference to the repealed Article 2 must be read through the statutory redirection to Article 455. Article 26 states that the victim's consent does not remove prosecution of trafficking, while Article 18 protects a victim who commits an offence because of coercion by the trafficking perpetrator. These provisions contradict the proposition that purchaser liability is entirely unregulated or that an apparent agreement necessarily excludes victimhood. Their application still requires proof of the relevant offence and cannot be presumed from occupational status (Republic of Indonesia, 2007, arts. 12, 18, 26; 2023, art. 622, as amended).

Law No. 12 of 2022 on Sexual Violence Crimes provides a distinct basis for analysing sexual exploitation and protecting victims. Article 12 regulates sexual exploitation, while Article 13 concerns sexual slavery. Forced prostitution is included among the sexual violence crimes identified in Article 4(2)(f). Article 5, by contrast, concerns nonphysical sexual harassment and should not be used as the statutory definition of exploitation. These distinctions are essential to accurate charge selection and to identifying the person entitled to protection and recovery (Republic of Indonesia, 2022, arts. 4-5, 12-13).

The position of children requires separate treatment. Commercial sexual activity involving a child must be examined through the relevant child protection and sexual violence provisions, rather than analysed as an ordinary voluntary adult transaction. A child's apparent willingness cannot be imported into the assessment as if it established the same legal situation as an adult agreement. The article's proposal to examine proportionate responsibility for voluntary adult conduct therefore does not encompass children subjected to commercial sexual exploitation. Protection must also remain available to adult victims where coercion, deception, or the exploitation of vulnerability is established.

Digital activity must be analysed against the transition in electronic content offences. Article II of Law No. 1 of 2024 limited the operation of Article 27(1) and related sanction provisions to the period before the National Criminal Code took effect. Article 622(10)(a), as amended, redirects references to Article 27(1) and Article 45(1) to Article 407 of the Criminal Code. Article 407 concerns pornography, and Law No. 1 of 2026 also adjusts its sanction. The fact that services are discussed through an electronic medium cannot, by itself, prove production, dissemination, offering, or another act covered by that provision. The relevant material and conduct must be assessed under the applicable definitions and elements (Republic of Indonesia, 2024, art. II; 2023, arts. 407, 622, as amended by Republic of Indonesia, 2026).

The Pornography Law supplies an additional basis concerning the offering of sexual services. Article 4(2)(d) prohibits providing pornographic services that directly or indirectly offer or advertise sexual services, with criminal liability provided in Article 30. This provision must be read with the statutory definition of pornographic services and the applicable penal adjustments. It therefore requires examination of the offer, advertisement, medium, and responsible actor, rather than treating the existence of payment alone as proof of the offence (Republic of Indonesia, 2008, arts. 1, 4, 30; 2026).

These statutory distinctions support a more precise account of the study's finding. Regulation is dispersed and does not offer a single comprehensive formulation for the entire activity, but important forms of responsibility already exist. Reform should begin by identifying those forms and the remaining questions concerning voluntary adult transactions. Otherwise, a proposal founded on a total absence of liability may duplicate existing offences, overlook complaint requirements, or criminalise a person whom the law treats as a victim.

Harmonisation of General and Special Criminal Provisions

Harmonisation must align the scope, subjects, and purposes of the relevant rules. Surya and Wahab (2023) distinguish vertical alignment within the hierarchy of legislation from horizontal alignment among instruments at the same level. For prostitution, horizontal harmonisation concerns the relationship between the Criminal Code and the special laws on exploitation, trafficking, electronic information, and pornography. Vertical harmonisation concerns the consistency of local measures with national law and constitutional protection. Several statutes addressing different harms are not necessarily inconsistent; the issue is whether their boundaries and interaction can be applied coherently.

The first requirement is clarity about the act being regulated. Facilitating an indecent act, exploiting a person, engaging in extramarital intercourse, using a trafficking victim, and disseminating pornography concern different conduct. A statutory inventory should identify the relevant act, legal subject, required fault, protected interest, complaint condition where applicable, and victim safeguards. Such an inventory would allow a proposed offence of purchasing sexual services to be compared with existing liability. It would also help prevent a general description of prostitution from replacing the elements of a particular offence.

The second requirement is a systematic relationship between general and special provisions. Invoking *lex specialis* requires examination of the competing provisions and their scope. A trafficking allegation cannot be substituted for a facilitation allegation merely because it carries a stronger sanction or gives a broader description of wrongdoing. Where several offences are supported, their relationship must be assessed under the applicable rules on concurrence and criminal responsibility. Harmonisation should preserve the distinctive protection supplied by special legislation while avoiding unexplained duplication of punishment.

Temporal alignment is especially important after 2 January 2026. Investigators, prosecutors, and courts must identify the date of the conduct and the statutory changes relevant to it. Article 3 of the National Criminal Code, in its amended form, governs changes in legislation after an act, including the relevance of a more favourable earlier rule. Article 622 supplies specific repeals and replacement references. A legal analysis that presents Article 2 of the trafficking law and the former electronic indecency offence as unchanged current provisions misses that transition. Updating citations is therefore part of substantive harmonisation, not merely an editorial correction (Republic of Indonesia, 2023, arts. 3, 622, as amended by Republic of Indonesia, 2026).

Vertical harmonisation requires review of local public order and prostitution measures within the authority granted by higher legislation. Local enforcement should use a clear prohibited act and lawful procedure, with safeguards against treating appearance, gender, or presence in a particular place as sufficient proof. The review must also account for the adjustments to regional criminal sanctions introduced by Law No. 1 of 2026. This study does not compare every local regulation, so it does not establish that all such measures are invalid. It identifies the legal criteria that a review of those measures should apply.

Protection of victims supplies a further point of alignment. An adult who is coerced or exploited must not lose access to assistance because the event is described as prostitution. Screening should examine control over movement, threats, deception, debt, retained earnings, and other relevant circumstances. These are matters for investigation rather than assumptions that every sex worker is a victim or every agreement is freely made. Criminal responsibility and the right to protection must be evaluated in relation to the person's specific conduct and circumstances.

Kaban et al. (2023) situate compensation within criminal policy that recognises victims as rights holders and attends to their actual losses. Applied to exploitation in commercial sex, this perspective supports documenting harm and explaining available remedies alongside investigation. Entitlement to a particular remedy must still be determined through the applicable law and procedure.

Periodic legal review would help sustain this alignment. Aris and Putri (2024) propose legal audit before, during, and after the formation of legislation to address regulatory disharmony. Applied here, a review should test whether provisions use consistent categories, whether repealed references have been updated, and whether enforcement guidance distinguishes the affected actors. This application is a proposal derived from the doctrinal analysis. It does not assert that a dedicated prostitution legal audit already operates or that its implementation alone would resolve every enforcement problem.

Harmonisation should also constrain excessive criminalisation. The concern about incomplete regulation can support examination of a more explicit offence, but completeness does not require punishment of every person associated with a transaction. A proposed rule needs a defined harm, clear elements, proportionate sanctions, and a demonstrated relationship to the remaining statutory scheme. This requirement connects legal certainty to

fair allocation of responsibility and prevents reform from being reduced to the multiplication of criminal prohibitions.

Penal Policy and the Direction of Criminal Law Reform

Penal policy involves the formulation of offences, their application, and execution of lawful sanctions. Amrani (2019) and Kenedi (2017) relate criminal law policy to the objectives of crime prevention and social protection. For prostitution, those objectives require a legal basis that can be applied to organisers and exploiters, an accurate account of existing purchaser liability, and a considered response to questions about voluntary adult commercial sex. The stages must remain connected: uncertainty in formulation carries into charge selection and sentencing.

At the formulation stage, purchaser responsibility warrants explicit consideration because demand forms part of the activity addressed by policy. The question is whether, and in what circumstances, purchasing sexual services from an adult should become a distinct offence beyond existing trafficking, sexual violence, and complaint-based offences. This is a question of *ius constituendum*, or the law proposed for the future. It does not establish a prohibition that may already be enforced, and analogy cannot supply elements that legislation has not enacted.

The legal treatment of adults who voluntarily provide sexual services requires a separate assessment. Criminalising purchasers while leaving the sale itself outside the corresponding offence is one option; criminalising both sides of a transaction is another and requires its own justification. The choice should not follow simply from the desire for comprehensive regulation. Any proposal must define the harm, conduct, fault, and sanctions, recognise coercion and victim status, and be assessed against less restrictive measures. Universal criminalisation cannot be assumed to reduce prostitution, and imprisonment cannot be assumed to be the most suitable response. Access to legal, health, and social support should form part of the legislative assessment.

Sevrina (2020) and Amrianto et al. (2023) provide arguments for examining criminalisation and reformulation. Their contributions should be read alongside the 2026 statutory changes and the requirements of proportionality and victim protection. Legislative evaluation must distinguish existing offences from conduct proposed for new regulation. It should assess the protective purpose of a proposed provision, unnecessary overlap, and the burdens its enforcement may impose. Moral concerns may inform deliberation but do not remove the need for that assessment.

Purchaser liability in the Swedish model

Sweden provides an example commonly associated with the Nordic Model: criminalising purchase without criminalising the sale of sexual services under the corresponding provision. The distinction dates from the prohibition introduced in 1999. Chapter 6, Section 11 of the Swedish Criminal Code, as amended in 2025, addresses inducing a person, for payment, to perform or submit to a sexual act primarily for the purchaser's participation or viewing. Payment may be promised or provided by another person. This illustrates a different allocation of liability from a rule punishing both parties solely for the same transaction (Government of Sweden, 2010; Sweden, 1962, Chapter 6, Section 11, as amended).

The Swedish scope changed on 1 July 2025 to include qualifying sexual acts performed remotely. The Government's explanation emphasises the connection between payment and the act performed for the purchaser; it does not describe a general prohibition on producing or purchasing pornography. The comparison therefore requires attention to the elements of the offence and cannot treat all online sexual material as purchased sexual acts (Government of Sweden, 2025).

Implementation findings qualify the policy lesson. Fjelkegård et al. (2022), in the Swedish National Council for Crime Prevention's review, identify uneven police activity and recommend more sustained coordination with social services. Ireland's Department of Justice (2025), reporting its review of purchaser criminalisation, states that demand had not decreased. These findings arise from different settings and do not establish a single causal conclusion for every purchaser-focused system. They support evaluating enforcement

capacity, access to assistance, and outcomes rather than inferring effectiveness from the prohibition alone.

For Indonesia, the comparison helps frame a legislative choice rather than supply a rule for direct adoption. Article 12 of the Trafficking Law already addresses using or benefiting from a trafficking victim, whereas a broader purchaser offence would concern a different statutory scope. Lawmakers would need to explain the additional harm addressed and the relationship with existing sexual offences. Sweden's allocation of liability also requires separate consideration of the legal position of the person providing services. A purchaser-focused proposal should not be described as the Nordic Model if it simultaneously makes the sale itself an equivalent offence.

Any proposal should specify the purchaser's conduct and fault, treatment of promised payment and third-party payment, and lawful evidentiary requirements. Sanctions should be assessed for proportionality. Safeguards should protect confidentiality and access to assistance, distinguish children and victims of coercion from voluntary adult participation, and address the risk of displacement or reduced willingness to seek help. These are proposed evaluation criteria, not outcomes established by this study. The comparison supports scrutiny of options; it does not resolve the policy choice without further evidence.

Application and execution of penal measures

At the application stage, enforcement should begin with identification of the persons and acts involved. Officers must distinguish the person arranging encounters from the person recruiting through prohibited means, the purchaser from a person exploiting a trafficking victim, and an adult provider from a coerced person or child. The applicable elements should guide interviews, collection of payment and communication records, and assessment of control and benefit. A person's receipt of money is relevant evidence but does not conclusively determine whether coercion or exploitation occurred.

Digital investigation should establish the connection between an account, its operator, the communication, and the conduct charged. Records of communication and payment may assist proof of facilitation or exploitation, while publication of material requires its own assessment. Evidence should be collected and preserved through lawful procedures, with attention to integrity and the confidentiality of victims. Cooperation with platform operators is proposed as an investigative measure within legally available powers; the article does not assume that every account can be identified or that private communication can be accessed without the required authority.

Erwinsyahbana and Rambey (2025), examining cyber fraud, identify limitations in digital forensic capacity, electronic evidence, and handling cases across jurisdictions. These concerns inform the present proposal for trained investigators and coordinated evidence preservation in suspected online exploitation. The comparison concerns investigative capacity; the elements of fraud cannot be substituted for those of facilitation, trafficking, or sexual exploitation.

At the execution stage, lawful punishment and assistance for victims should be connected with supervision and prevention of repeated offending. Rehabilitation and recovery must not be equated with an informal settlement of a sexual violence case. Article 23 of Law No. 12 of 2022 prohibits settlement outside the judicial process, subject to its exception concerning child perpetrators under the relevant law. Victim support can accompany criminal proceedings without cancelling accountability through a private agreement. This distinction prevents the emphasis on recovery from being interpreted as a general authorisation for out-of-court resolution (Republic of Indonesia, 2022, art. 23).

Rambey (2023a) describes restorative justice in terms of recovery, victim participation, and responsibility for harm. Its relevance here lies in attending to victims' needs within lawful accountability. It does not establish that sexual violence proceedings may be discontinued by agreement. Recovery measures must respect the limits of Article 23 discussed above and avoid pressure on victims to reconcile.

Penal reform should allocate responsibility through clear rules and proportionate measures. Existing offences apply where their elements are established. Further criminalisation requires

prospective legislation and a reasoned choice among policy options, with protection for children and victims. The Swedish comparison informs that choice but does not demonstrate that a new purchaser offence, or punishment of voluntary adult providers, would necessarily achieve the intended objectives in Indonesia.

Non-Penal Measures and Institutional Coordination

Non-penal policy addresses conditions that punishment alone does not resolve. The study identifies economic vulnerability, limited educational and employment opportunities, social rehabilitation, and digital communication as relevant areas for prevention. Kenedi (2017) connects criminal policy with social welfare and protection, while Rambey (2023b) examines the relationship between economic policy and criminal law enforcement. Applied to prostitution, these approaches support evaluation of the resources and opportunities available to affected people. They do not establish that poverty causes every case or that one programme can eliminate the activity.

Economic empowerment should provide a practical route to alternative livelihoods where people seek to leave prostitution or recover from exploitation. Proposed measures include skills training, access to employment, continued education, and assistance tailored to individual circumstances. A programme should identify the obstacle it seeks to address and provide support beyond a single training session. Its justification in this article is preventive and rehabilitative. Whether it produces sustained employment or reduces renewed exploitation requires evidence from implementation rather than an assumption based on its existence.

Social support should connect legal assistance with psychological, social, and health services appropriate to the person's needs. In trafficking and sexual violence cases, victims require safe access to assistance and continuity of support during and after proceedings. Reintegration should address circumstances in which stigma or lack of income may hinder recovery. Programmes should respect dignity and comply with the governing law. An adult seeking assistance should not have to be treated as a trafficking victim merely because they sell sexual services. Equally, a person's involvement in commercial sex cannot justify dismissing a substantiated allegation of exploitation.

Simatupang et al. (2025) understand restitution in trafficking cases as the perpetrator's responsibility to repair victims' losses and distinguish it from rehabilitation and reintegration. This distinction supports linking assistance with access to remedies in the present framework. Restitution should be assessed through the applicable legal process, while continuing care responds to the person's recovery needs.

Education and digital literacy can address recruitment methods and help people recognise coercion, deceptive offers, and misuse of personal information. Schools, families, community organisations, and public agencies may contribute within their respective responsibilities. Outreach should explain the difference between a legal complaint, a request for protection, and the reporting of suspected exploitation. It should also explain safe routes to assistance. Such measures give concrete content to prevention without claiming that information campaigns alone change behaviour or establish criminal guilt.

Prevention in digital services should be connected to reporting mechanisms and lawful handling of suspected exploitative content. Where competent authorities have grounds to act, cooperation with service providers can support the preservation of relevant evidence and measures authorised by law. Removing content and proving an offence remain distinct tasks. Disclosure of victims' identities or sexual material during an operation may compound the harm, so the design of reporting and referral procedures should protect confidentiality. The policy proposal concerns targeted prevention and investigation within existing authority.

Asmadi et al. (2024) identify enforcement capacity, public awareness, and institutional coordination as challenges in personal data protection. Applied to reporting and referral in this article, their analysis supports a proposal for restricted access to sensitive records and careful disclosure between services. These safeguards aim to preserve access to assistance while reducing further exposure of affected people.

Institutional coordination is necessary to connect these measures. Law enforcement bodies investigate offences, while competent social, health, education, and victim protection services supply different forms of assistance. A referral procedure should record the need identified, the receiving service, and the follow-up required. Coordination must clarify responsibilities rather than allow each institution to assume that another has completed the task. Community participation can support detection and access to services while preserving the distinction between reporting concerns and exercising criminal enforcement powers.

Evaluation should measure outcomes relevant to the policy's purposes. Counts of raids, arrests, or persons attending a programme cannot independently establish successful prevention. Proposed indicators include access to protection, continuity of recovery support, sustained alternative livelihoods where sought, and appropriate prosecution of substantiated exploitation. These are criteria for future evaluation, not results observed in this research. They permit the proposed integration of penal and non-penal measures to be assessed against protection and prevention rather than activity alone.

Integration of Regulation, Enforcement, and Prevention

The analysis supports an integrated sequence beginning with identification of the conduct and the date of its occurrence. The applicable legal basis should then be determined, including any complaint condition or replacement statutory reference. Assessment of the person's role and circumstances should proceed alongside screening for victimhood. Where an offence is supported, enforcement follows through the competent process; where assistance is needed, referral and recovery services should be available. Social prevention continues beyond the conclusion of a criminal case.

This sequence connects the three research inquiries. The legal analysis identifies the coverage and limits of existing offences. Harmonisation clarifies their relationships and the transition to the 2026 framework. Criminal policy uses those findings to distinguish lawful enforcement, prospective reform, and preventive measures. A comprehensive approach can therefore be pursued without presuming identical responsibility for all participants. Its practical value would need to be examined through enforcement records, programme evaluation, and the experiences of people receiving protection.

Conclusion

Indonesian positive law regulates prostitution through several offences rather than one comprehensive formulation covering every paid sexual transaction. Facilitation, extramarital intercourse, trafficking, use of trafficking victims, sexual exploitation, and pornography have different elements and protective purposes. Sex workers, purchasers, organisers, and victims therefore require differentiated legal assessment. The absence of a specific comprehensive prostitution offence does not mean purchasers or providers are wholly outside criminal liability. The applicable act, fault, statutory basis, and procedural conditions remain decisive.

Harmonisation must align general and special provisions, preserve victim protection, and update the legal analysis following the entry into force of the National Criminal Code and the Penal Adjustment Law in 2026. The replacement of the central trafficking provision and the transition in electronic content offences demonstrate why historical references cannot be applied without examining their current status. Vertical review of local measures and periodic legal audit can support coherent regulation while limiting excessive criminalisation.

Reform should assess purchaser liability and the legal treatment of voluntary adult providers as distinct legislative questions. Sweden illustrates a purchaser-focused approach, but its design and the official implementation reviews do not establish that the same results would follow in Indonesia. Any new offence requires a defined harm, clear elements, proportionate sanctions, and safeguards for children and victims. Enforcement should remain grounded in proved statutory requirements and be integrated with social support, economic opportunities, education, digital literacy, and coordinated services. This framework seeks legal certainty and prevention of exploitation.

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