

LAW ENFORCEMENT AGAINST TRAFFICKING IN PERSONS IN THE RENTARU KARESHI PHENOMENON

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Abstract. Rentaru Kareshi is a term that refers to a "rental girlfriend" in Japan. This phenomenon has become a serious concern in recent years, due to its vulnerability to human trafficking, especially in cases of sexual exploitation. In addition, the buying and selling of rental services is carried out through intermediaries, namely platforms on social media that recruit these talents. This raises the question of whether this is a form of human trafficking. The aim of this research is to find out how the *Ius Constitutum* relates to the Rentaru Kareshi phenomenon in Indonesia and how law enforcement handles the occurrence of criminal acts in the Rentaru Kareshi Phenomenon. The method used is the Normative Juridical research method, with a problem approach, Legislative approach, Conceptual Approach, and comparative approach and the data collection technique used by the author is the literature study method. Even though the *Ius Constitutum* Indonesia has supported it, legal enforcement regarding this boyfriend rental service is still not visible because the phenomenon of boyfriend rental services can be said to be a new phenomenon causing a lack of understanding of law enforcement resulting in the absence of law enforcement actions.

Keywords: human trafficking; rental girlfriend; law enforcement

I. INTRODUCTION

The more developed the times, the more ways people use to make money, various ideas that are unique and arguably strange and unacceptable to all parts of society appear. There is a new phenomenon that now lives in society, especially teenagers who do not have a partner, namely the use of girlfriend rental services. Girlfriend Rental Service itself is a service that actually comes from Japan, pioneered by 'Nihon Kokasei Honbu' (Japan Efficiency Corporation) since 1991. The hired boyfriend is an employee of the company, the purpose of renting his own girlfriend is usually to accompany tenants at certain events.[1] Indonesia itself is called Talent who can be hired by Customers through platforms that provide it on social media, and the real identity of Talent will be hidden by the platform. Customers can choose to hire these services for online or offline needs and of course at different prices.[2]

This certainly raises a legal issue regarding the legality of Boyfriend Rental Services considering that Boyfriend Rental Services with Prostitution have similarities. Prostitution itself is a form of trafficking in persons who sell themselves, especially women, in exchange for an agreed between the pimp or the person who sells himself with the customer.[3] Rentaru Kareshi is a term that refers to "rental girlfriends" in Japan. This phenomenon involves relationships between young women and older men who usually serve as financial sponsors.[4] This phenomenon has become a serious

concern in recent years, due to its vulnerability to trafficking in persons, especially in cases of sexual exploitation.

Rentaru Kareshi often involves young women who are promised jobs and financial support, [5] only to then be placed in painful situations where they are forced to engage in sexual trafficking.[6] This is a concrete example of how human trafficking can be hidden within a broader social phenomenon.[7] Boyfriend Rental Services are said to have similarities with Prostitution because there are practices that trade touch or physical contact between Customers and Talents, especially Women.[8] There are several different thoughts related to this boyfriend rental service, Firya Abisono researcher at the Center for Digital Society Universitas Gadjah Mada stated that between rental girlfriends and prostitution there are clear boundaries. According to Firya, prostitution is a service that has the aim of fulfilling the sexual desires of customers, while rental girlfriends are services with very limited physical touch, and focus only on giving speech, scenarios in a certain event that are romantic and contain affection only. Sexual intercourse is not the main purpose of this boyfriend rental service. [9] However, it turns out that besides that, there are additional services or services that are certainly subject to additional costs, namely physical contact such as handrails, hugs and even hugs, this certainly raises the thought that this Boyfriend Rental Service has no difference from Prostitution.[10]

In addition, the sale and purchase of Rental Services is carried out through intermediaries, namely platforms on social media that recruit these talents. This raises the question

of whether this is included in the form of human trafficking, [11] Given that the platform connects *Talent* with its *Customers*. Article 1 of Law No. 21/2007 on the Eradication of Trafficking in Persons (hereinafter referred to as the Trafficking Law) defines trafficking in persons, namely "Trafficking in persons is the act of recruiting, transporting, sheltering, sending, transferring, or receiving a person by threat of violence, use of force, kidnapping, captivity, forgery, fraud, abuse of power or vulnerable position, bondage debt or giving payment or benefit, so as to obtain the consent of the person in control of the other person, whether done within the country or between countries, for the purpose of exploitation or resulting in the exploitation of the person." In this case, the platforms that provide boyfriend rental services have been recruiting by providing benefits such as economic benefits to attract *talents*, especially women, to become one of the rental girlfriends who will be taken care of and sought after by the platform. Then it does not rule out the possibility that *Talent* uses the Boyfriend Rental Service platform as a cover to practice online prostitution with him without the knowledge of the manager of the Girlfriend Rental Service provider platform

This study aims to explore how law enforcement plays a role in dealing with trafficking in persons in the context of *Rentaru Kareshi*. The author will explore various aspects of law enforcement, including the role of law enforcement agencies, the obstacles faced in uncovering cases of this kind, as well as potential solutions to strengthen law enforcement. This research is expected to provide valuable insights in an effort to understand and overcome phenomena that have the potential to damage the nation's moral values. Against the background of the problems that have been outlined, this study will delve deeper into aspects of law enforcement that need to be understood to overcome human trafficking in the *Rentaru Kareshi* phenomenon. Effective law enforcement is essential in protecting human rights and ending this destructive practice.

II. RESEARCH METHODS

In this study, the author uses normative juridical research methods. Normative Juridical Research Method is a research method that is usually carried out more on secondary data. [12] The problem approach used is the *statute* approach, conceptual approach, and comparative approach. The statutory approach by analyzing all laws and regulations related to legal issues in research, the Conceptual approach is the approach used when research does not move away from the rule of law due to the absence of legal rules that can be a reference for the issues faced, a concept must be built that will be a reference in research, and a comparative approach is a research approach that conducts Comparison of laws between one country and another. [13]

The legal materials used are primary legal materials and secondary legal materials. The primary legal materials used in this study The laws and regulations to be used are: Law Number 1 of 1946 concerning the Regulation of

Criminal Law or also called the Criminal Code (KUHP) and Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons as well as laws and regulations from Japan that are relevant to legal issues in this study. Secondary legal materials used in this study are: Books with legal themes, legal journals, previous research, expert views, and news articles. In this study, the data collection technique used by the author is the literature study method.

III. RESULTS AND DISCUSSION

Ius Constitutum on the Rentaru Kareshi Phenomenon in Indonesia

Humans as social beings who live side by side so that they certainly have various basic needs that must be fulfilled such as to have a partner, but because of various problems can cause people to live alone and do not have a partner. But for several reasons such as the desire as a social being, social demands, or also family urges to have a partner, a new type of phenomenon is created where there are people who provide girlfriend rental services. This boyfriend rental phenomenon originally came from Japan and has a name, namely *Rentaru Kareshi*. In this phenomenon, there are parties involved, namely site operators and rental girlfriend service providers as *Rentaru Kareshi actors*, *Rentaru Kareshi Service Users (Customers)*, and girlfriend rental service workers referred to as *Talent*. Rental girlfriend activities do not have an illegal element in Japan when the activity does not have a violated sexual aspect, coupled with considerable profits without engaging in sexual activity makes many people including children.

A child who occasionally tries to do *Rentaru Kareshi*, then for the next time this child will be interested in trying to register with online sites of Rental Girlfriend service providers. Moreover, if during *Rentaru Kareshi*, the child is not related to sexual activities, then the child is still allowed to become a *hired girlfriend Talent*. But even though the website operator or service provider guarantees that boyfriend rentals will not be accompanied by physical and sexual contact, there is still a lot of suspicion from experts who state that this rental boyfriend business will have a great risk of becoming a den of prostitution and other crimes. [14] Coupled with the development of technology that facilitates private interactive communication to make it easier for perpetrators and tenants to do as they want, there is data from *the National Police Agency* which is Japan's state security agency that cases of sexual crimes using social media reached 1,812 cases in 2021, and it only records that the victims are children. [15] *Rentaru Kareshi* itself should indeed aim to provide services, where *Customers* can hire Rental Girlfriend Talents to accompany Customers for a specified period of time, and especially accompany at social events. But apparently, there are *Talents who not only do actual boyfriend rental activities so that these Talents can be divided into 3 groups, namely:* [16] *Talents* who fully engage in sexual activity; *Talents* who are involved with sexual activities, but do not refer to or do

not fully perform sexual activities as referred to in number 1, *Talents* who only carry out actual *Rentaru kareshi* activities

From this category, it is understandable that there are talents of hired girlfriends who do engage in sexual activity, in this case it could have been done without the knowledge of the perpetrator himself who facilitated the sexual activity. Therefore, the *talent* may have been sexually exploited by the perpetrator or also use the help of the perpetrator to make it easier to find *customers*. In the application of rental girlfriend services, usually perpetrators use social media as a place to find *new talents* who are indeed interested in this field of work because they are lured by large wages and of course there is nothing listed on the site about offers to do something outside the agreement with the *customer*. *Talents* with the passage of time and the building of trust will also be invited to meet by the perpetrators.[17] When a meeting occurs, *Talent* also becomes vulnerable to being deceived and forced to become an object of sexual exploitation by perpetrators who provide it to service users.[18] So with the consent or absence of consent from the victim that the perpetrator will add sexual activity options in boyfriend rental service sessions, according to the author this act will still be considered as trafficking in persons in the form of prostitution. The relationship between the talent and the perpetrator such as between commercial sex workers and pimps who will find customers to get a share of the benefits of the rates offered to the customer. The difference is that by using social media, perpetrators can find *customers* more easily and systematically which becomes difficult to detect by law enforcement officials.[19]

Japan adopted the Baishun bōshi hō law on prostitution, although it aims to eliminate commercial sex, the written law does not directly prohibit all forms of sexual activity within the definition of prostitution. But only sexual activity in the form of intercourse between male and female genitals and no punishment is given to the *Customer* or commercial sex workers themselves. Article 2 of Baishun bōshi hō defines prostitution as the act of engaging in sexual activity with a *non-specified person(s)* in exchange for compensation or a promise thereof. Although the article does not explain further about the definition or types of sexual activity referred to since the enactment of the regulation, the authorities define sexual activity prohibited in the article only limited to sexual intercourse between genitals. This led to the creation of many modes that shifted the focus of the sexual activity trade from *brothels* to businesses with other services that did not include sexual intercourse services. Commercial sex businesses still exist, but in different forms such as *oral sex* and *sex services* remain legal under Japanese law. *Rentaru Kareshi* is certainly one of the new service provider businesses that although the main focus is the rental of girlfriends to accompany *customers*, But there are also other services as *add-ons* in his girlfriend's rental session.[20] *add-on* itself is an additional service that certainly incurs additional costs and usually occurs when the boyfriend rental service is in progress. That way it can be seen that from the beginning the concept of *Rentaru Kareshi* is certainly

contrary to the applicable law in Indonesia, when viewed from the purpose of the activity as a risk of trafficking in persons in the form of prostitution. Unlike Japan which only provides a definition of prostitution in the form of sexual intercourse between genitals, Indonesia has a broader definition of prostitution as in Article 506 of the Criminal Code which explains that intermediaries between service users and commercial sex workers can be individuals such as pimps or even corporations, that "whoever takes advantage of the lewd acts of a woman and makes it a livelihood, threatened with imprisonment for a maximum of one year." [21] In the article, there are several elements, namely: Whose goods; Profiting from the lewd deeds of a Woman; and Make it a livelihood.

The article refers to anyone who fulfills the elements of the crime, such as pimps or corporations as intermediaries against prostitution service providers. Although there is no word prostitution in the article, the word obscene acts and the presence of third parties who facilitate the occurrence of such obscene acts and make them a livelihood are of course forms of prostitution. According to R. Soesilo, lewd acts are actions that violate decency (decency) or actions that are considered heinous, all in the environment of sexual lust. With the different values or norms of decency in Indonesia and Japan, the purpose of prostitution must be different, as long as the act committed meets the elements of Article 506 of the Criminal Code and is contrary to the norms of decency in Indonesia, it is a criminal act of prostitution.[22]

With the existence of criminal acts that violate decency, namely prostitution and also third parties who facilitate the occurrence of prostitution and obtain material or immaterial benefits from the practice of prostitution, it is certainly inseparable from the Criminal Act of Trafficking in Persons.[3] It can be seen in Article 1 point 1 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons (UUPTPO) which states that Trafficking in Persons is acts such as recruitment, transportation, shelter, delivery, transfer, or reception of a person by threat of violence, use of force, kidnapping, captivity, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving Pay or benefit, to obtain the consent of the person in control of the other person, with the aim of exploiting or also exploiting that person, this includes that which is done within the country as well as between countries.

It is undeniable that the perpetrators of *Rentaru Kareshi* are very vulnerable to sexual exploitation of Talent by adding options that use Talent's sexual organs to get more benefits, this is what causes a shift in the practice and meaning of *Rentaru Kareshi* this in itself. Article 1 number 8 of the Trafficking Law also defines sexual exploitation, which is all forms of use of sexual organs or other organs of the victim for profit, including but not limited to all prostitution and fornication activities. That way the act should include sexual exploitation even though it already has the consent of the *Talent*. [23]

In addition to sexual exploitation with the addition of options during boyfriend rental service sessions, there are also boyfriend rental service actors who use social media or

communication platforms that have secret chat features such as Telegram. By using social media, the perpetrator can advertise his *talent* with secrets even though the photo or video used by the perpetrator itself has pornographic elements to attract the attention of *customers* to use girlfriend rental services. Pornography itself in accordance with Article 1 point 1 of Law Number 44 of 2008 concerning Pornography (Pornography Law) includes images, sketches, illustrations, photos, writing, sounds, sounds, moving images, animations, cartoons, conversations, gestures, or other forms of messages through various forms of communication media and / or public performances, the contents of which have elements of obscenity or sexual exploitation that violates the norms of decency in society. this is also included in the prohibited acts in Article 27 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions which reads Everyone intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates decency. In Article 4 paragraphs (1) and (2) of the Pornography Law which also explains the prohibition, article 4 paragraph (1) clearly explains that everyone is prohibited from producing, making, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, renting, or providing pornography that contains content such as intercourse, sexual violence, masturbation or masturbation, nudity or an impressive display of nudity, genitals, or child pornography. Then in article 4 paragraph (2) regarding pornographic service providers, it is prohibited to explicitly display nudity or display that has the impression of having elements of nudity, explicitly display genitals, exploit or exhibit sexual activity, or offer or advertise directly or indirectly about sexual services.

Although the laws and regulations do not directly mention boyfriend rental services, the regulations mentioned above should be able to categorize these boyfriend rental services as one of the phenomena of trafficking. However, due to several reasons such as lack of understanding of the law of the Community and also law enforcement causes no actions taken by the Community and also law enforcement. There is also the factor of using social media that has high security makes it difficult for law enforcement such as the Indonesian cyber police in the investigation process.

Law Enforcement in Handling the Criminal Acts of

Trafficking in Persons in the Rentaru Kareshi Phenomenon

Until now, there is still no law enforcement effort on this *Rentaru Kareshi phenomenon*, although this phenomenon has only existed in Indonesia for more than 5 years and is a new phenomenon, but when viewed from the risks of delinquent *Rentaru Kareshi* criminal offenders, it can make *Rentaru Kareshi* a place for trafficking crimes, namely prostitution, as occurs in the country of origin *Rentaru Kareshi* is in Japan. There are several factors that cause the absence of law enforcement such as written legal factors, law enforcement factors, and facilities or facilities factors. However, actually Indonesian law already has a written law on prostitution and trafficking in persons, it's just

that because *Rentaru Kareshi* is a new phenomenon in Indonesia, so there are still few studies and expert opinions on how law enforcement in Indonesia responds to this phenomenon. This results in the absence of appropriate infrastructure and facilities to support law enforcement and no factors that encourage law enforcement to conduct investigations to uncover the presence or absence of trafficking practices.[24]

In addition, there is also the factor of community participation as a driving factor in finding cases of human trafficking in this boyfriend rental service. Although social media such as Telegram has a high level of security so that confidentiality is guaranteed, if the public participates and reports to law enforcement, law enforcement against trafficking in people in this boyfriend rental service should be easier. Community participation is regulated in Article 21 paragraph (1) of the Pornography Law which states that as in article 20 the community can participate in ways such as reporting violations of this Law, filing representative claims to the court, carrying out efforts such as socialization of laws and regulations governing pornography, and carrying out guidance on the dangers and effects of pornography to the community. In addition to the Pornography Law on Community Participation, it is also contained in article 60 paragraphs (1) and (2) of the Trafficking Law, which states that in trafficking crimes, the community can participate in assisting prevention efforts. Community participation can be in the form of efforts such as providing information and/or reporting to law enforcement or authorities regarding the occurrence of trafficking crimes, or can also participate in handling victims. In this case, the community not only plays a role in helping to provide information and/or report trafficking crimes to law enforcement, but also in handling victims. The thing that needs to be emphasized and informed to the community to increase participation is about how important it is to report every form of cyber violence as in this case is the dissemination of pornographic content by the perpetrators found, either experienced by themselves or others and also about the community's right to obtain legal protection for those who carry out these participation.[25] As in Article 22 of the Pornography Law and Article 62 of the Law on Trafficking, which both emphasize legal protection for the community who participate in reporting and/or handling victims.

The criminal sanction can be seen in Article 2 paragraph (1) of the Trafficking Law, which states that any person who recruits, transports, shelters, sends, transfers, or receives a person by threat of violence, use of force, kidnapping, captivity, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefits despite obtaining the consent of the person in control of another person in the territory The state of the Republic of Indonesia with the aim to exploit the person may be punished: imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and criminal fines of at least Rp120,000,000.00 (one hundred twenty million rupiah) and a maximum of Rp600,000,000.00 (six hundred million rupiah).

Even if the three parties involved in the case, namely Talent, the *hired boyfriend*, the customer, and the *perpetrator* of Rentaru Kareshi, *reached an agreement and the talent engaged in sexual activity without any coercion or threat from the perpetrator, judging from Article 26 of the Trafficking Law, the consent of the trafficking victim is* Talent Rental girlfriends do not eliminate the prosecution of trafficking crimes.[19] From this article, it can be understood that the crime of trafficking in persons is not determined by the consent or not of the victim, all acts committed by the perpetrators of *Rentaru Kareshi* related to trafficking in persons can be carried out by law enforcement because it is included in the criminal act. [26] However, there is often ambiguity that occurs because there are many opinions about the existence of evidence from the person who is the subject of trafficking that can prove that he or she feels victimized or can be categorized as a victim, because if he does not have evidence then he cannot be said to be a victim. In this case, trafficking victims are contained in article 1 point 3 of the Trafficking Law, namely "a person who experiences psychological, mental, physical, sexual, economic, and/or social suffering, resulting from the crime of trafficking." [17] In this case, it is quite contrary to Article 26 of the Trafficking Law, which states that the consent of the victim does not eliminate prosecution.

It can also be seen from the definition of exploitation in Article 1 number 7 of the Trafficking Law that exploitation is an act carried out with the aim of obtaining both material and immaterial benefits, acts of exploitation are not limited to prostitution of forced labor or service, slavery or similar practices of slavery, oppression, extortion, physical, sexual, reproductive organ use, or unlawfully removing or transplanting organs and/or body tissue or utilizing one's energy or ability by another party only, and carried out with or without the consent of the victim. There should be a distinction between acts with consent or without consent, because if there is none, with or without consent, the subject of trafficking, who in this context is a hired girlfriend *talent*, is still said to be a victim. Therefore, the punishment or sanction in Article 2 paragraph (1) of the Law on Trafficking should be in the form of imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 120,000,000.00 (one hundred twenty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah) should be applied. In addition, when it comes to pornography, it can be imposed with criminal sanctions in the ITE Law and the Pornography Law, in the ITE Law there is article 45 paragraph (1) which states that everyone who commits acts as referred to in Article 27 paragraph (1) is punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp1,000,000,000, 00 (one billion rupiah). While in the Pornography Law, referring to articles 29 and 30, article 29 provides criminal sanctions to every person who commits acts as referred to in article 4 paragraph (1) with a maximum imprisonment of 6 (six) months and a maximum of 12 (twelve) years and / or a fine of at least Rp. 250,000,000.00 (two hundred fifty million rupiah) and a

maximum of Rp. 6,000,000,000, 00 (six billion rupiah), and in article 30 provides sanctions penalty to every person who commits an act as referred to in article 4 paragraph (2) with a maximum imprisonment of 6 (six) months and a maximum of 6 (six) years and/or a fine of at least Rp250,000,000.00 (two hundred fifty million rupiah) and a maximum of Rp3,000,000,000.00 (three billion rupiah). In addition to penalties for boyfriend rental perpetrators who distribute and advertise *Talents with* pornographic elements, the Pornography Law can also ensnare *Talents* who are intentionally or with their consent and without coercion to become onbek or models, namely in Article 34 which provides criminal sanctions in the form of imprisonment for a maximum of 10 (ten) years and/or a maximum fine of Rp. 5,000,000,000, 00 (five billion rupiah).

IV. CONCLUSION

The Rentaru Kareshi phenomenon is a phenomenon originating from Japan and based on the Japanese *Ius Constitutum* if in the process of girlfriend rental services sexual activity occurs as long as it is not sexual activity in the form of intercourse between male genitals then it is still legal, so it is understandable that Japan has a different Prostitution Law from Indonesia. When viewed from the phenomenon that occurs in Japan, it can be seen from the purpose of these activities as the risk of trafficking in persons in the form of prostitution in Indonesia. In the *Ius Constitutum* in Indonesia such as the Criminal Code, the Law on the Eradication of Trafficking in Persons, the Pornography Law, and the Information and Electronic Law can already categorize Rentaru Kareshi as one of the criminal acts if there is a shift from the main purpose of Rentaru Kareshi to a place of prostitution because it is seen from the risks of criminal offenders The mischievous Rentaru Kareshi can make this Rentaru Kareshi a place for trafficking crimes, namely prostitution, as happened in Rentaru Kareshi's home country. Although *Ius Constitutum* Indonesia has been supportive, Law Enforcement on boyfriend rental services is still not visible because the phenomenon of boyfriend rental services can be said to be a new phenomenon causing a lack of understanding of law enforcement law causing no law enforcement actions. In addition to Law Enforcement, participation from the community is also needed to help smooth law enforcement. Under the Pornography Law and the Law on Combating Trafficking in Persons, communities have the right to report and/or treat victims.

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