

Efektifitas pasal 296 KUH pidana sebagai UU anti pelacuran : studi kasus pengusaha tempat hiburan yang mempermudah perbuatan cabul di wilayah hukum Polda Metro Jaya = The effectiveness of article 296 of the criminal code for anti prostitution law : case study of entertainment businessman that facilitates obscene act in the metropolitan regional police jurisdiction

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Abstrak

[ABSTRAK

Tempat Spa adalah suatu usaha komersial yang menyediakan berbagai macam fasilitas yang mengandung unsur hiburan, rekreasi, dan penyediaan jasa lainnya seperti makanan, minuman, relaksasi, pijit dan lainnya. Dalam perkembangannya sejumlah tempat Spa di Kota Jakarta telah disalahgunakan keberadaannya oleh pengelola dan semua yang terkait didalamnya yang menjadikan tempat tersebut media prostitusi terselubung. Aturan terhadap perbuatan tersebut jelas dalam KUHP khususnya Pasal 296 KUH Pidana serta Peraturan Daerah Kota Jakarta Peraturan Daerah (Perda) No. 10 tahun 2004 tentang Kepariwisata. Kejahatan kesusilaan yang terjadi di tempat Spa yang pada prakteknya terjadi prostitusi belum diatur khusus dalam suatu perundangundangan, sehingga menimbulkan kesulitan dalam menerapkan sanksi di dalam KUHP. Kesulitan ini muncul tidak hanya secara teoritis tetapi juga dalam segi praktis, aparat penegak hukum kesulitan menentukan pasal 296 dari KUH Pidana yang hendak dipergunakan serta kepada siapa hal tersebut dijatuhkan, apakah terhadap germo/mami ataukah terhadap si pemilik/pengelola tempat Spa yang bersangkutan, mengingat keberadaan tempat Spa yang menyediakan jasa terapis selalu termanage dengan baik oleh oknum tertentu. Hasil penelitian menunjukkan bahwa tempat karaoke di Kota Jakarta yang menyediakan jasa terapis seringkali menjadi ajang prostitusi, penerapan Pasal 296 yang mengaturpun tidak efektif dan selalu terhambat dalam penegakannya, begitupun dengan Peraturan Daerah (Perda) No. 10 tahun 2004 tentang Kepariwisata juga tidak efektif jika pemilik/pengelola terbukti melanggar hal tersebut. Kota Jakarta juga menerima Pendapatan Asli Daerah yang cukup besar pertahun dari pajak tempat Spa yang ada di seluruh kota-kota di Indonesia.

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ABSTRACT

Spa service is a commercial venture that provides a wide range of facilities that contain elements of entertainment, recreation, and the provision of other services such as food, drinks, relaxation, massage and other. Spa in Jakarta has been misused by managers and all those involved in it that make the place as

veiled prostitution. Actually there has been a rule on the act in the Criminal Code, Article 296 of the Criminal Code and Local Regulations Jakarta No. 10 of 2004. A morality crime that occurred in the Spa that leads to a veiled prostitution is not regulated in a specific law, causing difficulties in applying sanctions in the Criminal Code. Police difficult to determining Article 296 of the Criminal Code to be used and to whom it is imposed, if the procurer / pimp or to the owner / manager. The results showed that the spa in Jakarta was also providing services that lead to prostitution, the application of Article 296 that regulate is not effective and have problems in enforcement. Besides that, Jakarta government also received huge source revenue each year from the places of entertainment tax.;

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