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by I Wayan Gde Wiryawan

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1 Sex Massage Therapy at Spa: A New Form of Prostitution

I Wayan Gde Wiryawan^{1,*}, and Dewi Bunga²

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¹Maharaswati Denpasar University, Faculty of Law, Jalan Kamboja No.11A, Dangin Puri Kangin, Denpasar Utara, Kota Denpasar, Bali 80233, Indonesia

²DN Denpasar, Department of Law, Faculty of Dharma Duta, Jl. Ratna No.51, Tonja, Denpasar Utara, Kota Denpasar, Bali 80237, Indonesia

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Abstract. Sex massage therapy is a new form of prostitution and it becomes one of the commodities in the sex tourism. Sexual service activities carried out under the guise of massage therapies at spa. This condition will disturb security and order. Prostitution is not just a legal issue, but also a moral issue. Sex massage therapy at spa becomes a form of covert prostitution. Activities sexual services are made as if as a medical therapy by taking refuge in the legal business. Unfortunately, this fake spa is untouched by the law. Lack of law enforcement because many women who want to work as a sex therapist and men who want sex services, while according to Article 296 and 506 of the Penal Code they can not be punished. Weak supervision of law enforcement, government and society also become a factor. Even those are that actually provide protection against the illegal businesses. Efforts to tackle sex massage can be done through penal policy (law enforcement) and non-penal policy, namely by increasing the level of economy and education.

1 Introduction

Massage therapy is a method of health do to cure various ailments, such as headaches, back pain, relieves stress, osteoarthritis, mental disorders, treatment for infant growth, digestive disorders, muscle and joint pains. Nowadays, massage therapy can be found in a variety of spas scattered in various residential areas, tourist destinations to shopping centers. Spas provide services always maintain the privacy of visitors. These conditions tend used by the manager of the spa as a place of prostitution so that spas become venues for prostitution. Prostitution by James A. Inciardi was quoted by Topo Santoso is "The offering of sexual relations for monetary or other gain." Prostitution is sex for livelihood, contained some of the objectives to be obtained, usually in the form of money. It includes not only intercourse but also any form of sexual contact with another person for a fee [3] [5]

Sex massage therapy became one of the commodities in the sex tourism. Sex Tourism is defined as an activity that entails individuals engaging in both national and international travel in order to participate in sexual activity considered to be both illegal and unethical in those individuals' respective nations or countries of residences. [6] As a new form of

* Corresponding author: bunga8287@gmail.com

prostitution, sex massage therapy provides various types of sexual transactions, ranging from sensual massage therapy such as "*mandi kucing*", "*petik mangga*", blowjob or handjob to intercourse with a therapist. The concept of space used is a thematic concept spa, with the theme of hospitals, prisons, offices, kitchens and others, so that clients can conduct sexual fantasies. Clients can choose a therapist either through photos or selected directly through the transparent screen.

The presence of sex massage therapy is certainly very disturbing the public. Fake massage businesses are controlled by a network of human trafficking syndicates. In the business conducted by the organized, there has been a kind of sexual exploitation against women and children (underage 18 years). Spa providing sex massage therapy becomes a place of sex tourism. It is certainly damaging the reputation of tourist destination. Some forms of criminality can take place there, such as pornography, alcohol consumption, illegal drugs, assault and others. Despite the existence of sex massage therapy disturbing public order, but law enforcement against sex massage therapy businesses is very weak. In this study, we discuss some issues that sex massage therapy as a covert prostitution, the causes of lack of law enforcement against sex massage therapy at the spa, and efforts to cope sex massage therapy services.

2 Sex Massage Therapy as a Covert Prostitution

Massage business is one of the businesses that are popular, especially in the areas of tourist destinations and major cities such as Bali, Surabaya, Bandung, Jakarta, Cibubur and so on. This business opportunity exploited by the owners to provide sex services in the form of massage therapy that become venues for prostitution Frank E. Hagan in *Criminology Introduction Theories, Methods and Criminal Behavior* stated "Prostitution can be defined as the practice of having sexual relations with emotional indifference on a promiscuous and mercenary basis." [2]

Prostitution involved three main components namely prostitute, pimp and client. Sex massage therapy at the spa is done very well organized. The owner of spa provides a comfortable place to provide sexual services. Sex massage therapist were generally done by female, but there were also committed by male therapist. Recruitment of therapists is done directly by looking for workers who come from remote areas, through the outsourcing company to offer direct prospective workers applying to work in the spa.

Types of recruitment in each of the fake spas are different. Some are directly convey that the candidate works will work as sex massage therapist, but those that deceive the prospective worker by saying that she would work in the real spa. After work, the therapist will realize that she was working on a fake spa, but she can not resign because it was tied to the employment agreement. Prof. Simon stated that to be able to trade the woman, a woman was indeed hinted that the perpetrator must have some sort of power over the woman, so that she can trade [3]. They of course have been the victims of human trafficking, but it is difficult for them to go because the place is guarded by some body guards.

Sex massage therapy is become a very profitable business compared to the real massage therapy. The service provided is a sensual massage service in accordance with the menu served at the spa and in accordance with the special request of the client. The price offered is varied depending on the form of sexual services. Price therapeutic massage in Bali, for example, approximately USD 50000.00-Rp130.000.00 for an hour, while for sex massage therapy can reach Rp 2.500.000,00 for an hour. The price is pretty expensive, of course, the customer of sex massage therapy derived from the class of businessmen, government officials, politicians, to professionals. Clients can obtain information about this spa on the internet, advertising, marketing freelance or ask the taxi driver who drove.

1 Spa that provides sex massage therapy become a new form of prostitution that changed the map of prostitution, where previously a place of prostitution focused on a particular region, but now, by sex massage therapy can be found along the road in a tourist destination, business area, an office area, to the residential areas. Distribution of this region will facilitate access for clients to obtain sexual services without being embarrassed because they do not again enter the territory of prostitution that is already known by the public. The spa is designed with emphasis on the protection of privacy for the client, so the client will feel relatively safe from raids localization. The existence of fake spa can trap the consumer does seek a real massage therapy.

In criminal law, the sexual services transaction is classified 6 a crime. Article 296 of Penal Code determines that the punishment imposed on the person who intentionally causing or facilitating obscene acts with others, and make it as search or habit. Furthermore, in Article 506 stated whoever took advantage of a lewd act a woman and makes it as a search shall be punishable by imprisonment for a maximum of one year. Based on the formulation of those articles, the punishment may only be made to the pimp while the prostitute and the client itself does not can be punished. Thus the rule of law both in the context of transnational and national is meant to pimp.

3 The Causes of Lack of Law Enforcement against Sex Massage Therapy at Spa

Law enforcement can be formulated as an effort to implement the law and if there is a violation, then the offenders should be subject to sanctions for the infraction. Law enforcement against sex massage therapy at the spa is very weak. Fake spa entrepreneurs can operate freely, and even advertise their business places, although not directly deliver sexual services provided. The weak of law enforcement cannot be separated from the causal factors of prostitution. Prostitution should be examined from two sides of the endogenous factors and exogenous factors. Among the endogenous factors can be mentioned that large sex appetite, lethargy and a great desire to live in luxury. Among the exogenous factors is the main economic factor, irregular urbanization, housing circumstances which do not qualify and so on. The main cause is actually a mental conflict, living situations that are not profitable in childhood and personality patterns that are less mature, coupled with lower her level of intelligence. [4]

Supervision of the spa business is relatively weak, so that law enforcement does not realize that there was prostitution at the spa. The place is designed with a very comfortable spa. It using the front glass door and a dim light in the reception area. In the reception area, there is a reception and counter complete with EDC. This condition can outwit law enforcement and surrounding communities. But there is also a condition where people already know about the fake spa, but did not take any action. That's because the owner of the fake spa is a native of the region, so there is a sense hesitate to conduct enforcement action by the chairman of the environment and local communities. Unfortunately, sometimes the business is actually protected by law enforcement officials and local residents who get benefit from that illegal business.

In terms of substantive law, the provisions of Article 296 and 506 of the Criminal Code only criminalize pimping only, while the therapist and the client can not be convicted. In fact, the sex massages therapy due to the people who are willing to conduct sex massage therapy and those who need sexual services. Most sex massage therapist to do her job and indeed consciously chose the job because her income exceeds the income of employees in the banking sector. Within a month, they can earn an income of Rp 5.000.000.00 beyond the tipping given by the client. They also feel safe and comfortable with the job because it is protected by the owner and manager of the spa.

4 Efforts to Cope Sex Massage Therapy Services

Fake spa business is a form of business that is not only illegal, but also immoral violate of business ethics. Therefore, the existence of the spa must be addressed. The efforts of sex massage therapy services can be done through the penal policies of and non-penal policies. Penal policy is a policy that is conducted through the legal instrument to enforce laws. Notohamidjojo as quoted by Abdulkadir Muhammad said that there are four important norm in law enforcement, namely humanity, justice, decency and honesty. [1] Law enforcement against sex massage therapy services this by itself will touch aspects of humanity, justice, decency and honesty.

Law enforcement can be sentenced under Article 296 and 506 of the Penal Code as described previously. Sex massage therapy activities are related to human trafficking, therefore, law enforcement can do with the Act of the Republic of Indonesia Number 21 of 2007 concerning Combating Human Trafficking. Article 2 the Act of the Republic of Indonesia Number 21 of 2007 states as follows:

- (1) Every person doing the recruitment, transportation, harboring, transportation, transfer, or receipt of persons by threat of violence, use of force, abduction, confinement, fraud, deception, abuse of power or vulnerability, debt bondage or giving payments or benefits although the gain the consent of a person having control over another person, for the purpose of exploiting that person in the territory of the Republic of Indonesia, shall be punished with imprisonment of minimum 3 (three) years and a maximum of 15 (fifteen) years of imprisonment and a minimum fine of Rp 120 million ,00 (one hundred and twenty million rupiah) and at most Rp 600,000,000.00 (six hundred million rupiah).
- (2) If the act referred to in paragraph (1) lead to the exploited, the offender shall be punished the same as described in paragraph (1).

Under the provisions Article 2 of the Act of the Republic of Indonesia Number 21 of 2007, the spa owners and managers may be liable to imprisonment and criminal fines. Reduction efforts can also be done based on a system of community policing. Chief of the environment and local communities are expected to conduct optimized supervision to control the activities of businesses operating in the region. Supervising of business licensing should also be conducted by the local government that the licensing provisions previously submitted in accordance with the business activities conducted. If there are differences, local governments can take action in the form of government reprimand, a warning letter, until the close of business premises.

Non penal policy conducted by outside legal approach, by increasing economic growth. Poverty is one reason for a person to become sex therapist at the spa. Therefore, efforts are needed to create jobs and increase wages in the informal sector. Stimulation to foster entrepreneurial spirit also needs to be done. Today, empowerment of society has not reached the people who live in remote villages. In fact, recruiters instead seek a therapist in remote villages. Improving the quality of education needs to be done so that can have a foundation to find a decent job and can educate their children by instilling moral values, religion, humanity and decency.

5 Conclusion

Sex massage therapy is a disguised prostitution. Sex massage therapy service managed organized. Fake spa has become one of tourist destination for sex tourism. Sexual service activities are against the law, but law enforcement against sex massage therapy at the spa is very weak. Factors causing the lack of law enforcement against sex massage therapy at the spa include a fake business for the development of the spa itself, weak supervision by law

enforcement agencies, local governments and local communities, as well as the provisions of Articles 296 and 506 of the Criminal Code that can only impose penalties for pimps only. Reduction efforts of sex massage therapy services is through policies penal and non-penal policies. Penal policy carried out by law enforcement, supervision and community policing. Non penal policy carried out by increasing the level of economic and educational level of the society.

References

1. Abdulkadir Muhammad, *Etika Profesi Hukum*. (Citra Aditya Bakti, Bandung, 2006)
2. Hagan, Frank E., *Introduction Criminology Theories, Method and Criminal Behavior*. (Nelson-Hall Inc., Chicago, 1989)
3. Lamintang P.A.F and Theo Lamintang, *Delik-Delik Khusus Kejahatan Melanggar Norma Kesusilaan dan Norma Kepatutan*. (Sinar Grafika, Jakarta, 2009)
4. Soerjono Soekanto, *Sosiologi Suatu Pengantar*. (Raja Grafindo Persada, Jakarta, 2005)
5. Topo Santoso, *Seksualitas dan Hukum Pidana*. (Ind-Hill-Co, Jakarta, 1997)
6. Laws, 4 Facts that You Need to Know About Sex Tourism, <http://sex-crimes.laws.com/prostitution/4-facts-that-you-need-to-know-about-sex-tourism>.

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