

Law Enforcement Against Online Prostitution Crimes Through The MiChat Application

Nixxon Rian P. Siahaan^{1*}, Sriono², Wahyu Simon Tampubolon³

^{1,2,3} Faculty of Law, Universitas Labuhanbatu, Rantauprapat

*Corresponding Author:

Email: Sriono.mkn@gmail.com

Abstract.

Kepahiang District Court Decision Number 129/Pid.Sus/2021/PN Kph analyzed the application of electronic evidence in the investigation of online prostitution through the MiChat application by the Kepahiang Police. Defendants Sanelia Amelia and Monicxa Caroline were proven to have violated Article 45 paragraph (1) in conjunction with Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE in conjunction with Article 55 paragraph (1)¹ of the Criminal Code, with a prison sentence of 1 year and 3 months each. The main evidence includes the MiChat status ("open booking" of PSK), Messenger/WhatsApp chat, and digital forensics of the Oppo A12 cellphone which confirmed the communication history and distribution of information violating morality. This normative legal research shows the effectiveness of electronic evidence equivalent to Article 184 of the Criminal Procedure Code in conjunction with Articles 5 & 44 of the ITE Law, through chain of custody verification and forensic expert testimony. Challenges include the potential for data manipulation, overcome by the Digital Evidence First Responder method. This ruling strengthens the jurisprudence of cyber evidence in Indonesia, emphasizing the increased capacity of investigators for similar cases. The analysis focused on the role of electronic evidence such as status updates on the MiChat app containing codes offering sexual services, Messenger and WhatsApp conversation histories proving collaboration between the perpetrators, and digital photos used as "offered goods." This electronic evidence, obtained through digital forensic examination, served as the basis for the Panel of Judges' conclusion that the elements of "distributing, transmitting, and/or making accessible electronic information containing indecent content" were met.

Keywords: MiChat; prostitution and electronic evidence.

I. INTRODUCTION

Kepahiang District Court Decision Number 129/Pid.Sus/2021/PN Kph handled a case of distribution of electronic information containing indecency through the MiChat application related to online prostitution. This case involved the defendants Sanelia Amelia binti M. Idris alias Sanela and Monicxa Caroline alias Monic binti Dedi Irawan, who were found guilty based on Article 45 paragraph (1) in conjunction with Article 27 paragraph (1) of Law No. 19 of 2016 concerning Amendments to the ITE Law in conjunction with Article 55 paragraph (1) of the Criminal Code. This decision shows the effectiveness of electronic evidence in the investigation process of the Kepahiang Police, where the application status, Messenger chat, and digital forensics are key to proof.

The development of information technology has had a significant impact on various aspects of life, including conventional crime modes. Prostitution, which was initially conducted face-to-face, has now shifted to the digital realm, utilizing messaging apps and social media. The Kepahiang District Court's decision Number 129/Pid.Sus/2021/PN Kph serves as a concrete example of how electronic evidence plays a central role in uncovering and proving online prostitution crimes. This article will analyze the role of electronic evidence in this decision, particularly in the application of Article 27 Paragraph (1) of the ITE Law. Online prostitution via MiChat often escapes conventional scrutiny due to its hidden nature, with a rate of Rp400,000 per session and profit sharing (Rp300,000 for the sex worker, Rp50,000 for the pimp, and Rp50,000 for the owner). This study analyzes the effectiveness of electronic evidence in police investigations under the Criminal Procedure Code (KUHP) and the ITE Law, including chain of custody verification to prevent data manipulation. This normative legal analysis aims to reveal the strength of digital

evidence and the legal implications for handling similar cybercrimes in Indonesia. In this context, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), as amended by Law Number 19 of 2016, is present as a vital legal instrument. Article 27 Paragraph (1) of the ITE Law, which threatens criminal penalties for anyone who intentionally and without the right to distribute, transmit, or make accessible Electronic Information and/or Electronic Documents containing content that violates morality, is the main weapon to reach perpetrators of cybercrime. However, the effectiveness of enforcing this article is highly dependent on the ability to prove the crime in court, where the position of electronic evidence plays a central and determining role.

The Kepahiang District Court's decision Number 129/Pid.Sus/2021/PN Kph regarding an online prostitution case involving the MiChat and Messenger applications is a highly relevant case study. This decision not only tests the application of Article 27 Paragraph (1) of the ITE Law, but also reflects how electronic evidence—such as online status, conversation history, and digital photos—is collected, submitted, and analyzed for its legal force to shape a judge's conviction. Therefore, this article analyzes the position of electronic evidence in the evidentiary process in this case, with the aim of understanding the legal construction that proves the crime of online prostitution and its implications for law enforcement in the digital era. On October 5, 2021, investigators posed as customers through the MiChat app, using the "CITRA" account belonging to witness Hana Mulyati, to order two commercial sex workers (CSWs) for Rp800,000. A raid at a rented house on Jalan Mandi Angin, Pensiunan Depan Village, Kepahiang, secured the defendant along with witnesses Hana, Mayang Sari, and Juniko Aditia. The defendant was found guilty of ordering Hana to set an "open booking" status since August 2021 to offer paid sex services, involving the distribution of personal photos via WhatsApp and Messenger. The development of information and communication technology has transformed patterns of social interaction and opened up space for the emergence of new forms of crime in cyberspace. The phenomenon of cybercrime continues to develop with increasingly complex variations in modus operandi, one of which is the migration of conventional crimes such as prostitution into the digital realm. Messaging applications and social media are now systematically exploited as a means to promote and regulate online sexual service transactions, creating complex challenges for law enforcement officials in terms of evidence and law enforcement.

The Kepahiang District Court Decision Number 129/Pid.Sus/2021/PN Kph regarding the online prostitution case involving the MiChat and Messenger applications is a highly relevant and current case study. This decision not only tests the application of Article 27 Paragraph (1) of the ITE Law, but further serves as a reflection of how electronic evidence—such as online status, conversation history, and digital photos—is collected, submitted, and analyzed for its legal force to form a judge's conviction. An analysis of this ruling is crucial for understanding the legal framework that establishes the crime of online prostitution and its implications for law enforcement in the digital age. Based on the above description, this article aims to analyze in depth the role of electronic evidence in the evidentiary process in this online prostitution case. The analysis will focus on the construction of electronic evidence, the application of the provisions of the ITE Law, and the implications of the decision for the development of criminal procedure law in Indonesia. By analyzing this decision, it is hoped that it can contribute to thinking regarding the optimization of the use of electronic evidence in criminal law enforcement in the digital era. In this context, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), as amended by Law Number 19 of 2016, is present as a vital legal instrument. Article 27 Paragraph (1) of the ITE Law, which threatens criminal penalties for anyone who intentionally and without the right to distribute, transmit, or make accessible Electronic Information and/or Electronic Documents containing content that violates morality, is the main weapon to reach perpetrators of crimes in the cyber world. However, the effectiveness of enforcing this article is highly dependent on the ability to prove the crime in court, where the position of electronic evidence plays a central and determining role.

MiChat, originally developed as a free instant messaging app for social communication, has become a major platform for online prostitution in Indonesia, with over 50 million users in 2020. The "People Nearby" feature facilitates non-consensual searches, and is being misused to promote sex workers through "open BO" statuses with rates of Rp50,000-Rp500,000 per session, sexy profile photos, and offers

of VCS/direct connections. The Ministry of Women's Empowerment and Child Protection (PPPA) recorded a 50% increase in prostitution cases, with the Indonesian Child Protection Commission (KPAI) reporting that 41% of child victims were exploited via MiChat in 2021. Based on the above description, this article aims to critically and comprehensively analyze the role of electronic evidence in the evidentiary process in this online prostitution case. The analysis will focus on three main aspects: the construction of electronic evidence, the contextual application of the provisions of the ITE Law, and the implications of the decision for the development of criminal procedure law in Indonesia. By analyzing this decision in depth, it is hoped that it will contribute to thinking about optimizing the use of electronic evidence in criminal law enforcement that is adaptive to the dynamics of technological developments in the digital era.

II. METHODS

This article was compiled using a normative legal research method with a case study approach. This research focuses on analyzing court decisions as legal products that have permanent legal force.

1. Data Types and Sources

The research uses secondary data consisting of:

- a. Primary Legal Materials: Kepahiang District Court Decision Number 129/Pid.Sus/2021/PN Kph along with the indictment and demands of the public prosecutor.
- b. Secondary Legal Materials: Criminal Procedure Code (KUHP), Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments, as well as relevant legal literature.
- c. Tertiary Legal Materials: Legal dictionary, legal encyclopedia, and scientific journals related to electronic evidence and cybercrime.

2. Data Collection Techniques

Data was collected using documentary study techniques by analyzing in depth:

- a. Complete court decision text
- b. Construction of the legal considerations of the panel of judges
- c. Electronic evidence submitted in court
- d. Expert opinion requested in the proof process

3. Data Analysis Techniques

The data was analyzed using content analysis techniques and qualitative legal analysis with the following stages:

- a. Identification legal elements in decisions
- b. Interpretation regarding the construction of electronic evidence
- c. Evaluation regarding the implementation of the provisions of the ITE Law and the Criminal Procedure Code
- d. Synthesis to significant legal findings

4. Analysis Framework

The analysis is carried out using a legal reasoning framework that examines:

- a. Application of the theory of proof in criminal procedural law
- b. Construction of judge's conviction based on electronic evidence
- c. Harmony between legal considerations and statutory provisions
- d. Coherence between trial facts and legal construction

Through this method, the research aims to provide a comprehensive and in-depth analysis of the position of electronic evidence in the Indonesian criminal justice system, particularly in handling cybercrime cases.

The research methods used must be written in accordance with scientific principles. Normative/doctrinal research consists of:

1. Types and approaches of research;
2. Types and sources of research data;
3. Research data collection techniques; and
4. Research data analysis techniques.

Meanwhile, empirical research consists of:

1. Types and approaches of research;
2. Research location;
3. Informants/population and samples;
4. Techniques for determining informants/population;
5. Types and sources of research data;
6. Research data collection techniques; and
7. Research data analysis techniques.

III. RESULT AND DISCUSSION

The analysis results show that electronic evidence from MiChat and digital forensics are proven valid and convincing, fulfilling Article 184 of the Criminal Procedure Code in conjunction with Article 5 of the ITE Law. The panel of judges found defendants Sanelia Amelia and Monicxa Caroline guilty of distributing information that violates morality, sentenced to 1 year and 3 months in prison each (lighter than the demand of 1 year and 6 months), with Rp1,700,000 confiscated by the state and their cellphones destroyed. Forensic verification by Nur Fajri Amali ensured the integrity of the data, overcoming potential manipulation through the chain of custody. The discussion confirmed the effectiveness of the Kepahiang Police undercover method, where MiChat chats and statuses became primary evidence of the elements of intent (*mens rea*) and action (*actus reus*). Expert testimony from Tegu Arifiyadi emphasized the moral content of the prostitute's offer, reinforcing similar jurisprudence, such as Bitung District Court Decision 158/Pid.Sus/2021/PN Bit. The main challenge was the defendant's deletion of chat messages, which was addressed through forensic data recovery, demonstrating the need for Digital Evidence First Responder training for investigators.

The decision relies on electronic evidence as follows:

- a. MiChat Application Status Hana's status history on October 5, 2021, at 11:23 WIB ("my friend is staying today, I say. 2 people are staying today, I say"), 11:59 WIB ("it's quiet, who won't buy me cigarettes, bro"), and 14:51 WIB ("my friend is still staying, 2 people. Kepahiang area"), which is considered to distribute information that violates morality.
- b. Chat Messenger and WhatsApp Communications of the defendant with Hana, including requests to find guests ("NUT NKPO KO?") and sending photos of prostitutes for promotion.
- c. Digital forensic results The minutes of the Digital Forensic Examination by Nur Fajri Amali (November 3, 2021) on the Oppo A12 cellphone (IMEI 861693057727190/182) found the MiChat status history, Hana-Monicxa Messenger chat (September 23 & October 5, 2021), and chat with Mayang Sari, proving the authenticity of the data.
- d. The Defendant's cellphones, Oppo A12 (Hana) and Realme C11 (Sanelia, IMEI 865462052545312/304) were confiscated and destroyed as evidence.

Based on an analysis of Kepahiang District Court Decision Number 129/Pid.Sus/2021/PN Kph, it was found that electronic evidence served as both preliminary and corroborating evidence in the construction of evidence. Statuses on the MiChat application containing the codes "open," "stay," and "Kepahiang area" served as preliminary evidence, which was later confirmed through digital forensic examination. The electronic evidence process in this case involved three stages:

1. Acquisition stage: Physical confiscation of mobile phone devices
2. Preservation stage: Creation of forensic images to maintain data integrity
3. Analysis stage: Examination by digital forensic experts from the Directorate of Informatics Application Control.

The Panel of Judges consistently applied the principles of electronic evidence as stipulated in Article 6 of the ITE Law. The principle of accessibility is fulfilled through the existence of statuses on the MiChat application that can be read by other users. The principle of visibility is demonstrated by the ability to re-display chat history and statuses during the trial. Meanwhile, the principle of guaranteed integrity is demonstrated by the testimony of a digital forensics expert who stated that the data was unchanged.

In this decision, electronic evidence is classified in two ways:

1. As independent evidence based on Article 5 of the ITE Law
2. As written evidence within the meaning of Article 184 of the Criminal Procedure Code through extensive interpretation

This dual qualification strengthens the legal position of electronic evidence while demonstrating the adaptation of traditional evidentiary systems to technological developments.

Defendants I and II fulfill this element as competent legal subjects based on:

- a. Adult age (20 and 21 years)
- b. Ability to understand the consequences of actions
- c. Not under pardon

Elements of "Intentionally and Without Rights" Intentionality is proven by:

1. Actively sending photos of yourself to pimps
2. Explicit request to find customers
3. Periodic repetition of service offering status

The injustice is proven by Lack of permission from the authorities and content that clearly violates moral norms.

The analysis results show that electronic evidence from MiChat and digital forensics were proven valid and convincing in accordance with Article 184 of the Criminal Procedure Code in conjunction with Article 5 of the ITE Law, with the panel of judges finding the defendant guilty of distributing information violating morality since the end of August 2021. The prison sentence of 1 year and 3 months each (lighter than the Public Prosecutor's demand of 1 year and 6 months) took into account the status of a housewife and the dependent child, while Rp1,700,000 in cash (details Rp800,000 + Rp900,000) was confiscated by the state, cellphones and bedroom equipment (mattresses, pillows, blankets) were destroyed.

Forensic chain of custody verification by Nur Fajri Amali, S.Kom., CEH, CHFI recovered deleted data, fulfilling the authentication requirements of Article 6 of the ITE Law through identification, preservation, and analysis of image file data. The discussion confirmed the effectiveness of the Kepahiang Police undercover method (Witness Robert Noperli paid Rp800,000 for 2 prostitutes), where the MiChat status proved the element of public distribution (actus reus), the coordination chat ("PERLU TACI DEU YO NUT" means looking for guests) mens rea, and expert testimony Tegu Arifiyadi, SH., MH., CEH., CHFI emphasized the moral content of illegal prostitution contrary to social norms. This jurisprudence is in line with the cases of Bitung District Court 158/Pid.Sus/2021/PN Bit. and Majalengka District Court 17/Pid.Sus/2021/PN Mjl, where the challenge of data volatility was overcome by professional forensics (hashing, message digest). Recommendations include a national SOP for Digital Evidence First Responders of the Indonesian National Police and CEH/CHFI training to increase the success rate of 80% of cyber cases, preventing misuse of MiChat.

Elements of "Content That Violates Morality" Digital forensics expert, Tegu Arifiyadi, stated that offering sexual services through writing/status and photos constitutes content that violates morality because:

1. Contrary to social norms of society
2. Leading to illegal prostitution activities
3. Has no educational or medical value

Research identifies several challenges in electronic evidence Dualism of regulations between the Criminal Procedure Code and the ITE Law and the Unclear digital chain of custody standards. Applied Solutions Harmonious interpretation of the provisions of the Criminal Procedure Code and the ITE Law, Utilization of digital forensic experts to ensure the integrity of evidence. This decision has several important implications The decision emphasizes that the principle of legality in criminal law must be understood dynamically, including provisions on electronic evidence. This decision can be a reference for standards:

1. Digital forensic examination
2. Presentation of electronic evidence in court
3. Assessment of electronic evidence by the judge

Based on the analysis of the decision, it can be recommended that the Regulatory Aspects More detailed regulations regarding digital forensic standards and chain-of-custody guidelines for electronic evidence are needed. Institutional aspects include increasing investigator capacity in digital forensics and establishing digital forensic laboratories in each regional police. Therefore, this ruling is not only important in the context of law enforcement in online prostitution cases but also serves as a landmark in the development of electronic evidence systems in Indonesia.

IV. CONCLUSION AND SUGGESTION

Based on the analysis of the Kepahiang District Court Decision Number 129/Pid.Sus/2021/PN Kph, several important points can be concluded:

Electronic evidence has played a central and determinant role in proving the crime of online prostitution. Status on the MiChat application, digital conversation history, and electronic photos not only function as initial evidence but also as supporting evidence that forms the judge's conviction. The legal construction built by the Panel of Judges shows the adaptation of the traditional evidentiary system to technological developments through the application of dual qualifications - both as independent evidence based on the ITE Law and as written evidence in the interpretation of the Criminal Procedure Code. The application of Article 27 Paragraph (1) of the ITE Law in this decision has fulfilled all legal elements comprehensively, starting from the element of intent, distribution of electronic information, to content that violates morality, supported by valid and convincing electronic evidence.

Based on the research findings, several recommendations are proposed:

1. It is necessary to immediately issue Implementing Regulations concerning comprehensive Standard Operating Procedures for examining electronic evidence.
2. Integration of provisions on digital forensics in the revised Criminal Procedure Code to accommodate technological developments.
3. Preparation of chain of custody guidelines specifically for electronic evidence

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