

The Current Situation and Governance Strategies of Online Solicitation of Prostitution

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Abstract. In recent years, the rapid advancement of the Internet has given rise to a plethora of new types of crimes, with online prostitution emerging as a prominent issue. The incidence of online prostitution cases has been steadily increasing, impacting societal norms and creating significant harm. In contrast to traditional forms of solicitation and prostitution, online activities are more clandestine, making investigations and evidence collection challenging. Given these challenges, it is crucial to examine the legal rights implicated in online prostitution and develop effective management strategies to deter and address such behavior. One approach involves strengthening the connection between the Administrative Penalty Act and criminal law to ensure appropriate consequences for offenders. Additionally, enhancing surveillance mechanisms for content dissemination is essential to curb the proliferation of online prostitution activities. By adopting a comprehensive approach that combines legal frameworks with robust enforcement measures, we can mitigate the negative effects of online prostitution and safeguard the integrity of our digital landscape.

Keywords: Online Solicitation of Prostitution; Criminal law; Prostitution Crimes.

1. Introduction

Due to the prohibition of prostitution and solicitation of prostitutes in the People's Republic of China since its establishment, illegal activities have gradually decreased, and organized prostitution has become extremely rare. Therefore, the "Criminal Law" enacted in 1979 did not specify the crime of organizing prostitution. However, in recent years, with the rapid development of the internet and increased information flow, the issue of prostitution has come to the fore, exerting a significant negative impact on social norms. The emergence of obscene behavior poses a challenge to a healthy social atmosphere on one hand, and threatens the healthy development of society on the other. For example, an increase in the number of people being lured can lead to the expansion of obscene groups, perpetuating a vicious cycle that ultimately poses a great risk to society. Therefore, cracking down on online prostitution not only benefits the regulation of social norms but also helps maintain a harmonious and stable social environment. Hence, this article takes the current situation of online solicitation as a starting point to analyze the crimes that may be involved in online solicitation and provide recommendations for effectively regulating online solicitation in the criminal law.

2. The Social Status and Characteristics of Recruiting Online Prostitutes

2.1. The Social Status Quo of Recruiting Online Prostitutes

Online transactions have led to the rapid expansion of prostitution organizations and an increase in the number of victims, among whom prostitutes are pregnant women. It may involve individuals with limited or no capacity for civil conduct [1], who are the key protected objects of the law. Once they engage in illegal industries and participate in unlawful activities, the harm to society and themselves is extremely serious. It is worth noting that online solicitation and involvement in prostitution may also pose potential risks to public health and safety, especially in relation to the spread of diseases.

Therefore, the harm brought by online prostitution not only disrupts social management order but may also affect life and health safety.

2.2. The Characteristics of Online Advertising for Prostitution Crimes

Firstly, online advertising for prostitution is more discreet. With the rapid passage of time, the act of soliciting prostitutes is no longer confined to traditional face-to-face communication but has gradually shifted towards online recruitment activities through the Internet, utilizing it to disseminate information for sexual transactions. Prostitution venues have increasingly mobile, extending beyond clubs, KTVs, and other fixed locations. These adaptable and mobile organizations operate covertly in various regions and settings, such as small retailer shops, residential buildings, and secluded apartment complexes, making awareness efforts more complex and necessitating additional staff and resources.

Secondly, it is difficult to effectively combat online solicitation of prostitution. The above-mentioned seemingly legitimate venues were rented out for prostitution services, allowing those involved in prostitution to evade full accountability for their crimes. This practice helps cover up the activities of the entire criminal organization, enabling them to escape more severe criminal sanctions such as police raids. Online recruitment organizations may also form partnerships with offline entertainment establishments to divert the sources of illegal drug trafficking and create strong circular marketing models [1].

After all, it is difficult to gather evidence of illegal profits. With the development of the Internet, forms of transactions have become flexible and diverse. Chinese in today's society are inseparable from online payment. Mobile payment has provided great convenience for our daily lives, and online prostitution has also realized the transaction form of online payment. According to investigations, some online advertising organizations buy other people's bank cards for a specialized collection, which means that prostitutes do not have to make financial transactions with customers. The entire payment process is also managed and collected by dedicated employees, making it more difficult to investigate traces of money transactions in investigative work. The money used for online advertising also follows the money laundering model of some foreign underground banks, washing away the money and distributing it [2, 3].

3. Offences That May be Involved in Soliciting Prostitutes on the Internet

The use of the internet for solicitation of prostitution may involve offenses such as organizing prostitution, forcing others into prostitution, and illegal use of information networks. For example, according to Article 358 of the Criminal Law, those who organize or force others into prostitution shall be sentenced to imprisonment for a term of not less than five years [4] but not more than ten years, along with a fine. If the circumstances are severe, they shall be sentenced to imprisonment for a term of not less than ten years, life imprisonment, or death, along with a fine or confiscation of property [5]. Those who organize or force minors into prostitution shall be punished more severely in accordance with the provisions mentioned above. Among them, those who use information networks to commit any of the following acts, with severe circumstances, shall be sentenced to imprisonment for a term of not more than three years or detention, along with a fine, or solely a fine: (1) establishing websites or communication groups used for committing fraud, teaching criminal methods, producing or selling prohibited or controlled items, and engaging in other illegal criminal activities; (2) disseminating information related to the production or sale of drugs, firearms, obscene materials, and other prohibited or controlled items, or other illegal criminal information; (3) publishing information for the purpose of committing fraud or other illegal criminal activities.

The solicitation of prostitutes on the Internet is different from traditional prostitution crimes, with characteristics such as strong concealment and difficulty in obtaining evidence. Therefore, it is very difficult to determine whether it is organizing prostitution or procuring. There is a significant gap in sentencing between the offense of organizing prostitution and other related charges. The maximum

sentence for the offense of organizing prostitution is life imprisonment, due to its mandatory attributes. Some scholars believe that the act of organizing prostitution can be subdivided into the act of means and the act of ends [6]. The act of means can be understood as recruitment and employment, coercion and enticement, and accommodation. The act of ends involves controlling two or more people to engage in prostitution activities, and both the act of means and the act of ends must be present concurrently; one cannot be lacking. For example, in the case of Guo's charges of soliciting prostitution and assisting in organizing prostitution [7], from March to April 2023, the defendant Guo, together with Xu and Zou (all separately handled cases), knowingly used platforms such as Momo and TanTan to solicit clients online, providing client information to others while being aware that they were arranging prostitution through the internet. They facilitated prostitution activities for the prostitutes Pang and Li in hotels and guesthouses in Yinzhou District, Ningbo City, on one occasion each, and illegally profited 180 yuan. From April to May 2023, Guo, despite knowing of others organizing prostitution through the internet, repeatedly used Momo, WeChat, and other apps to solicit clients online and introduced clients Wang, Zhu, Dong, and others to prostitutes Li, Qiao, and Su, facilitating prostitution activities for 11 occasions in hotels and guesthouses in Yinzhou District, Ningbo City, and illegally profited 1840 yuan. The court held that Guo, by acting as an intermediary between prostitutes and clients, facilitated communication and arrangement, enabling the prostitution activities of others and providing assistance in organizing prostitution. Therefore, he should be held criminally responsible for the offenses of soliciting prostitution and assisting in organizing prostitution.

4. Governance Countermeasures to Prevent Online Solicitation of Prostitutes

4.1. Strengthening the Connection Between the Administrative Punishment Law and the Criminal Law

In addition to prostitution-related offenses regulated by the Criminal Law, a range of other activities associated with prostitution should be governed by the Public Security Administration Punishments Law. Article 66 of the Public Security Punishments Law outlines penalties for engaging in prostitution, which can result in detention or fines, while Article 67 covers penalties for inducing, tolerating, or facilitating others to engage in prostitution. However, there is a gap in the law regarding the penalties for organizing prostitution, particularly when the number of individuals involved changes the legal classification from a misdemeanor to a criminal offense [8]. This inconsistency between the Criminal Law and the Public Security Administration Punishments Law creates ambiguity in dealing with organized prostitution. To address this issue and ensure comprehensive legal coverage, it is essential for these two laws to align their provisions related to regulating prostitution, thereby complementing each other and enhancing their effectiveness in judicial practice.

4.2. Strengthening the Regulation of Information Dissemination

At present, private, convenient, and extensive social platforms such as WeChat and QQ have not shared relevant information with public security authorities. This lack of cooperation limits the supervision and investigation capabilities of law enforcement agencies, making it difficult to promptly prevent and control the dissemination of harmful information [9]. Consequently, when crimes are committed, evidence collection may be hindered, leading to potential loopholes for suspects. Therefore, there is a need to strengthen internet regulation to streamline investigations into criminal activities. Additionally, enhanced inspections, particularly in venues like hotels, hostels, and KTVs where prostitution cases are prevalent, are crucial. Implementing standardized registration processes, conducting regular site visits, and enforcing deterrence measures against solicitation are essential steps to combat this issue effectively.

4.3. Strengthening Internet control

Strengthening internet control is an important measure to maintain network security and social stability. Multiple departments should work together, each playing its own role, to form a concerted effort to comprehensively crack down on illegal online activities and ensure a clean cyberspace [10]. At the same time, it is necessary to strengthen the management and guidance of information dissemination, promptly clean up and deal with harmful information to safeguard the legitimate rights and interests as well as the physical and mental health of the public. According to the social harm degree of different information, measures such as warnings, penalties, and even convictions should be taken to effectively curb cybercrime and maintain a good online order.

5. Conclusion

With the continuous development of the Internet, it has undoubtedly brought great convenience to people's lives. However, it has also increased the possibility of criminal activities, especially in the realm of online solicitation. The hidden nature of online solicitation makes it difficult to effectively combat such crimes and gather evidence. Thus, it is evident that regulations on online solicitation of prostitution should be strengthened through both administrative and criminal penalties. Additionally, there should be enhanced supervision and control of internet content dissemination to effectively prevent online solicitation of prostitution. Moreover, it is crucial for law enforcement agencies to fully utilize their functions in combating these crimes and maintaining social stability and order in the digital realm. The legislative body should also promptly identify legal loopholes and address legislative deficiencies to uphold the fairness and justice of the law.

Authors Contribution

All the authors contributed equally and their names were listed in alphabetical order.

References

- [1] Xiaobo Dong, Yafang Zhang. Chapter 7 the criminal law, American: Springer Science and Business Media LLC, 2023.
- [2] Wei Yucheng. Study on difficult issues in the application of criminal law to online solicitation of prostitutes. Shanghai: East China University of Political Science and Law, 2016.
- [3] Sun Mingfeng. Analysis of the current situation of internet prostitution and procurement offenses and countermeasures to govern them. Journal of Shandong Police College, 2021, 33(01):133-138.
- [4] Zhang Bing. Reflections on the countermeasures for the governance of online procuring prostitutes. Journal of Anhui Vocational College of Police Officers, 2017, 16(06):60-70.
- [5] Wang Qi, Qianyun. A comparative study of cybercrime in criminal law: China, US, England, Singapore and the Council of Europe, 2016:85-136.
- [6] Meng Jinmei. On the decriminalization of sex work in China, American: Springer Science and Business Media LLC, 2013.
- [7] Ren Gangyi, Ma Xiaoxu, Zuo Ye. The research on the influencing factors of foreign master's and doctoral students' study performance in China, Education Research International, 2023:1-9, DOI: 10.1155/2023/1325017.
- [8] Xia Wei. The transformation of criminal law concept in the internet age: From positive prevention to negative prevention. Journal of Comparative Law, 2022, (02): 59-71.
- [9] Chen Jianfu. Criminal law and criminal procedure law in the people's republic of China. Brill, 2013, 3:109.
- [10] Wang Jinyong. Digital procuratorial work: Requirements of the times for legal supervision. People's Procuratorial Semimonthly, 2023, (03): 5-11.