

Review article
Received: 25. 08. 2022.
Accepted: 10. 09. 2022.

PROSTITUTION AS A SOCIALLY PATHOLOGICAL PHENOMENON WITH REFERENCE TO ELITE PROSTITUTION

Olgica Vulević³⁸

Abstract

In this paper, the author discusses a number of important issues related to state control of the sex industry. The traditional understanding of prostitution as a crime without a victim has no justification because in each specific form, a personal or public good is injured or threatened where the individual becomes a victim. It is defined as the use of a human body (woman, man, child) as a commodity that is bought, sold, exchanged, not always for money, and includes occasional prostitution, street prostitution, brothels, developed prostitution, elite prostitution, pornography, etc. Prostitution is also understood as offering and giving one's body to another person for sexual gratification while seeking or receiving compensation in money, other valuable things and property benefits in general. In addition to being a sociopathological phenomenon, it is also a criminogenic factor. Countries that have decided to regulate prostitution by law are Germany, Austria, the Netherlands, Switzerland, Italy and some Eastern European countries. The regulatory model treats prostitution as any work activity, and registering prostitutes and subjecting them to the obligation to pay taxes. More about the positive legal regulation of prostitution will be presented in this paper.

Key words: Prostitution, legalization, exploitation, coercion, elite prostitution

INTRODUCTION

The word prostitution (fornication in the form of a craft) comes from the Latin term *prostitutio* and means selling one's body. Prostitution in the Babylonian era was linked to religion. However, at the beginning of the 18th century brothels appeared in Europe, along with the medieval mercenary army, prostitutes appeared who even had their own chief (Opšta enciklopedija – mala enciklopedija, 1959). Prostitution has been

³⁸ Olgica Vulević, Independent police inspector, rank of police major, Sector for analytics, telecommunications and information technologies, adviser to the Assistant Minister of Police (coordinator) and disciplinary officer, mobile: 00381 64 892 5040, e-mail address: olgica.vulevic@mup.gov.rs

banned many times in history but unsuccessfully. It could never be completely banned because of the expressed interests of men and on the other hand the poverty and misery of women. Prostitution is understood as offering (and giving) one's body to another person for sexual gratification while seeking or receiving compensation in money, or other valuable things and in general property benefit. In addition to being a socio-pathological phenomenon, it is also considered a criminogenic factor (Slavković, 2015).

Prostitution would certainly not be able to exist if there were not a large number of interested parties, that is, a large number of clients looking for it. A large amount of income is the main purpose of this activity, and on the other hand, illegal trade in the sphere of prostitution can quickly overtake the drug mafia in terms of profitability (Jovašević, 2006). The current tendencies of organized criminal activity are directed towards the illegal acquisition of property benefits through various forms of exploitation of the poor sections of society. More specifically, it is about using and abusing someone else's distress, poverty, hunger, slavery and similar status. The range of exploitation models is dominated by forms of so-called "sex industry", i.e. organized prostitution, distribution of pornographic material, etc. (Mijalković, 2006).

Prostitution is certainly the most prevalent form of sexual exploitation. It implies a sexual relationship characterized by payment, extreme promiscuity and emotional indifference towards the partner. The concept of prostitution still causes numerous controversies in modern society. Seen through the prism of representation in the Serbian media, elite prostitution is the most represented in our society, which implies high incomes and a clientele that comes from the sphere of public, most often entertainment life. However, if the entire social context is taken into account, it is not difficult to notice that in our country prostitution mostly takes place on the street level. Women are the overwhelming majority of people who engage in prostitution, while men are exclusively people who use prostitution services. Prostitution additionally problems the practice of penalizing prostitution.

INTERNATIONAL REGULATION OF PROSTITUTION

When it comes to the regulation of prostitution, it is not covered by a single document. There is no universal definition of prostitution, and all this is because the states do not have a consensus on the model for regulating prostitution. The Convention on the Suppression of Trafficking in Human Beings and the Exploitation of the Prostitution of Others from 1949 is the first legally binding document that mentions the correlation between human trafficking and prostitution. The Preamble of this Convention expressly states that prostitution is incompatible with the dignity of the human person. Furthermore, states commit to mutual cooperation when it

comes to misery, poverty and girls in human trafficking. This obligation is stipulated by the amendment to the United Nations Convention against Transnational Organized Crime. In the Recommendation on trafficking in women and forced prostitution in the member states of the Council of Europe No. 1325, which was adopted in 1997, it is stated that forced prostitution and human trafficking is a form of humiliating and inhuman treatment and a violation of basic human rights and freedoms. In Directive 2011/36/EU of the European Parliament and the Council adopted in 2011, an important aspect of human trafficking is highlighted and the emphasis is not to trade with women for these purposes. Furthermore, the Resolution of the European Parliament on strategies to prevent trafficking in women and children, which was adopted in 2006, states that the existence of a local prostitution market is a prerequisite for international human trafficking.

MODELS OF LEGAL REGULATION OF PROSTITUTION IN EUROPE

The prohibitionist model of prostitution is represented in the Republic of Serbia. In accordance with this model, prostitution is prohibited and sanctioned. From this model, the conclusion is drawn that prostitution is a prohibited activity. Another model of regulation of prostitution is regulatory. This model makes a distinction between voluntary and forced prostitution. Forced prostitution means human trafficking and sexual exploitation. This model implies the establishment of brothels where prostitution is carried out. Women in brothels are exploited and exploited, they do not have the chance to choose clients, and the obligation to undergo medical examinations applies only to women (Pejović, 2016). The third model is abolitionist, which arose as a form of struggle against the subordinate position of women engaged in prostitution. This is actually a model of the fight against regulatory understanding. It is an approach in the regulation of prostitution, the goal of which is to fight for women's rights by abolishing brothels. Those countries that support this model do not accept the legal regulation of prostitution and allow women who want to engage in prostitution to do so of their own free will in agreement with the user of sexual services, without pimps and without economic exploitation.

The two most represented models in the countries of the European Union are regulatory and abolitionist. The regulatory model is represented in Germany, Greece, the Netherlands, Hungary, Austria. The countries that accepted the abolitionist model are Denmark, Finland, France, Belgium, Italy, Portugal, Poland, Slovenia, Spain, Finland, United Kingdom, Ireland, Malta, Luxembourg. Prostitution is prohibited in Croatia, Romania and Lithuania. States are slowly abandoning the prohibitionist model of regulating prostitution because it has been observed that the

legal sanctioning of prostitution contributes to connecting prostitution with other forms of crime (Pejović, 2016).

PROSTITUTION AND COMPARATIVE LEGISLATION

In the Republic of Serbia, until the entry into force of the current Law on Public Order and Peace, the perpetrators of prostitution offenses were persons who engage in prostitution, persons who provide premises for the purpose of prostitution, but not those who use prostitution services. The factual situation is that women are engaged in prostitution, and the beneficiaries are mostly men, the burden of sanctions in the form of misdemeanors was borne by women, while men were not responsible for prostitution at all. However, in 2016, the Law on Misdemeanors (Law on Misdemeanors, Official Gazette of the RS, No. 65/2013, 13/2016 and 98/2016-Decision US) which came into force continued to support the prohibitionist model of regulating prostitution, with with the difference that users of prostitution services are offenders. According to the same law, the penalties provided for are fines and imprisonment for all participants in prostitution.

In Italy, prostitution is legal: what is not legal is the introduction into prostitution and the exploitation of prostitution, that is, the behavior of those who "take a woman to the street" and/or participate in her profits. Therefore, it is legal to have sexual relations with a prostitute both in her home and in any other place, as long as it is not in a public place. In this second case, an administrative sanction is initiated for indecent actions. In Italy alone, there are now more than 70,000 women involved in prostitution, more than half of whom are foreigners. The phenomenon that consists in the illegal transportation of people from one country to another, along with the exploitation of them, forced into the market of prostitution or forced labor, is called human trafficking. This phenomenon, strongly hindered by both the Italian and international systems, has resulted in the prescription of numerous multilateral agreements and conventions, the aim of which is not only to identify more repressive legal and punitive means for traffickers, but also social assistance systems and action plans aimed at the recovery and reintegration of women who were victims of human trafficking. Among foreign women engaged in sex work, present on the territory of Italy, two large groups can be singled out: the first consists of girls from Eastern European countries, who are mainly supported by Albanian and Romanian criminal organizations; others, including young African women, mostly from Nigeria. Most of the victims of human trafficking, who come from Albania and the countries of the former Eastern bloc (Giovazzino, 2008).

In the Netherlands, there was great resistance to those who wanted to criminalize prostitution, and the solution was in the Law on Public Morals from 1911. It stipulated

that it was punishable to create conditions for prostitution, it prohibited brothels and profit from prostitutes. In the Netherlands, until 2000, there was tolerance regarding prostitution. Prostitution was not a pronounced problem until the 1970s, when the "Red Light District" became an open free zone for the sex industry. At one point, its scale could not be controlled, where prostitution became a serious problem (Koski, 2007). Prostitution has become a moral dilemma and a notorious problem in the area of public order and peace. In the 20th century, prostitution began to be seen as the surrender of oneself to a third party for performing acts of a sexual nature with compensation. In October 2000, an amendment to the code came into force, abolishing the ban on brothels, and prostitution was legalized. The Netherlands thus adopted a program to control the prostitution industry (Aronwitz et al, 2019).

ELITE PROSTITUTION

Commitment to prostitution in a professional context made a division of the oldest trade and classified prostitutes by category. There are those who engage in this profession occasionally, often in the form of "part-time" work, but there are also those who are completely devoted to this work. On the other hand, new terms and selection are imposed when it comes to practicing the oldest craft. One of them, and which occupies the most attention of the public, is - turbo prostitution.

We will start from the lowest ladder in the category, which is street prostitution, which is represented in certain locations, accessible for stopping cars and trucks, where prostitutes provide cheap services, risking their health, but also their lives. In Serbia, prostitution has not yet been legalized, therefore, more or less, all levels of prostitution are under attack. "Legal" prostitution is one where it is almost impossible to prove payment for services, women receive expensive gifts, the oldest trade is not their primary occupation, they have one "customer" or a small number of them. Without emotion, and with the goal of earning or status, they engage in affairs both with single men and those who are married. Starlets or turbo prostitutes are media-exposed persons who appear in reality shows, some opt for musical and presenter paths, and essentially have no basis for a further career or an official profession, and their price increases in proportion to their appearance in the media.

In recent years, the so-called "elite", "high", "yachting", "club" prostitution has become an increasingly topical topic of male-female relations. What does "elite, high" prostitution actually mean? Does such a division of prostitution contribute less, more (or not at all) to the reduction of women to sexual slavery and thus shows that the sole purpose of women in prostitution is to satisfy the sexual needs of men on the one hand and to make profit (of men) on the other? "Client" will never be stigmatized. Competition and profit is one of the ways of

controlling and disciplining women in prostitution, as well as increasing competitiveness among women themselves. In this regard, women in prostitution are forced to constantly compete with other women, but also to be blackmailed to be in prostitution "voluntarily" as long as they can earn any, even the smallest profit from her body (Milica Milosavljević, Elite Prostitution, easy earnings and glamorous glamor, <https://www.rts.rs/page/stories/sr/story/125/drustvo/4771717/elitna-prostitucija-estrada-rijaliti-kazne.html>, 30.04.2022).

Elite prostitution, although most classify it with the above, is something quite different. In this case, quite often, these are highly educated women, some of them are even married, they are engaged in their official profession for which they were educated, and for additional income they provide sexual services to equally elite customers under a strictly discreet agreement. If they are subjected to aesthetic procedures, they look decent and do not cross the line of good taste. Clients who look for this kind of satisfaction, which they pay for, differ according to almost identical criteria as "love sellers". There are endless motives, from curiosity, life stages, types of leisure, parties. Not even psychologists can give a precise answer to the question of why prostitution exists and why a man is willing to pay to share company with the so-called. "to the queens of the night" (Portal analytics, <https://www.portalanalitika.me/clanak/241672--elitna-prostitucija-njegovo-velicanstvo-klient>, 28.05.2022).

CONCLUSION

During the adoption and implementation of the Law on Public Order and Peace, the demand for commercial sex was not considered or taken into account, and the same demand is an integral part of international documents where it is even given primacy. In addition, another item that contradicts international documents is that our law provides for equal responsibility for participation in prostitution. The third shortcoming of the Law is that social factors that are correlated with prostitution were also not taken into account during its adoption.

Furthermore, it is necessary to define the basic guidelines for discovering, elucidating and proving the activities of sexual exploitation. To combat it, it is necessary to educate and train members of the police service, as well as prosecutors and judges. In this way, in addition to determining the position of organized prostitution, elite prostitution, the importance of sanctioning perpetrators, the method of collecting evidence, etc., would also be determined.

The phenomenon of prostitution, which occupies certain areas of the urban territory, moves more and more rapidly towards those areas where the repressive action of the

police is less pronounced. Certainly, the best way to provide proper help to women victims of human trafficking, victims of prostitution is to prepare effective action plans and strategies that do not only deal with their complete recovery and reintegration into society, but above all act on a psychological level in order to provide them with adequate support.

REFERENCES

1. Aronwitz A., Hageman S.(2019), National Rapporteur on Trafficking in Human Beings and Sexual Violence Against Children the Netherlands, The Palgrave International handbook of Human Trafficking
2. Jovašević D. (2006), Lexicon of Criminal Law, Belgrade, Official Gazette, Belgrade
3. Mijalković S. (2006) Possibilities of securing evidence on the organization of sexual exploitation, Institutions and Victims, Belgrade
4. Koski H., A study of Amsterdams Red Lights District, 2007, https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=1233&context=isp_collection, 25.05.2022.
5. General encyclopedia - small encyclopedia (1959), Prosveta, Belgrade
6. Pejović D. (2016) Prostitution in comparative law and the law of the Republic of Serbia, Legal records, year VII, no. 2
7. Slavković V. (2015) Legal Regulation of Prostitution, Year VI, No. 2, Legal Records, Faculty of Law, Union University
8. E mily G., Il fenomeno del trafficking e la prostituzione delle donne emigranti, <https://www.carabinieri.it/media---comunicazione/rassegna-dell-arma/la-rassegna/anno-2008/n-2- --aprile-giugno/studi/il-fenomeno-del-trafficking-e-la-prostituzione-delle-donne-emigranti>, 10.06.2022.
9. Portal politika, <https://www.portanalitika.me/clanak/241672--elitna-prostitucija-njegovo-velicanstvo-klient>, 28.05.2022.
10. Milica Milosavljević, Elite Prostitution, Easy Earnings and Conductive Glamour, <https://www.rts.rs/page/stories/sr/story/125/drustvo/4771717/elitna-prostitucija-estrada-rijaliti-kazne.html>, 30.04. in 2022
11. Law on Misdemeanors (Official Gazette of the RS, no. 65/2013, 13/2016 and 98/2016 - US decision)