



**Perceptions of prostitution: a critical ethnographic case study of urban and regional areas in Indonesia**

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## ABSTRACT

This thesis applies critical systems thinking to address prostitution policy in Indonesia. It addresses social, economic and environmental aspects of the complex policy concern. The research centres on the way in which prostitution is framed by the different interest groups in Indonesia. It underlines the current crisis in policy making praxis in Indonesia. The thesis develops a case for systemic policy praxis.

The aim of the research is to:

- Obtain a greater understanding of the life chances of vulnerable people who survive through prostitution, in order to enhance social justice for the vulnerable.
- Make a case for reframing the issue of prostitution in the sense that addresses the 'capabilities' (Sen 1999 and Nussbaum 2000) of marginalised people
- Reframe the policy response to prostitution to address life chances and human dignity.
- Make a case that this is the policy making gap where 'systemic intervention' is needed to restore human dignity.

The thesis is concerned about the commodification of human beings aided and abetted by the market and the extent to which choices are available to those who are facing extreme poverty as a result of the neo-liberal economy.

The thesis makes the case for treating people *as ends in themselves* and not as a means to an end. It considers the social, cultural, political and economic context of decisions (drawing on critical heuristics) to enhance the capability of policy makers and practitioners to make better decisions rather than basing policy on narrow pragmatism that punishes the victims of the prostitution industry, namely those who sell their labour as commodified beings.

This research is expected to contribute to intellectual discourses in policy making on approaches to: a) enhance the capabilities of the vulnerable; b) develop regulations to protect them and to address the problematic aspects associated with normalising the sex industry c) address policy to support social justice and makes the case for not labeling people or limiting their chances for achieving quality of life..

# CANDIDATE DECLARATION

I certify that the thesis entitled:

**“Perceptions of prostitution: a critical ethnographic case study of urban and regional areas in Indonesia”**

is the result of my own work and that where reference is made to the work of others, due acknowledgment is given.

I certify that this thesis does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

I believe this thesis is properly presented, conforms to the specifications of thesis presentation in the university and is prima facie worthy of examination.

FULL NAME:

SIGNATURE:

DATE:

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## LIST OF ABBREVIATIONS

<b>Abbreviation</b>	<b>Explanation</b>
AIDS	<b>Acquired Immune Deficiency Syndrome</b>
BBC	<b>Buah Batu Corps</b>
GO	<b>Government</b>
HIV	<b>Human Immunodeficiency Virus</b>
ILO	<b>International Labour Organisation</b>
KPA	<b>Komisi Penanggulangan AIDS (AIDS commission)</b>
KUHP	<b>Kitab undang-undang hukum pidana (Penal Codes)</b>
KPPA	<b>Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Ministry of Woman Empowerment and Child Protection)</b>
MBOs	<b>Mass-based organisations</b>
MUI	<b>Majelis Ulama Indonesia (Indonesian Ulema Council)</b>
NGOs	<b>Non-government organisations</b>
OPSI	<b>Organisasi Perubahan Sosial Indonesia (Indonesian Social Change Organisation)</b>
Perda	<b>Peraturan Daerah (Regional Regulation)</b>
UN	<b>United Nations</b>
UUD	<b>Undang-Undang Dasar (usually refer to UUD'45; the constitution of the Republic of Indonesia)</b>
USAID	<b>United States Agency for International Development</b>
UNDP	<b>United Nations Development Programme</b>
UNIFEM	<b>United Nations Development Fund for Women</b>



## ACKNOWLEDGEMENTS

My sincere thanks to Professor Janet McIntyre-Mills to whom I owe a debt of gratitude for supervision. All photos have been acknowledged and in a few instances photos are my own.

## DEDICATION

I dedicate this to my beloved wife Linda Diniawati, and our lovely daughter, Cellinda Putri Riswanda, my Mom Rosmalini Abdullah all of whom have been supporting me going through hard times in life. And to my dear departed foster dad, H. Wahid Abdullah, a man ahead of his time who was a magnificent role model for us.

*“Prostitution will always lead into a moral quagmire in democratic societies with capitalist economies; it invades the terrain of intimate sexual relations yet beckons for regulation. A society's response to prostitution goes to the core of how it chooses between the rights of some persons and the protection of others”.*

*-Barbara Meil Hobson, *Uneasy Virtue**

## Chapter 1

### Background to the research and statement of problem

#### 1.1 What the research is about and Indonesian demographic context

People working as prostitutes can be female or male or transgender<sup>1</sup>, but historically most prostitutes in Indonesia have been women and most users or consumers are men. The thesis makes a clear distinction between service providers who are underage<sup>2</sup> (18) and those who are above this age.

Urbanisation and the growing numbers of people competing for jobs and survival place pressure on those who are poor or without supportive social networks. Eames and

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<sup>1</sup> The 1945 Constitution of the Republic of Indonesia guaranteed the rights of all citizens without exception. The term 'without exception' ought to refer to all people regardless their sex, sexual orientation, socio-economic status, and such. Some of the constitutional rights are: Article 27 (1, 2) guarantees that all citizens are equal before a just law including to earn a human livelihood, the right of recognition, guarantees, protection; Article 28 (A, I) states that 'every person shall have the right to live and to defend his/her life and existence and the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment'. On the other hand, article 28 (C,H) guarantees one's constitutional rights to develop through the fulfilment of his/her basic needs, the right to get education and to develop oneself fully as a dignified human being are also guaranteed.

The discussion about this will be detailed in chapter 4.

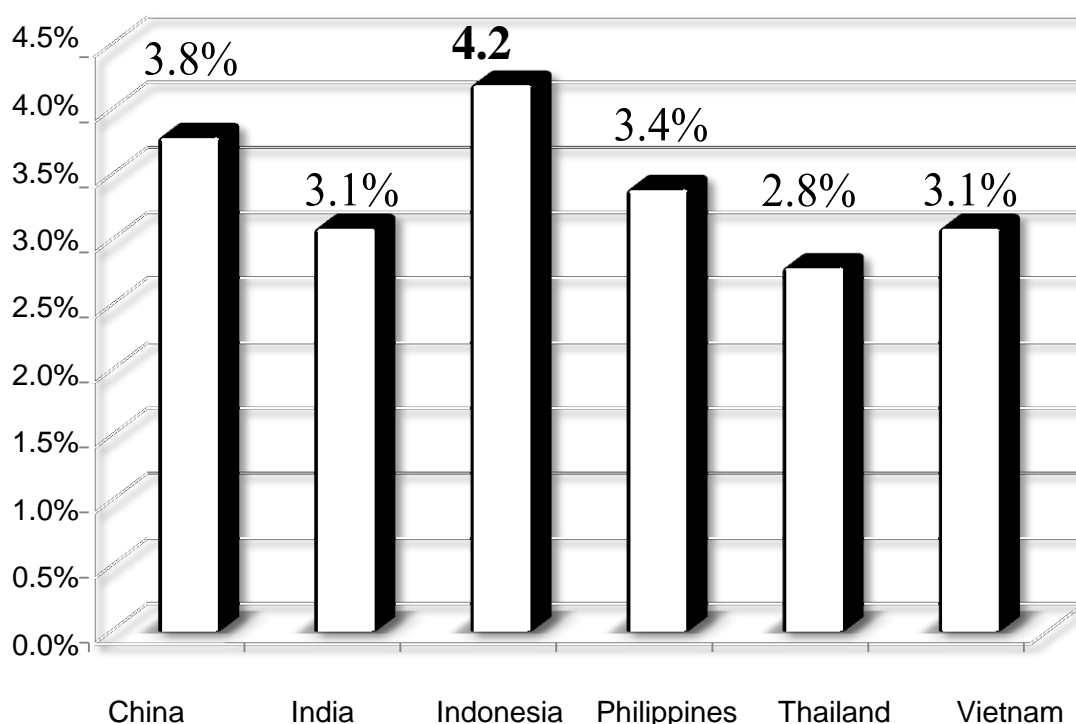
<sup>2</sup> Indonesia ratified the UN Convention on the Rights of the Child in 1990, and by law no. 23 years 2002, the country issued a presidential decree to protect children's rights. Accordingly, Indonesia guarantees the protection of children's rights as part of overall human rights. A noteworthy point in this regard is that when the law addresses 'the representation of children as human beings rather than human "becomings", and as citizens rather than citizens in the making' (Bessel, cited in McLeod and MacIntyre 2007, p. 145). As stated by the law no. 23 years 2002, article 1 (1): 'a child shall mean a person under eighteen (18) years of age, including unborn; article 1 (2): 'Protection of children shall mean activities designed to guarantee and to protect children and their rights'; article 2: the protection of children should be based on Pancasila (the country ideology) and the Convention on the Rights of the Child, that are non-discrimination, protecting their rights to live, to develop and to be protected from abuse and exploitation. However, critics to its lack of measures and details in how to actually apply the laws are on the rise. Hardly any details can be found in the government's role to support children's rights in terms of addressing parental neglect or, for instance, under what circumstances parental rights can be revoked.

My narrative interview in chapter 6 will detail cases where parents complicit to the violation of children's rights.

Goode (1977) pointed out the term 'urban crisis' to be closely linked to poverty and prostitution. Rural migration in many metropolitan areas in Indonesia has taken a part for the increasing number of prostitution in Indonesia (ILO 2004). Poor villagers view big cities as the place where all better opportunities in terms of job employment, access to public education and facilities. Indonesia is at the highest level in urbanisation's growth rate among its neighbouring South East Asian Countries (see figure 1)

However, economic participation of urban women has been reported as significantly lower than men in Asian cities (ILO 2009). Gender gaps in earnings and job opportunities are rather significant in urban areas (ILO 2011). In Indonesia, women and children surviving through informal sectors in cities are vulnerable in terms of risk to enter prostitution industry.

**Figure 1: Indonesia urbanisation's growth rate among its neighbouring South East Asian countries**



Source: United Nations World Urbanisations Prospects, cited in Samad, T 2012, Indonesia's urban development towards inclusive and sustainable economic growth, *The World Bank*, Investing in Indonesia's institution for inclusive and sustainable development, p. 7

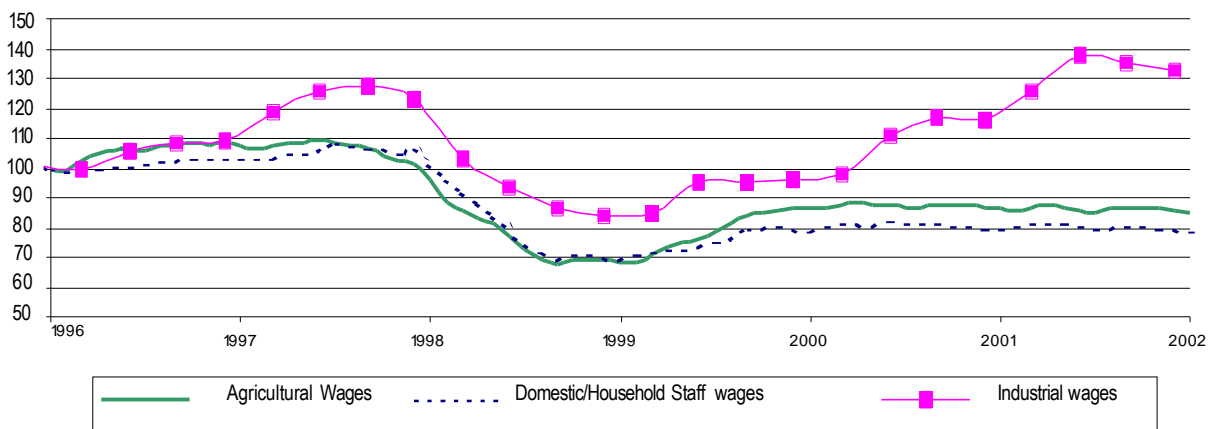
The term 'urban' has a fairly different definition in different countries. According to Jones 2006, p. 247), research related to urbanisation is often relied on the descriptions of urban areas depending on the context or locality of one particular country<sup>3</sup>. Indonesia is on the top rank in terms of urbanisations' growth rate among its Asian neighbouring countries. This fact situation can worsen the given situation in which prostitution industry has already existed, and can open a door for vulnerable people with lack of skills and education to enter the industry by false choice in cities. Thus population density in big cities is assumed to be entangled with increasing industrial wages in most Indonesian city to date compared to agricultural wages in more regional areas (see figure 2). Whilst attracting some people to migrate to urban areas, the highly competitive job opportunities have no place for people who lack of skills and education. Prostitution then becomes an alternative source of income for some.

According to research by Tirtosudarmo (2009), an approximated 72% of Indonesian migrants are women who mostly have no skill, which then many got trapped in illegitimate labour force by way of employment agencies and middlemen. These women, including young girls, thereon, are open to sex-trafficking. As indicated by the research, either local prostitution industries or international cross-border sex trafficking have taken part to facilitate them to enter prostitution.

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<sup>3</sup> As stated by the Indonesia's Population Census (Indonesian Bureau of Statistics 2000, 2010), the urban context reflects 3 basic conditions, that are: population density; households engaging in the agricultural sectors, and urban facilities and physical distance to reach them.

Figure 2: Wage Indices



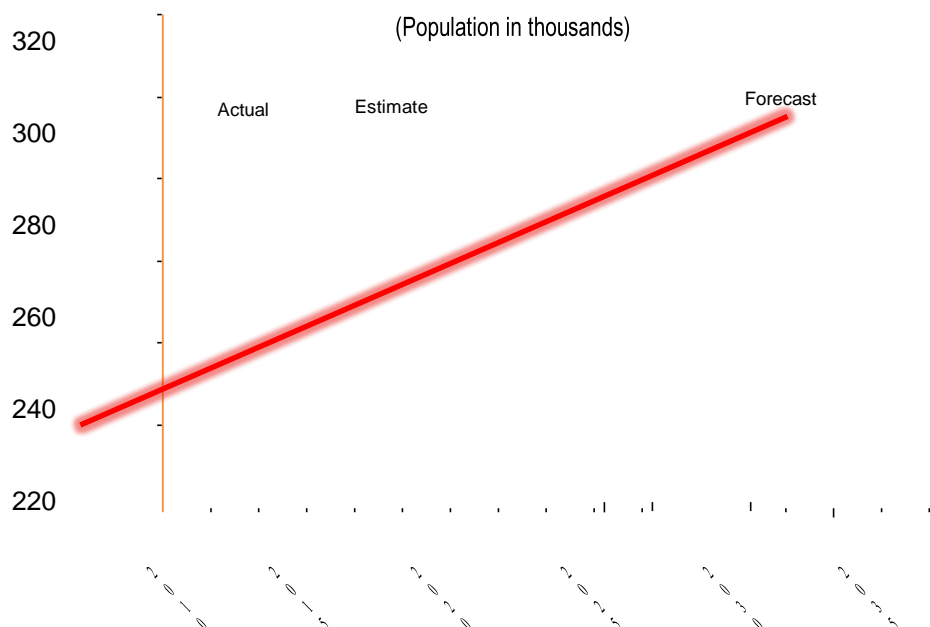
Source: The data is extracted from Indonesian Bureau of Statistics and Asian development Bank by McCarthy, P 2003, Urban slums reports: the case of Jakarta, Indonesia, in Understanding Slums: case studies for the global reports on human settlements World Bank (Jakarta Office), Jakarta, p. 4

It is actually a very relevant and timely thesis given the socio, economic and environmental context of Indonesia with a growing population, food security concerns<sup>4</sup> in cities that are going to contain 86% of the Indonesian population. The thesis raises the question to the vulnerable of how they would survive. And clearly policies to address the risks and needs of women and children are going to have to be linked to critical systemic policy making that actually seeks to address these big issues. The effects of convergent socio-economic, politics, environmental problems cannot be addressed without looking at the causes. Prostitution policy might be one of the vital effects of this deep wide ranging problem.

<sup>4</sup> As a middle income country, Indonesia's economic growth is highly uneven. As stated by the World Bank (2014) 46 per cent of Indonesians live on less than \$2 a day, whilst 70 per cent of the poor live in rural areas. Food insecurity in Indonesia is not necessarily due to unavailability of food, but rather due to lack of affordability and vulnerability to food price shocks.

The enormous population growth creates competition for resources, conflicting interests. As illustrated in figure 3, the population growth of Indonesia is estimated to go up continuously. It is estimated to rise from 255,461 this year (2015) to 305,652 just in the next 20 years' time (2035). I see in particular of the need for more scrutiny of the policy making process pertaining the issue of prostitution and more empowerment for marginalised people. This would bring in about the demographic transition that the country needs

**Figure 3 Indonesia estimated population growth 2010-2035**



Source: Data extracted from Statistics Indonesia, Indonesian Bureau of Statistics, Estimated population growth 2010-2035

This study aims to:

- Respond to the human rights of all; women, children, transgender and men of all ages; and
- Consider the consequences of different choices in terms of policy scenarios.

This thesis addresses the following questions:

1) How, why and to what extent are the lives of prostitutes in rural and urban areas of Indonesia constructed by certain socio-economic facts, such as poverty and unemployment?

2) Should it be a main concern of policy makers in urban and rural areas of Indonesia to criminalise the users of prostitution instead of just to criminalise the prostitutes, as is currently the case? If so, how, why and to what extent should the policy-making on the criminalisation of the users of prostitution be formulated, implemented and evaluated?

3) How, why and to what extent do the key people (policy formulators and executors of government organisations, Non-government organisations (NGOs) / Mass-based organisations (MBOs) of social justice of women and children, and democracy, social and religious community groups) living in rural and urban areas of Indonesia understand the issue of prostitution?

As an industry, prostitution encompasses all genders in Indonesia - male, female and transvestites. This study addresses the social justice of prostituted people, particularly women and children as the most vulnerable, as often being the victims of sexual, physical, and/or emotional abuse of those profiting from the industry. They should have the same human rights, quality of life and capabilities as other citizens.

The research addresses differing views of prostituted, vulnerable people with a particular emphasis on the life chances of women and children. It applies theoretical and methodological pluralism, with the aim being to re-frame the policy using critical systems thinking (Midgley 2000, McIntyre-Mills 2003, 2008) on user centric design to address complex needs and boundary critiques. I applied these theories to prostitution in terms of women's rights, gender mainstreaming, human rights legislation and the

capabilities approach (Nussbaum 2000 and Sen 1999) within the social context of Indonesia.

It addresses discourses from tolerant to intolerant conservative approaches to the industry of prostitution, and then explores the conceptual issues behind the diverse views and debates on policy responses to prostitution. This is an attempt to address how and why the different policies affect the social justice of prostituted people, and also the implications for constructing policy alternatives on the issue.

This thesis aims to discuss how and why the inclusive understanding of the construction of prostitution within contesting standpoints of policy providers might be a precursor to take into account the policy response to: a) criminalise the users of the prostitution services, namely those who buy, sell, traffic and profit from the commodification of the vulnerable; b) to decriminalise the victims – namely the vulnerable who survive as a result of prostitution. The research contributes to intellectual discourses in critical-systemic policy-making on approaches to:

- a) Enhance the capabilities of the vulnerable;
- b) Develop regulations to protect them and to address the problematic aspects associated with only normalising/only criminalising the sex industry;
- c) Formulate the policy on prostitution with the aim to support the rights of those selling their labour within the industry, based on the social justice for all.

The research explores the current discourses on policy and to make policy suggestions that would be more supportive of social justice for the most vulnerable



people who survive as prostitutes, and to make a case for developing their life chances and protecting their dignity.

The thesis makes suggestions about what ought to be considered in order to enhance the life chances of the vulnerable in terms of protecting rights and promoting opportunities, so that the prostitutes have the same rights and responsibilities as other members of society. Furthermore, they need particular protection to ensure that their physical and mental wellbeing is not eroded in the process of their trade, which involves the commodification of their bodies. In the Indonesian context this can lead to being treated as 'a means to an end' and being disrespected. Thus the approach of Nussbaum (2000), drawing on Kantian ethics, insists on ensuring people are seen as 'ends in themselves', not as 'means to an end'.

## **1.2 Rationale for the research**

The rationale for the research is that so much of the literature on the industry in general has been less relevant to the Indonesian context where the life chances of those who are vulnerable need to be understood in terms of the specific social, cultural, political and economic context.

Research on prostitution in Indonesia seldom addresses the feelings and opinions of prostitutes (see, for example, Surtess 2004, Hull et al. 1997, Jones et al. 1995). Stakeholders have diverse values, interests and opinions in different contexts in Indonesia but they are seldom represented in policy research or in practice. The same behaviour can be regarded as criminal or legal depending on the context. To date, the policy debates in Indonesia have remained inconclusive.

Internationally the governance of prostitution has provided varying levels of protection to the vulnerable service providers. Furthermore, internationally, varying levels of prosecution have been applied to the service users and perpetrators of abuse.

No research has, as yet, been undertaken with respect to alternative, inclusive policy options. Thus this empirical research aims to make constructive policy suggestions based on the empirical data. The research describes the current situation and then makes suggestions about how to create better life chances for those currently engaged in the industry.

### **1.3 Background and statement of problem**

The study argues that policy making options ought to be derived from the ideal of human rights by applying critical heuristics to take into account the range of values within the context of the study, and to then make informed policy judgements that enable as much freedom and diversity as is possible without compromising the rights of others. The research addresses the rights and responsibilities of service users and providers, and makes a case for protecting the vulnerable and criminalising the powerful who exploit those who work within the industry. This study responds to the human rights of all; women, children, transgender and men of all ages; and considers the consequences of different choices in terms of policy scenarios.

In Indonesia, conflicting regulations are the current policy response to the many issues surrounding prostitution policy, and are the result of contradictory views among policy actors. This creates differing paradigms in implementing the current criminalisation

policy. Ambiguous policy solutions create implications that lead to contesting views of the government policy initiatives vs. the differing interests of non-government organisations (NGOs). This study is based on the notion of 'critical heuristics' thinking about the consequences of policy choices for those affected by the decisions. The expanded pragmatism approach of considers the consequences of the short, medium and long term policy decisions for all the stakeholders, not just some stakeholders. It makes a contribution by looking at policy makers with a range of different views, and considers their policy discourses on the issue of prostitution rights and responsibilities for service users and service providers. A case is made for dignity and human rights (drawing on Swedish legislation) for protecting the rights of service providers and criminalising those who exploit them. Legislation needs to target those responsible for exploiting the vulnerable.

The statement of problem for the research is that prostitution seems to be a systemic issue in the Indonesian community because it affects everyone from individuals to families, businesses, and governments, just to name a few. The life chances of prostitutes are shaped by the context. Thus, prostitution needs to be understood within the entangled social, cultural, political and economic system.

#### **1.4. Research approach**

The Flinders University Policy on Ethical conduct in doing research is strict on research related to vulnerable groups. The author of this thesis followed the policy by not interviewing people who sell their labour within the industry (prostitutes). The author only interviewed those who are government and NGO service providers. This approach and research design enabled the author to address the policy discourses of these stakeholders and their concerns about the industry. All the data gathered are

stored carefully so that the confidentiality of the informants is protected and in so doing complies with the requirements of the Human Ethics Committee. [Ethics approval number - 5600]

Participants coming from NGOs and MBOs, as interviewees of the research, are not in fact included in the policy-making process of prostitution policy in Indonesia. Hence their voices represent significantly the voices of prostitutes. These NGOs and MBOs have years of experiences in running relevant programs related to prostitution issue, voices, opinions and needs of the prostitutes themselves.

Research addressing the feeling and opinions of prostitutes can be found in Indonesia (see Hull et al. 1999; Suyanto 2000; Suryasaputra 2007; Surtees 2004). This thesis has quoted some of the research as a secondary data in its triangulation analysis. No research yet has been undertaken to include varied relevant government agencies (policy formulators and policy executors), varied non-government organisations and or mass-based organisations in Indonesia. The author of the thesis believes that this is what makes the thesis unique in its own way of presenting a critical systemic policy research on the social justice, life chances and the capabilities of Indonesian women, children and warias, who may have made 'false-choice' (Embrace Dignity 2014) amidst 'poor options' and even 'hardly choices at all' (Nussbaum 1998) to enter the prostitution clandestine.

The thesis is based on using the critical ethnographic case study<sup>5</sup> in three areas spanning metropolitan and regional areas in Indonesia, namely Jakarta, Bandung and

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<sup>5</sup> Combining the critical ethnographic approach with case study, the attempt is expected to investigate the issue of prostitution within the bounded social systems of the Indonesian community surrounded by the uniqueness of different cases of differing lenses of policy providers on how a policy should respond to the issue. My own life as an Indonesian that has been exposed to the issue, which

Tangerang. The rationale for the chosen areas is to give explanation on how policy responses and perceptions of the policy providers vary in the chosen areas. The explanation is expected to deliver some insights into the varying ways in which prostitution policy cases are represented across other more regional and urban areas in Indonesia.

The approach is a combination of primary qualitative research and analysis of secondary data. Weightings of qualitative responses were complemented by means of secondary data in order to triangulate findings of the research with the findings of other research. This is to confer rigour on the qualitative analysis.

This research utilises qualitative data from 36 in-depth interviews with different key stakeholders of the prostitution policy-making in Indonesia. The analysis of the data is combined with unstructured observation, policy documents, transcripts of audio recordings from the in-depth interviews as well as detailed field notes from all data gathering activities. Policy documents were used to support the discourse analysis of the differing opinions of prostitution in Indonesia, in addition to analysis of related press or media publication on the issue.

In dealing with the audio transcript, the research applies deductive qualitative analysis. Open, axial and selective coding were used to analyse text. Themes were developed constructed from emerging ideas identified through the coding from the transcripts, knowledge of existing key literature, and theoretical frameworks related to policy on prostitution. The research design, strategy and approach will be detailed in chapter 3.

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predisposed me with the culture, and how people interact with each other in Indonesia, can maintain the tautness and sense of balance between involvement and detachment both as an outsider with a broad and analytical perspective on the issue, and as an insider with a sense of familiarity, empathy, and credentials to the issue being studied.

The chapters in the thesis cover the following:

Chapter 1 explains background to the research, rationale, research questions, statement of problem, and overview of research approach.

Chapter 2 addresses key concepts and literature reviews.

Chapter 3 covers research methodology and the fieldwork context.

Chapter 4 addresses the areas of concern in the policy on prostitution. The environment of the problem is the social, economic and environmental context in which the issue of prostitution is occurring. A comparison is made across three basic discourses derived from an analysis of the case studies by applying critical heuristics (CSH).

Chapter 5 analyses qualitative data from in-depth interviews with key informants with diverse background. The analysis of the audio-taped interview data is triangulated with ethnographic content analysis of policy documents, field notes from all data gathering activities and ethnographic content analysis of related press or media publication on the issue.

Chapter 6 uses narrative style and applies 'critical systemic praxis' (McIntyre-Mills 2003,112) to understand the life chances of the vulnerable and to make a case for public education to enhance the way in which organisations respond to their needs. The narrative provided in the chapter details how different interest groups entangled with the problem of prostitution in Indonesia have dissimilar perceptions, emotions, and values with respect to the issue. The systemic narrative of prostitution explores complexity of problems from multi lenses of perspectives of different groups of people who see the issue with different emotions. The narrative takes place within the efforts of the Indonesian government to come up with a policy response to the issue. The narrative situates the shutting down of the widely known Indonesian (tacitly accepted)

red-light district area in the struggle between moral-religious concepts and economic survival.

Chapter 7 concludes that the thesis makes a case for dignity and human rights (drawing on Swedish legislation) for protecting the rights of service providers and criminalising those who exploit them. Legislation needs to target every person responsible for exploiting someone's right to be respected as 'ends in themselves and not as a means to an end', to use a Kantian phrase.

A case is made that gender-sensitive policy making should be based on the idea of human dignity for all. In this thesis, transgender is included and thus it expands Nussbaum's argument for social justice.

## Chapter 2

### Key concepts and theoretical approach

This chapter will refer to the literature in order to discuss critically the understanding of the term prostitution. In particular, it reviews the intellectual arguments and practical implications of differing policy-making approaches on prostitution. The review is expected to offer insight into which approaches resonate most with or best fit the Indonesian context.

The chapter also explores the Indonesian social construction that shapes the way prostitution is contentiously defined and how various interpretations create policy-making boundaries.

The final sections will centre on how to create policy making options that are derived from the ideal of human rights by applying critical heuristics to take into account the range of values within the Indonesian context, and to then make informed policy judgements that enable as much freedom and diversity as is possible without compromising the rights of others.

#### **2.1 Framing policy approaches: a review of literature**

The public policy literature on prostitution generally takes one of four policy making approaches. The most common is criminalisation. Criminalising prostitution is usually associated with the view that prostitution is immoral. This happens most in the USA and South Africa. Another type of criminalisation is where buying and selling sexual service of prostitution may be accepted or legal to a certain extent but the sellers of services and those who run brothels and make a living from the sex industry are deemed illegal. This happens mostly in Canada and England. The second policy



approach, commonly discussed as the ‘Swedish Model’ criminalising buyers of the service but not the sellers (prostitutes).

The third policy approach is the legalization of the industry. This is a present-day approach in Nevada, USA, Amsterdam, Netherlands and some states in Germany and parts of Australia. This approach takes account the prostitutes licence, required medical examinations, the registering of brothel houses by the government, regulation of benefits from the business, in addition to restrictions on street prostitution.

The fourth policy approach is decriminalisation of the industry. This is in place in New South Wales (Australia) and New Zealand.

**Table 1: Existing policy approaches on prostitution**

<b>Policy response</b>	<b>General attitude to prostitution</b>	<b>Policy objectives</b>	<b>Policy expectation</b>	<b>Characteristics of the policy actions</b>	<b>Country of Examples</b>
Non-permissive prohibition / criminalisation	outlawing both the sale and purchase of the sex service in prostitution	Eradicating prostitution	Promoting certain morality standard Endorsing Public Order Health Concerns	<p><i>Social perception:</i> prostitution is viewed as an immoral doings that may be prohibited</p> <p><i>Prostitution bylaw:</i> the use of criminal law to control people working in prostitution (prostitutes, brothel owners, pimps and the like who are understood to be existing or benefiting of prostitution and costumers)</p> <p><i>Regulation of interconnected activities:</i> the use of criminal law for disturbing doings such as, public (order) disturbances and abusive or unmannerly behaviours.</p>	USA (most States)

				<p><i>Policy implications:</i> prostitution problem persists within national government territory, so strictly restraining the category of policy that can be formulated by other government levels such as provincial or municipality</p>	
Criminalisation with toleration	<p>paying money for and offering sexual services is permissible, though particular policies are applied, however, banning a selection of behaviours linked with prostitution ruled on to be harmful</p>	<p>Eradicating prostitution while creating positive opportunity</p>	<p>Promoting certain morality standard Endorsing Public Order</p>	<p><i>Social perception:</i> prostitution is viewed as an immoral doings that may be tolerated <i>Prostitution bylaw:</i> the use of criminal law to control people working in prostitution (prostitutes, brothel owners, pimps and the like who are understood to be existing or benefiting of prostitution and costumers)  <i>Regulation of interconnected activities:</i> the use of criminal law for harmful activities such as, communicating for the intentions of prostitution in a public place, advertising and benefiting from prostitution activities, brothels that facilitate in-call sexual service and other related services in parlours or night clubs  <i>Policy implications:</i> prostitution remains within the federal government domain, enforcement patterns vary regionally</p>	Canada
Swedish Model / 'partial criminalisation'	<p>legalising the selling of the sexual services but illegalising the buying</p>	<p>Eliminating prostitution</p>	<p>Promoting Concerns of the well-being of prostitutes  Promoting certain morality standard</p>	<p><i>Social perception:</i> prostitution is considered as a social ill and a practice of men's violence against women for example exploitation.  <i>Prostitution bylaw:</i> the use of criminal law to control costumers, brothel owners/ pimps, but not prostitutes. The criminalisation policy</p>	Sweden, Iceland, Norway and Finland

				<p>applies to the buying and procuring of sexual services, advertisement of the service, and benefitting from the sexual labour of others</p> <p><i>Regulation of interconnected activities:</i> the use of criminal law for disturbing doings such as, public (order) disturbances and abusive or unmannerly behaviours.</p> <p><i>Policy implications:</i> prostitution problem persists within national government territory, so strictly restraining the category of policy that can be formulated by other government levels such as provincial or municipality</p>	
Legalisation	prostitution is controlled through licensing, with a number of conditions for prostitutes to obey	Controlling or regulating prostitution	Promoting certain morality standard Endorsing Public Order	<p><i>Social perception:</i> prostitution is commonly viewed as being morally unacceptable but unavoidable activity between consenting adults</p> <p><i>Prostitution bylaw:</i> the use of criminal law in regulating prostitution and its interrelated activities such as license and obligatory medical check-ups for prostitutes, registration and size restrictions on brothels, maintenance of pimping policies, and restrictions on street prostitution.</p> <p><i>Regulation of interconnected activities:</i> the use of criminal law for both disturbing and non-disturbing acts and also abusive and non-abusive behaviours</p> <p><i>Policy implications:</i> prostitution remains within the or state / central government domain, so strictly limiting the type of policy</p>	Nevada, USA, Amsterdam, Germany

				that can be developed by other levels of government such as provincial or municipality	
Decriminalisation	Prostitution and activities linked with prostitution are controlled by criminal law. Health safety policies regulate prostitution including labour rights & responsibilities. Abusive behaviours such as physical and sexual assault, are regulated by the criminal code	Normalisation of prostitution	Promoting Concerns of the well-being of prostitutes  Promoting certain morality standard Health Concerns Economic / fiscal concerns	<p><i>Social perception:</i> prostitution is seen as a personal concern between consenting adults and thus labour rights and responsibilities are established</p> <p><i>Prostitution bylaw:</i> no use of criminal law in prostitution, prostitutes and business organisations related to the sex work can profit from laws about labour or employment standards; work-related health and safety, workers' compensation; insurance and such are controlled by law</p> <p><i>Regulation of interconnected activities:</i> prostitute and its business organisations are regulated as all other workers and business organisations. However, violent and exploitive acts such as sexual assault, harassment coercion and such are regulated by the criminal law</p> <p><i>Policy implications:</i> policies with respect to prostitution are detached from the criminal law and prostitution is outside the central government domain. More opportunities for provincial and municipal governments to develop local policies</p>	New South Wales, Australia and in New Zealand

Sources: Shaver, F.M., Lewis, J & Maticka-Tyndale, E 2011, 'Rising to the Challenge: Addressing the Concerns of People Working in the Sex Industry'. *Canadian Review of Sociology*, vol.48, no. 1, pp. 47-65; Shaver, F.M.1985, 'Prostitution: A critical analysis of three policy approaches'. *Canadian Public Policy*, vol.11, no.3, pp. 493-503; Weitzer, R 2010, 'The Mythology of Prostitution: Advocacy Research and Public Policy', *Sex Research Social Policy* vol. 7, pp. 15-29.

The discussion concerns the most suitable and successful policy alternatives to cope with prostitution. The diversity of views among scholars from various disciplines is shown by the four policy options above. The policy options address the wellbeing, safety and welfare of those in prostitution. The critical reflection considers the capability of each policy option or approach to address potential social programs as alternatives strategies to cope with the issue of prostitution.

An innovative policy practice would improve the policy-making performance of handling the issue of prostitution in Indonesia. It needs to include empirical lessons learned and the ongoing process of policy learning and indicators of the policy implementation to underpin an analysis of what works, how and why (Bardach 2000; McIntyre-Mills and De Vries 2008).

## **2.2 The remaining existence of the industry in Indonesia**

Indonesian prostitution industry combines semi-legitimate and illegitimate businesses. Strict law enforcement to ban or to criminalise the activity contradicts the tacit acceptance of local areas or 'localisation' as they are known where brothels are located in many regional and urban areas<sup>6</sup>. Milroy (2009, p. 4) described this kind of situation which he described as follows:

'criminal enterprise can be established in a sophisticated manner that allows them to appear legitimate to the community and at the same time that false appearance provides a cover for their criminal activities'.

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<sup>6</sup> UNICEF (2000) noted that in Indonesia, many girls fake their age card to be able to work, with which 30% of prostitutes are girls under 18 years old. A few of them are just 10 years old. The INGO estimated further that approximately 40.000-70.000 children have been victims of sexual exploitation and 100,000 children are traded yearly for prostitution purpose. They can be sent overseas like to Malaysia, Singapore, Brunei, Taiwan, Japan or enforced to work domestically such as in brothels, karaoke rooms, massage parlour, shopping mall and so forth.

For Indonesia, in particular, the problem-solving approaches look as if it counts on a practical and de-politicised conception of social or public policy problem. Policymakers in diverse situations and regions often respond in a different way to similar problems. Moreover, the prostitution problems are framed out of formal policy-making process. The in-built complexity of the problem of prostitution remains distant from those with middle class lives. Sex commerce is triggered by terrible poverty or socio-economic problems, disparity of urban-rural growths have concerned the Indonesian provinces, policy makers (within each province) make policies that remain out of touch with the life chances of the people who work in the industry.

Indeed Agustin (2008, pp. 73-86) is correct to discuss problems in framing prostitution issue by saying that 'transactions involving both sex and money do not mean the same thing everywhere; socio-cultural contexts change meanings'. Similarly, even the Swedish or Nordic model (that has been widely discussed as 'best policy practice' in the literature) impute such diverse implications to prostitution that they 'do not speak of the same issues when they discuss the same question' (Dodillet, cited in Breen and Peters 2005, p. 12). So, the political policy making of prostitution commonly turns out to become just a battle of definition of prostitution.

By conducting interviews combined with analysis of policy documents from a wide range of service providers of the issue of prostitution, this research seeks out the problem-solving policy approach used in Indonesia, through which policy makers pick up the a policy problem to solve. For example, how do they pick out valuable evidence from existing facts? For what resolves do they put it to use, how and why? How do they cope with the systemic problem of prostitution?

Therefore, the thesis addresses the course of action through which policy making actors view prostitution as a public issue that calls for a policy-making solution.

The thesis sees the Swedish as a holistic approach to prostitution and has potential to be a best policy practice for the Indonesian policy on prostitution as it stresses out the criminalisation of those buying or facilitating or mediating sex services, as well as promotes understanding on the realities and consequences of prostitution.

Criminalisation generates an understandable distinction between the victim and perpetrator of prostitution and draws attention to gender equality and gender-based violence. Promoting and facilitating prostitution within underground industry is also criminalised (Barry 1995; Estes 2001).

In addition, whilst pimps or mediators or johns are criminalised, a noteworthy point of the Swedish model is that prostitutes are decriminalised (Subrahmanian 2007). The policy learning points of the Swedish model can be outlined based on three aspects. First, the way in which the Swedish model copes with the issue of prostitution is, for the most part, implemented through making a distinction between those who are buyers and those who are sellers of services.

Second, the Swedish model relies seriously on providing alternative employment opportunities particularly in terms of gender equality based on the principle of democracy emphasising equal rights of every person.

Most of all, despite the consequences of the policy model in the Swedish context, an important reflection for the Indonesian government is that the Swedish Model has exemplified the way public policy deals with issue by taking into account human rights approach whilst produce policy making solutions effectively.

Decriminalising the selling of sex, namely decriminalisation of the prostitutes but criminalisation of the buyers and benefiteres of the service, has in the consequence that prostitutes become less stigmatised. Moreover, this system works for preventing those who have exited the industry to re-enter.

In terms of policy implication, the Swedish model proposes an opportunity to deal with prostitution and its related troubles at the core problem, instead of depending on gradual policy initiative. The Swedish model brings forward a consistency in the policy-making solution and is rational.

Resources are necessitated, on the other hand, to ensure successful implementation of the policy approach. This research explores the potential of adopting and implementing the approach on the Indonesian policy making of prostitution

The Swedish model fits in the interventionist approach to social issues taken by this research since the model can be said as 'a compassionate, social interventionist legal response to the cruelty of prostitution' (see Mansson 1998; Mansson and Hedin 1999).

The obvious continuing aim of the Swedish model is to stop prostitution within its state-run borders, and to endorse a present-day abolitionist attitude worldwide. In the short-range stress has been located on preparing specialists to comprehend and apply the



model, so as to act as resources to facilitate women to leave prostitution, at the same time and re-educating the community on the actuality of prostitution.

The research explores the relevance of this model to the Indonesian context. My position in terms of the Swedish approach is in support of the ideal. The approach has properly come up with policy response that is not just combating prostitution and the related burdens but establishes the grounds of prostitution in the arena of demand, namely no matter what prostituted people's social conditions they would not and could not sell sex if there were no one keen to pay for it. This sequentially is associated to the fundamental grounds, continuous disparity in power between those who can purchase and those who have nothing to sell but themselves. It also addresses the inequality and power imbalances between women and men, and men's sense of privilege to sex.

The Swedish model has addressed the consequences of prostitution either on those implicated in it and on the social structure more generally. Prostitution is stigmatised in Indonesia. Prostitutes are socially excluded from the mainstream or dominant majority culture. Indeed, a thesis by Connell (2012) has properly concluded that there is no way people can be respected when they are commodified.

### **2.3 Contentious definition of prostitution in Indonesia**

Prostitution in Indonesia, similarly, refers to '*lacur*' which means poor, wretched, failed, bad luck. The word '*lacur*' also refers to selling sexual services in places where prostitution exists in (Koenjoro 2004, p. 26). Whereas according to other Indonesian literature, prostitution alludes to 'any act or practice of a woman that is considered as

wild or wicked, while those who buy are merely customers wanting a service in exchange for payment' (Purnomo and Siregar 1985, p. 10). Although the definition seems to have been gender biased by stating that prostitutes are women selling sexual service to men as customers, but the latter literature mentions the use of term 'pelacur' or slut as free gender bias, because it can be used for female as well as male prostitutes, both in denotative and connotative meaning. The term sex worker is non-specific and has less moral over tones.

Indonesian literature in diverse areas of research (Soedjono 1977; Bawengan 1977; Abdulsyani 1978) stresses prostitution as the submission of women to men in return for a payment to have sexual intercourse conducted outside the bonds of marriage. Women entering prostitution are assumed to be driven by ignorance in the family or community, poverty, deception, and frustrating. Loss of family protection from parents and loss of husband from divorce or failed marriage create the deception.

The existing literature on prostitution in Indonesia (such as Suyanto 2000, Suryasaputra 2000, Surtees 2004, Dhakidae 1979, Syarifudin 2005, Farid 1999, Hull et.al 1997) is inconclusive in terms of addressing the social justice of of those selling their labour in the industry who have limited life chances and are thus trapped in the prostitution industry. It does not emphasise the constitutional rights of women and children and the transgendered who ought to be protected. The labeling of people as a basis for discrimination is critically reviewed through this research and the evidence presented in chapter 5 and 6.

## 2.4 Vulnerability, dignity and capability

I am not alone in my view that, in many respects, prostitution is a no-choice option for many vulnerable people given their lack of life chances. For those without social networks to support them and without a means to earn a living, the choice is either one of becoming a prostitute or not meeting basic needs for oneself or one's dependents. Nussbaum (1999, p. 99) argues that 'the idea that we ought to penalise women with few choices by removing one of the ones they do have is grotesque'. Although the idea invites quite strong critiques from some radical feminists (Dworkin 2002, p. 157), it has on the one hand provided a set of collective guiding principles to provide a schema of social justice. Arguably, the 'disgust and shame' labels seem to have been used widely as justifiable bases for legal judgments, that is to say criminalising or decriminalising prostitution, and labelling the activity and the people involved in prostitution, as 'shameful' or 'sinful' or 'disgusting' (see Bullough and Bullough 1987, Doezema 1998, Sulistyaningsih 2002).

Policy based on these judgments, for instance, has justified 'group subordination'. The nature of the Indonesian policy response to the issue of prostitution has created a subordinate group of "*perempuan yang dilacurkan*" (prostituted people) as a group that does not have a voice in the policy making process, compared to the widely held opinion of the total population of the Indonesian society. However, the understanding of subordination does not reflect marginal in terms of the number of people involved in the industry. Instead, subordination here reflects marginal in social rank, education, occupation, prosperity and political power. One of the implications of this subordination is that prostituted people are voiceless. They have to accept whatever is decided in

the policy-making regardless, whether the policy decision represents a way to address their complex needs.

This study draws on Nussbaum's argument concerning human capabilities, but does not adopt an essentialist approach. Instead it considers critical heuristics as a way to extend gender mainstreaming, 'to shift feminist concerns toward interconnected transnational efforts' (as cited in Trevenen 2001, p. 2) to ensure social justice for all. In Indonesia, prostitution policies based on 'shame' attempt to indoctrinate degradation. This argument, well known as 'politics of disgust' needs to be addressed by shoring up the human rights of those who are rendered voiceless through current processes of discrimination.

Nussbaum makes it clear that the 'core idea seems to be that of the human being as a dignified free being who shapes his or her own life, rather than being passively shaped or pushed around by the world in the manner of a flock or herd animal [...] The idea thus contains a notion of human worth or dignity' (2002, p. 130).

Capability is an expression of the chance individuals have to make choices that shape their lives. Hence, if 'capability' were chosen to be the perspective on which the policy-making on prostitution is based, the policy-making process must address more than the fulfilment of those choices.

Sen's capability approach (see Crocker 1995, p. 154), however, also stresses the need to enable human beings to achieve their goals. In his famous phrase he stressed 'development as freedom' to make choices. A person who is without choice is not free

and thus to develop capabilities, people involved in prostitution should only be there if they were free to choose that option as adults. Those who are excluded face continuing harm. Thus the 'politics of disgust' according to Nussbaum (2006) represents the continuing social harm that occurs to particular socially excluded groups in Indonesia, as a result of the current policy on prostitution.

The Tangerang regional law no.8 (e) /2005 about the abolition of prostitution, provides an example of a policy solution based on sweeping away the problem! It takes a high moral tone. It is clearly a policy that does not reduce the number of people working in the industry.

A group of NGOs noted a 'false sweeping operation' by the local government (Indonesian Women Association for Justice and Women Communication Forum of Banten, cited in Gatra 2006, p. 1). The incident happened to a 36 year-old pregnant mother going home from her work in a restaurant who was accused of working as prostitute. She remained in custody for three days because she was incapable of paying the Rp. 300,000 (about AUD28) charge for her release. After going through the legal process, she was found to be innocent; she just coincidentally stood there at night in an area where street prostitution usually operates. Looking at the case, she might be one of those suffering maltreatment as a result of a policy that is formulated and then executed based on 'disgust' and an intent to 'shame' those who operate as prostitutes, which Nussbaum calls the 'politics of disgust'.

This thesis makes the case for applying the capability approach to policy-making on prostitution in Indonesia, in order to take into account the needs and rights of everyone living in Indonesia. The policy ought to aim for more than just maintaining social order, as exemplified in the case above. Instead, it should consider human diversity in the

sense of rights as an individual and as a citizen. The capability approach is described by 'the extent to which people have the opportunity to achieve outcomes that they value and have reason to value' (Sen 1999, p. 291) which are constitutive of the life of a human being (Nussbaum 2000, 2006).

Nussbaum (2011, pp. 33-34) suggests 10 capabilities that people need to have so as to achieve a decent life. These are: health, safety, bodily integrity, education, standard of living, quality of social interactions, productive valued activities, environment, play, basic rights. Nussbaum (1999, 2000) and Sen (1999), in 'development as freedom', argue that education and the right to voice one's rights and to achieve one's goals is expressed by the right to choose the way one lives and works. Quality of life is determined by the right to control one's income and one's body.

Chapter 6 makes the case for addressing the self-sufficiency of the income earning options for workers within the industry whilst augmenting their dignity as individuals equals as others in society and the necessity for the capability of citizens.

To sum up the argument so far, Nussbaum and Sen make a case for policy-makers to recognise human diversity but also to recognise that people must be free to choose and not forced into the industry through ignorance, naiveté, poverty, fear, coercion.

The life chances and quality of life of prostitutes are compromised by discrimination. This research proposes addressing the political and economic surroundings of the policy-making on the issue, together with social environments that allow prostitution to thrive. Alternative means of survival through welfare, education and employment are

vital to address this issue. This is in line with De Marneffe's (2010, pp. 113-14) point that it is a mistake for the government to ban a form of conduct by means of public policy if the policy inhibits the life chances of those to whom it is applied. Protecting individual rights is the aspect that has been left behind in Indonesian policy-making on prostitution, though to actually implement this policy approach in Indonesia may raise a question on how to rationalise one's consent to prostitution (namely an individual's decision that prostitution their choice considering their lifestyle conditions) within a given culturally religious, normative system and to then make it a matter for the government to consider.

Relating this philosophy to the context of policy-making praxis, I agree with Richardson and Midgley (2007, p. 165) who emphasise the importance of taking into account the viewpoints of the 'marginal constituencies' and of 'those people who (actually) need to take the decision. In the case of prostitution, the voice of vulnerable women children, and transgender trapped in prostitution are not given credit when making policy designs or taking decisions. Prostitutes' rights groups, mainstream NGOs that deal with issues closely linked with prostitution, and religious community leaders with years of experience living with the issue are also excluded in the making of the policies. The 'boundary judgment' is made and marks the inclusion of dominant values of just some stakeholders shaping the policy response to the issue.

## **2.5 The boundary of prostitution policy**

Boundary critique perspectives taken in this research are to develop thinking on the tensions occupied in policy making group efforts that cross boundaries. The policy on prostitution in Indonesia spans different ministries and different groups of departments

at the provincial levels. Emphasising the membership within the boundaries, people are defining themselves with the norms. Those who are outside or beyond the boundaries are often regarded as immoral or abnormal. Thus, cross boundaries lead to the circumstances where different departments make different boundary judgments, as do different stakeholders. So, the diversity in policy perspectives is both within and across departments and diverse from person to person. All of that complexity plays into the issue of prostitution policy making in Indonesia.

The 'boundary critique' by Midgley is a way in which to understand the continuum of the policy stance pertaining prostitution, and the potential of recommending policy making on the issue that recognises the needs of women and children, who are currently victimised, to be given opportunities to be agents of their (own) future. This argument is in line with Nussbaum (1999, p.18) who once argued that "it would be very odd to conclude that the only way to respect people's dignity as agents is to create an uphill unequal struggle for them at every turn in the road. It would be odd to conclude that treating people with equal respect for their dignity is a way of turning them into victims rather than agents".

Midgley draws on 'Purity and Danger: an Analysis of Concepts of Pollution and Taboo' by Douglas (1998) in which she argues that disgrace, restriction (social control) and punishment speak for the power of social boundaries, whilst beliefs sustain moral values and social roles within the boundaries. The public order offense can be seen as an example of the way the needs of the most vulnerable are addressed. The idea behind the 'sweeping operations' is the establishment of public order and the wiping out of public nuisance. Social policy making in Indonesia, to a large extent, takes into account religious values and commonly accepted norms believing that the public

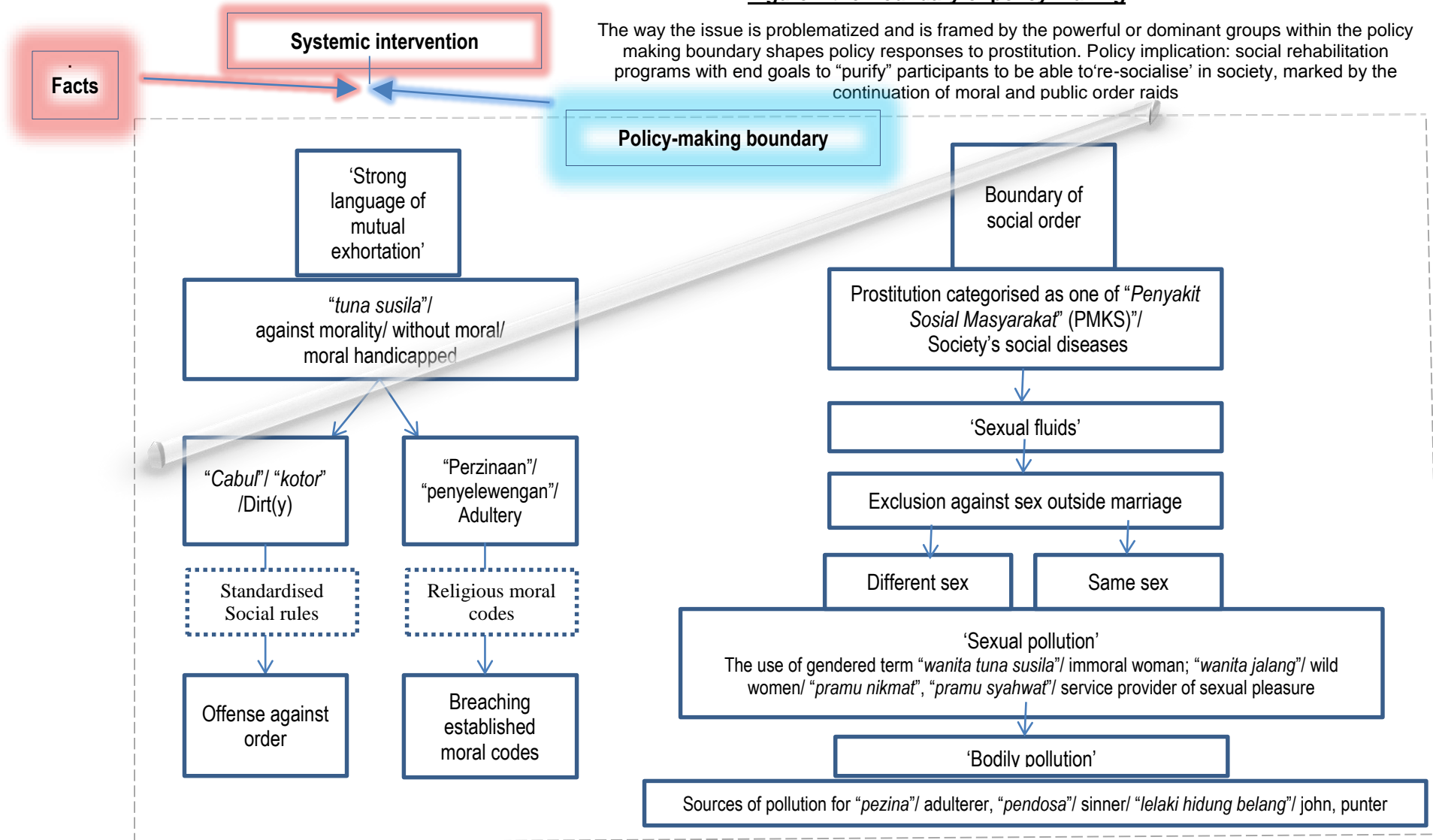


policies formulated and further executed represent the majority of the public. However, as Douglas (1998, p. 112) said it herself 'beliefs which attribute spiritual power to individuals are never neutral or free of the dominant patterns of social structure' (p.112).

Douglas (1998) further reveals that people include and exclude particular ideas since they look through particular lenses and set up boundaries according to those lenses. The boundaries then lead people to see the world in limited ways. In Indonesia, the attitudes towards permissiveness in policy differ from individual to individual, from department to department and within departments in different sections.

**Figure 4 the Boundary of policy-making**

The way the issue is problematized and is framed by the powerful or dominant groups within the policy making boundary shapes policy responses to prostitution. Policy implication: social rehabilitation programs with end goals to “purify” participants to be able to ‘re-socialise’ in society, marked by the continuation of moral and public order raids



Source: Adapted from Douglas, M 1966, *Purity and danger: an analysis of the concepts of pollution and taboo*, Routledge, London and New York, pp. 1-6

The systemic intervention in this study is concerned with the way this study creatively explores with stakeholders ways to re-evaluate the policy making model and to reframe the approach that best fits the Indonesian case study. By the systemic intervention, the study can pick up multi-layered opinions and interpretations of the implementing policy. As Goldsmith and Eggers (2004) pointed out, government and NGO service providers' role in the innovative model of governing by network, which in the case of prostitution reflects as a multi-coordination of the governing bodies across sectors in dealing with the issue, is as 'generators of public value within the web of multi-organizational, multi-governmental, and multi-sectoral relationships that increasingly characterize modern government' (p.6). In the theory of 'boundary critique's Midgley (2000) argues:

Boundaries are constructs, and may therefore be placed in a variety of different places, bringing forth markedly different 'realities'; they are associated with values, in that different values (associated with different ideas and improvement) may result in boundaries being constructed in different places; participation from a variety of stakeholders is important, because different stakeholders may bring different insights to bear [...] (p. 138).

The alternative policy, as the proposed result of the thesis, should provide resolute policy action on prostitution that can be constructive as a policy-making model for all service providers of the issue to create change in the life chance of prostituted women and children

The 'synergy of boundary critique' in the proposed policy-making model aims at giving new value compared with otherwise in isolation of a single perspective, and can usefully support collaboration across agency and community boundaries in the rural and urban areas of Indonesia. The semi structured face-to-face interviews taken is to

reflect on boundaries and values exist in the issue of prostitution in Indonesia, and to establish the main focus of the assessment of its relevant policy making system.

Ulrich (cited in Midgley, p. 142) highlighted the importance of taking into account the universalisation of morality in s discourse of an issue where the stakeholders of such are divers, with their divers of interests and values. In the case of policy making discourse on the issue of prostitution, this thesis values the principles of '*12 critically heuristic boundary questions in the "is" and "ought" modes*' to be adopted in the policy analysis in both collecting and analysing data of the research, presuming that the policy-making system of the issue calls for 'boundary critiques' in providing sound critical analysis in the research:

**Table 2: 12 Critically heuristic boundary questions**

<i>The 12 critically boundary questions in the 'is' mode (what is the case in the policy making of prostitution)</i>	<i>The 12 critically heuristic boundary questions in the 'ought' mode (what ought to be the case in the policy making of prostitution)</i>
<ol style="list-style-type: none"> <li>1) <i>Who is the actual patron of the policy making system related to prostitution issue; who belongs to the group of those whose purposes, namely interests and values, are served, in distinction those who do not benefit but may have to bear in mind the cost of the policy decision or possible disadvantages</i></li> <li>2) <i>What is the actual purpose of the policy design related to prostitution, as being measured not in terms of declared intentions of the involved but in terms of the actual consequences</i></li> <li>3) <i>What, judged by the design's consequences, is its built in measure of success</i></li> <li>4) <i>Who is actually the policy maker (who can actually change the measure of success</i></li> </ol>	<ol style="list-style-type: none"> <li>1) <i>Who ought to be the beneficiary of the policy on prostitution to be formulated or improved?</i></li> <li>2) <i>What ought to be the purposed of the policy? What goal states ought the policy to be able to achieve so as to serve all the stakeholders of the policy?</i></li> <li>3) <i>What ought to be the policy's measure of success (for improvement)</i></li> <li>4) <i>Who ought to be the policy makers or ought to have the power to change the policy's measure of improvement?</i></li> <li>5) <i>What resources and constraints of the policy ought to be controlled by the policy makers?</i></li> <li>6) <i>What resources and conditions ought to be part of the policy setting?</i></li> </ol>

<p>5) <i>What conditions of successful formulation and implementation of the policy pertaining prostitution are really controlled by the policy makers</i></p> <p>6) <i>What conditions are not controlled by the policy makers (implications of the prostitution policy)</i></p> <p>7) <i>Who is actually involved as the policy formulators coping with issue of prostitution</i></p> <p>8) <i>Who is involved as “expert(s)”, of what kind of expertise, what role do they actually play</i></p> <p>9) <i>Where do the involved see the guarantee that their planning will be successful (in terms of theoretical competence of the experts; consensus among experts validity of empirical data; in political support on the part of interests groups regarding the issue of prostitution/ the social justice and the life chance of prostituted women and children )? Can these assumed guarantors secure the design’s success, or are hey false argument?</i></p> <p>10) <i>Who among the involved, represents the concerns of the affected (prostituted women and children for instance)? Who is or may be affected without being involved?</i></p> <p>11) <i>Are the affected given an opportunity to emancipate themselves from the experts and to take their fate into their own hands, or do the experts determine what is right for them, what quality of life means to them? Are the affected used merely as means for the purposes of others, or are they also treated as ‘end in themselves’ to use Kantian phrase, as belonging to the beneficiary?</i></p> <p>12) <i>What world view is actually underlying the policy design</i></p>	<p>7) <i>Who ought to be involved as formulators in the policy making system</i></p> <p>8) <i>What kind of expertise ought to flow into the formulation of the policy; who ought to be considered as expert(s) and what should be their role?</i></p> <p>9) <i>Who ought to be guarantors of the policy; where the formulators seek the guarantee that their policy design will be implemented and will prove successful, judged by the policy’s measure of success (or improvement)?</i></p> <p>10) <i>Who ought to be involved, among the affected, to represent the concerns of the public that will or might be affected by the policy design or policy decision?</i></p> <p>11) <i>To what degree and in what way ought the affected to be given the chance of emancipation from the premises and promises of the involved?</i></p> <p>12) <i>Upon what world views of either the involved or the affected ought the policy-making system to be based?</i></p>
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<p><i>pertaining prostitution? Is it the world view of (some of) the involved or (some of) the affected?</i></p>	
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Sources: Adapted and modified from Midgley 2000, Systemic intervention: philosophy, methodology and practice, Kluwer Academic, New York, p. 141.

## 2.6 Concluding remarks

The policy on prostitution ought to be ethical and socially just. Promoting an ethical system practice, Ulrich (cited in Midgley 2000, p. 141-142) said, is by ‘pushing out the boundaries as far as possible so that a wide set of stakeholder values and concerns can be accounted (but without compromising comprehension through overinclusion’. Thus the boundary line is drawn at those who exploit the vulnerable and those who deprive them of achieving their capabilities in life.

The policy of prostitution in Indonesia is ambiguous, because it does not take into account the reality of poverty and the so-called immoral ways of escaping it. People need to meet their basic needs in terms of food, clothing shelter and in some cases attempts to move out of poverty through obtaining an income to set up business or obtain new skills. This creates a complex context for the industry comprising on the one hand, the tacit acceptance of the industry in some contexts and its criminalisation in when people conduct their trade in the wrong place at the wrong time and are ‘caught’ in so called sweeping operations that are conducted from time to time.

Douglas phrased it as ‘all social systems are built on contradictions, in some sense at war with themselves’ (1998, p.140). In some intense cases in Indonesia, even the act of giving money and arms to the deserving poor can be seen as polluted if the act were off the line of morality and religious values. The notions of rights and responsibilities above and along the line of what so called “the good public” or “the

good citizen” accepts. And then below the line is about people surviving through prostitution either by being providers of the services or managing the industry.

Prostitution in Indonesia can be regarded as a complex wicked problem because it is multi-layered and multi-dimensional.

Policy decision making on prostitution involves emotional dimensions of thinking and caring, rather than merely bounded rational based decision making. It involves ethical and moral issues in the making with all respects to universal human rights. However, traditional social-contract based decision appears to be the case of the Indonesian policy making on prostitution. Marginalised people in the industry are treated with respect for their contributions and offers in the matter of mutual advantage. This also can be seen in the way the policy works within the narrowed boundary of 'order' and 'disorder' or 'sacred' and 'profane' to use Douglas' (1966) phrase. Social programs related to prostitutes are run grounded on their identity and social status in the society.

## Chapter 3

### Research methodology

#### 3.1 Reflexivity issues with the researcher

I am a male and an Indonesian from birth. I have lived in Indonesia. I am a policy researcher who has concentrated on this topic for a while. I have been exposed to the debate and hypocrisy from childhood and I have observed all the challenges faced by students trying to survive. I am able to draw on my own life living in a town in Indonesia, understanding the kinds of life chances that the extremely poor members of the community face and the extent to which prostitution is quite widespread. I am also drawing on my experience as a policy researcher. The fact that I have been exposed to the rhetoric and reality of politics and policies around addressing prostitution is beneficial in gaining insight to analyze the issue in the sense of providing rich detail of “what is really going on” within the lives of my interviewees, who are in actual fact key people in the policy-making of the prostitution issue in Indonesia. I intend to provide deep, realistic insights into a relatively small number of organizations. The aim is also to discuss the exposure and the rhetoric of the hypocrisy in the media.

My professional experiences working as a faculty member at the Faculty of Politics and Social Sciences at University of Sultan Ageng Tirtayasa Serang, Ibnu Chaldun University Jakarta and Parahyangan University Bandung provided me with an opportunity to engage in research and to work with community development organisations. Each university has its Centre of Research and Community Development. The centre’s activities often have to do with self-reliance organisations



that strive to support social justice of the marginalised. Those activities in which I am actively involved have provided links to government and non-government bodies related to the issue, which were very accommodating in the process of the research. This research involves the study of my own culture as being born and socialised in Indonesia. As Hammersley (2006, 4) noted that ethnography is a type of social research that:

‘emphasises the importance of studying at first-hand what people do and say in particular contexts. This usually involves fairly lengthy contact, through participant observation in relevant settings, and/or through relatively open-ended interviews designed to understand people’s perspectives, perhaps complemented by the study of various sorts of document – official, publicly available or personal’.

Following McIntyre-Mills (2014) in her book *Systemic ethics and non-anthropocentric stewardship*, addressing 'emotional dimensions' of our lives enables one to create solidarity with others without sidelining those who sit in marginal position in society. By taking the critical ethnography approach in the research, I investigated policy through the eyes of policy makers or community workers. By drawing on McIntyre-Mills and De Vries (2008) ‘ User centric policy design to address complex needs’ the aim was to understand policy by addressing the detailed narratives on the practices, beliefs and norms that form the culture of these contexts in Indonesia.

### **3.2 Field research context, design and approach**

This case study applies a qualitative approach to research and uses critical ethnography and systemic intervention to underpin the thesis and the contributions to theorising policy on prostitution in Indonesia. This design addresses the key questions of the research and the key participants, and offers opportunities for an inclusive understanding of the conditions and circumstances that influence the policy-making on prostitution in urban and rural areas of Indonesia. To use Midgley’s phrase, ‘there

is no God's eye view' of interconnectedness, and I accept there are unavoidable limits or boundaries to my understanding. I aim to apply the 'boundary critique' to research.

This study strives to re-frame the issue of prostitution discourses through addressing contesting arguments on the policy-making of the issue in dialogue. The approach combines methods to interview differing stakeholders of the Indonesian prostitution policy, ranging from GO-national and regional level (formulators-executors), mainstreamed NGOs, MBOs, Socio-religious groups, academics-journalists. The combinations of 36 in-depth, unstructured interviews and unstructured observation enabled me to engage in direct interaction with the key interviewees<sup>7</sup>. The study investigates the implications of the policy on prostitution in Indonesia. The study questions the assumptions that shape the ways the policy is implemented.

This PhD research<sup>8</sup> was undertaken in three contexts spanning metropolitan Jakarta, progressive Bandung and the more regional Tangerang.

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<sup>7</sup> In Indonesia and elsewhere, prostitution is not an open topic for discussion for some people due to its religious-moralistic nature. The environment of Focus Group Discussions (FGDs) that demands for an open discussion on the topic of prostitution by a number of discussants can hold some people accountable for not expressing their real opinions or point of views due to the nature of the issue. For instance, a policy-maker who is also known as a religious leader may have liberated attitudes in some respects towards the rights of people in prostitution. Expressing this view in FGDs, however, may conflict with people's expectations of the person to be seen as a moral crusader by other discussants. In Indonesian context, this type of discussant is likely to keep the image he or she wants to have from other discussants in FGDs rather than expressing the actual opinion pertaining highly sensitive social issue like prostitution.

Consistent with the spirit of empirical phenomenology as developed by Husserl (1962), and Schutz (1976, 1982), this research used in-depth interviews that tend to be much more powerful in getting insight of the issue based on the wide range of key informants' backgrounds. The perspective of key actors of the policy-making on prostitution is significant in the analysis, whilst accepting given socially constructed context where the prostitution phenomenon exists, and acknowledging the critical role of theory in research. As a counterpart to the in-depth interviews, I did participant observations combined with the effort of drawing on my own experience and knowledge as a way to put myself in the shoes of the key informants to best comprehend the phenomenology of their standpoints along the praxis of policy-making on prostitution. The idea is to see and understand the divergences between what I observe and the claims made by the key participants that can provide interesting insights on the issue to come up with the prostitution-policy-as-discourse in this thesis.

<sup>8</sup>This PhD research project thanks the funding from the Indonesian Directorate General of Higher Education.

The case study addresses Jakarta, as it is the most urban-metropolitan area in Indonesia where national policy making is formulated. A significant number of prostituted teenagers (International Labour Organisation 2004) are in Jakarta. Furthermore Jakarta is known as the destination city for receiving prostituted people from around Indonesia (Indonesian Social Department 2012).

Bandung was chosen for its role as the heart of democracy, liberation and tolerance. Bandung has a liberal and progressive approach since the famous Bandung conference on development, Asian African Conference in 1955<sup>9</sup>. It has played a lead in socially progressive policy-making. Bandung is the capital town of the West Java Province. Governmentally, policy-making decisions made by local governments within the province are likely to refer to Bandung as their role model of governing the local communities. Bandung is known for its “sex tourism”, and the Social Department in the province noted that this city can also be regarded as a destination city for prostitutes.

I chose Tangerang as a case study to represent a sample of semi-urban areas in Indonesia. The research tried to avoid bias by sampling only the two major urban areas. Other than that, the local government of Tangerang is the initiator of conservative approaches to prostitutes, summed up as the city that prioritises morality in line with religious teaching or “*kota yg berakhlakul karimah*”. The local government

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<sup>9</sup> The significance of the conference to the present time is its role in promoting norms and values based on the broadly accepted principle of democracy, the protection of human rights and diversity that comprehends the values of acceptance and respect for all. As a symbol of freedom, the conference has contributed to significant values in social policy-making in terms of freedom in action and making choices (see Burke 2006, Kahin 1956, Tan and Archarya 2008). The conference has brought humanitarian and caring aspects to the forefront of consideration when making (social) policy decisions particularly when they involve human rights of people affected by the decision.

of Tangerang is well known for the false-arrest controversy on implementing moral-religious based (“*syariah*”) policy on prostitution.

The research applied saturation, purposive network sampling. The three case studies are linked to each other economically, governmentally (despite some regional autonomy) and culturally. The chosen venues also make it possible to relate and to contrast perceptions of policy responses and policy implications according to the key informants.

Picture 1 Research sites



Source of maps: (National Geographic 2014, p.1)

Whilst accepting the concept of 'bounded social settings' (Holiday 2002 p. 78) to address the area of concern in an efficient and effective manner, I also took this framing strategy to be in line with Geertz (1973 p. 32) in determining the sampled venues of data collection. So, my intention was not merely to investigate the three geographical venues but just to use them as a window into understanding prostitution in different contexts in Indonesia, namely the metropolitan urban, the more democratically and least democratically inclined research contexts, as to cite Geertz, the 'locus of the study'.

Thus, the data collection was undertaken in these areas in order to understand how policy responses and perceptions of the policy providers vary in the chosen contexts. I hoped that this would provide some insights into the varying ways in which prostitution policy cases are represented across other more regional and urban areas in Indonesia.

According to Romm (2001), in drawing on empirical evidence in order to have a better sense of what is going on with respect to the debate on prostitution in Indonesia, this critical ethnographic case study is a combination of a number of different approaches, namely:

- Drawing on participatory action research and auto-ethnography;
- Critical discourse analysis of policy documents and socially situated texts from media; and also
- Discourse analysis of interview transcripts. I used a purposive network sampling that was very helpful in providing networks of who-are-the-actual key informants and enthusiasts of the policy pertaining prostitution.

Combining the critical ethnographic approach with case study, the attempt is expected to investigate the issue of prostitution within the bounded social systems of the Indonesian community surrounded by the uniqueness of different cases of differing lenses of policy providers on how a policy should respond to the issue. My own life as an Indonesian that has been exposed to the issue, which predisposed me with the culture, and how people interact with each other in Indonesia, can maintain the tautness and sense of balance between involvement and detachment both as an outsider with a broad and analytical perspective on the issue, and as an insider with a sense of familiarity, empathy, and credentials to the issue being studied.

Some of the stories that are analysed and included within the narrative approach draw on the range of experience acquired by the researcher during the course of his life. These stories and his experience provided a basis for critical reflection to explore and test the complexity of the ethical and policy issues (e.g. informed choice with a range of stakeholders). The approach allows me to use field texts, namely stories from my in-depth interviews, stories exposed by media, NGOs reports, journals, field notes, government reports, off-record conversations with relevant people during the fieldwork, family stories, photos from NGOs bulletins, media reportages, photos of venues, and the experience of those who live with or deal directly with prostituted people, some of whom were involved in prostitution before sitting as directors of NGOs. I use the field texts as the components of analysis to investigate the way people generate meaning in their lives, as narratives. This is supported by triangulation of qualitative data with secondary quantitative data so as to pose a balance between logic and stories.

The systemic challenge in the policy treatment of prostitution addressed by this study reflects discursive understandings of 'prostitution', 'the prostitute' and their implications for public policy. The contribution that the study is intending to make is the dialectical discourse on the policy of prostitution towards an unconventional policy-making model. By applying 'the systemic intervention', the thesis is questioning whose interests are given precedence, and why, within the spectrum of differing perceptions among policy providers on the issue.

### **3.3. Sources of data and data collection**

This study used purposive network sampling to identify service providers in public sectors, social and community leaders, NGO facilitators and community groups, some of whom have survived prostitution and who are able to provide in-depth insights. The challenge in doing research on prostitution in Indonesia is its lack of government and non-government agencies that are particularly concerned with the issue of prostitution. The issue is generally placed as part of other related issues, namely human trafficking, public health (HIV-AIDS), human rights, women empowerment, child labour, poverty reduction, family planning, homelessness, street children, beggars and such. So when the fieldwork started, I was facing the challenge of "passing the buck" or passing on responsibilities in dealing with the issue. This was mostly experienced with government agencies, presumably to avoid being responsible for the worrying rate of escalation of sex commerce in Indonesia, especially in cases where underage girls are involved, as these cases generally become media headlines. Though, it was not exclusive of non-government organisations to attribute another activist or group with responsibility for dealing with prostitution, in particular, despite of the closeness of the issues they stand for with prostitution such as HIV/ AIDS, human rights and street



children. I again use this challenge for the benefit of the research by giving me access to networks of people and or organisations that would be of assistance in providing me key informants for my interviews. The more referrals I received the wider my networks grew and the wider the pool of potential key informants, so this research actually benefited from those who tried to “pass the buck”.

As an example, on one occasion during the fieldwork I knocked on the office door of a very famous and respectable high-ranking official in an Indonesian Ministry who, I thought at the time, would provide a helpful interview. He is also widely known as a religious scholar in Indonesia. However, he did admit that his organisation indeed ‘has programs related to prostitution but has no responsibility to deal with the issue directly’. He continued in a rush, “the responsibility is actually on the religious leaders to police the morality of persons in prostitution”. He gave me seven minutes of his time during which he passed me names and addresses of people to interview at *Masjid Raya Mujahidin* (Mujahidin Grand Mosque). I was disappointed at the time because I had arranged our meeting long before I commenced the fieldwork but later, when I followed up the names and addresses he gave me, it led to helpful interviews. He referred me to socio-religious leaders and religious scholars from diverse regions within the Province of West Java and some other provinces in Indonesia. I was able to hold valuable in-depth interviews with these people, and one of the scholars was even happy to be interviewed for hours based on his specific interest in the research conversation. The following picture is the venue I am talking about:

Picture 2: Meeting attended by socio-religious leaders



The giant poster was placed on the front wall of a big mosque place in Bandung, advertising the date and place of the big meeting. I met with some of these religious leaders and scholars immediately following their meeting.

Source: Riswanda 2012, fieldwork observation

The research fieldwork purposively included key informants likely to give data that are thorough and significant for the research question<sup>10</sup>. Network sampling is a multi-stage purposive technique applied to discover and to sample the people in a network, where 'each person or unit is connected with another through a direct or indirect linkage' (Neuman 2004, p. 140). Sampling 'begins with one or a few people or cases and spreads out on the basis of links to the initial cases' in anticipation that 'no new names

<sup>10</sup>The purposive network sampling supports the critical ethnography approach used by this research, aiming to inspire participants by the expected result of the study and challenge the status quo of the current policy on prostitution.

are given, indicating a closed network, or because the network is so large that it is at the limit of what [the researcher] can study' (Neuman 2004, p. 140). In this case, the specific population is service providers from the Ministry of Women Empowerment (Human Trafficking Deputy; Program Planning Deputy; Law and Child Protection Deputy; Public Complaint Deputy), Coordinating Ministry of Social Affairs (Social Rehabilitation Bureau), National Commission of Women, National Commission for AIDS, Social Department of West Java Province, Public Order Officers (Satuan Polisi Pamong Praja), Police Department in Public Security and Public Order, Regional Legislative Assembly - "E" commission on Women and Children Issue, Regional Commission for AIDS, Regional Policy Development Board, and Regional Commission for AIDS for the government sectors. Whereas for the non-government sectors, the specific population is the National Commission for AIDS, OPSI (Organisation for Social Change of Indonesia), Bandung Trust, Save the Children, Organisation for Social Change (OPSI) Bandung, The Indonesian Planned Parenthood (PKBI), Muhammadiyah, Front Umat Islam, Pemuda Anshor, Daurut Taubah, Rumah Cemara, Neighbourhood/ Community Association of Saritem, BBC, Pemuda Pancasila.

The data for analysis comprised 856 pages of policy documents, transcripts of audio recordings from the in-depth interviews, as well as detailed field notes from all data gathering activities. I have collected a substantive amount of policy documents to support the discourse analysis of the differing opinions of prostitution in Indonesia, in addition to analysis of related press or media publications on the issue. In this sense, social context includes the key informants to whom actions or words are directed, such as government officials as policy executors of the current criminalisation policy by the

use of public nuisance and public order regulations. In the analysis and discussion chapters this should enable me to comprise typical and atypical cases, and to contain combining the perspectives of differing stakeholders with their differing interests to the issue (the 'emic' viewpoint) and researcher (the 'etic'), so as to move back and forward amid the two (Fielding 1993). The research strives to make a contribution to understanding the policy discourses. These 'thick descriptions' (Geertz 1973) of policy narratives give details of interactions and contextual meanings of the cultural setting (Holloway 1997) in which the issue of prostitution is located.

The construction of prostitution and the policy implication on the issue emphasised in the study is in looking to offer critical ethnographic research that draws on the research experience of the writers through 'evocative stories that create the effect of reality; celebrates concrete experience and intimate detail; examines how human experience is endowed with meaning; is concerned with moral, ethical, and political consequences; encourages compassion and empathy; helps us know how to live and cope; features multiple voices and repositions readers and "subjects" as co-participants in dialogue; seeks a fusion between social science and literature [...] and connects the practices of social science with the living of life' (Ellis 1999, p. 669).

The first part of the field research focuses on the government's viewpoint of prostitution. In obtaining this, people from the Indonesian Ministry of Women Empowerment, and Child Protection and Social Affairs Departments were interviewed. From thereon I had recommendations of where to go, namely to have key informants from other government bureaus that have authority to deal with prostitution. Every so often the key informants refer me to NGO activists and or religious scholars that might have particular interest and experience in dealing with prostitution in Indonesia.

Nevertheless, at any given time during the data gathering process, I was required to go back to a target group having been interviewed previously to confirm new findings of the issue.

The help of neighbourhood community leaders, religious leaders, and MBOs leaders with years of experience living in and dealing with prostituted people gave insight of the policy effects on the issue. From them, I have got a lot to write up about the choices we have and the choice we ought to have with many respects to this side-lined group of the Indonesian society that (ought to) stand for the social justice of all in keeping with basic values of "*Pancasila*"<sup>11</sup>, "*sila*" no. 5 'social justice for all citizens of Indonesia'.

As an illustration, the following picture was taken during the course of this PhD research on the morning of 28 December 2013. It depicts a normal daily Indonesian neighbourhood, through which anyone can walk. But later at night-time, the neighbourhood turns out to be very well-known locations in Bandung called 'Saritem' (tacit red-light areas where prostitution occurs).

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<sup>11</sup> "Pancasila" is the authoritative ideology of the Republic of Indonesia. As the national philosophical foundation of the country, "pancasila" constitutes 5 basic principles ("sila") on how the country should be governed and run. The principles are: 1)"Belief in the one and only God, meaning "all citizens of Indonesia regardless their beliefs or religions, should respect other people's beliefs." This principle promotes religious tolerance and freedom of all; 2) "Just and civilized humanity", meaning harmonising one's basic human rights and freedoms with the one's obligation to his or her country, and the society in which one lives; 3) "the Unity of Indonesia" 4)"Democracy" meaning the country signifies democracy literally so as to reach the social justice for all. The Indonesian democracy protects equal opportunity for all in terms of politics, economy, social and cultural life. 5) "Social justice", emphasising a just and equal opportunity for all to have a decent life, to live according to human dignity. This fifth principle says no to all human exploitation.

**Picture 3: Paradox**



The picture shows a tacit acceptance of prostitution practice by some Indonesian communities, whilst others may show permissive attitudes. This is a paradoxical fact given the policy is to criminalise prostitution in the name of moral and public order.

Source: Riswanda 2013, fieldwork observation

The face-to-face, in-depth interviews gathered opinions from government and non-government organisations such as human rights and child trafficking NGOs. This was to find out their different perspectives of prostitution. Stage 1 of the interviews was information gathering of the impact of the recent criminalisation policy on prostitution on the social justice of women and children. The impact would be assessed against multiple potential outcomes of the policy implementation on prostitution in Indonesia, using accessible utilisation data, investigations of the experiences of different population groups, especially the government agencies, in formulating and executing the policy on prostitution and assessment of the design of the current policy focus.

Stage 2 of the interviews discussed the aspects influencing the policy implementation impacts of the interrelated stakeholders in regulating prostitution activities in the three regions and across regions. Interviews with key leaders of government agencies, NGOs, MBOs and socio-religious community groups were to analyse the aspects influencing the policy implementation impacts of the interrelated stakeholders in regulating prostitution activities in the three regions and across regions. This was conducted by combining a grounded approach to data analysis with the relevance of extensive multiple lenses by which experiences and opinions of the key actors on the issue of prostitution were sorted.

### **3.4. The selection of respondents**

Key informants were chosen to participate based on their relevant understanding, and knowledge of their contribution related with the issue of prostitution. Ever since the researcher approached the organizations to help as the third parties, helping to provide networks, participants were under no pressure to participate in the research.

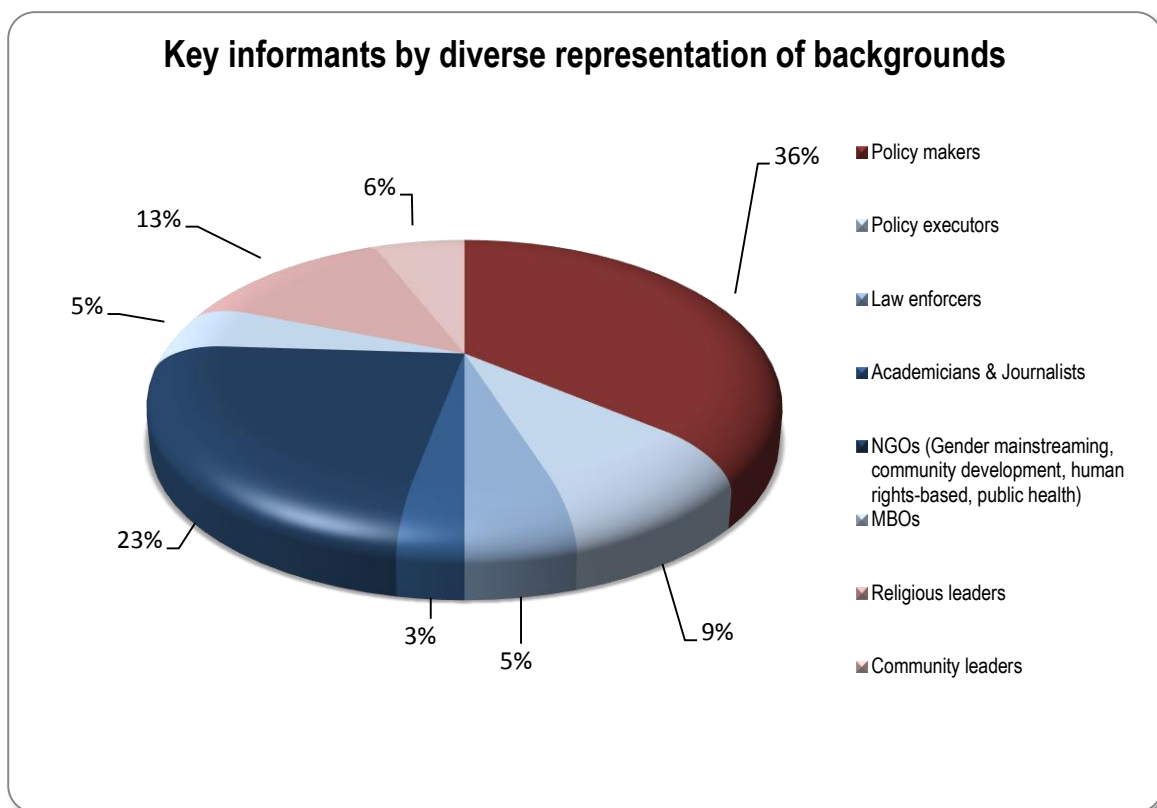
Government agencies received official letter from Principal Research Supervisor to get involved. NGOs, social-community/ social-religious principals were happy to be of assistance as most of their campaigns are to support women and children empowerment. Their locations were openly accessible via websites and relevant offices well-known to the researcher.

Participants were contacted via relevant departmental heads who briefed on the research, so that informed consent can be given. Then, the arrangement for interviews went from there based on their willingness to help and to participate.

### 3.5 Sample description

The study used 'purposive network sample' to ascertain opinions and attitudes from all stakeholders of the policy as mentioned to be population of this study. Scheduled questions were planned within face-to-face in-depth interviews conducted to the key informants from the specific populations detailed in the field research context.

**Picture 4: Key informants' backgrounds**



Key informants were recruited via purposive sampling. For example, once I started to approach the Ministry of Women Empowerment and Child Protection. The Ministry of Women Empowerment and Child Protection has database of key public sectors, NGOs and local community groups regarding programs such as gender mainstreaming and anti-violence programs of women and children. The Ministry, via deputies and regional branch departments have local recruitment facilities that have



developed over time. These are people who have agreed in advance to participate in numbers of academic events like seminars, conferences and such that eventually held during a year, based on the specifications of each event. I maintained these lists in and call and write to them, by permission and support from the Ministry, when needed, for participating in the study.

The key people on the lists mentioned were likely to give their opinions about prostitution issue since the research addresses contemporary concerns on the social justice of women and children. This was of direct relevance to their role. The in-depth interviews were of help to highlight or to probe deeper of the insight of the issue as well as to provide proper lists of significant policy makers, formulators, executors and key people, whose interests influence the policy on prostitution as the case. The research questions provided were used during the interview with prior discussion with the deputies in the Ministry of Women Empowerment and Child Protection to find out whether there are aspects that have not been covered in the question.

This was conducted by combining a grounded approach to data analysis with the relevance of extensive multiple lenses drawn out from experiences and opinions of the key actors on the issue of prostitution.

### **3.6. Data storage and analysis**

All the data gathered are stored carefully so that the confidentiality of the informants is protected and in so doing complies with the requirements of the Human Ethics Committee. The participants remained anonymous. They are guaranteed that no personal information will be publicly available without prior agreement. Privacy of any

information gathered from participants will be treasured. The researcher portrayed the reason of the research and methods used. Participants were educated respectfully that the information coming from them would be used for PhD thesis only. The researcher has made clear that the study has no for instance political or other particular interest. Their taking-part in the study would have no affect whatsoever on their careers, jobs and such

### **3.7. Research limitations**

Research on prostitution topic has its own unique challenges. The challenges are grounded in the design of supposedly 'ethical' and 'non-exploitative' research (Shaver 2005, p. 296). The Flinders University Policy on Ethical conduct in doing research is strict on research related to vulnerable groups. I followed the policy by not interviewing people who sell their labour within the industry. I only interviewed those who are government and NGO service providers. This approach and research design enabled me to address the policy discourses of these stakeholders and their concerns about the industry.

Nonetheless, given the fact that I am looking at the perceived policies on prostitution, I utilise the constraint to have the in depth-interviews with the social workers, high ranking policy officers and government officials. I also interviewed community and NGOs leaders who have lived experience in dealing with and worked within the industry and now are providing a service to people who remain within the industry.

Another challenge I faced during the fieldwork was that the difficulty to predict the degree of cooperation of the stakeholders in expressing their opinions and attitudes regarding socio-moral issue like prostitution. To cope with that, this study chose

purposive network sampling considering the usage of triangulation strategy and the flexibility it gives to the data gathering process. This sampling method is also useful to deal with barriers on the availability of the resources. This is in line with Shaver 2005 (p. 296-319) saying that to conduct a research on prostitution, samples are more likely required for fitting the purpose of the study than representativeness.

At some stage in most interview conversations, people tend to shift from one point to another; this creates series of overlaps in terms of differing opinions on prostitution policy. Clearly people are using situational selections to what they were actually going to say. During the entire interview, I tried to create a situation where they would not feel speaking to me as a social scientist. Instead, I created a situation so as to make they were talking to me as another person who have different assumptions and values on prostitution, in order to get a straightforward opinion like 'we must sweep them (prostitutes) off the streets'.

However, some interviewees were responding to me in terms of my status as a social scientist. Depending on their values they stressed 'doing the right things' and 'helping people' or on the contrary saying things like 'we must sweep prostitutes off the streets', because 'they are creating annoyance and nuisance in society'. These types of key informants or interviewees were emphasising what they think *ought to be said* in their role as policy makers who are wearing the "hats" of their organisations. In this kind of situation, I also asked the key informants to speak candidly and 'off the record' about what actually occurs. These off the record conversations provided me valuable insights but I have honoured confidentiality based on the interviewee's request without

losing the context and content of the information which to a certain extent helped me to understand the complexities and ambiguities of the policy.

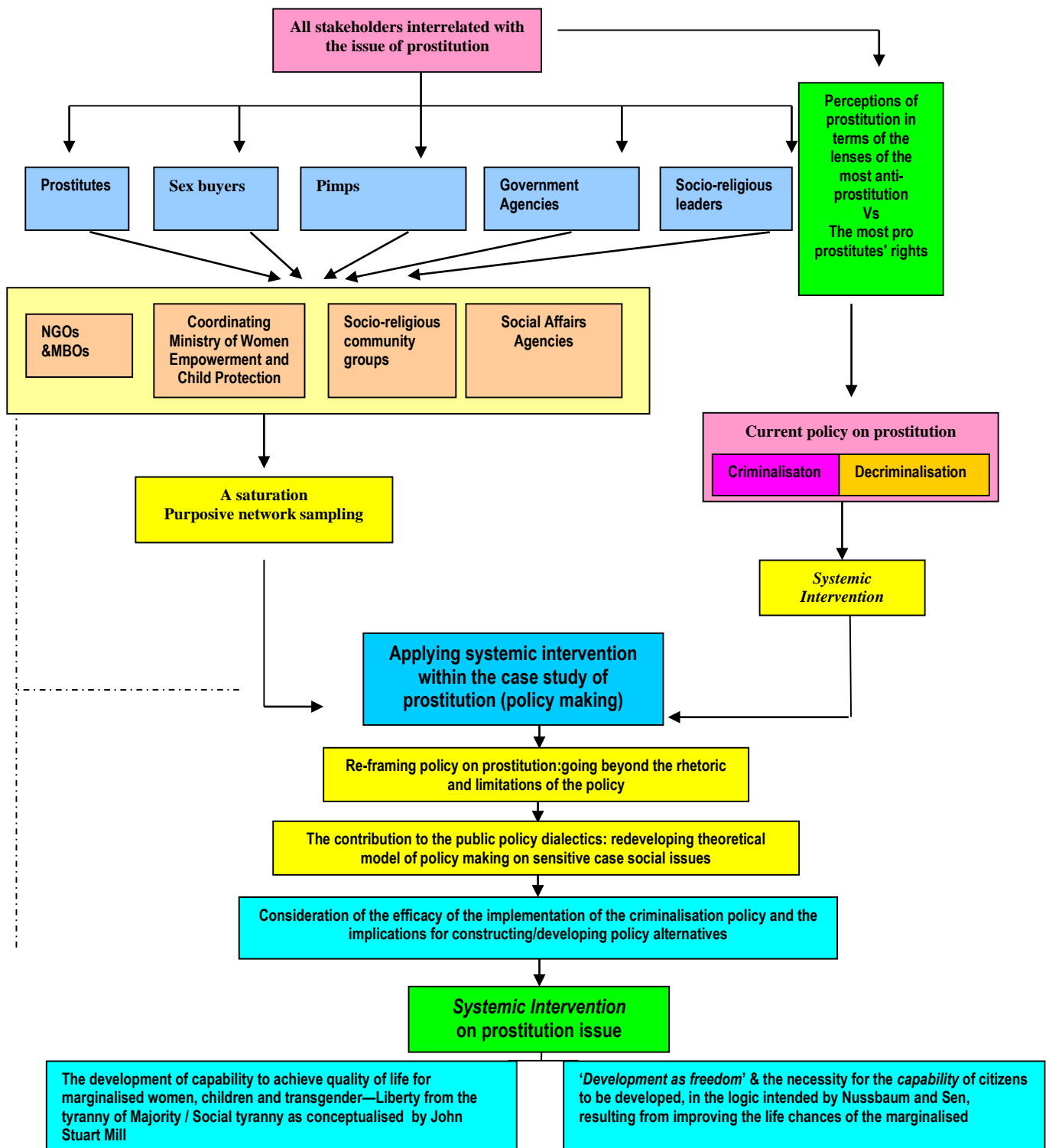
Professional discourse and personal discourse shape one's opinion on prostitution in Indonesia. It is unacceptable and yet prostitution is propping up their salaries by taking bribes. It is also possible that some of the people who are providing services are actually involved in the commence of socially rehabilitating prostitutes in Women Social Rehabilitation Centre by Social Department. Their professional and personal experience gave valuable insight when writing up the empirical chapters.

### **3.8 Designing the research**

The thesis integrates the methods of policy analysis as discourse (Bacchi 2009), critical systemic praxis (McIntyre-Mills 2003, 2008, 2014) and critical ethnography into policy research on prostitution, life chances and social justice of those surviving through the industry. In the spirit of bringing in critical theory in practice (Thomas 1993), this study attempts to look at injustice occurring within the domain of prostitution industry in Indonesia throughout discursive understandings of 'prostitution', 'the prostitute' and their implications for public policy.

Drawing on Foucault thinking of critical ethnography (see Carspecken 1996, Denzin 2001), this research attempts to do a systemic intervention on the current debate on prostitution in Indonesian context. The intervention intends to explore the situated policy discourses on prostitution in the context.

Figure 5: Research map: the analytical framework



Within the framework of case-study research, this policy research provides narratives of government employees and non-government service providers who have insight into the life chances of those involved in the prostitution industry. These people have lived experiences, either in their professional occupations or community engagements, to work with individuals that survive through the industry.

## Chapter 4

### Re-framing prostitution in Indonesia: a critical systemic approach

This chapter discusses the continuum of discourses ranging from criminalising everyone involved in prostitution to decriminalising everyone involved. It provides four typical interviews that typify the four positions on the continuum. These aim to describe the range of discourses prior to making policy suggestions that recognise the struggle for survival amongst the poor in the absence of an appropriate welfare net to meet their needs. The reality is that survival for many depends on the industry.

A current tendency of popular debate on the issue seem to relate to whether the criminalisation of prostitution turns out to be the criminalisation of women due to the regional autonomy era wherein nearly all local governments in Indonesia try to show “good image” as the enforcers of moral and public order. This can be shown in the massive use of moral-based nuances in regional policy making. There are 38 regional policies (*Perda*) issued by 38 district/ city governments within 20 Indonesian provinces marked as discriminative against women. The 38 policies are on prostitution:

**Table 3: Regional policies on prostitution**

No.	Regional policies	year	Province	City/dist.
1	Provincial Regulation (Qanun) no. 14 / 2003 by Aceh provincial government on immoral	2003	Aceh	
2	Tangerang City Regional Regulation No. 8 of 2005 on the Prohibition of Prostitution	2005	Banten	Tangerang

3	Local Regulation of Bengkulu No. 24 of 2000 on the Prohibition of Prostitution in Bengkulu city	2000	Bengkulu	Bengkulu
4	Gorontalo Provincial Regulation No. 10 of 2003 on the Prevention of Immoral doings	2003	Gorontalo	
5	Regional regulation of Tasikmalaya district no. 28 /2000 on Eradication of Prostitution	2000	Jabar	Tasikmalaya
6	Regional regulation of Majalengka district on prostitution (14 Maret 2009)	2009	Jabar	Majalengka
7	Regional regulation of Indramayu district no. 4 / 2001 on prostitution	2001	Jabar	Indramayu
8	Regional regulation of Garut district no. 6/2000 on moral order	2000	Jabar	Garut
9	Regional regulation of Cilacap district no. 21 /2003 on the eradication of prostitution	2003	Jabar	Cilacap
10	Regional regulation of Bekasi district no. 10 /2002 on prohibition of immoral doings	2002	Jabar	Bekasi
11	Regional regulation of Badung district no. 6 / 2001 on the eradication of prostitution	2001	Bali	Badung
12	Regional regulation of Sumenep district no 3 / 2002 on the banning of any places (suspected) to be used as the place to	2002	Jatim	Sumenep
13	Regional regulation of Probolinggo district no. 5 / 2005 on the eradication of prostitution	2005	Jatim	Probolinggo
14	Regional regulation of Pasuruan district no. 10 / 2001 on the eradication of prostitution	2001	Jatim	Pasuruan
15	Regional regulation of Malang district no. 8 Tahun 2005 on the banning of prostitution places and lewd acts	2005	Jatim	Malang
16	Regional regulation of Lamongan district no. 05 / 2007 on the eradication of prostitution	2007	Jatim	Lamongan
17	Regional regulation of Jember district nomor 14 / 2001 on the handling of prostitution	2001	Jatim	Jember



18	Regional regulation of Gresik district no. 07 / 2002 on the banning of prostitution places and lewd acts	2002	Jatim	Gresik
19	Regional regulation of Bantul district No. 5 /2007 on the banning of prostitution in Bantul	2007	Jogja	Bantul
20	Regional regulation of Ketapang district No. 11 t/2003	2003	Kalbar	Ketapang
21	Regional regulation of Banjar district No. 10/ 2007 on Social order	2007	Kalsel	Banjar
22	Regional regulation of Palangkaraya district No.26 / 2002 on demolition and rehabilitation of social disorder	2002	Kalteng	Palangkaraya
23	Regional regulation of Way Kanan district no 7 / 2001 on the banning of prostitution and social disorder acts	2001	Lampung	Way Kanan
24	Regional regulation of Lampung Selatan district No. 4 /2004 on the banning of prostitution and social disorder acts, gambling, and immoral doings within the district	2004	Lampung	Lampung Selatan
25	Regional regulation of Bandar Lampung city no. 15 / 2002 on the banning of prostitution and immoral doings	2002	Lampung	Bandar Lampung
26	Regional regulation of Kupang city no 39/ 1999 on the demolition of places used for prostitution	1999	NTT	Kupang
27	Regional regulation of Batam city No. 6 Tahun 2002 on social order	2002	Riau	Batam
28	Regional regulation of Muslim Padang Village No. 05 / 2006 on whip punishment implementation for those caught doing immoral doings [related to sexual intercourse outside	2006	Sulsel	desa
29	Regional regulation of Sawahlunto district no 19 /2006 the prevention and the handling of immoral acts	2006	Sumbar	Sawahlunto
30	Regional regulation of Padang Pariaman district no 02 / 2004 the prevention, the punishment of and the handling of immoral acts	2004	Sumbar	Padang Pariaman

31	Regional regulation of Padang Panjang city no. 3 / 2004 the prevention, the punishment of and the handling of social disease	2004	Sumbar	Padang Panjang
32	Regional regulation of Lahat district no 3 /2002 on the banning of prostitution and immoral acts	2002	Sumbar	Lahat
33	Regional regulation of Bukit Tinggi city no. 20 /2003 Regional regulation of Padang Panjang city on the punishment of and the handling of	2003	Sumbar	Bukittinggi
34	Regional regulation of Sumatera Barat Province no. 11/2001 on the eradication of immoral doings	2001	Sumbar	
35	Regional regulation of Sumatera Selatan Province no 13 / 2002 on the eradication of immoral doings	2002	Sumsel	
36	Regional regulation of Palembang city no. 2 /2004 on the eradication of prostitution	2004	Sumsel	Palembang
37	Regional regulation of Medan city no 6 / 2003 Tentang on the prohibition of beggars, homelessness and immoral practice	2003	Sumut	Medan
38	Regional regulation of Cirebon district no 05/2002 on the probation of prostitution, gambling and alcohol trading	2002	Jabar	Cirebon

Source: National Commission for Women/ Komnas Perempuan 2010, *Atas nama Otonomi Daerah, pelembagaan diskriminasi dalam tatanan Negara-bangsa Indonesia: Laporan pemantauan kondisi pemenuhan hak-hak konstitusional perempuan di 16 kabupaten/kota, pada 7 provinsi*, Komnas Perempuan, Indonesia

In saying policy responses to prostitution should consider the wellbeing of prostituted women and children in a just and fair manner as other Indonesian citizens, I agree with the Indonesian National Commission of Women (2010, pp. 3-5) that has properly summarised constitutional rights of all Indonesians as detailed in UUD 1945<sup>12</sup>.

<sup>12</sup> The 1945 Constitution of the Republic of Indonesia as amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002The Constitution of Indonesia (Indonesian: Undang-Undang Dasar Republik Indonesia 1945, UUD '45, usually referred to by the Indonesian acronym UUD'45) is the basis for the government of the Indonesia.

**Table 4: Indonesian constitutional rights**

<b>Constitutional rights as citizens of Indonesia</b>	
(1) All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions. (2) Every citizen shall have the right to work and to earn a humane livelihood.	Article 27(1,2)
(1) Every person shall have the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law. (2) Every citizen shall have the right to obtain equal opportunities in government.	Article 28 D (1), Article 28 D (3)
<b>Constitutional rights to life</b>	
(1) Every person shall have the right to live and to defend his/her life and existence. (2) Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment. (3) Every child shall have the right to live, to grow and to develop, and shall have the right to have protection from violence and discrimination.	Article 28A, article 28I (2)
<b>Constitutional rights to develop</b>	
(1) Every person shall have the right to develop him/herself through the fulfilment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race. (2) Every person shall have the right to social security in order to develop oneself fully as a dignified human being.	Article 28C (1)  Article 28H (3)
Every citizen has the right to receive education.	Article 31 (1)
<b>Constitutional rights to work and to earn a humane livelihood</b>	
Every citizen shall have the right to work and to earn a humane livelihood.	Article 27 (2)
Every person shall have the right to work and to receive fair and proper remuneration and treatment in employment.	Article 28D (2)
The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.	Article 28I (1)
<b>Constitutional rights to certainty before a just law and justice</b>	
Every person shall have the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law	Article 28D (1)
Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.	Article 28I (2)
<b>Constitutional rights to be free from threats, discrimination and violence</b>	
Every person shall have the right to protection of his/herself, family, honour, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right.	Article 28G (1)

Every person shall have the right to be free from torture or inhumane and degrading treatment, and shall have the right to obtain political asylum from another country.	Article 28G (2)
Every person shall have the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality and fairness.	Article 28H (2)
<b>Constitutional rights to fight for one's right</b>	
Every person shall have the right to improve him/herself through collective struggle for his/her rights to develop his/her society, nation and state	Article 28C (2)
Every person shall have the right to the freedom to associate, to assemble and to express opinions.	Article 28E (3)

Source: Adapted from Komnas Perempuan 2010, Atas Nama Otonomi Daerah: pelembagaan diskriminasi dalam tatanan negara-bangsa Indonesia, Komnas Perempuan, Laporan Pemantauan Kondisi Pemenuhan Hak-Hak Konstitusional Perempuan di 16 Kabupaten/ Kota pada 7 provinsi, Jakarta, Indonesia, pp. 3-5

#### 4.1 Typical discourses on prostitution policy

The core findings of this research has indicated the typical discourses on prostitution policy from those who condemn all aspects of prostitution, to those who stress support for a controlled form of industry, to those who are ambivalent about the issue. The following table demonstrates the diverse views of key Indonesian stakeholders along the continuum of discourses with respect to the issue of prostitution:

**Table 5: Prostitution in Indonesia along the continuum of discourses:  
What is the case?**

36 cases	<b>Criminalising everyone involved</b>	<b>Criminalising just the providers</b>	<b>Decriminalising the providers and criminalising the users</b>	<b>Criminalising just the users</b>	<b>Decriminalising Everyone involved</b>
<b>Themes</b>					
<b>Major Sub-themes</b>	Religiously and morally intolerable. Banning the growth of prostitution industry must start with / have to be done with	Prostitutes are "socially handicapped people" / "tuna susila". Prostitution is a "social disease". Prostitution is	Prostitutes are seen as prostituted people. Concerns on growing demands of the sex service that make prostitution unstoppable.	No position taken.	An inescapable way of surviving the poverty line for many. Complicity. Broadly known & effective history of Indonesian tolerated-zones

<p>banning all involved in it without exception. Laws cannot go with just criminalising particular groups whilst decriminalising others.</p>	<p>a public annoyance. Prostitutes offering service attract or create temptation for people (mostly men) to have sexual intercourse with women other than their wife or partners. Cutting off supply: based on the believe that less prostitutes means less users/ prostitutes as the blameworthy side of the issue in creating demands for sex service. Prostitution as a public order offence and prostituted people as public order offender.</p>	<p>The current discourse of users as the blameworthy side for the rising spread of HIV/AIDS.</p>	<p>strategy: "localisations". Making it easier for the government to identify who are the people involved in prostitution. Better awareness of alarming HIV/AIDS issue in Indonesia can be achieved by concentrating providers and users of prostitution in certain controllable places. The fact that cases of violence against women and children in prostitution is worrying in terms of numbers and intensity cannot be coped with seeing them as criminals.</p>
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GOs	√√√√√	√√√√		-	√√
NGOs	√	√√√	√√√		√√√√√
MBOs	√√√	√	√√		√√√√√
<b>Total</b>	<b>10</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>13</b>

The weightings show which policy providers give weight to different approaches. After looking at 36 cases and grouping the categories, four typical themes emerged as follows:

1. *criminalising everyone involved,*
2. *criminalising just the providers,*
3. *decriminalising the providers and criminalising just the users,*
4. *decriminalising everyone involved.*

The research analysis shows a wide diversity of opinions. Although mostly in support of complete criminalisation (10 cases) and complete normalisation (13 cases), no one actually seems to know how to truly manage the policy of the issue properly. They realise that in actual fact prostitution is widespread and they realise it is a public issue. The ideas can be clustered according to the following perspectives:

The first perspective is that of complete decriminalisation/ normalisation: “some women support the entire family”, “yes it is immoral but it happens”, “too many people are complicit here and there”, “we can play with the law enforcement”, “getting swept off is a bad luck but life must go on”, “localisations are still existing and live just in harmony with the society for decades”. These quotes are mostly taken by NGOs and MBOs, emphasising their particular mainstreams surrounding the issue.

Secondly, complete criminalisation and partial criminalisation (only the providers) mostly taken by those with in the role of law enforcers, emphasising ‘doing the right thing’ and ‘helping people’ or, on the contrary, saying things like “we must sweep prostitutes off the streets because they are creating annoyance and nuisance in society”. These types of key informants or interviewees were emphasising what they think ought to be said.

The next perspective taken is partial decriminalisation taken by NGOs and MBOs concerned with the social justice of prostituted women and young girls. Findings of this research have explored that NGOs, MBOs and socio-religious groups are not within the power circle of the policy decision-making and thus a policy response to prostitution does not represent the knowledge and experience of these non-

government sectors. Activities they run according to their own goals and mainstreams, in many instances, cannot be networked with the government effort dealing with the same issue. Simply saying, a policy decision is often made by those who have a lack of knowledge and relevant skills that can closely relate to the solutions of such a public issue like prostitution. In most of my off-record conversations with activists from NGOs like OPSI, Srikandi Pasundan and the like, who obviously have in-depth knowledge on what is really going on with people in prostitution, the concern of not getting heard by those in policy decision-making circles is what actually the case.

The typical criminalisation model penalises all the stakeholders in the prostitution industry. Economically, the vital issue surrounding prostitution is need. How can one eradicate prostitution entirely, because the reality is people have to survive? The question of why people engage in prostitution is answered by the basic need of feeding themselves and their children. But in many cases if they were really looking for some business opportunities or industries then the stories might have been different.

The decriminalisation and normalisation of the sex industry is an option for business or work. Like all capitalism, some people would profit at the expense of others. Prostitution could be made to work, and some people would thrive in it. I am aware of this discourse being linked to the prostitution problem in Indonesian context based on the people's need to survive. How do you make the industry safer and how do you provide more options for people so they are aware of the risks they face if they do decide to work in the industry and so that they do not feel compelled to work in this industry to survive? Providing choice can be done through education, provision of work opportunities alongside training, provision of stipends for dependants and through

better regulation of the industry so that people are not forced into the industry if they do not want to be in it.

The latter can happen in a circumstance where social support networks and community engagement are provided. Workers in the industry are socially excluded in many ways. Their capacity for caring and understanding of self in relation to other people in society is often undermined. They are labelled as immoral and as outsiders. Consequently, their capability to interact positively within the community is disregarded.

Following McIntyre-Mills (2009, p. 3) I argue that 'making sense of perceptions is through identification of patterns and making meaning/sense of the patterns based by weighting the choices. The number of times particular themes were raised or particular service choices made equals a weighting.'

The weighting here represents lived experience of policy providers to differing approaches on prostitution. Among the contesting approaches along the continuum, concerns for the social wellbeing of prostituted people, to a certain extent, have been raised explicitly , though in many instances these concerns are more implicitly and need to be 'read' within the context of the narrative that in Indonesia prostitution demoralises society.

The options for prostitution in Indonesia are: complete normalisation and decriminalisation, complete criminalisation and partial criminalisation (only criminalising the providers), or criminalising the users whilst decriminalising the



prostitutes. However, in the case of Indonesia, the options can be criminalising mostly the providers and sometimes the users.

The core numbers of key informants said that prostitutes demoralise society. Whereas, in actual fact, prostitutes are providing a service that has always been provided, and without these informal sectors of activity, there would probably be a lot more deprived groups of society in terms of those who rely on their earnings from the service as a living and those who rely on the income produced by the formerly mentioned (people in prostitution) to live. This is one of the slippery sides of any policy response taken in Indonesia.

The research addresses different policy assumptions and values held by different groups of stakeholders based on in-depth interviews. In this, I agree with Bacchi (2000, p. 48) who argues ‘the premise behind a policy-as-discourse approach is that it is inappropriate to see governments as responding to “problems” that exist “out there” in the community. Rather “problems” are “created” or “given shape” in the very policy proposals that are offered as “responses”’. In providing the prostitution policy as discourse, Bacchi’s argument in her work of ‘Analysing policy: what’s the problem represented to be’ (2009) fits the Indonesian policy response to the issue of prostitution. The responses ‘give shape to problems’ instead of addressing the problem as in most established policy approaches, which fits the Indonesian policy response to the issue.

The research views the Indonesian prostitution policy as a systemic issue, affecting different parties with differing interests from individuals to families, businesses/ private, governments, and differing mainstreams may see the issue using dissimilar lenses.

On top of all of this, the prostitution issue is inherent in the overall system (politics, economic and social environment of community where the issue exists). As with Bacchi (2009), all this shapes the way the policy response is formulated and executed. As a result, for the case in point in Indonesia, the response creates multi-interpretations among different policy providers then creates other problems as implications of the policy response.

**Picture 5: Contesting socio-economic interests: life survival vs. contempt**



Photos published by various media that covered the recent controversy regarding the massive official crackdowns on prostitution by many Indonesian regional government departments. Note that all photos are published with the permission from the respective media.

Sources: Photo on the top left hand side, Beritalima 2013, 'Walikota Surabaya disambut demo puluhan PSK', Beritalima, 26 August, p. 1; Picture on the lower left hand side, Effendi, Z 2014. 'Front pekerja lokalisasi ikut dompleng demo may day', Detiknews, 1 May, p. 1; Photo on the top right hand side, Sarifudin, A 2013, 'Tuntut penutupan lokalisasi ribuan orang turun ke jalan', Okezone, 21 January, p. 1; Photo on the lower right hand side, Liputan6 2002, 'Pemda Bengkulu dituntut menutup lokalisasi'. Liputan6, 26 August, p. 1

The above photographs illustrate topical contesting socio-economic interests among different interest groups surrounding the issue of prostitution policy in Indonesia. The demonstrations represent conflicting interests between life survival of those depending on income earnings from prostitution versus those wanting to hold up the social and moral order. Demonstrators on the left hand side of the picture, people carrying banners "*jangan lenyapkan sumber makan kami*" (do not dismiss our source of main source of earnings to buy foods); "*nasib kami, kami butuh makan*" (our call... we need to eat); "*perhatikan masa depan kami*" (pay attention to our future), and wearing t-shirts 'tolak penutupan lokalisasi' (say no to the closing down of localisations) were pro-prostitution. On the right hand side of the picture, people with contempt, carrying banners "*saatnya bebas prostitusi*" (the time to be free from prostitution); "*berantas pelacur kewajiban penguasa...buktikan...kalau pemerintah masih ada mumpung rakyat belum meledak*" (eradicating prostitutes is the obligation of the government...prove it....if the government still exists...before the public explode [into violence at any time] were against prostitution.

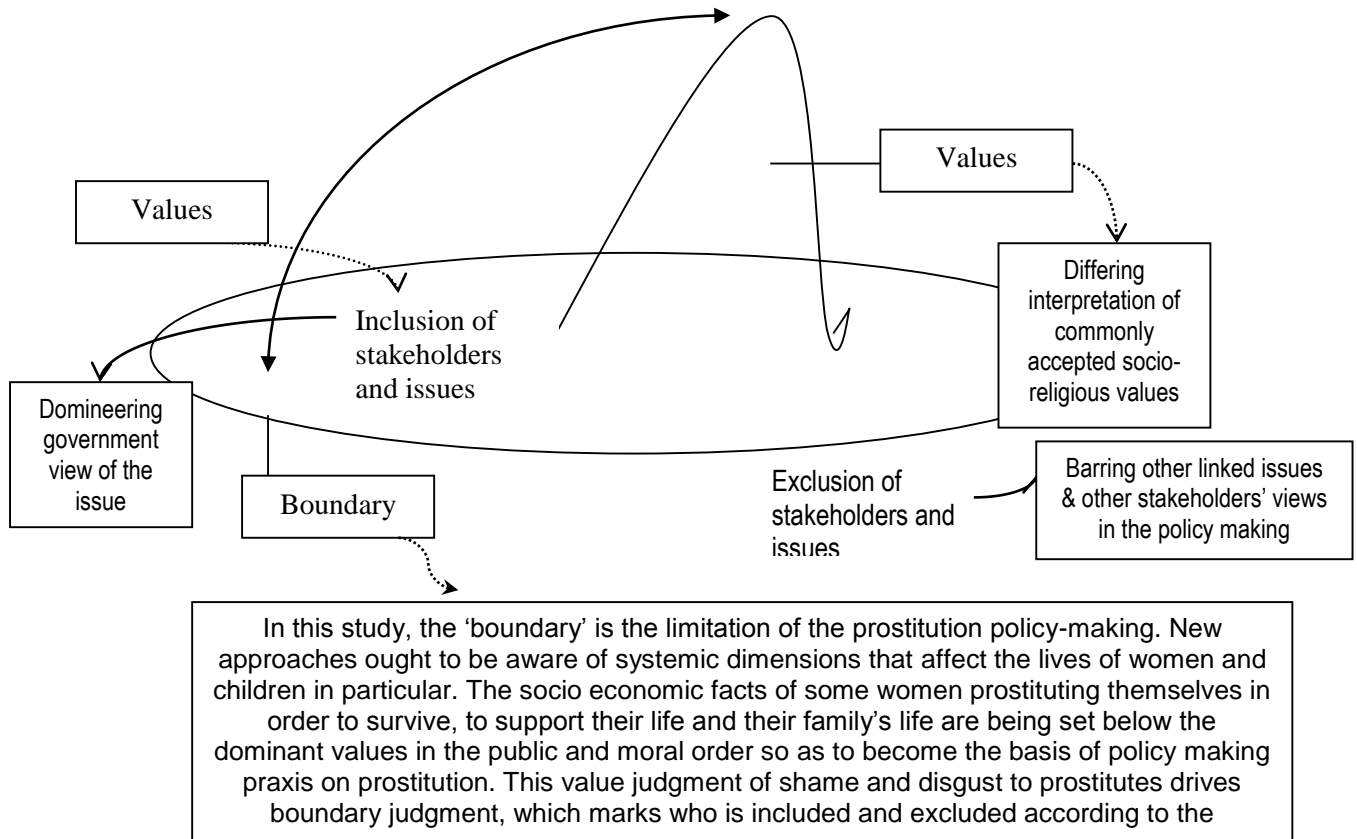
The phenomenon of prostitution illustrated in the picture has shown the significance of the widespread practice of prostitution in Indonesia as a way to survive poverty. However, the government's domineering standpoint has conceded a moral order discourse as a central point of the policy-making on prostitution. At a point when the Indonesian government is all set to review its prostitution policies, it is vital to draw attention to the boundaries of these two discourses in outlining potential policy alternatives. By juxtaposing the governing discourses on prostitution in national policy-making levels with those in local or regional governments of Indonesia, the constraints of these discourses seem obvious. By the continuum of policy stance, I try to weigh

up some aspects of inconsistency in between the dominant national policy formulating discourses and those shaping recent debates among the local governments.

Analysis of various policy documents from both national and local policy providers on the issue of prostitution, as part of the fieldwork result, has revealed that the public order and moral order discourse framing debates on prostitution in the local government context as the dominant policy response. This is not in agreement with the fact that the national policy-making discourse on prostitution in Indonesia has no public nuisance frame and instead broadly campaigns a strong response in terms of stopping violence against women and children.

To some extent, the differing policy responses are conflicting for two reasons. The first point to note is that Indonesian governance today is run by the principle of regional autonomy – by which local governments are given more power in shaping their own local-specific policies, but the basic philosophy of the policy-making still needs to refer to the national government and the latter has official power to say which aspects need to be followed up by the local governments in their policy-making. The second point is that policy documents produced by the national governments related to prostitution debates are dominantly shaped by the discourse of combating human trafficking in which prostitution is seen as the trading of human beings, along with the discourse of violence against women. The two are somewhat conflicting with the local government policy responses to prostitution, by its public and moral order emphasis, that appears to criminalise women and children in prostitution and to see the victims of the sex trading as offenders.

**Figure 6: Applying 'the boundary idea' to the case**



Source: Adapted from 'The boundary idea', Richardson, K.A & Midgley, G 2007, 'Systems theory and complexity: part 4 the evolution of systems thinking', *E: CO*, vol. 9, no. 1-2, p. 169, retrieved from <<http://www.academia.edu>>.

The research supports Richardson and Midgley (2007, p. 165) who argue that 'if you simply start with a goal of considering the interests of just one stakeholder then all kinds of things emerge, all kind of side effects emerge'. The making of the current prostitution policy in Indonesia appears to have been an effort in responding to some particular stakeholders' values that hold the view that others should dispense with the objects of contempt they provoke. In this case, the objects are prostitutes and their existing tolerated zones where prostitution appears called 'localisations'. Most of the goals of the Indonesian government policy on prostitution are public order goals, reducing nuisance and the undesirable effects on community space. Public order offence addressed to prostitutes are often shaped by moral campaigners who

advocate their way is virtuous. The policy characterises acts related to prostituting or providing sex services as illicit because they breach the moral principles of those in power and those who try to influence public view.

Policies on prostitution in Indonesia are often the product of the way in which in-groups express their unity versus out-groups in terms of particular assumptions and values about morality. To cite McIntyre (2013): if you are a member of a group such as a religious group or a member of a social-economic class, then the 'more similar you are to the group, the more acceptable you are. And conversely the less similar you are to the groups then the less acceptable you are. In the context of policy making, the policies reflect the values and views of the powerful. Thus, by emphasising the membership within the boundaries, people are defining themselves with the norms. Those who are outside or beyond the boundaries are often regarded as immoral or abnormal.

Perceptions of prostitution are based on socially defined values that vary between societies. In some societies, prostitutes have been seen as just undertaking a normal profession, in others they have been rejected, hated, and punished with socially negative labels, and detention.

Before the criminalisation policy was implemented and the issue of prostitution was connected with human trading problems, religious leaders attempted to rehabilitate so-called 'penitent' prostitutes via the development of religious centres very close to or around existing brothels or localisations. Yet prostitution flourished; it was not just (tacitly) tolerated but also protected and controlled by some particular corrupted

officials, and it constituted a substantial source of profits for those involved in the sex industry. Localisations were established in large cities throughout major Indonesian provinces.

Stricter controls were forced after the political reform in 1998, in part because of the new sexual morality and public order offence policies that accompanied the political reformation and the establishment of Public Order Officials departments as new tools for the government to control social behaviour of the public in general. Just as significant was the dramatic increase of sexually transmitted diseases, especially the concern of HIV/AIDS. Irregular attempts, such as sweeping operations and raids on entertainment venues were made to suppress prostitution places, but such measures were not successful in terms of either targeting demand or reducing prostitution activity.

Recently, a variety of changes in Indonesian societies revitalised efforts to suppress prostitution. With the rise of gender mainstreaming views and feminism, many came to regard practices or habits as unacceptable and a violation of human rights of all. Also influential was religious-based moralism put up by some religious organisations. Anti-vice movements flourished from the 2000s, often in association with random raids to various areas suspected as facilitating sex transactions. The rationale for the raids is to 'control public morality'.

By the 2000s nearly all local governments had passed laws that banned localisations or regulated the profits of prostitution<sup>13</sup>. Ever since then, prostitution has remained prohibited in most provinces, though it was and it is still unofficially tolerated in some cities. Law-enforcement agencies, especially Public Order Officials and Social Departments, became more concerned with banning on-street prostitution and the crimes associated with the practices such as drug abuse and alcoholism. Authorities also intervened to stop girls from being forced into prostitution.

Today, in most provinces, cities and municipalities, prostitution is criminalised but widely tolerated. Attitudes toward prostitution seem to have changed drastically as a result of two major reasons:

First is the national spread of AIDS, which has boosted concern about public health problems created by prostitution. In Bandung particularly, one aspect in the rapid spread of AIDS has been the prostitution industry in which prostitutes who are HIV positive transmit disease to a married man, for example, who subsequently transmits it to his sexual partners. According to the Indonesian Commission for AIDS reduction, this is shown by the increasing numbers of housewives indicated to have HIV positive (KPA 2012).

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<sup>13</sup> A report by the National Commission on Violence against Women in Indonesia (2010) examined the fulfilment of the constitutional rights of women in the era of regional autonomy. The examination was conducted in 16 districts spread across 7 Indonesian provinces. The report identified 38 regional policies (Perda) issued by 38 district/ city governments within 20 Indonesian provinces marked as discriminative against women with regards to prostitution. The national investigation report was written based on interviews of 339 key informants, 102 people at the provincial level and 237 people in the District / City level, all with diverse backgrounds, namely the executive or parliament officers, legislative assembly, law enforcement, religious leaders, traditional leaders, public figures, critical groups, and especially women's groups, along with victims of minority groups in the areas investigated. These findings have been submitted to the authorities and the public at national and regional levels in early 2009, as explained in the above mentioned report, *Atas nama otonomi daerah: Pelembagaan diskriminasi dalam tatanan negara-bangsa* (In the Name of Regional Autonomy: Institutionalizing Discrimination in State Order nation), Komnas Perempuan, Republik Indonesia.



The second was a rebirth of feminist interest (if not broader gender sensitivity) and the perspective that prostitution is both a result and a warning sign of gender-based exploitation. This is shown by the revitalisation role of the National Commission of Women's rights as part of a government body in cooperation with the Indonesian Ministry of Women Empowerment and Child Protection. This is not yet to mention many established women's right based NGOs. Reflecting these ever-changing attitudes, during the 2000s the more unbiased term '*pekerja seks*' (sex worker), instead of '*wanita tuna susila*' (immoral), was increasingly used to describe those involved in prostitution activities.

It is challenging to take a broad view on the background or conditions of prostitutes since so much of what is known about them comes from studies of subordinate and less-privileged people, who are likely to have dealings with courts and official organisations. Much more is known and/ or recorded officially about drug abusers and street beggars, for example, than about people working in prostitution. According to available studies, though, it is acceptable to stress that prostitutes often are economically deprived and lack skills and training to fend for themselves. Many enter the prostitution industry at early age and are connected with crime and drug addiction which can be an exaggerating factor according to policy documents by the Indonesian Social Affairs Agency (2012). The documents further noted that prostituted women and girls commonly are controlled by a male customer or pimp, in a house of prostitution. Health threats to prostitutes include sexually transmitted diseases, some of which may be developed through drug abuse.

The perception most government agencies have regarding prostitution seems to be rather contradictory. On the one hand prostitution is seen as an indispensable part of society that was extremely valuable to the economic survival of the poor. On the other hand, the Indonesian laws and social customs put prostitutes at the bottom rung of society.

The stigma of shame and disgust, or to use the social department phrase 'social disability', is the sexual standard that most of the Indonesian laws and social standards were founded on. A woman's respect, to a large extent, is influenced by the community's estimation of her sexual conduct. The woman's sexual respect or honour also embodies the respect of her family, or in other words influences the degree of respect the family may receive from the society in which they live. There is a commonly accepted social custom in Indonesia that determines the sexual integrity of the women within the family. Indonesian women are presumed to remain sexually faithful to their husbands, while men are presumed to be free to have more formal and informal relationships.

Prostitutes are perceived as both beneficial and disagreeable all at once in Indonesia. The role can have wide ranging effects on the wellbeing of women who find it difficult to shrug off the label of bad women and take on other roles in less stigmatised industries. According to one of the former prostitutes now working as a Program Director of the Indonesian Social Change Organisation, motivating or getting prostituted people out of their "comfort zone" in terms of income earnings is a great challenge. Based on her past experience and looking at the programs OPSI is running now, most prostituted people do realise that prostituting is against both the socio-moral

and government law in Indonesia, but available alternatives for income earnings offered by the social department or alternative job seeking programs by NGOs cannot substitute the incomes they can get from prostituting. As admitted by some NGOs that run programs to help prostituted women getting out of the business, a challenge of such effort is that the financial promise they use to have in prostitution traps them deeper in the business.

Related to the experiences, the choices of policy approaches in dealing with prostitution problems in Indonesia are tricky. If normalising prostitution were chosen, the policy action may potentially be a way to control underground sex industries since the law can set up boundaries in which prostitution business can run. The boundaries may give prostituted people more power to stand up for their rights, although then prostitution must be acknowledged as work, an occupations or a profession. This is tricky as no matter who comes up with a policy idea and no matter which institution supports it, tolerance will be viewed by the public as permissive support of an immoral industry. And no one seems to be comfortable standing in this position. This may explain why and how the formulation and implementation of moral orders and public orders directed to the prostitution problem are dominant. In Indonesia, public image is important, especially for those in a position of elite power. Decision makers of social policies are those in the power circles of media and community attention. The fact that abuses and violence against prostituted women and children is clearly an everyday media headline as well as a daily public concern does not change the fact that a policy response to it still comes from those in the power circle, and to a certain extent have a need for a good public image. The following pictures illustrate law enforcers, in many cases working hand-in-hand with (the help of) community leaders, collecting data on

prostitutes working in tacit red-light areas where prostitution occurs. Some other tacitly tolerated areas are, to name just a few, some massage parlours, certain boarding houses and particular motels. The latter places mentioned are usually established nearby the locations where prostitutes offer their service on the side of the road. In Indonesia, the general term for these locations is “*tempat mangkal*” (hangout places in English, but the word hangout or “*mangkal*” here refers to the available appearance of prostitutes offering their services where buyers can see them whilst driving their vehicles or simply just walking by). There is usually a mutual agreement among the prostitutes, motel owners and middle-men to share the profit they get from the business. In many cases, this type of prostitution business is backed up by allegedly corrupt officials who would be the source of leaking information as to when raids or sweeping operations are to be conducted. It is rather unsurprising, then, that in many sweeping operations all parties involved can get away from getting caught.

**Picture 6: Prostitution raids**



Source: Photo on the left hand side, Nahdlatul Ulama (NU) 2014, ‘Dasar hukum yang membolehkan lokalisasi’, Nahdlatul Ulama: syariah, 27 January, p. 1; Photo on the right hand side, Sitorus, R 2013. ‘Pengamat: dari pada warung remang-remang, mending lokalisasi’, Detiknews, 24 December, p. 1

This thesis argues that the policy response should not be targeting prostitutes but the people who profit from the industry and the users. Debatably, if prostitutes were targeted as offenders whilst the demand for sex service still exists, targeting the prostitutes as the providers would likely create more underground industries. The desperate need for quick money, with less education and skill requirements, in times of economic hardship would likely create an escape route of still prostituting.

By law, prostitution is illegal in Indonesia. However, the implementation of the law depends on the geographical context. In addition, the interpretation of the law is shaped by a wide range of variables. These include: personal perceptions, values/biases and the extent to which the morality of the actions have an impact on the wider society. As Jaggar (1994, pp. 110-11) remarked, the disagreement in the contesting definitions of prostitution is caused by 'normative' dissimilarities on the understanding of what establishes choice, on the moral repute of particular doings, and also on particular lenses (that shape one's mindset) about 'what it means to be human'. The disagreement on what constitutes prostitution in Indonesia can be said to be the result of labelling social actions, and over different understandings of the behaviour.

However, criminalising prostitution has sustained the activity as a taboo topic that needs to be addressed. New policy approaches need to be developed.

#### **4.2 What can be done differently in policy and governance terms?**

The systemic approach explores the boundaries to address the social, economic and environmental challenges facing the vulnerable so as to make informed policy

suggestions. In terms of policy and governance, the policy on prostitution should in fact also recognise the needs of people who survive through prostitution. In Indonesia particularly, these people are men, women, children, and also transgender. As the receiving ends of the policy on prostitution, these people have to face social exclusion because of their economic situation, their gender identity, and what they do for survival is often perceived as having violated social norms.

This study recommends a more inclusive approach in prostitution policy-making. The policy should give social justice to the most vulnerable people who survive as prostitutes, and to make a case for developing their life chances and protecting their dignity. People who are affected by the policy decision ought to be involved in the policy-making process, and the indicator of success ought to be developed by them. People who have lived through the experience in dealing with the issue need to be involved in the policy-making decision. The people can be survivors of prostitution, human rights NGOs, or community and religious leaders having done supportive programs related to prostituted people.

Clear policy guidelines need to be developed at the national planning/strategy level in order to provide leadership and guidance for regional governments to address the issue<sup>14</sup>. Prostitution is a complex and multi-faceted issue. The policy solution cannot be simplified as to just addressing moral and public order. Cross-boundary

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<sup>14</sup>As McIntyre-Mills (2006a, b) argues, 'balancing centralised and decentralised decision making through matching the right decisions in context, is the challenge for democracy'. To date Indonesia is in its regional autonomy era in which regional governments can come up with their own particular local policies. In the context of prostitution problem, this may involve formulating and executing local policies based on interpretation of particular norms and religious values by some interest groups. However, it is the absolute authority of the national government to decide public policies that relate to basic constitution such as human rights, and social justice for all citizens. The lack of guidelines as to what extent the local government needs to follow the central government policies or to have privilege in making their own local policies seems to be an issue in prostitution policy-making in Indonesia.

collaboration is needed. The policy-making to address the issue ought to involve proper coordination of differing government departments together with non-government organisations.

Law enforcement agencies (police departments, public order officials), judicial officials and public servants working in social service areas have to have insight of the issue of prostitution. They need to be aware of who the sufferers are, why these measures and legislation need to be taken and how to actually put these measures in the form of policy implementation in effectual ways, maintaining the wellbeing of the sufferers as the priority.

The current policy on prostitution overlooks the question of who the sufferers are, and the question of what makes them have to survive through prostitution. Targeting prostitutes as offenders of public and moral order results in the escalation of the already widespread underground business. In many cases, covert prostitution industry creates potential dangers and harm to people involved. Economic rationale used by some people in the middle of Indonesian socio-economic disparity has lengthened the life of prostitution as an underground or little acknowledged industry.

While there has been relatively little cultural research into certain local contexts in Indonesia with respect to prostitution, a study by Worcester (2002) titled 'Prostitution in cultural context' reviewed how some families in particular local communities think that to have a daughter can be more beneficial financially than to have a son. The study quoted a maxim generally accepted by the people living in a small village where the study was conducted: 'having a daughter is like having a rice field...the more

beautiful the daughter means [my emphasis] the more fertile and broader the rice field' (p. 16). The maxim, wrote Worcester, actually implies the short-term economic benefits some families perceive that they gain by having daughters and sending them to work as prostitutes in urban areas soon after they grow up as teenagers.

The course of action as how some young girls in the village become prostituted is even more heart-breaking. I quote the narrative used in the study as to not lose the sense of real life that the writer wants to emphasise:

'Usually a young female in Dukuh Seti village is paired with a male when she is in her elementary school or early junior high. And then they get married by the time she reaches level one or level two in her junior high school age that is at the age of 13 to 15 years old. The young husband typically expects his new wife to [financially] support him and his family by becoming a prostitute in a city like Jakarta, whilst the husband and his [male] village friends are unemployed. Generally the young female can follow her village friends and neighbours who had experience as prostitutes in order to become a pimp in the village. It is said that whenever a prostituted young female comes back to the village, she asks 3 to 4 other young [females] to return with her [to the city], sometimes without explaining the purpose of coming to the city and types of jobs expected to be doing there [in the city]. The reasons of coming to the city can be simply because their parents tell them to do so. Parents can receive money from their daughters to prostitute under the direction of a pimp [in the village]. The prostituted young females then usually send money to their husbands in the village. If then they got divorced as often happens there, the prostituted young females would start sending the money to their families.' (Worcester 2002, p. 17).

The study demonstrates how certain local cultures actually accept that prostitution as a profession goes along with economic pressure, lack of employment opportunities for young people and lack of respect from parents about the importance of education. What has not been addressed in the study is the commodification of young females to be bought and sold as prostitutes by people they trust in their life, namely their parents, their husbands, relatives and close friends.

This research provides the view that prostitution in Indonesia is often complicated by the issue of sex trafficking. The policy-making debates around the issue, as a result,



often focus upon the connotation, the extent and the actuality of prostitution as an all-embracing reality. The foremost disagreements obvious in these often-contested Indonesian prostitution policy debates are situated in wider policy-making debates around government organisations within different national and regional structures. Dissimilar understandings of power and mechanisms to actually deal with the issue are evident in the way national government agencies define the issue of prostitution as to be related to debates within women's rights on prostitution, pornography, the nature of female sexuality and as the components of female sexual mistreatment.

The disagreement among policy providers in interpreting the law as it applies to prostitution might be due to a way the outdated penal code governing the law that has simply never been, and more than likely would never be, enforced in actual fact. Article 296 of Indonesian “*KUHP*” (Penal code that is often referred to in policy-making on prostitution), as a case in point, generalises that punishment or criminal sanction is only applied to people who are intentionally causing or facilitating sexual misconduct with others. Then article 506, as the following, recalls this by stating anyone who profits from a sexual misconduct of a woman thus making this as a source of income, and anyone who is making this as a source of income, is threatened with criminal confinement for as long as one year.

From the penal code, it can be seen that the emphasis of punishment is actually on pimps and profiteers of prostitution. What then gives the actual implementation a different emphasis is the tendency to leave the policy response pertaining to prostitution problems with policy executors of the local governments. The idea is rooted in the assumption that the local governments may know their own local context and perhaps their own local issues of prostitution better than the national government.

National guidance on the issue thereby seems to have been avoided and left out of attention. This tendency in the policy response to prostitution consequently leads to the differing ways of responding the issue. Although the response may appear to be rather uniform among most local governments, namely dominantly to go with moral order and public order nuances, but the way each local government executes the policy response may vary. In a more religious visioned semi-urban city like Tangerang, for example, the local government hits really hard on prostitution and activities (assumed by the public order officers or moral polices<sup>15</sup>) to be interrelated with prostitution.

Human Rights Watch (2010, p. 64) critiqued the unwillingness of the Indonesian Supreme Court to review cases related to the execution of religious and moral nuance laws on prostitution by some local governments. The critique is on the court's decision to side with the local governments. Human right watch criticises the court for saying that the execution is in line with the country's constitution just because the local

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<sup>15</sup> 'Moral police' or also called 'moral guardians' (Diani 2010), or Sharia/ religious police (Human Rights Watch 2010) refer to self-appointed groups that embark on law enforcement efforts without legal authority. Usually, their activities are mainly on applying morality and religious codes in Indonesia through forcefulness and coercion. Some of such laws agreed by the local governments, and the sweeping operations as a response to prostitution, are also a reflection of this moral watching or controlling. The target is activities that, according to the groups and the governments that support this moral policing or police departments, believe to be immoral or irreligious or against Indonesian social views. The latter mentioned of course refers to the view using the lenses of these supporters of the moral policing. The supporters declare themselves as, using Diani's term, the 'guardian' of the moral view they think to be the ideal. They tend to contest anything that does not go with their concept of religiosity and morality, including magazines, newspapers, films music concerts, night clubs, alcohol selling, the way people dress, to contest people who they think go against the religious morality of that campaign. The moral police have "backing" from some segments of the society, but many NGOs in human rights and gender mainstreaming critique them as discriminative in nature and actions. Political figures, police officers and the law have often disregarded the discriminative issue these groups may have created or even proved about moral policing. Religion is often used to excuse actions done by the moral police. And since speaking up against religious-based acts is sensitive and can get the person who goes against it a "negative" label of, for instance, anti-religion, western-minded and such, then policy providers who do not want to lose their "positive" image, such as political figures for voting popularity, would be likely to excuse or to stay away from the moral police.

governments have followed the procedures to come up with such moral-based policies.

### **4.3 Capability and quality of life and the links to social contract (giving voice to the voiceless)**

Nussbaum (cited in Taylor 2009, p. 188) asks us to revisit the concept of 'social contract' as argued by philosophers like Hobbes, Locke, Rousseau and Kant. In the interview with Astra Taylor, Nussbaum discussed the notion of justice in the sense of unfair distribution of opportunities and in the sense of social justice related to women in society:

“[...] where all opportunities were distributed unequally to people according to their class, their inherited wealth, and their status. And so what these [social contract] theorists said is, try to imagine human beings stripped of all those inherited advantages, placed in what they call the “state of nature”, when they had only their natural bodies and their physical advantages, and try to imagine what kind of arrangement they would actually make. Because then we'll see that the artificial advantages of power and wealth are gone, and only the body is there, which is pretty much the same for all people, and so they will choose a certain kind of more equitable political arrangement.” (p. 189).

Whilst accepting the idea of fairness for all regardless of sex, social status and position, such as championed by the social contract approach, Nussbaum critiques the lack of cultural understanding and demographic awareness of the people where the approach may be applied. Women subjugation, especially in the context of poverty living, is also one of the aspects she highlights so as to influence the capability of people to have “power” to stand up for their rights of fair opportunities.

I agree with the position that Nussbaum (1998, pp. 693-724) presents in her article 'Whether from reason or prejudice: taking money for bodily service'. By the article, Nussbaum is premised on the assumption that prostitution involves the act of gaining money through commodifying one's body or selling one's labour, amidst poor options

and even hardly choices at all, to enter the prostitution clandestine. As she further argues, the 'judgments' and 'emotions' attached to our ideas of prostitution is constructed on beliefs of some people or groups of peoples, which then influence the way society generally (if the beliefs of the groups were dominant as for instance) treat prostitutes. Whilst emphasising concerns of those who are prostituted, women who are 'fraud' and 'force' to use Nussbaum (2006, p. 723) locution, she asks ask to review the response to the prostitution issue as to include "[...] work to enhance the economic autonomy and the personal dignity of members of that class, not to rull off — limits an option that may be the only livelihood for many poor women and to further stigmatise women who already make their living this way."

Nussbaum argued (2006, pp. 146-147), "the Kantian elements in the [social contract] theory would do less damage, although it would be important that the key notion of 'human' in 'human rights' was not exhaustively cashed out in terms of Kantian moral powers". There seems to be no compelling reason to argue that the ideas that every person is an end, and that one may not breach any other person's rights for 'greater social benefit' to use Nussbaum phrase. The Kantian categorical imperative to respect people as ends in themselves, lies at the heart of the discussion on on capabilities and the continuum of the embodied social actor who sells aspects of themselves as workers. User rights breach the rights of the 'service' provider. The Kantian principle is breached by the way in which people are treated in this industry<sup>16</sup>.

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<sup>16</sup> Agreeing Nussbaum (2006) in Frontier of justice, this thesis connects theory and real-life facts about people selling their labour in prostitution industry. Chapter 5 and chapter 6 will critically explore how Indonesian public policy on prostitution can shape people's perception on what counts as core prostitution problems.

Articulating (the Kantian principle) what it means to use people as means not as ends in proposing the Swedish model in Indonesia: the freedom of users, profiteers, traffickers, pimps undermines the freedoms of prostitutes since the former commodify the later by means of economic exploitation and oppressive gender power imbalances in the domain of one or more of the central human capabilities to achieve a decent life. Nussbaum (2011, pp. 33-34) has underlined 10 central capabilities which are health, safety, bodily integrity, education, standard of living, quality of social interactions, productive valued activities, environment, play, basic rights to achieve a decent life.

The above argument is inline with Sen's capability approach (see Crocker 1995, p. 154), who argues that only a person with choice would be able to develop capabilities.

Nussbaum's concept of capability strives to re-frame prostitution in Indonesia. Prostitution may best be described as a life situation when one's life is close to the situation of a "bargain basement", where what is left to be sold to survive neediness is one's own body. The following explores continuing social harms that occurs to prostituted people in Indonesia.

Whilst entering prostitution is not always a choice, the practice is relatively well-known and, in many instances, accepted by some people as a way of living or as a means to survive. However, some in Indonesia might see it as a disturbing, shameful and disgusting way of making money, due to their religious, social or cultural reasons. The latter is often exposed by, at least, random sweeping and shielding working brothels from action by security forces from government social agencies. Social justice is

clearly an issue that has been left out by the current Indonesian public policy on prostitution.

The English-subtitled video titled 'Video tentang realita pekerja seks'/ a video about life as a prostitute [in Indonesia] (OPSI, 20 May 2013) illustrated an Indonesian social reality derived from heart-rending lives of prostituted women. It is the life where violence and inhumane treatments become an everyday consumption. The video comprised some real-life interviews with people who have experienced the consequences of violence from their own relatives, the community in which they live, and law enforcers. Whilst critiquing the travesty of justice that every so often happens to prostituted people, by this video, OPSI wants to argue for the justice for all, and the social justice for the prostituted people who are also citizens of Indonesia.

A life story of 'B', a prostituted woman in Indonesia, clearly shows how one strives to survive poverty through prostitution. The life she lives is full of social injustice that typifies how capacity building can be vital for socially excluded women and minors to better their life chances, to live in a community environment where their own family rejects their existence simply for the reasons of the 'shame and disgust' to use Nussbaum's terms, of being a prostitute. This label of 'shame and disgust' is given without giving any alternative option for these people to speak up for their rights for schooling, for proper care as children, and even just for decent foods, as some other people more fortunate people living in Indonesia may have:

"I was born in a poor family...my mother is a (house) maid and my father is a pedicab driver. I never felt any happiness in my childhood...from the age of 5 until I was 13 years old; I never had enough money...and had never eaten delicious foods. My mother is a strict authoritarian figure in my family. She used to abuse me and my father. She would beat me up even if I just got up late...this kept happening until I grew older...then I met a prostitute by chance...we often had fun together and my mother did not know that. When my mother

found out I made a friend with a prostitute, she got really angry and beat me up very badly...I was driven out of my house. She told me that it is better (for her) to lose a child than seeing her child prostituting [...] after two weeks [living on the streets] I decided to come back home, but my family had no longer accept me ...I was seen as dirty and filth, and so [they want me] to stay away from the house for good...[Ever since that time] I believe that I need to go for what I never had in my parents...their love, decent foods...[this makes me] believe that I would have no regret becoming a prostitute though I know that it [prostituting] is a sin.” (0.00-3.00 minutes as in the timeframe of the interview on the video).

Prostitution is a means to survive the economic crisis years in Indonesia. It is given tacit support by some parts of the community who profit from the exploitation of prostituted women and young girls in the name of surviving neediness. This is common and increasing. This study assumes it would be preferable to build the capacity of young people (male and female) to enable them avoid this work. Men and women should be able to choose their occupations and should have training so that they have skills and can choose not to work in the sex industry. Indonesian young women are often vulnerable, for example, when they marry young with limited literacy and numeracy skills. They face the challenge of supporting their family when they are divorced or abandoned, as they have had only a few years of education. Their children, male and female, face many risks. Prostitution can be a survival strategy in these circumstances and in some instances a way to escape poverty.

A life story of ‘Y’ (OPSI, 20 May 2003), a victim of an early arranged marriage that she felt compelled to enter, shows how devastating the life chances are for a young woman. In order to feed herself and six children, she needed to earn money as a prostitute. Prostituting, in the case of Y, is a no-choice option. Her six children are supported through her earnings. Her violent husband, her own parents and her husband’s parents ignore her needs and the needs of the children.

“My parents forced me to get married when I was in a very young age. Soon [after the marriage] I gave birth to a premature baby. I had two children when I was just 14 years

old...when my first child was just 16 months old...I gave birth to another one. Not long after that, still when I was 14, my third child was born...and so I have three children in 1985. My life has been full with violence coming from my husband...he does not want to know...he forbade me to use birth control but he does not care about the children. It was in 1987 when my fourth child was born I felt tormented...I got to work to feed my children...in 1989 when I gave birth to my fifth child, that was the time when I decided to rent a room for us whilst worked harder to support our lives...to feed the children and money for their schooling...my parents and my parents in law, including my husband banishing me from home...I could not stand the violence and mistreatment they give to me...Pregnant and homeless, I was helped by a villager...in 1999 I started to work as a prostitute. As a mother, I must survive...I want my children to have a better life so that they do not have to live a life I do.” (3.00-5.10 minutes as in the timeframe of the interview on the video).

In order to ensure survival, parents and children can become prostitutes in Indonesia. This is not ideal nor it is it ethical, it is merely a fact. Prostitution is used for survival in Indonesia and is built into the fabric of life. This happens in the absence of welfare services and in the context of the criminalisation of the vulnerable, rather than those who exploit them. This policy discourse is contained in the Indonesian government policy as a response to the issue. It contradicts the acceptance of tacitly tolerated red-light zones where prostitution usually occurs. Business establishments run different types of entertainment places behind the façade of the practice of prostitution. This is common to many other cities internationally. For example, data yielded by International Labour Organisation (ILO) provides convincing evidence of tacit acceptance of the prostitution practice in Indonesia:

Estimated number of prostitutes and prostituted children (PC), based on location and types in Jakarta

**Table 6: Estimated number of prostitutes and prostituted children in Jakarta**

Location	Unit	Prostitute	PC	TOTAL
Discotheque/bar/cafe/karaoke	81	2,035	450	2,485
Massage parlour	23	677	39	716
Hotel	12	329	122	451
Street/park/mall	26	833	224	1,057
Red-light district	5	830	185	1,015
<b>Total</b>	<b>147</b>	<b>4,704</b>	<b>1,020</b>	<b>5,724</b>



Source: ILO Jakarta (2004), *Child trafficking for prostitution in Jakarta and West Java: a rapid assessment*, ILO Jakarta, International Programme on the Elimination of Child Labour, p. 21

If the practice is invisible, it is tacitly accepted. Hypocrisy and permissive attitudes seem to create taken-for-granted perceptions in which people see and cope with prostitution in Indonesia. The perceptions contradict the strong message of the criminalisation policy. The sex commerce keeps on rising whilst the power elites within the circle of policy decision-makers keep debating about whether or not they should be continuing to close down localisations or to re-think them. They debate whether to allow them to continue to function in the same way or whether further controls need to be implemented in the hope that the controls would limit the spread of the activity. Often, closures in one area lead to moving into different business districts or into more covert styles of prostitution, as in the examples above.

It is worth reviewing contesting opinions among those who are in the position of power and of representing their moral and religious views. The current Indonesian Minister of Religious Affairs stated his strict abolitionist stance on prostitution. As quoted in a media headline (Nurbilkis, cited in Kebijakan AIDS Indonesia 2013, p. 1):

‘Whatever the reason is... prostitution is not acceptable...either [it is] sporadic or legalised. Didn’t we have Kramat Tunggak [the name of tacitly accepted red light area in Jakarta] in Sutiyo [the former Governor of Jakarta’s administration]... it was called “*haram Jaddah*”<sup>17</sup> now it turns out to be “*Islamic jaddah*” ...legalising prostitution has no logic. If the aim is to control the spread of AIDS...the answer is law enforcement.’

A contesting view among the power elites of policy providers on the issue can be seen in the recent debates on whether closing down localisations is a proper step to cut the networks of prostitution in Indonesia. The Vice Governor of Jakarta together with ‘the

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<sup>17</sup>The term “haram jaddah” is normally used to refer to a person or a place that has a negative connotation as a very bad deed or very immoral. When the minister relates the word with “Islamic Jadah”, he actually wants to emphasise his disagreement with the development of Islamic centres in places that used to be used as localisations where prostitution occurred, since this gives impression of mixing religious activity and prostitution, in his opinion.

people's Governor' Jokowi<sup>18</sup>, has taken a provocative stance regarding the idea of not closing the localisations when many other regional leaders decided to banish such tacit red-light areas where prostitution was concentrated. The Vice Governor, Basuki Tjahja Purnama (famously called Ahok), critiqued the two-fold standard of morality and of the hypocrisy towards prostitution in Indonesia. In his phenomenal media interview on a broadly watched national TV program (MetroTV, 7 December 2013) he called for the idea of looking at the problem of prostitution in a broader perspective than just as a moral and religious issue. He stressed the need to consider policy responses that respond to the social welfare of persons involved in prostitution. I transcribed the media interview as follows:

MetroTV reporter: Mr Ahok, when the mayor of Surabaya was making much effort to close down one of the biggest localisation in South East Asia, Gang Dolly... you made a contrary statement by saying that prostitution is better in localisations?

Ahok: This is what I mean... in an ideal world, certainly, there should be no prostitution at all. But, the fact is that prostitution has existed since the era of the prophets...HIV/AIDS is widespread and distressing...and with the hypocrisy that we have today ...closing down brothels...what happens is the great spread of prostitution everywhere... and we cannot control this...this makes me come up with an anecdote,...if I wear a cross necklace, you may think I am very religious despite the fact that [you may not know] I am a prostitute...or if I wear a hijab and [you may not know] I am a prostitute, you may see me as a religious person...[the point is] today, you cannot really tell who are prostitutes and who are not prostitutes...who are "*hidung belang*" ['johns'/ "*hidung belang*" refer to people who like to use prostitution service in Indonesia]...with localisations [concentrating them in certain places called 'localisations'], you can tell for sure the health conditions of the prostitutes, even I think by this localisation strategy you can help bringing them out of prostitution, helping them other source of living ...[if they were said] living in the wrong way, you can send them pastor, monk, theologian or "*kiai*" [Muslim religious theologian] to bring them out of prostitution. Everyone must stay away from doing sex before and outside marriage. This is clear. But, if people cannot do it, we cannot force people ... The problem is...if you want to go to hell that is your business but do not transmit your sexually transmitted diseases to housewives...today, housewives living with HIV/AIDS are five times higher in numbers than prostitutes living with HIV/AIDs [...] you know what?! We are indeed a religious nation, we feel ashamed to admit that prostitution does exist [in Indonesia]...this is the problem of our people in

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<sup>18</sup>Joko Widodo (popularly called Jokowi) goes in the general election campaign, March-April 2014, as the most widely held presidential nominee, and his political party is established to succeed in the legislative election on top (Mietzner 2014, pp. 1-5). From the time when Jokowi joined the Indonesian political arena in 2012, the 'populist' image he brought in has become a magnet for the country's power elites and the general public. Jokowi's anticipated run for the presidency has attracted local and national media attention making his political contestants, who aim for the same position, reset their political strategies so as to see his popularity in gaining public support.

my opinion...the localisation makes it easier for us to control [prostitution]...but the general perception seems to not allow this view [Ahok shows cynical expression]. OK, if we are not allowed to go along with localisations, then what is the solution to know who the prostitutes are and who are not? [Ahok shows another cynical expression].

The Vice Governor's concern regarding the problem of identifying who the prostitutes are is similar to the point of view held by the Associate Deputy of Equal Treatment of Children in the Criminal Justice System, Ministry of Women Empowerment and Child Protection as from the interview (23 December 2012):

'...the reason [why the government in her opinion is hard to come up with a "hand in response" to the prostitution problem] is that we never know who they [prostitutes] are? The industry is invisible to me. When I visited some rural areas, many children got trapped in prostitution as a result of false promises given by particular agents within underground sex industry. Promises such as to work in big cities like Jakarta or even overseas are common causes of children becoming engaged in prostitution. In Australia, Northern Territory, more than 4000 Indonesian children were in custody for 361 days after getting tricked to work in Australia. Australian government thinks that this is people smuggling. They would possibly be led to work in prostitution'.

By telling stories of her work experience with people involved in prostitution-related issues, she wanted to draw attention to the hidden existence of prostitution as a morally unacceptable practice that is at the same time tacitly accepted as a necessary means of economic survival. The hidden existence, she later argued, is one of the reasons for the limited action on policy and also a reason for non-intervention in many contexts.

#### **4.4 Concluding remarks**

This chapter has shown the way prostitution is used for economic survival. To a large extent the industry exists because of the double standards of moral rhetoric and actions that do not support the espoused values in practice. The development of conceptual policy-making framework ought to be founded on the policy-makers' awareness of the social constructs in which the issue exists. The awareness of life

survival issues, as a result of poverty and lack of employment opportunities faced by prostituted people, should be a main concern of policy-makers in Indonesia to criminalise the users of prostitution instead of just to criminalise the prostitutes, as is currently the case.

Nevertheless, what seems to have been missed out of the policy attention and response to the issue is that prostitution in Indonesia is not only about breaching morality, it is about breaching human rights and the exploitation of the vulnerable who have no other way to survive. It is about taking unfair advantage of the powerless who, by virtue of age, gender, lack of education or poverty, do not have freedom to choose their way of life or their way of earning a living. Re-framing the idea of prostitution in the sense of social justice demands deliberation in the public sphere.

Appropriate policy decisions require protecting the rights of those who are unable to choose their way of life from those who aim to exploit them. A case for criminalising the traffickers and pimps could be made to protect the vulnerable. In some respects this policy is in line with the approach adopted in Sweden, namely decriminalising those who sell their labour and criminalising those who buy or make a profit from prostitution.

Re-framing prostitution policy in Indonesia can be undertaken by considering human rights and development. All parties related to the industry of prostitution ought to decide carefully how best to secure social justice for adults and children. Arguably, strong messages of criminalisation are important. Powerless prostituted women and children need to be seen as the victims of users and traffickers who commodify them.

They – not those who sell services – should be seen as the criminals. Adjustments of the current policy model might need to be undertaken to propose the development of policies that should, in fact, support social justice.

Thus, long-term development in Indonesia will need to consider 'development as freedom' and the necessity for improving the life chances of the marginalised. Alternative approaches like welfare support, equally distributed schooling and providing more alternative opportunities for prostituted people could be valuable in terms of re-enhancing the life chances of the vulnerable. The next two chapters will discuss this in more detail.

## Chapter 5

### Prostitution and human rights in Indonesia: a critical systemic review of policy discourses and scenarios

The underlying argument in favour of ‘critical systemic heuristics’ (Ulrich 2002a, 2002b) is that policy making on prostitution needs to take into account a range of factors and diverse views based on a process of ‘unfolding values’ and ‘sweeping in’ many variables before making a decision. Applying the ‘critical systemic approach’ or ‘critical heuristics’ provides a means to test out the policy making ideas, as opposed to merely implementing the ideas of the powerful. This chapter applies critical heuristic thinking to argue that the policy response ought to take into account the voices of those with lived experience of poverty and prostitution, in order to protect their rights when making policy decisions.

#### 5.1 Policy discourses and scenarios

On the whole, in Indonesia, women and transgender groups do not have the same life chances as men. As a result many young women and children being caught up in prostitution. Patriarchal mindsets remain in existence in Indonesian society. Men usually have positions of power (see chapter 4) and can determine the life chances of women. For instance, at national level, the involvement of women in the policy making process of crucial issues is low, as shown by the table below:

**Table 7: Socio-demographic statistics on Indonesian People's Representative Council (*Dewan Perwakilan Rakyat/ DPR*) based on sex in three periods of election**

Periods	Female	Male	Total
	%	%	%
1999-2004	9.0	91.0	100.00
2004-2009	10.7	89.3	100.00
2009-2014	17.6	82.4	100.00

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Source: Summarised from Ministry of Women's Empowerment and Child Protection 2013, *Keterwakilan perempuan di lembaga legislatif*, KPPA, Jakarta, Indonesia, p. 2

From the table above, it is obvious that women's involvement as key actors in the policy making process at legislative level is lower than men. This contradicts the law no. 10/2008 and the law no. 2/ 2008 regarding political parties and the representation of women in politics. The two laws mandate all political parties to at least have 30% representation of female candidates for the positions of People Representative Council Members. It is vital to enable more female representatives in order to achieve better strategic outcomes for women.

On the other hand, having seen the comparative table of Indonesian public officials based on level of education, both male and female officials have high school level of education generally (38.07% and 34.56%). The lowest percentage of male officials' levels of education is Diploma IV (0.30%) whereas for females it is Doctorate (0.08%). There is a tendency that a higher level of education is in contrast with the proportion of female officials in public agencies, as shown in the following table:

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**Table 8**  
**Numbers of public officials based on sex and level of education**  
**as at June 2013**

Level of education	Sex		Female		Total
	Male		Female		
	Numbers	%	Numbers	%	
Elementary school	98,755	4.13%	5,885	0.30%	104,640
Junior high school	121,718	5.09%	16,550	0.83%	138,268
Senior high school	909,688	38.07%	687,897	34.56%	1,597,585
DIPLOMA I	28,071	1.17%	52,032	2.611%	80,103
DIPLOMA II	261,128	10.93%	414,810	20.84%	675,938

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DIPLOMA III	174,597	7.31%	209,344	10.52%	383,941
DIPLOMA IV	7,208	0.30%	3,480	0.17%	10,688
Strata I/undergraduate	714,663	29.91%	572,499	28.76%	1,287,162
Strata II/graduate	66,988	2.80%	26,645	1.34%	93,633
Strata III/doctorate	6,500	0.27%	1,564	0.08%	8,064
Total	2,389,316	100.00%	1,990,706	100.0%	4,380,022

Source: Badan Kepegawaian Negara (Bureau of State Personnel Administration), cited in Ministry of Women's Empowerment and Child Protection 2013, *Keterwakilan Perempuan di Lembaga Eksekutif*, KPPA, Jakarta, Indonesia, p. 2

The representatives in key policy making positions are currently dominated by men, as shown by higher numbers of male officials than female officials sitting in echelon I, II, and III positions. See Table 4:

**Table 9**  
**Numbers of public officials based on sex and position**  
**as at September 2013**

Position	Sex				Total
	Male		Female		
	Numbers	%	Numbers	%	
Echelon I	556	91.3%	53	8.7%	609
Echelon II	6,644	92.9%	506	7.1%	7,150
Echelon III	35,936	85.5%	6,088	14.5%	42,024
Echelon IV	140,958	76.5%	43,203	23.5%	184,161
Echelon V	10,026	76.8%	3,023	23.2%	13,049
Total	194,120	78.6%	52,873	21.4%	246,993

Source: Badan Kepegawaian Negara (Bureau of State Personnel Administration), cited in Ministry of Woman's Empowerment and Child Protection 2013, *Keterwakilan Perempuan di Lembaga Eksekutif*, KPPA, Jakarta, Indonesia, p. 7.

At the local level, some local governments adopt *sharia* principles in regulations which are supposed to promote the security of women but which to some extent can also disregard their choices. The Wearing *hijab* is a choice in Indonesia but it is regarded as a positive way to protect them. Security is conceptualised as being free from accusations of immoral actions assumed to have been caused by women's manners



and choices about whether to be in a public place and the influence of fashions. Thus according to male-based conception, there should be moral regulations to guide how women ought to act and look so as to be seen as “*wanita baik-baik*” (good women).

The above trend has possibly shown that although opportunity to take part in monitoring governance processes is given to women, their position is still underprivileged. Their voice is not really heard and their ability to address their own strategic needs is limited. As asserted by Munir (cited in Budianta 2006), the issue of gendered outset of women’s’ role either in politics or in public life seems to have been ignored by the government:

“A continuity in the New Order’s gender ideology, in which women are seen as pillars of the nation-meant to serve the interest of the state and the male citizens. This ideology has been propagated in the society using references to religious texts such as the Qur’an or hadiths. The idealization of women becomes the very means by which women are discriminated against, for women who fall out of this ideal type of female citizenship are stigmatized.” (p.918).

The trend can also be one of the reasons why all parties related to the issue, particularly the policy makers, need to think about the problem of prostitution as a question of gender equality and an issue of social justice. Also, the concern with human rights and, above all, the rights of women and the unfortunate could be weaved into policy-making achievement by dealing with such sensitive and debatable social problems as prostitution in a boundless sense. Policy making to cope with this issue ought to represent a policy action for the apprehension of the rights of the marginalised so as to draw out its human aspect. Prostitution challenges and demoralises social justice as it commodifies the vulnerable and render them to sexually transmitted diseases.

Representing prostitutes simply as the victims of abuse or poverty appears to be outdated in present-day Indonesian social circumstances, since the term 'victim' removes the activity from blame. While classic reasons to lead some women and children to become prostitutes are a background of childhood abuse and poverty the question is then how do those reasons become the foundation of policy-making reform of the issue? It is incorrect for a policy maker to believe that people coming from a compromised background would do well to enter an oppressive occupation like prostitution. Millions of other people in Indonesia, who may be single parents for example, manage to survive on low incomes without entering prostitution. There is no absolute connection between poverty and prostitution.

The criminalisation policy associated with prostitution seems to have benefited men whilst victimising and stigmatising women.

The Indonesian Department of Social Affairs describes prostitution as all sexual relationships other than the legal marriage system between a man and a woman, by which either the man or the woman has a purpose to earn a living for her/himself or for another party (Dhakidae 1979, p. 35). In the words of Truong (1992, p. 15), principal aspects in prostitution are 'compensation', 'promiscuity', and 'emotional ignorance'. These are judgmental terms that blame those who provide the services.

In the Indonesian context, prostitution exists across regimes, culture and times. Extreme poverty, incapacity, permissive attitudes, complicity and complexity make the problem even worse. The following discussion will show how entangled this complexity is.

## **5.2 Current prostitution policy strategies in Indonesia**

The localisations are areas in Jakarta and Bandung, for example that are managed zones. In these areas prostitution is tacitly tolerated; even though prostitution is banned on paper, it is tolerated in these areas. Whilst the controversial debate on closing down or regulating the zones remains, the sex commerce in the areas continues to thrive. The closing time is dependent on days of religious restrictions or raids by public order officers. Many adult entertainment places are clearly a façade for prostitution practices. For example, businesses offer massage, karaoke, spa services, and nightclubs. The tacit toleration, however, is contradicted by raids of street prostitution through 'sweeping prostitution' by law enforcers. The contradiction is obvious when the spirits of the raids are to treat prostitution as an offence against public morality, public order and public decency.

As part of a commonly-used strategy the local government of Bandung, for instance, buys some land in so-called localisation areas aiming to reduce the number of people renting properties (houses, rooms, buildings) for sex commerce. The strategy was adopted in the hope that it would reduce the number of people profiting from the localisations by renting their places to use in trading the sex service. According to interviews with the two community leaders, the government hopes this would narrow the space of the localisations. By doing this, people would hopefully, over time, leave their dependency of earning incomes from working in the localisations.

**Picture 7: Government strategy to buy lands in tacitly accepted red-light district locations**



Source of photograph: Riswanda, fieldwork research 2012-2013

The empty spaces in these locations were previously brothel houses at the heart of the localisation complex. The permanent announcement board was put there by the city government saying “*dilarang membangun dan kegiatan lain di atas tanah yang dikuasai pemerintah*” (constructing buildings and doing other activities in the government-controlled land are prohibited).

Random sweeping operations to target prostitutes offering services on streets continue to rise. Prostitutes arrested in these operations are given the option of paying a fine or proceeding to court. The court may make a compulsory order for the prostitutes to go to Compulsory Rehabilitation Centre by order of the Social Affairs Department (Balai Karya Wanita / Women Rehabilitation Centre).

The policy implications of this current policy strategy are:

- Sending sex industry workers to custody/rehabilitation centre can lead to them having a criminal record. This sends out a contradictory message to those who consider accessing other government services. This makes the vulnerable avoid using these government services rather than making them more accessible;
- The social rehabilitation strategy opens the way for moral judgements and creates a negative stigma around the rehabilitated women and young girls when seeking/moving to other employment;
- No continuous steps seem to be taken after the rehabilitation program is completed.


The policy actions manifested in the so-called 'Social rehab program for (sinful/immoral) women' is a response to moral and social order pressures in accordance with the dominant values and views of Indonesian society. The discussion about this is detailed in chapter 4. Reframing prostitution problems in Indonesia through a critical systemic review is actually a very relevant and timely research given the socio-economic and environmental context of Indonesia with a growing population facing food security concerns in cities that are going to contain 86% of the Indonesian population (Indonesian Central Bureau of Statistics 2013). The research raises the question of how the vulnerable will survive. Clearly, policies to address the risks are needed to address these big social justice issues. The effects of convergent socio-economic, political, and environmental problems cannot be addressed without looking at the causes. Prostitution (policy) might be one of the vital effects of this wide-ranging problem.

The following discussion presents the prostitution policy as a discourse by using a critical systemic thinking approach to explore the diverse perceptions and discourses on prostitution, with a view to achieving a way to address diversity and to manage it through respective dialogue to achieve democratic policy and practice outcomes that protect the rights of the vulnerable. The perceptions range from the policy decision of normalising or criminalising the sex industry to social impacts on either of the decisions. This is called the continuum of prostitution above and below the boundary of what is considered acceptable by the Indonesian public.

Table 8 includes notes of remarks from some in-depth interviews. The table is developed from selected comments about perceptions of prostitution by differing stakeholders or service providers of the issue in Indonesia, some of whom have survived prostitution and become activists working through NGOs. Interviews were also conducted with a number of socio-religious leaders having witnessed and/or lived experience in dealing with prostitution. The government has selected lenses selected when it talks about using the perspectives of their organisations. The idea is to give an illustration of how prostitution is perceived by different stakeholders of the issue with differing “hats” of governmental organisations, differing mainstreams of NGOs and differing mindsets of socio-religious leaders. All of this shows how different lenses can give different weight to the policy solution of the issue. The following categories sum up the themes along the Indonesian policy continuum from so-called ‘normative fundamentalists’ to ‘contextual’ to ‘responsive to social justice concerns’, through ‘protection of human rights’ consenting adults who have the capability to make real choices and responsible for criminalising those who exploit minors and the vulnerable.

**Table 10: The continuum of views held by respondents on prostitution in Indonesian society**

The views on prostitution policy along the continuum range from intolerance through ambivalence to tolerance.

<b>Intolerance</b>	<b>Ambivalence</b>	<b>Tolerance</b>
<i>Conservative norms derived from fundamental religious standpoint and/or primordial norms</i>	<i>Open to or responsive to needs by accepting social (and economic) context in which the issue exists</i>	<i>Responding to progressive context on balancing the rights and needs to survive, by enabling strategic needs of prostituted people to get out of the prostitution business</i>
		
<p>'Most of prostitutes said they work like that [prostituting] because of economic reason. But a lot of people have financial problem, and those who have good faith in their religion wouldn't become a prostitute, because there are a lot of poor people who survive and do not sell themselves' (GO3)</p>	<p>'People are doing it regardless of what the law says. That is prostitution in my opinion' (NGO1)</p>	<p>'Prostitution is abuse in my opinion. Either because the girls, at least the majority of them, are doing it against their will, or are so emotionally broken that they are not fully mindful of the long term effects it will have on them later in life. Keep in mind too that many are immature and brutally maltreated. Yes, there may be some prostitutes saying that they do it because they love sex. I think we can only find few of them saying it, even if they are sex addicts, they have emotional or psychological issues that are not being addressed. Again, I still think prostitution is selling ones free will for cash. And it is heartbreaking. These girls are risking their life.' (NGO2)</p>
<i>Religiously intolerable</i>	<i>Bound to happen</i>	<i>People exploitation</i>
<p>Prostitution is clearly stated in Koran; "Don't you come close to prostitutes." So, not even being close to prostitutes is allowed, not to mention practising the trade.. Because it's a bad deed, the most evil deed, the worst path of life'. (GO4)</p>	<p>'It [prostitution] is like mushroom...the new ones always emerge' (GO1)</p>	<p>'I did not choose to be a prostitute. I was trafficked. I was...at that time...a trading commodity. Prostitution to me is to live your life in a terrible situation where your only choice left is to sell your body. My opinion of prostitution is based on my past experience before I joined this organisation, and it was horrible.' (NGO3)</p>

<b>'Pollution (dirt) and taboo' concept of the society as coined by Douglas (1996)</b>	<b>Growing phenomenon</b>	<b>Commodification of human being</b>
<p>'[...] prostitution today is much influenced by <i>adigium</i> or <i>pameo</i>: "sin caused by woman" and "you will fall if you are trapped by money, power and women' (MBOs1 socio religious)</p>	<p>'...it [prostitution] is in human blood. I mean since the age of Adam, that's the history of human being. Should they [prostitutes and their buyers] do it secretly? That's actually... the supply and demand is continuously going, just like a need.' (GO2)</p>	<p>'Personally I believe that prostitution is what people look for when they feel like they have no way out. They feel valueless and it's not about the sex, just like rape isn't about sex, it's about the money to prostitutes. Everyone needs money for whatever reason. But I could never prostitute myself to anyone. Even if I had a family and needed money to support them I think I would consider stealing money or clothes or whatever before I ever considered prostitution. I just think it's a really low form of life. And I think every time you sell yourself, you're giving yourself away. And eventually there's no more of you to give.' (NGO4)</p>
<b>Primordial patriarchy</b>	<b>Fated growing issue</b>	<b>Degradation of human dignity for the desperate</b>
<p>Prostitution is still prostitution whether we localise it or not. I agree with the term "<i>wanita tuna susila</i>" ['woman with immoral/sinful behaviour'-this term is used by the government to label prostitutes in Indonesia] ... some people have luxury lifestyle that they can't afford...this can also drive people to see prostitution as a way out [...].I think working as prostitutes is more about mentality, about desperateness. (MBOs2 nationalist)</p>	<p>'[...] the trigger [of prostitution] is mainly about economic emergency. They [prostitutes] need to eat while there is no employment or no suitable employment for them' (GO5)</p>	<p>...in Indonesia where prostitution is criminalised by law, you will find sort of brothel houses living close to common neighbourhoods. The people living in the neighbourhood really just close their eyes as prostitution is part of their normal days...Why? Because here in Indonesia we see so many economic and social disparity. Big gap between the poor and the have... OK? If you want to stop prostitution you should see to it that wealth is distributed equally, the poor stop having too many children [...]. Some people perceive women to be responsible for financially supporting the household. Girls are also expected to make money to "reimburse""the cost" their parents spent in raising them. These customs are quite</p>



		profoundly rooted in Indonesian culture. The significance and importance of these expectations can cause women to look toward well-paid forms of work, like prostitution, than that would “reimburse”. (NGO5)
<b><i>Strong contempt and disapproval of prostitution</i></b>	<b><i>Economic Survival</i></b>	<b><i>Concerns of the social and economic wellbeing influenced by social and economic disparity, surrounded by socio-cultural aspects</i></b>
If you do your prayers 5 times a day...I believe your life will be far away from prostitution...if you keep your faith to God, no matter how poor you are...your life will be just fine. But if you sell yourself for money even to buy foods...God will never help you because prostituting your body is a big sin... (GO14)	‘[...] Prostitution is a symbiosis mutualism [relationship that is based on mutual benefits] in economy. People getting benefits of the prostitution activity are not only prostitutes and pimps, but also food sellers on kiosks around the place for instance. And you have to remember that in prostitution industry, there may be some particular power elites involved.’ (MBOs3 socio-religious)	Cipie (pseudonym) I think it will be better for women working as prostitutes to still be able to get a better education...especially for young prostituted women...they should be able to obtain education while working in prostitution, so that when they get better capacity and capability they can have a better job to leave the industry (GO6) Riswanda: How far as working in this program/ service has changed your attitude towards prostitution or prostitutes. Cipie: Maybe our [gender sensitive] knowledge[as professional staff] to respect woman’s rights... leads us to respect the dignity of woman...prostituted women are victims...they are not criminals...we shall respect their rights as well as others...their rights need to be fulfilled as other woman who do not work as prostitutes (GO6)
<b><i>Strong belief in religion to keep one’s distance from prostitution. For the believers, selling one’s body is to sin against religion for whatever reason</i></b>	<b><i>Economic aspects of prostitution leads to complicity and corruption</i></b>	<b><i>Identity and equal opportunity for everyone to access education must be respected and protected</i></b>

The table summarises the typical viewpoints of stakeholders across a continuum of discourses on the prostitution industry from most negative to most progressive thinking about ways to protect the vulnerable and to control the industry.

It shows the diversity of standpoints that exist regarding the issue. The table establishes how the themes of the differing standpoints, to some extent, can be closely linked or can be seen as aspects that are interrelated in terms of yet-to-be policy response to the issue. For some policy providers, prostitution is considered religiously intolerable, though the fact that it is bound to happen seemed to be acknowledged by those who cannot tolerate its existence. Accepting that prostitution is inevitable and addressing the actual social context in which it exists can be a starting point for more progressive approaches. The normative approach, on the other hand, is a very uncompromising idealist sense, just looking at existing norms without thinking about the context highlighted by those who are in the contextual frame on the continuum. Those who are on the right end of the continuum are actually responding to context, trying to balance rights of prostituted women and children with their need to survive.

In terms of making sense and developing a grounded theory of different policy positions, the continuum spans:

1. The normative fundamentalist approach that is the ultra-conservative approach
2. The contextual approach, which is the beginning of actually being open to context and responsive to needs
3. Responsive to human rights approach, which is a responding to needs attitude, can be seen as an attempt to actually balance human rights and needs to survive, and enable the strategic needs of prostituted women and children.

The three approaches are based on an application of '12 "is" and "ought" boundary questions' (Ulrich 2000, p. 258).

The critical heuristic analysis applies Ulrich's (2000) '12 "is" and "ought" questions' to explore different arguments to try addressing the needs of proper policy making on prostitution in this Indonesian context.

The thesis suggests that the way to make policy is to recognise the '5 five ways of knowing' and stressing the importance of 'dialectic', exploring diverse arguments to try addressing the needs of the Indonesian context in terms of addressing the Eurocentric model, and acknowledging the specifics of Indonesian demographics of the entangled socio-cultural, economic, political and environmental concerns as context. The less affordable living costs become, the more people are unable to make ends meet, and the more likely people are to get involved in prostitution.

### **5.3 The need to survive**

By September 2012, the number of people living in poverty in Indonesia reached 28,594,000 This is based on the report by the Indonesian Central Bureau of Statistics (2012), which then estimated that the numbers represented 11.66% of the total population of Indonesia. Approximately 18,086,000 of those people live in rural areas whilst the remaining 10, 507,000 of them live in urban areas. Whilst poverty affected many, the use of prostitution, in both urban and rural areas, as a means to survive the poverty appears to have been common:

**Table 11: Typology of rural and urban female prostitutes in Indonesia**

	Urban		Rural		P(a)
	N	%	n	%	
<b>Total</b>	184	59.4	126	40.6	-
<b>Age (years)(b)</b>	22	(19-29)	26	(22-30)	<b>&lt;0.001</b>
<b>Place of solicitation</b>					
Brothel	33	17.9	0	0	<b>&lt;0.001</b>
Street/rail tracks/rice fields	50	27.2	11	8.7	
Beauty/massage	68	37.0	0	0	
Karaoke/bar/cafe/street	33	17.9	112	88.9	
'Freelance'	0	0	3	2.4	
<b>Educational attainment</b>					
No schooling/below	23	12.5	55	43.7	<b>&lt;0.001</b>
Completed primary school	69	37.7	58	46	
Completed junior high	56	30.6	11	8.7	
Completed high school	35	19.1	2	1.6	
<b>Marital status</b>					<b>&lt;0.001</b>
Married	30	16.3	3	2.4	
Divorced	79	42.9	104	82.5	
Widowed	6	3.3	4	3.2	
Separated	2	1.1	5	4.0	
Never married	67	36.4	10	7.9	
Multiple divorce (> 1)	9	7.8	38	32.8	
<b>Migration status</b>					<b>&lt;0.001</b>
Local	29	15.8	92	73.0	
Intra-province	0	0	18	14.3	
Inter-province	155	84.2	16	12.7	
<b>Religion</b>					
Muslim	181	98.4	126	100	<b>0.274</b>
Christian (Protestant)	3	1.6	0	0	

Source: Puradireja, DI and Coast, E 2012, 'Transactional sex risk across a typology of rural and urban female sex workers in Indonesia: a mixed methods study', *PLoS ONE*, vol. 7, no. 12, 28 December: e52858. doi:10.1371/journal.pone.0052858.

A statement by a scholarly expert in constitutional law at Padjadjaran University, Indra Perwira, claimed poverty to be the leading cause of prostitution. Quoted in a media statement, in the middle of a public discussion on the theme of 'Law on pornography: developing morality in the middle of controversy', that poverty is the base of all crimes including prostitution and trafficking (Putra, 2009, p. 1). Supporting this statement he evidenced a rural area in West Java Province, Pantura, as the biggest exporting area of prostitutes in Indonesia for the reason that Pantura is one of Indonesia's poorest rural areas. Quoting his words: "90% of prostitutes come from Pantura, [this is] because Pantura is counted in the poorest regions. They [the prostitutes] are prostituting [selling the service] to [places] overseas". Emphasising the last sentence,

he might want to underline how pervasive the issue is, giving prominence to the fact that significant numbers of people have entered prostitution to escape poverty, and when the local market of the industry cannot absorb new entrants (of people wanting to make money from prostituting), then the overseas market becomes an option.

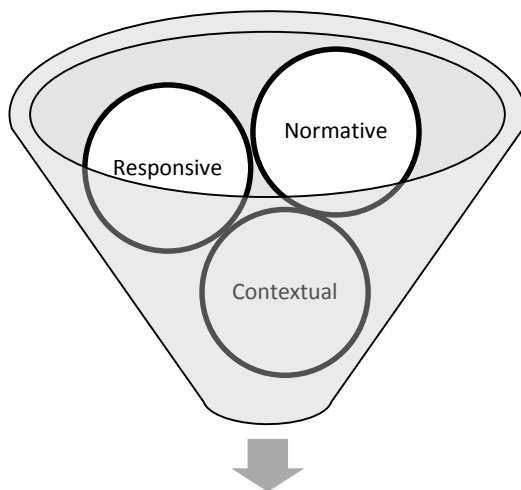
This argument fits with the evidence shown by another piece of research listing prostituting as the second highest type of work undertaken by victims of human trading, where many young Indonesian women have been tricked with false promises of work overseas, but end up being engaged in prostitution. Prostitutes are the second most dominant type of work after domestic worker undertaken by Indonesian victims of people trading in their final destination country (Larsen et al., 2013, p. 2).

Without education and skills, many women and young girls seek employment overseas and end up working in sex commerce. The needs of some prostituted young girls to continue their education are evident in many instances. In a book investigating unspoken parts of life of some high school and college students in Indonesian big cities, Amir Sjarifoedin (2009) reported the life of young prostituted people who strive to continue their school and university studies by working in places that have the potential to involve them in the prostitution business. One of the types of places highlighted in the book is salons that provide standard services like haircutting and end up with full body massage and other services depending on the customers' request. In a real life investigation style of reporting, Amin narrates a story of how these young people go to schools or university in the morning and work as prostitutes from afternoon to night. The poverty situation in which they live, taking into account

sexual abuse history and very low-income parents, pushes them to live in both worlds, in order to continue paying their education.

The book discussed Jakarta, where many business establishments can provide a façade for the operation of sex commerce. Using the terms “*cewek-cewek gaul sekolahan*” (outgoing and sociable female students), Amin has portrayed how the socio-economic circumstances of Indonesian modern life can lure many young women into prostitution. The need to survive the poverty line, unintentionally supported by permissive social attitudes of most people living in metropolitan areas in Indonesia, has indeed prolonged the life of the prostitution business. This fact is ironic given that the law as it stands criminalises prostitution.

Following the overview of the key issues on prostitution in Indonesia with its intermingled situations, the study is asking questions that relate to different views on prostitution as a result of critical heuristic thinking. The (if then) critical scenario on prostitution policy making would be: 1) if we look at the very fundamentalist narrow approach to prostitution, then what would the consequences be?; 2) if we have a more contextual and open approach that looks at the growing demographic detailed in urban areas, then what would the consequences be?; and 3) if we focus on the prostitution issue in a more progressive manner, namely strategic empowerment of women and children placed at the forefront of thought, then how can this be linked with human rights, dignity, capacity building and respect for people to make informed choices, and informed adults to decide how they want to live, then how can we protect them. The (if then) critical scenario can be illustrated as below:



A critical systemic policy making as the basis for an *atypical* policy response to prostitution

#### **5.4 The dialogue**

The prostitution phenomenon and the way the Indonesian government deals with it denigrate some people in society. Public and moral orders are constantly used to control prostitution. People involved in prostitution, particularly those who survive through the industry are regarded as 'beyond the pale' or outside the boundaries of decent society. But ironically society is responsible for creating conditions that make survival all but impossible any other way. The complicity of society in exploiting the vulnerable and supporting industries is addressed in this research. Nussbaum (2000) defines this sort of situation as a social justice issue. When the concept of 'disgust' takes part in policy making and public debate, the formulated public policy becomes independent of who has the power and voice. The powerless and voiceless people can become (socially) excluded as they are deemed outside the boundary of, to use Nussbaum's phrase (2010, 2013), the 'popular emotional reactions of disgust'. Nussbaum critiques this circumstance so as to negate the humanity and equality of

people before the law based on a lack of respect and believes this harms those who live outside the normative boundaries set by a society that is complicit in their exploitation.

As a rebuttal to the politics of contempt and disgust, the research is based on the notion of human rights-based morality as a guide for making policy to regulate prostitution in Indonesia. The concept 'quality of life', drawing on Nussbaum's notion of capability (cited in Crocker 1995, pp. 83-84), is the substantial alternative point. This underlines the importance of critical reflection in analysing the issue of prostitution in terms of a better policy solution, and to call attention to constructing public policy that cares for human needs. The yet-to-be-formulated policy in Indonesia is the policy that addresses the needs of all human beings regardless of their sexual orientation, their social status, and their way of making a living.

The aim of public policy needs to ensure every citizen in society is capable of achieving their basic functional capabilities (Nussbaum 1995). The functional capabilities relevant for exploring policy on prostitution are:

- 'Being able to live to the end of a human life of normal length, not dying prematurely, or before one's life is so reduced as to be not worth living' [the inequalities between voiceless/powerless groups of the vulnerable in prostitution and powerful groups of people, who are in the position to exploit and commodify the body of the vulnerable, are related with social injustice. While users and exploiters can get away from law punishments of their involvement in the industry, prostitutes are always the group that is pressured. For instance, raids and sweeping operations have never targeted users and pimps. Prostitutes are the ones who are issued the fine, remain in custody or get placed in a so-called social rehabilitation centre. As in the case of transgender groups or "warjas" [Indonesian transgender), prostitution can be the only way to earn a living due to rejection of their existence by society, and rejection of their identity by law. In a lot of instances, the inequalities waria have to cope with in getting jobs, getting access to education, and even to practice their faith may influence their quality of life compared to other groups in the society.]



- ‘Being able to have good health; to be adequately nourished’ [for the vulnerable prostitutes, being at high risk of HIV infection does not necessarily mean receiving medical attention and support. No bargaining power to choose to use or to choose not to use contraception can be a result of a lack of understanding of sexually transmitted diseases. Although in many instances, for the vulnerable prostitutes this can also be a result of unequal attention and access to support health service provision. For instance, drug users are provided a centre for antiviral treatments. Prostitutes with an HIV infected status are usually sent home by the Social Rehabilitation Centre and/or by their pimps.<sup>19]</sup>
- ‘Being able to form a perception of the good and to engage in critical reflection about the planning of one's own life’. This includes employment outside the home and to participate in political life [the voice of those surviving through prostitution are not counted in the policy making process. They are not given chances to decide what they want and need for their own life.]
- Being able to live for and to others, to recognise and show concern for other human beings ... to have the capability for both justice and friendship... protecting the freedoms of assembly [given that selling sex is against the law in Indonesia, organisations related to advocacy of prostitutes’ rights are not officially recognised nor officially banned. Aspirations from such NGOs affiliating with the rights of prostitutes cannot be formally taken into consideration by the policy decision makers, unless by street demonstration or media provocation<sup>20</sup>.]
- Being able to live one’s own life in one’s own surroundings and context. This means guarantees of freedom from unwarranted search and seizure [as often happens within life as prostitutes. Unwarranted search and seizure can come from their own neighbourhood or particular community groups on behalf of particular a religion, and can be based more on prejudice rather than fact.]

This study supports Nussbaum’s argument that ‘a life that lacks any one of these capabilities, no matter what else it has, will fall short of being a good human life’ (Nussbaum 1995, p. 85).

This section discusses the life chances of the powerless, who are women, children and transgender. The commodification of the body is the case in point here, and we

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<sup>19</sup> This is based on my interview with participants from Rumah Cemara, KPA (a community-based organisation that aims to improve the quality of life of people living with HIV / AIDS and drug addicts in Indonesia through peer support approach) and social workers from Women Social and Rehabilitation Centre.

<sup>20</sup> According to one of the Directors of OPSI (a local NGO that promote equality of rights as between all human beings, with female, male and transgender prostitutes as the main beneficiary), they have been trying to register their organisations with the Ministry of Law and Human Rights but never got responses. They ended up working as Global Fund funded NGOs instead.

talk about the powerless as being those who are unable to survive life in poverty so, in many instances, they rely on selling themselves as prostitutes. The fact that they are powerless, not having any voice, resources and means to exist, leads them to the commodification of the body because they have no other way to earn a living.

### **5.5 No voice, no choice**

Those who are transgendered are further marginalised<sup>21</sup>. For this third gender, their very status in society is in question. Prostituted people in this research are powerless and voiceless people who survive through selling themselves, and are commodified. Males and females can become vulnerable in prostitution when they are in this position, and transgenders even more so. The following will provide some stories of warias<sup>22</sup> in Indonesia. The purpose is to provide relatively extreme examples of how one's quality of life can be determined by society simply because of being different. One's quality of life can get worse when the way to survive the being different is by entering prostitution.

As individuals, warias are regarded as citizens. However, their rights to live a decent life in terms of rights to be treated as equal as other citizens are ignored, and they face unfair or prejudiced treatment, particularly on the grounds of different sexual

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<sup>21</sup> According to research by Riono (2008), most warias bank on prostitution for survival, as a result of their lack of education, older age, or experiencing social discrimination. Riono's research conducted in Jakarta, Bandung and Surabaya indicates 94% of warias are involved in prostitution.

<sup>22</sup> A "waria" is an Indonesian transsexual. [The term is] derived from the word "wanita" meaning woman and "pria" meaning man. Waria is known as Indonesia's third sex. This century old tradition is largely accepted as part of Indonesian culture. However, it is the one that does not sit easily with Islam, which has recently become the country's dominant religion despite its arrival in the 13th century. Since Islamic law acknowledges only two sexes, male and female, and forbids man to dress and adopt the mannerisms of a woman, waria has been pushed further and further into the marginal society. This makes it difficult to practice their faith. While it seems strange that warias are passionate about the religion that shuns them, they believe that 'even if the majority of Islamic authorities don't accept them, God does.' (Brook 2014, 01.53-02.54).

orientation. Furthermore, regardless of whether the warias are with the prostitution industry or not, they seldom have to face violence from law enforcers. What makes it different in the case of warias is that the violence is based on prejudice of their sexual orientation.

Warias need to cope with rejection by their social environment. The rejection is based on the grounds of religion and morals. “*Sesat*” (to lose one’s way/ to be misled) and “*menyimpang*” (deviant/ odd) are the common terms labelled to warias in Indonesia<sup>23</sup>. Their existence can be offensive for some people who uphold strict moral religious values and favour non-mainstreaming gender.

Recent discourse on LGBTI (Lesbian, Gay, Bisexual, Transgender) in Indonesia has marked the struggles of the minority for acknowledgement, and for the unjust prejudiced treatment they have suffered. Warias and prostitution issues are part of the discourse. The difference in sexual orientation often becomes justification for particular law enforcers to refuse to treat them as they would other citizens. Ariyanto and Triawan (2008) raised the issues of violence and discrimination faced by warias in Indonesia in their book; these issues later attracted the attention of international human rights support organisations such as Amnesty International, Asian Human Rights Commission and The United Nations Special Rapporteur on torture.

In one of the sections (pp. 71-76), the book reports factual cases where in some Indonesian regions public policies on prostitution are formulated and executed based

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<sup>23</sup>From my interview with “S”, a waria and former prostitute, who is now directing an NGO mainstreaming prostitutes’ rights in Bandung who “opened (my) eyes” to see how hard it is living a life as a transgender in Indonesia. Skills and education that warias have do not give them better (or at least equal) opportunities as others who are not warias to get employment. That is why S told me that warias are likely to enter prostitution.

on stigma and prejudiced against LGBTI. The book addressed lived experiences of the victims. It critiqued the views of some local authorities that define homosexuality as prostitution. Living as a homosexual in many Indonesian neighbourhoods can lead to inability 'to live one's own life in one's own surroundings and context'. The book exposed some victims' real life stories of how they were being dragged out by people in the neighbourhood from their own private living place for being in a private room with their partners. People break down their doors without any warning. One couple was accused for prostitution and offending public order, before being tortured by the neighbourhood people and by the police officers.



A book cover by Ariyanto and Triawan 2008, *So, you don't feel guilty? a case study: discrimination and violence against LGBTI*, as published by Arus Pelangi and TIFA foundation. [the book is written in Bahasa. The title is translated to English by the author of the thesis].

Indeed, the government makes little effort to hear their voices merely because they are different in sexual orientation and appearance. In Indonesian society being a sex worker is regarded as committing a crime. The struggle to fight for their rights through NGOs to recognise their humanity and that they survive on the margins through prostitution has never been heard. During the my days with L and S from OPSI and

Srikandi Pasundan (fieldwork 2012-2013), they told stories of how OPSI, in particular, needs to change their name from Organisasi Pekerja Seks Indonesia (Indonesian Sex Workers Organisation) to OPSI-Organisasi Perubahan Sosial Indonesia (Indonesian Social Change Organisation). It is using the same abbreviation but different in meaning. In consonance with L and S, continuing to use the name of Indonesian Sex Workers Organisation can put them in a more marginal position in terms of mediating the interests of their members who are still surviving through the industry whilst still making use of the Indonesian government supports that are available. As stated by L and S, despite the Indonesian Ministry of Law and Human Rights never really accept them as legitimate NGOs, international donor agencies like Global Fund, human rights supports agencies such as the United States Agency for International Development (USAID) and the United Nations Development Programme (UNDP) are welcoming them. This is how these NGOs, like OPSI and such, survive -- by receiving grants from other funds or running programs for such funders other than the voluntary participation of their members.

In the matter of equal access to employment, warias remain discriminated against. Most government and private organisations in Indonesia refuse to employ warias. Using data up to 2005, according to Sitompul (2007, p. 1), Jakarta alone is home to 3 million warias, of which less than 5% work in formal sectors. Their protests to exercise their rights to get employment and to have access to government supports as a citizen of Indonesia have had little response.



A book cover by Ariyanto and Triawan, R 2012, *Warias' work rights: the responsibility of the country*, Arus Pelangi with Friedrich Ebert Stiftung and ASTRAEA Lesbian Foundation for Justice [the book is written in Bahasa. The title is translated to English by the author of the thesis].

The book cover above shows a demonstration conducted by groups of warias holding banners saying “*waria berhak mendapatkan pekerjaan*”/ *waria has the right for employment*. Being warias does not necessarily mean they want and/or have the skills to work in beauty salons<sup>24</sup>. However, the stigma and discrimination leaves them with very few choices.

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<sup>24</sup> In my interview with L (8 January 2013), a waria who is now a managing director of Srikandi Pasundan, a well-known NGO mainstreaming the rights of Indonesian transgender groups, the prejudiced perception many people have about warias is that warias can only work in beauty salons, or else as singing beggars or prostitutes. This perception has shaped the government social programs that address the issue of warias. According to L’s experience in accessing government supports for warias who were involved in the sex industry but wanted to stop, they have never been given choices to choose the skills and job they like. This is different to female prostitutes who can choose the types of skill training programs they want to pursue, as an instance; for warias the choices for training and the supported funds are limited in number. While showing me one of the beauty salon rooms and its government-funded equipment, L shared stories about the social programs for warias. A lot of people look down on warias. Some people with religious lenses see warias as sinful, whilst others make them a subject of ridicule. The prejudice, according to L, has influenced the way the government delivers programs for warias. The social departments put them into the mental disability category, and they are valued based on their appearance as men mimicking women instead of Indonesian citizens. The beauty salon subsidy program, continued L, is a result of the value judgment. L and many other waria activists think that the beauty salon program, with no other option and no choice to complain is part of the discredited treatment received by warias (minors) in Indonesia. Even upon implementation of the program, L’s stories went on, the discredited treatment continues. The amount of funds that should have been given to one person seldom turned out to be given to a group of 5 people. L admitted, however, he was not sure whether the latter was due to lack of available funds or merely because the program receivers were warias. One thing was clear, according to L, S and their colleagues in OPSI and Srikandi Pasundan: no priority is given to warias compared to the other gender groups that policy decision makers perceive as “normal”. The available evidence seems to suggest that women who survive through prostitution may receive higher priority than prostituted warias. It can be seen in the

Having seen the discrimination cases against warias in Indonesia, it seems that the country has contradicted its own basic constitution (called UUD 1945) in which every citizen is equal before the law<sup>25</sup>. Unfair and prejudiced treatment against those in the LGBT groups seems to breach human rights principles guaranteed by the constitution. As McIntyre-Mills (2011) argued, 'if one is able to reason then one ought to do so and society should support this in every way possible... we need to consider that... we can be free to the extent that we do not undermine the freedoms of others'.

Brook (2014) has profoundly reported the life of warias in Indonesia. The life where social exclusion from being different to others in society in terms of social orientation

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existing 'Women's Social Rehabilitation Centre', provided for prostituted women and young girls to have work skills and some psychological consultation to leave the industry. When I confirmed this with key participants from the Centre, they admitted that they could not accept warias for the social rehab service in the Centre. So, every time Public Order Officers arrested warias by accident in their Sweeping Operations, and then sent them to the Centre, the Social Workers would let them go. When I asked why, one of the head social workers said warias were not target groups of the social rehabilitation program, and since warias are men regardless their sex orientation or what identity they proclaim, they cannot be put together with the arrested female prostitutes. I recall another social worker who overheard the conversation in the next room and yelled: 'we never know whether they [warrias] really want to be a woman or just pretend to be one for earning money'. This comment can be one of the examples of how narrow pragmatism has filtered through the value judgment of policy makers in interpreting social issues, which then shapes the way they implement social policy (McIntyre Mills 2002, p. 31 and 2011, p 113).

<sup>25</sup> Article 28 C UUD 1945 paragraph 2: Every person has the right to empower oneself, through collective struggle for one's rights to develop his/her society, nation and country;  
Article 28 D paragraph 1: Every person shall have the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law;  
Article 28 H paragraph 2: Every person shall have the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality and fairness;  
Article 28 I paragraph 1: The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances;  
Article 28 I paragraph 2: Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment;  
Article 28 I paragraph 4: The protection, advancement, upholding and fulfilment of human rights are the responsibility of the country, especially the government;  
Article 28 I paragraph 5: For the purpose of upholding and protecting human rights in accordance with the principle of a democratic and law-based country, the implementation of human rights shall be guaranteed, regulated and set forth in laws and regulations;  
Article 28 J paragraph 1: Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and country.

has lessened their chances to have certain basic rights and opportunities as other Indonesian citizens.

'I want people to open their eyes and mind. Transvestites are humans. We are created by God and we must worship Him. And as transvestites, we have the right to worship Him. This is applicable to all religions. Christians, Confucianism, Hindu...they all have to be able to practice their own religion. When a man or a woman wants to learn how to pray, there is a place to go. But if transvestites wanted to learn how to pray or go to an Islamic school, they would never be accepted. People only view transvestites in negative aspects. This Islamic boarding school is the place of worship for transvestites. It's a place for them to learn about Islam' (Brook 2014, 00.56-01.53).

For warias, one of the downsides of working as prostitutes is that sometimes they can be treated with cruelty by particular law enforcers when caught prostituting on the streets. As warias stories continue:

'When I was 14 to 15 years old, I was a prostitute in Alun-Alun, Yogyakarta. I made between Rp. 2000- Rp. 3000 [AUD 20-30 cents] which was considered a lot of money [at that time]. Nowadays, they get paid between Rp. 20,000-25,000 [AUD 2.00-2.50]. [once] I was beaten by the national police. They hit my arm with a gun. They stripped me naked. ... I wanted to live my life accepted in this society...like a normal woman would... [in the hope that if] we can do bridal make-up, haircuts, etc., we can blend in and be accepted in the society'. (Brook 2014, 13.28-1925).

Chenny Han, the Chairman of Forum Komunikasi Waria se-Indonesia (Communication Forum of Indonesian Warias), states that discriminative treatments addressed to warias in Indonesia are not only when they live in the society. The discrimination continues even after they pass away. As quoted by Hadriani 2013:

"We are living a sad life. When we are still alive, we are hated, abused and even have to run away from Public Order Officers in times of raids. Some of us work as prostitutes on streets...we are swept off because we are seen as public order offenders. The saddest part is that we are still disgusted when we are already a dead body...generally, warias do not have identities...most of us have been rejected by our family. So when we die...new problem arises. Even when we are in hospitals...people always come up with [discriminative] questions as to whether we want to be examined by male or female...when one of our [forum] members dies, I am able to help...the sad thing is when the persons [warias] have no identity ...social departments put them [the bodies] with other unidentified bodies and do mass burial." (pp. 1-2).

This study highlights an argument that, for the sake of the social justice of all, people must have the equivalent right to pick whether or not they want to engage in



prostitution, just as they have to pick or discard any other kind of work. The issues prostituted people face mostly, in spite of fierce abuse, are a product of legal and social systems that disrespect the equality of rights and the value of all individuals. Some people who would prefer to do another job, resort to working in the sex service because they have no other choices. The policy making on prostitution thus needs to give a greater obtainability of choices for economic survival to all, particularly in this case of women and vulnerable children trapped in prostitution.

The no-choice reason often invites merciless comments for being shameless, sinful, blameworthy and such, without considering the facts that there must be hidden, valid reasons for doing what they do. Their ability to just survive terrible poverty, losing parents, husbands and other close relatives, or that some way to survive without socio-economic support networks must go on, is often forgotten and not given credit. All human beings have the right to dignity and respect. A media report highlighting the typical life of a prostitute to survive the poverty line in Indonesia can be seen as an illustration on how tacit acceptance of people engaging in prostitution to survive contradicts the public stigma or label attached to prostitution as an unacceptable activity:

“Almost everyone does not like me. They all say I am a hooker, and that is why I have to be socially isolated and avoided. [They do not know] the fact that I am doing this for a reason. I need a decent life. [I need] a lot of money to support my family [...] my father is a rice farmer, and my mother is just [a low wage labourer for] peeling onion in [my] village. I have 5 brothers and sisters that I feel sorry to have seen them living in poverty [...] I have to take every job [offered] although in the end I finally find out that this job [prostituting] is forbidden by religion.” (Berita Informasi Seputar Indonesia 2013, p. 2).

## **5.6 Ambiguous public policy**

Efforts to review public policy regarding prostitution will definitely miscarry if no respect is taken of the effect that prostitution has on the general public. According my own observations prostitution in the country is growing in numbers and appears to be widespread. On Java Island, for example, prostitution is prevalent from the urban and metropolitan areas to the rural areas or peripheral towns.

In Jakarta, for instance, prostitution is obvious in some public parks, on the streets, malls, cafes, and nightclubs, like in particular brothels within the tacitly accepted red light district and in certain hotels. The taking part of young girls of elementary or junior high school age in underground prostitution is also known commonly as part of 'just another day'. Apart from the government standpoint that places prostitution outside of authorised complexes or brothels as against the law, the general presumption among the public, which, on the whole, regards prostitution as morally wrong and hence to be set aside from the public agenda, has left the issue behind. Given the social stigma, women and more so young girls are usually worried about their taking part being exposed, especially by their friends and or relatives. They may operate covertly in groups, the young prostitutes in particular, so that their parents would not find out. The consequence of this is that there are grounds to have doubt about the number of women and children drawn into underground prostitution. The occurrence may be higher than any observer realises, particularly as pressure to close down suspected prostitution places came from some socio-religious groups, and was the after-effect of the criminalisation policies instigated by some local governments.

Even more problematic is that the numbers of child prostitutes in Indonesia is indeterminable (ILO 2004), but the issue itself, namely child sexual exploitation for prostitution, is extensive. Many adolescent girls are the subject of predatory behaviour or find themselves trapped in debt. Law enforcement officials see young prostitutes as outlaws rather than as victims. NGO officials believe that many girls are lured into prostitution after disastrous marriages when they were only 10 to 14 years old. Studies found no evident abuse in terms of the law, however, because their paperwork acknowledged them as adults because they had been married. Irwanto et al (2001, pp. 42-44) drew attention to early marriage (along with the vulnerability of single, divorced women) as an aspect that played a part in women and children entering prostitution in Indonesia, with economic pressures to support themselves and their families. The Indonesian Marriage Law opens the door for women to get married after the age of 16, and to be considered as an adult. The law assumes this age as a physically-mature stage to act in accordance with her responsibility as a mother or a spouse. Some parents in remote, rural areas do not register their newborn baby, making it hard for the government authorities to know the real age of children born in these areas. Particularly for girls, parents living in the areas often arrange a marriage for their daughter after she gets her first period. The right to formal education after marriage is lost, and opportunities to organise false identity documents are presented, which allows the parents to manipulate their daughter's age with the intention of getting legalisation for her marriage. When divorce occurs, the parents have no more responsibility for her since the marriage has made her the responsibility of the husband. Prostitution often traps workers who have no choice or who lack knowledge and skills necessary for getting a well-paying job. A different main reason, nonetheless, is intimidation. Underage and naïve women are offered job prospects in

big cities, then raped and forced to prostitute themselves, giving a percentage of their earnings to a pimp. They may also be traded into prostitution by their parents. The International Labour Organization (2004, p. 2) claims that generally 70% of Indonesian child prostitutes are taken into prostitution clandestine by their relatives or friends.

Oey-Gardiner (1997) argues that social and cultural factors impact on girls having less education than boys. Despite the fact that Indonesian marriage law allows girls to get married at the age of 16 or younger, the problem is that the early marriage is usually not supported by a good financial situation, placing the young couple in financial hardships (often associated with the need to support children). This circumstance leads to prostitution to enable the survival of the woman and her children. Those with minimal qualifications are vulnerable when they are divorced. In a worst-case scenario, young, divorced girls, seen as self-sufficient adults by the law, are left without essential skills to obtain well-paid jobs, so try their luck in urban areas to find any job opportunity to stay alive. This circumstance, as claimed by Irwanto et al. (2001) and Suyanto (1997), is where they tend to get trapped into the prostitution industry. Still to this day, many women continue to marry at an early age and face the risk of early divorce without an education or means to support themselves. Statistics reveal that the problem affects a high percentage of young women aged 10-24 across 26 provinces in Indonesia (*Statistik Kesejahteraan Rakyat*, Indonesian Bureau of Statistics 2013).

It is evident that the problem of earning a living for young, unskilled women is widespread. But the policy response on prostitution has focused attention on addressing the effects of women's lack of employment skills and education through

addressing the policing of prostitution, rather than investing in promoting pathways to alternative ways of earning a living. By treating the women as criminals, the focus has been on limiting street prostitution through arrests of prostitutes, rather than arresting those who purchase their services. Furthermore, less attention is paid to less conspicuous forms of prostitution. While prostitution is illegal or abolished or criminalised, a system exists whereby a certain number of brothels are tacitly allowed to function within predefined areas, certain times and with particular arrangements with police who check the premises at irregular intervals. This is to ensure that no other types of unlawful or unwanted acts are taking place. However, the ongoing “semi-legal” situation leads to protests by some socio-religious community groups, citing concerns for corruption, bribery of the police or social agency officials. They are concerned about the way in which decisions are made about permission to operate and which place needs to shut down, due to the blurred implementation of the policy on prostitution.

An alternative policy approach needs to consider responding to the systemic contextual issues of poverty, limited life chances and inadequate protection of the rights of prostituted people.

Market demand also takes a part raising the number of people in prostitution. Yet, some reports bring up the issue of paedophiles filling their needs of very young prostitutes (Farid 1999, p. 158; Irwanto et al. 2001, pp. 59-60). Some people in Indonesia think that access to virgins can make a man feel younger and sexually powerful. It is also assumed that a younger prostitute is more likely to be STD-free. These trends contribute to the rise in underage girls becoming engaged in prostitution,

because pimps or brothel owners respond to the trend in the market demand of the sex industry. Indonesia is one of the countries that provide female labour to Malaysia, Taiwan and Europe as prostitutes (Fernandez 1998, p. 12).

According to Martudji (2011 p. 1), on certain days police officers check up on prostitutes at brothels in Indonesia. The investigation often happens in response to pressure to shut the establishment down. In this particular case the complaint originated from the Majelis Ulama Indonesia (MUI), the Board of Muslim Religious Leaders, under the pretext that the brothel was responsible for, or was a starting place of, the spread of the HIV virus<sup>26</sup>. Those on the street are arrested. This case highlights that attitudes differ depending on the location of the activity. The investigation often happens when there is pressure to close the localisation.

The brothels tend to close but re-open again with the tacit approval of particular police officers who sometimes make use of the services themselves. Some particular police officers help to clear the status of certain brothel houses as acceptable. A newspaper ran a prostitute's confession as headline news saying that many police officers are regular customers in their place of work, which is a brothel house (Serambi Indonesia, 19 December 2011, pp. 1-2). Prostitutes working there might perceive what they do as legal given the fact that either law enforcers or NGOs know about the brothel house. According to the prostitutes, NGOs and the local government checks up on them routinely to give public health education on the use of condoms to avoid the spread of HIV. They also claim that the government invites them to go to seminars to raise their

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<sup>26</sup>According to Indonesian Interfaith Network on HIV and AIDS (INTERNA) cited in Martudji (2011, p. 2) the number of people with HIV/AIDS in the city is 5,091, which is higher than Papua (4,005 people) and Jakarta (3,998 people).

awareness about HIV. This health education program, along with the fact that some users of the sex service are law enforcers, makes the prostitutes think that what they do is permissible. Protests then arise when they are arrested and the brothel house is closed down:

“... [Local] government, urban village head, subdistrict head [...] [and NGOs] Yayasan Tanpa Batas, Organisasi Perubahan Sosial Indonesia know our practice [of providing sex service] in this [brothel] house. They have been visiting us in plenty of times, informing us about how to anticipate and to cope with the risk of HIV...that means this [brothel] place is official [permissible]...that is why we are wondering why we get arrested...”(Serambi Indonesia 2011, p. 2).

The above case shows inconsistency of policy action by Indonesian authorities with respect to the prostitution problem. This inconsistency creates irresolution among those relying on the industry for their income. This can be one of the reasons why the industry grows in Indonesia regardless of its illegal status.

Furthermore, even though the local government officials realise that brothels will reopen, real actions to cope with this issue are seemingly not conclusive. As quoted by Martudji (2011) local government in East Java, for instance, is happy to give 3 million rupiahs to each sex worker working in a closed-down brothel. They expect the money would be of help for the sex workers in starting an entrepreneurial business, but the extent to which women have free choice is debatable. Many who enter the industry may in fact have limited options. A few may make a consented choice and end up being exploited by the underground sex industry.

One of the reasons given by prostitutes as cause for a person to enter the industry is the potential to earn money fast. Tampubolon (2010, p. 1) revealed that high class prostitutes in Jakarta, for example, could take home Rp 15 million - Rp 30 million (USD 1,755 to 3,510) per month, and are able to ask for more than Rp 3 million (USD 350)

for each session of their services. Those who prostitute for ready cash come from both middle-class and poor families, while women who engage in the high end of the market need money to begin with, such as for clothes, transport, accommodation and so on. Usually they would service fewer clients.

Findings of this study signify that socio-economic motives, namely terrible poverty for these women and children caused by very limited life chances, as a consequence of the ongoing economic crisis with no welfare benefit, has led them to survive in the informal sectors which, in most circumstances, provides less opportunity to earn enough to survive. Very few choices exist beyond selling oneself in the sex industry when social and economic resources are limited and access to education and employment are also limited. Prostitution then becomes necessary for survival and it potentially provides a way to make a living so as to support oneself and one's dependants.

If an intolerant approach were applied, then the closing down of localisations would continue together with sweeping operations on street prostitution and also raids to venues suspected of running prostitution businesses. The policy response to the issue would continue to take into account the views of just some stakeholders, such as religious community groups, which focus on moral considerations to be included in the policy making process. However, stressing only the moral considerations of prostitution makes it somewhat closer to narrow pragmatism. Islamic religious groups, however, may well represent the interests of sectors of Indonesian society that see prostitution as immoral and sinful. But, morality is just a commonly accepted behaviour trait, while ethics is based on dialogue that has implications for a policy making



process. The principle of subsidiarity is based on the idea that all people should be part of the decision making process, and that decisions should be inclusive and made by people who are to be at the receiving end of the decision, and that the complexity of decisions should be matched by the complexity of the decision maker.<sup>27</sup>

Policy responses should be based on perceived needs. The ideal of the moral law enshrined in human rights and children's rights will be discussed. A way to redress narrow pragmatism and to move closer towards achieving social justice is to think in terms of both the ideal and the consequences not just for some or the majority.

Ethical policy making and governance requires consideration of diverse needs. The basic axiom underpinning critical thinking and systemic approaches, according to McIntyre-Mills (2006a and b, 2014) is that 'people can be free and diverse to the extent that they do not undermine the freedom and diversity of others'. Policy makers need to draw the line to protect the vulnerable and the voiceless who are not protected in current democracies.

It is notable that in Indonesia children are citizens and thus in terms of the constitution they ought to be protected. Gender mainstreaming legislation is currently rather narrowly implemented. Transgendered people are not protected. More effort to build the capacity of policy makers is needed.

A policy maker thus needs to consider the consequences of a decision for all, not only for some stakeholders.

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<sup>27</sup>This is argued in detail in Systemic Governance and Accountability (McIntyre-Mills, 2006c), and is based on the law of requisite variety.

Policy decisions need to be made based on a careful consideration of the consequences of the criminalisation policy for service users and service providers. In the Swedish context, the service providers are decriminalised and the service buyers or pimps are criminalised. The aim is to protect the voiceless, the poorest, the marginalised and their children.

One of the considerations is the widespread use of prostitution to survive neediness for many. The actual fact shows that prostitution practices in Indonesia are no longer restricted to particular red-light district or brothel houses or localisations. The prostitution network spans all parts of Indonesian society. Indonesia needs to deal not only with prostitution that is visible, but also the hidden and more extensive child prostitution issue. By the time a woman was been arrested she may have worked as a child or young prostitute for many years. According to Asmarani (2004, p. 2), the selling of child prostitutes was carried out using a food stall as camouflage in a heavily populated area of South Jakarta. It noted that the problem increased after thousands of Indonesian children were known to have been sold overseas as prostitutes to Malaysia, Thailand, Japan, Australia, Hong Kong and Singapore. Even though the Indonesian government, via the Ministry of Women's Empowerment and Child Protection, has dealt out resources, policy response of criminalising to fight child prostitution appears to have remained problematic, and has left a bigger challenge for policy makers to find a long standing solution to end the core cause of prostitution for these trapped women and children to have a better chance and capability to move out of the sex commerce.

Monroe (2005) claims that street prostitution is conducted mostly by female prostitutes who are poor in terms of education and money-making skills. Ironically, where lawmakers continue to target the service providers, the users are not targeted. Diani (2007), in her media investigation, mentions that sweeping operations are often conducted by law enforcement officers, making prostitutes move from one place (street) to another. As well as sometimes getting ill treatment from their clients, such as harassment, and violent acts, sometimes they also get cheated by clients who do not pay for the given service. According to Diani, almost all prostitutes work in very stressful conditions. Only very few of them can live in comfort as a so called 'high class prostitute'.

The above phenomenon may explain why some women's organisations and civil liberties associations, along with individual volunteers and prostitutes, have sought policy solutions that would protect women. The main condemnations of prostitution have come from public politicians and representatives, regional legislative assembly of anti-prostitution policy and religious groups, as shown by a demonstration of sex workers in front of Situbondo's Regent office regarding the police raids on their places of work (TVOne, 2009). They insist, as shown on the banners carried (written in *Bahasa*), that prostitutes may be considered as shameful members of society but they only provide services to those who seek them and they do not harm others. The demonstration is to draw attention to the need to revise the regional policy no. 15/2008 with respect to closing down brothels in the region. The protestors argue that although the capacity building to enable the prostitutes to work in other legal industries has been conducted by the government, for them to swap to other types of work, it has not helped them to secure other jobs because the irrelevant training seems to

have failed to get them jobs other than in prostitution, and insufficient jobs also worsens the situation.

The prostitution case described above is contextual. If the contextual approach were chosen then it should let the government see that development is about choice and freedom. Nussbaum and Glover (1995,p.159) are correct in arguing that a conscientious policy maker's job is to get people "over a threshold of minimal human and valuable functioning, so that they are able, if they so choose, to function in a more fully human way."

Thus, a better policy response to prostitution could perhaps criminalise the users and those who commodify them. A policy maker's job is to provide training and resources to enable them to do their function in society so they, in turn, are able to choose how or in what way they would do their function. This requires ensuring the dignity of women and children, and punishing those who do not respect their essential rights to safety, an education and quality of life, and in particular protecting the most vulnerable from predators. Organised book published by the Women's Research Institute (in Noerdin et.al 2007), discussing Indonesian women's role in a decentralisation era concludes that women should have rights over their own body. This point is similar to the 'sexual equality' (Shaver, 1994, pp. 123-145; Miller, 1993, pp. 123-145) and 'free-choice' (Jolin, 1994, p. 77; Bell, 1994, p. 106) paradigms by which people see working as a prostitute as an individual choice. Nonetheless, to completely adopt these paradigms in the Indonesian policy on prostitution is challenging in view of the opposition from religious community groups that see prostitution as sinful and immoral. Prostitutes still have the same rights as other people to ask for government protection

from violence, drug abuse, and moral abuse and so on, especially with respect to inhumane treatments experienced by young prostitutes. Human rights need to be upheld, as stated in:

‘Whereas disregard and contempt for human rights has resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law...’.  
(Universal Declaration of Human Rights (UDHR), Preamble, Paragraphs 2 & 3).

Review of past policy experience on prostitution shows prohibition to get profits from sexual service had been enacted by the Indonesian government as stated in the Criminal Code (*KUHP-Kitab Undang-Undang Hukum Pidana/ Penal Code*) articles 296, 297 and 506. Nevertheless, the government found it difficult to totally eradicate this sex work activity. Localisation of the prostitutes to authorised areas was then taken as an alternative. Even when prostitution was regulated by the government, still it was difficult to identify exact numbers of people working in the industry. According to Jones et al. (1995), this is due to different types of sexual services they provide.

**Table 12**

**Number of registered prostitutes in Indonesia period of 1989-1994<sup>28</sup>**

Provinces	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95
Jakarta	10195	6178	3251	3751	7772	9000
West Java	5004	6534	6083	6333	6175	1351
Central Java	6556	647	6280	6280	4823	8842
Yogyakarta	1120	1036	952	952	985	1307
East Java	14194	1553	4704	4704	12426	14190
Aceh	640	810	865	910	149	149
North Sumatra	3334	3036	2986	766	3078	4850
West Sumatra	245	350	450	490	300	132

<sup>28</sup> These are periods where prostitution activities were still regulated (controlled by Dinas Social (local Office of Social Affairs) and the police under Ministry of Social Affairs), whereby Indonesia still had 27 provinces and almost all policy making decisions were centralised.

Riau	1992	2480	2461	2151	4157	4277
Jambi	485	497	448	356	316	494
South Sumatra	6959	7729	7940	7729	4001	7778
Lampung	1859	173	1106	1065	3908	3513
West Kalimantan	1120	1823	1382	1656	1656	1656
Central Kalimantan	768	738	852	852	1888	1088
South Kalimantan	1089	618	675	673	340	826
East Kalimantan	3529	3474	3678	2060	5000	4449
North Sulawesi	393	795	250	250	1057	1106
Central Sulawesi	239	336	336	200	366	400
South Sulawesi	626	394	2637	1584	739	621
South East Sulawesi	290	350	417	417	435	435
Maluku	602	647	671	721	869	987
Bali	615	612	835	835	1588	849
West Nusatenggara	417	400	443	603	597	758
East Nusatenggara	560	692	669	660	597	758
Irian Jaya	818	1163	1264	1061	1632	1074
Bengkulu	287	300	350	365	434	375
East Timor	509	454	404	30	173	534
Published total	64445	49619	52389	47454	<b>65059</b>	<b>71281</b>

Source: The Indonesian Ministry of Social Affairs (cited in Jones, GW, Sulistyaningsih, E, Hullm TH 1995, 'Prostitution in Indonesia', *Research School of Social Science-The Australian National University Canberra*, Working Papers in Demography no. 52, p. 67.

The comparison above is of crucial relevance for policy learning since a policy response is not a one-step process with instantaneous results (Hill 2005, p. 182). Unexpected implementation results often occur when an implemented policy focuses on a single factor while many factors cause the policy problem, and subsequently new problems might take place, changing the focus of the implemented policy (Anderson, cited in Bridgman & Davis 2004). The first point to note is that the legalisation of prostitution has created increasing trends in the numbers of prostitutes during the periods of 1989-1995, year by year. The numbers of prostitutes in some provinces show tremendous increase, such as 4,019 prostitutes (West Java province) and 3,777 (South Sumatera) in just about two years. Moreover, legalisation without proper coordination and close watch from the government can create more illegal brothels. Although some more recent studies and newspapers have mentioned numbers of prostitutes in certain areas of Jakarta as well as their types (Jones et al. 2005; Surtees

2004, pp. 1-21; Wolffers et al.1999, pp. 39-53), but both the numbers and types, in some ways, can be changed. For example, sweeping operations controlled by police officers in Jakarta may cause the prostitutes, particularly those operating on the street, to move to other cities or shift to other types of prostitution. Then, the current policy on prostitution (Kementrian Koordinator Bidang Kesejahteraan Rakyat 2005) makes many pimps close their brothel houses to operate outside the government administration or to open unofficial brothels. So, the legalisation of prostitution may improve the government efforts to control the sex industry but not necessarily improve the life of the prostituted women, including the consequences of making this kind of industry as a legitimate business, as previously discussed.

Therefore, considering the past policy experience, all stakeholders of the issue of prostitution should have learned four aspects of policy learning. As pointed out by Bridgman & Davis (2000, p. 117), four factors influence the implementation of a public policy, which are: the nature of the problem, size of the (target) group (of the policy), the spread of the problem, and the extent of behavioural change required. The character of the issue of prostitution is unpredictable, complex and possible to involve, caused by or give effect to, other social issues like human trafficking, public health, exploitation of children and so forth.

This problematic issue of prostitution involves large numbers of target groups that spread all around Indonesia and have reached alarming situations in some major cities in Indonesia, as seen in Table 10. Referring to the fourth character highlighted by Bridgman & Davis, it is vital for the government to clearly state 'the extent of behavioural change required' from the implemented policy on prostitution because the

sex industry is still carrying on anyway, regardless of the written regulation (as formerly mentioned in 296, 297 and 506 of Kitab Undang-Undang Hukum Pidana). Pimps running underground brothels can get away with their illegal acts. The fact that the number of sex workers and their pimps keeps increasing since paying them Rp. 15,000 is not really creating an impact if the poorest prostitute can earn AUD100 (around 1 million rupiah) monthly while the highest class is even more, which is about AUD3,000 monthly (Jones et al., 2005, p. 38). According to a study by the Centre of People Development (PKPM) Atma Jaya University, collaborated with the United Nations Population Fund in Indramayu and Banyuwangi (cited in KOMPAS 23 June 2003, p. 1), 68.8% of sex workers in the two areas work for pimps that have a monthly income of 1.5 million rupiah and can reach 10 million rupiah when demands for their workers are high. For the pimps, the amount of income can be an easy way to get away with what is considered a weak law system in Indonesia, and can also make the prostitution business seem to be a risk worth taking, considering the punishment.

Therefore, an alternative way that seems possible for the Indonesian government policy on prostitution is to totally criminalise anyone getting profits from prostitution, namely pimps, traffickers and also men buying women to be traded for prostitution. The prostitutes themselves, on the other hand, should be seen as crimeless and/or just sufferers of the industry so as to give them chances to move on to other occupations.

In general, many possible constructions of gender can be found in Indonesia, which are themselves multifaceted and culturally changeable depending on where the term gender exists. Many female who live in remote, rural areas end up looking after their



younger sisters or brothers, and even children of their relatives, rather than enrolling in formal education, inside the family institution. Whereas, the attributed male gender position is likely to be a socio-economic earner and political performer. Paternity or fatherhood occupies a figure of patriarchal power, within extended families and communities in which they live.

The power imbalances associated with gender discrimination result in every part of prostitution comprising violence against women, a stance that is called 'neo-abolitionist' in some literature (Doezema 1998). The advocates say no to deliberate prostitution as work. The 'neo-abolitionist' gathers together women and children as the nuance of analysis.

Another gender standpoint on prostitution is laying blame of favoring class investigation on top of gender investigation (Jeffreys 1997). The proponents stress the attempt of bringing in self-proclaimed 'female workers' to the discourse of prostitution. As (Kempadoo and Doezema 1998, p. 3) argued "...the notion of the sex worker has emerged as a counterpoint to traditionally derogatory names... The idea of the sex worker is inextricably linked to struggles for the recognition of women's work, for basic human rights and for decent working conditions."

It is worth noting the gender perspective, in terms of prostitution in Indonesia, besides the two mentioned previously, is the less-contentious perspective focusing on gender prejudice or discrimination against females (Doezema 1998). Moreover, this perspective is likely ignoring the prejudice against men. Instead, it highlights the pre-eminence of gender as the foundation of analysis of prostitution.

In most cases, the deeply patriarchal system and hierarchical traditions, or ethnicity norms, in many of Indonesian families that necessitate girls to comply with people with higher social status, such as parents, a community or cultural leader, an older person and the like, make the aspect of gender vital to take into account with regard to the case of girls in prostitution. The girls cannot confront those in the social status, for instance, even if she were aware of that she may have been potentially led to enter prostitution. This is attributable to her gender and social status in the community.

Many women engaged in prostitution are those with sexual abuse experience in their younger years (Crosson-Tower 2002, p. 201). Being familiar with sexuality in an abusive manner these vulnerable girls learn to remove their feelings from the sexual experience and come to know that sex can be used for survival. In this case, the girls can use their sexual appeal to earn money to support themselves or their family.

Moreover, another research reported that even some young prostitutes are in the hunt for customers while others are active as pimps (see Baker, 2007; Duong, 2002; Montgomery, 2001). It is argued that some prostitutes may have made choices to enter the sex industry, but they are not deciding on the base of complete information as regards to consequences and whether they might actually have options.

This research addresses dialogue on diverse understanding on prostitution to come up with better policies and inclusive policy making, taking into account the social, economic and political structure in which the issue exists, which is reproduced at two levels in the Indonesian society, namely the isolated level of family life, and the social life within public domain that may influence a policy action. In addition, market

demands for prostitution runs through economic motivations of people entering the sex industry, where the cultural bases of sexuality, disparity and economic rationality operate all together to produce each sexual dealing between the prostitute and the customer, not counting the intermediary (pimps, brothel owners, traffickers) who benefits by the dealing.

### **5.7 Drawing the line to protect minors and those without rights or the capability to make real choices**

All forms of exploitation ought to be a criminal offence. This is where the policy line needs to be drawn and why it is vital to empower women so that they can protect the life chances of young people. Hypocrisy takes many forms.

“Prostitution is not a single thing. It can only be understood in its social and historical context [...] In most culture, marriage itself has a prominent commercial aspect [...] testifies to the degree to which a woman is valued, above all, for the financial benefits of his family” (Nussbaum 1998, p. 700). The article by Nussbaum (1998) allowed me to critically reflect my in-depth interview with MM, a political-religious leader who has decades of experiences working hand-in-hand with various social community organisations. Often, the organisations have to deal with the misuse of marriage and dowry laws to protect the interests of some people profiting from the commodification of women in prostitution.

“Every year, between April to August, for instance, there are many Arabians come to ‘Puncak’ [name of recreational place in rural areas in Bogor]...Roughly speaking, they are looking for prostitutes. The way they consume the sexual service is unique. They [the Arabians] marry the women they like. We call it ‘*nikah syiri*’ [‘*Nikah Syiri*’ is marriage performed just according to Islamic Law (Sharia), without registered according to stipulation of Marriage Law in Indonesia. It is usually done secretly, so just known by certain people. Even it is enough if only presented by the couple, ‘*wali nikah*’ (marriage guardian), witness, and some close families. There are some reasons why someone commits ‘*nikah syiri*’, from financial reason until adultery reason; from polygamy reason until job reason]. The community there supply these women...sometimes their own daughters or relatives, they

provide the marriage guardians and they set up the situation for the Arabians. As an exchange of the service, the Arabians pay some amount of money as 'mahar' [brideprice]. After a while, usually three months, the women will be divorced. They don't want this transaction to be called prostitution though." (Interview with MM, NGOs Socio religious, 26 December 2012).

Some people (users) misuse '*nikah syiri*' as an alternative route to escape from the current criminalisation policy. Since marriage by '*nikah syiri*' is unregistered in keeping with the condition of Indonesian marriage law, and instead the marriage is just following the condition of Islamic (Sharia) law, this kind of marriage is often misused by some people to have a temporary marital status. This is actually a hidden practice of prostitution as the marriage itself is not genuine in nature.

Prostitution is unavoidable activity in Indonesia in terms of demand and supply. The demands of prostitution service of any kind, including those involving the hidden practice of it, are followed by the supplies of the service. The realities of the need to have better social and economic status have led some people into complicity with the commodification of bodies of prostitutes. Complicity is played out by separating young girls from their own homes, by taking their rights away to have, at least, basic education at school and even taking their rights away to live their teenage years safely and positively. This kind of prostitution not only turns the young girls to work as a commodity of the prostitution industry for the benefit of some people, it also makes many live in fear of their own parents and family. As a witness experience story told by a youth religious community leader on '*nikah syiri*', the practice of prostitution below the line of (misused) religious marriage is usually facilitated by close family members with the complicit assistance of close relatives and the surrounding community where the marriage happens.

Public opinion on prostitution within the Indonesian society is divided between two differing views. The fundamentalist view is that it should be controlled due to public displeasure and downgrading as social shame, which can be endorsed by law against public order. By this view, prostitution is related to a community's values to say that the sense of shame or disgust is rooted in the societies' cultural traditions and moral teachings, which can demonstrate how fundamental the valuation of prostitution is within the Indonesian society. The closest term for those holding this view is moral-religious advocates.

An extensive range of policy responses to prostitution have been adopted in different rural and urban areas. This results in diverse approaches to law enforcement. The study aims to provide a helpful map of the policy making landscape by addressing the life chances of the marginalised. Indeed, moralistic reasons have been used to justify the policy solution to prostitution in Indonesia. The policy aims to prevent sin or immorality of those who sell their labour, rather than those who purchase services. What precisely is being bought and paid for in the prostitution transaction is often passionately discussed. But the commodification of the service providers is rarely addressed.

Prostitution, in Indonesia or any other countries, can be viewed as to have numerous types of prostitution and it is continuous with other activities involving physical provision. It varies from these activities in several understated conducts but the major variance contains in the fact that it is, these days, more broadly stigmatised. The stigma comes from a moral judgement. According to some Indonesian academic literature, the word prostitute is initially in use from the word '*prostituo*' meaning a person's behaviour who willingly gives herself to adultery (Soedjono1977, p.14).

Although male prostitutes are known as well, the definitions of prostitutes always refer to female prostitutes in Indonesian policy documents. The Indonesian word for a prostitute is "*pelacur*" which typically refers to an adult woman using her body to earn money (Soedjono 1977 pp. 14-20). The government uses the word "*wanita tuna susila*" or 'an immoral woman' (Hull 1997, p.29). Some feminists disagree with this word since it blames the females as dissolute but not the male customers or clients of the sexual service. Hence, feminists favour to use the word "*pekerja seks komersial*" following on the word 'commercial sex worker' (Mohamad 1999, P.109). Furthermore, people often call girls involved in prostitution by a slightly different word, which does not openly denote prostitution, but tacitly criticise the girls as immoral. Some people call them "*perek*" or *perempuan /perawan eksperimen*" which plainly means 'a (virgin) girl whom you can experiment with'. Other people call them ABG ("*Anak Baru Gede*") which plainly means, 'newly grown up' as they wear makeup and dress up in ways similar to adults. In Javanese language, the girls in prostitution are often called "*ciblek*" by means of a shortening of "*cilik cilik bias digeblek*", plainly means 'a little girl whom you can sleep with'.

Officially, the police call them as underage prostitutes denoting young people who are not yet suitable for marriage but intentionally have a sexual relationship outside legal marriage according to law, religious or social norms, or with the intention of earning income fulfilling his/her needs. However, the Criminal Code of Indonesia (KUHP) seems to have not stated clearly the criminalisation code that prostitution in Indonesia is illegal, as shown in article 296 saying 'Whoever works with or facilitate obscenity by others, as a search or customs, threatened with imprisonment the longest four-month or one-year criminal fine of fifteen thousand rupiah' and article 506 saying 'Whoever

draws the advantages of lewd acts a woman and makes them prostitutes, are threatened with criminal confinement of no longer than one year'. The articles are simply banning those who assist and provide sex services illegally, meaning that the prohibition was only given to pimps. Thus the law criminalises the users and suppliers but in practice this is not applied.

The contextualist view is that prostitution is tolerable between consenting adults as a sex service transaction between willing buyer and willing seller. It is a private business between two individuals, and even if prostitution may be criminalised by law, it is considered a victimless crime if the seller is able to make an informed choice. Consequently, the government and society ought to provide policy to manage the safety of those who sell their services. The closest term for those holding this view is liberal-humanism advocates.

On the other hand, prostitution between two non-consenting adults is problematic. This is linked with the need to criminalise the buyers of services (if they are not underage) and to ensure the strategic rights and empowerment options for women.

Looking at different views of different stakeholders, however, the debate concerning the most proper and effective policy option to cope with the issue continues. Another media outlet (Suwarni 2006) quoted one of the prostitutes who had been working in 'Saritem' for four years, in response to the closure of Saritem: "*They [the local government] have been planning it for a long time. But we have not been offered any alternatives, so how can we earn money to eat?*"

On the other hand, the controversy of *Sharia*<sup>29</sup>-based local policies adopted by many provinces in Indonesia seems to have shown complexity of policy solutions adopted to cope with the issue of prostitution. Indonesian political decentralisation, through the implementation of Act No. 22/1999, which was later renewed by Act No. 32/2005, has developed a political system that places the autonomous region in a principle role in the management of governmental fields in policy-making areas. In its development, the implementation of the decentralisation is diverse and, in actual fact, has been responded to differently among provincial regions.

The responses can be a consequence of the implementation of the regional autonomy politics itself, but on the other hand could indicate that the autonomous principle has prompted many local governments to use improvisation and creative innovation in the context of policy-making to implement policies that are often too hard to be understood by a wide range of the community, even among experts.

The wide scope of local government in interpreting policy transfer of the national level encourages many local governments to be very productive in the delivery of public policies, including the local regulations matter.

As a result, many local regulations have been found to be incompatible with the national legislation. Around 12,000 regulations are being reviewed and prepared to be cancelled. Other issues are identified by the time some local governments improvise

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<sup>29</sup> Sharia is Islamic religious law that oversees religious customs and provides guidance of everyday life in Islam as to reflect Quran (Islamic sacred book) and Muhammad's examples (Esposito 2003). Extreme variation and interpretation of the law exist among today's Muslim societies, or predominant Muslim countries (Powell 2005, pp. 126-127). Indonesia is one of the countries where Sharia supposedly applies to Muslims and not non-Muslims. The country is based on constitutional law emphasising pillars of democracy for its law-making.



the local policy-making by creating regulations with the nuance of Shariah. 22 regions have come up with regulations related to the issue of morality and public order based on the Shariah principle. Some of them, related to the issue of prostitution, are as follows:

**Table 13: Indonesian public policies with the nuance of *Shariah***

No	Types of local policies / regulations	Regional areas	Shariah category
1	Regulation no. 24/2004 on the prevention and eradication of immoral doings	Padang Pariaman	Morals with laws of the manifestation of <i>ta'zir</i> <sup>30</sup> principle
2	Regulation no. 11/2001, on the eradication and the prevention of sinful deeds or immoral behaviours	Sumatra Barat	Morals with laws of the manifestation of <i>ta'zir</i> principle
3	Regulation no. 24/2000 on the prohibition of prostitution, in accordance with the City Mayor instruction no. 3/2004 of the program increasing [Islamic] faith	City of Bengkulu	Morals with laws of the manifestation of <i>ta'zir</i> principle
4	Regulation no. 8/2005 on eradication of immoral doings	Kota Tangerang	Morals with laws of the manifestation of <i>ta'zir</i> principle
5	Regulation no. 13/2002 eradication of Immoral doings	Sumatra Selatan	Morals with laws of the manifestation of <i>ta'zir</i> principle
6	Regulation no. 2/2004 eradication of Immoral doings	City of Palembang	Morals with laws of the manifestation of <i>ta'zir</i> principle
7	Regulation no. 14/2001 handling of Prostitution	Jember	Morals with laws of the manifestation of <i>ta'zir</i> principle
8	Regulation no. 6/2002 on the social order, the eradication of prostitution, setting up clothing and eradication of get-togethers is added	Riau Islands	Morals with laws of the manifestation of <i>ta'zir</i> principle

<sup>30</sup>According to some Islamic literature, the first understanding of 'ta'zir' is to prevent the perpetrators from repeating their actions again (Shan'Ani, 1996). Ta'zir is intended to educate the perpetrators to realise the immoral or sinful doings they may have done (as stated by ta'zir principles) so as to leave the doings. Punishment is left to the judge's (of a court) decision. The basic law of ta'zir is consideration of the benefits with reference to the principle of fairness. Its implementation can vary, depending on each circumstance. Because of its educational value, ta'zir then could be imposed on a child.

In implementing regulations based on ta'zir, the core principle that became the ruler of reference is to keep the public interest (see Al-Asqalani, 2002; Muslic, 2005). In view of that, forms of sanctions can vary according to the judge's decision, but the outline can be differentiated into several kinds, for which the death penalty could be imposed on repeat perpetrators of severe offences. Such punishments can be, for example, whip punishment, imprisonment, exile, change the shape of the goods, the penalty fines, warnings, advice, threats, punishment of exclusion, censure and expulsion.

9	Regulation no. 10/2003 on prevention of immoral doings	Gorontalo	Morals with laws of the manifestation of <i>ta'zir</i> principle
10	Village regulations regarding adultery, alcohol and gambling	Bulukumba	Pidana Hudud <sup>31</sup>

Source: adapted from Suharso, P 2006, 'Pro kontra implementasi perda syariah: tinjauan elemen masyarakat', Diskusi Panel "Pro dan Kontra PERDA Syariah", Fakultas Ilmu Agama Islam-Magister Studi Islam, UII, Yogyakarta.

To criminalise the client who buys sex along with the prostitute who sells it reflects social justice since this would cope with both the individual and collective harm issue. As Estes (2001, p. 1) argued, 'prostitution violates the Kantian "principle of humanity", because it reflects a disrespectful attitude, which is expressed in the nonchalant use of the human body as a mere means to achieve some goal'.

On the other hand, advocates of the decriminalisation policy argue that it is insincere to put prostitutes on trial or criminalise prostitution but not the prostitute-user. This argument can be suitable but the solution of decriminalisation is not conclusive concerning the supply-demand issues explained formerly. For example, currently some work in the industry is in order to survive or to support the survival of their families. Nevertheless, high-income and short-term involvement in industry, for some people, may offer a way to pay for higher education.

To apply Ulrich's '12 is and ought boundary questions', the conundrum of differing attitudes towards the Indonesian prostitution policy approach can be summarised as follows:

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<sup>31</sup>'*Hudud*' criminal acts are any criminal sanctions prescribed by the Quran and Hadith of the Prophet. *Hudud* is a criminal offence of the most serious crimes and weight in the criminal law of Islam because it is closely related to the public interest. An example is adultery (intercourse outside marriage must be whipped 100 times for perpetrators either for the man or the woman. However, for the offenders who are a widow or widower, punishment is being stoned after going through a trial (Muslic 2005).

**Table 14: the Conundrum of different viewpoints on policing prostitution**

<b>Boundary Categories</b>			
<b>Sources of motivation</b> <i>'Beneficiary, purpose, measure of improvement'</i>			
<b>In-depth Interviews</b>		<b>Ethnographic content analysis of policy documents<sup>32</sup></b>	<b>Ethnographic content analysis of media coverage<sup>33</sup></b>
Government Sectors	Non-Government Sectors		

<sup>32</sup> The term Ethnographic Content Analysis (ECA) used in this research implies taking in some aspects of critical ethnographic principles of qualitative data collection and analysis. The unique aspects of critical ethnographic spirit of research are consistently applied in analysis policy documents and media coverage (Altheide 1987, p. 67), that are: a) reflexive analysis and interpretation of data b) the content analysis of document and media in its emphasis on verification and validity as part of triangulation of in-depth interview data c) the involvement of researcher as a primary tool of the research is in all phases d) as in gathering the interviews, purposive, saturation sampling are applied, wherein investigation of a policy document and or a media coverage can lead to another new document or coverage until a saturation of understanding or insights of themes is reached during the verification phase d) the use of narrative description and comments in delivering the analysis of findings e) highlighting emerging concepts during the investigation. The investigation is also consistent with the spirit to provide prostitution policy analysis as discourse. The analysis of policy documents follows the analytical principles of 'what's the problem represented to be' (Bacchi, 2009). The documents are analysed by applying Bacchi's approach to policy analysis (xii): a) 'what presuppositions or assumptions underlie this representation [of prostitution issue]?'; b) 'How has this representation of the [prostitution] problem come about?'; c) 'what is left unproblematic in this [prostitution] problem representation? Where is the silence?'; d) 'What effects are produced by this representation of [prostitution] problem'; e) 'How/where has this representation of the [prostitution] "problem" been produced, disseminated and defended? How could it be questioned, disrupted and replaced?'

<sup>33</sup> Whilst the same ECA principles apply in analysing newspapers articles, magazines and TV reportages as in analysing documents as above explained, the content analysis of media coverage also follows Harold Lasswell's guiding principles of media content analysis, which are 'who says what'; through which channel'; 'to whom'; 'with what effect' (as cited in Shoemaker and Reese, 1996, p. 12). The use of qualitative content analysis of media coverage (see Hijams, 1996 and Gauntlett, 2002) aims to explore the content of related news reports on the prostitution issue for the inspiration it may have and for how it may expose the public's opinion on the issue.

<p>The general public, to a certain level of public order, by the implementation of K3 regional policy in semi-urban and rural areas aim at eliminating public nuisance.</p> <p>Policy on prostitution is negative. Government attempts to regulate prostitution by introducing public order and moral order polices are to avoid the impression that registering prostitutes makes the government complicit in prostitution business. The policies do not address the remaining issues of hidden prostitution practices. The making of the prostitution policy itself is controversial in nature since the issue is assumed as against social and religious norms.</p> <p>The penalty of 50 million rupiahs applies to the clients, prostitutes and those facilitating prostitution such as hotels, brothels and the like.</p> <p>The criminalisation of clients never happens in actual fact: no clear act either formulated or executed in terms of the policy execution of those found to be in prostitution activity as buyers or clients.</p> <p>One of the challenges in formulating a specific policy on prostitution is less communication among judicative, executive and legislative groups in deciding the kind of punishment and the degree of penalty that should be given to prosecutors of prostitution.</p>	<p>Criminalisation of clients is expected to reduce the escalating numbers of housewives living with HIV.</p> <p>Prostitution is derived from terrible poverty as a way of survival.</p> <p>Prostitution is resulting from lack of education interconnected with some parents who disobey their responsibility to look after their children (divorced, poverty).</p> <p>Prostitution is consequent with sexual commercial exploitation and the sexual exploitation of children.</p> <p>Prostitution is a matter of 3B = blackberry, body, and “behel” (dental beauty) = prostitutes are victims of urban lifestyle</p> <p>No programs initiated by the government to raise public awareness of the implications of improper policy attention on prostitution, especially for children trapped in sex commerce.</p> <p>The policy on prostitution should take into account a policy that regulates a friendly environment for children to access their rights of playing in public places without having to live side by side with prostitution activities.</p>	<p>K3 policy (law no. 11, year 2005 about orderliness, cleanliness and beauty of the city and other related areas)</p> <p>The penalty of 50 million rupiahs in prison or custody for complicity in prostitution.</p> <p>‘Evaluation Result of Social Welfare Service Program in Macro Level’, (Social Department, 2012) Motives to work as prostitutes: income earnings, looking for love, forget the [terrible] past background, looking for sexual satisfaction.</p> <p>Law no. 11, year 2011 on the criminal justice system of children: Government officials/department known for misconduct or to improperly perform their duty in dealing with children protection, including children in prostitution, can get a punishment of 2 years in prison or penalty of IDR 200,000,000 (around AUD18,500). The officials include a judge, prosecutor, and criminal case investigators, also other parties related to the case.</p> <p>The shifting of blame over the stigma of prostitutes as vectors of HIV transmission to the buyers of the sex service<sup>34</sup>. Prostitution is</p>	<p>Continuous supplies of condoms and irregular checks of potential sexually transmitted disease by Health Departments create confusion of laws in other departments over the years of making or executing policy response to prostitution</p> <p>Religious values and dogma often become themes of debates of opinions in media</p>
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<sup>34</sup> Strategic Plan of Combatting HIV-AIDS 2012-2016 by the Commission of Combatting AIDS, Bandung City.

<p>Lack of coordination of authorities from central policy makers in Jakarta and provincial levels- which authorise policy executions in semi-urban and rural areas = threats.</p> <p>The Ministry of Woman’s Empowerment and Child Protection, throughout the Deputy of Equal Treatment of Children in the Criminal Justice System, is proposing/ drafting an act or enactment that should become a proper guideline for officers or policy executors to deal with the case of children engaged in prostitution = opportunity.</p> <p>The central government finds it difficult to ask the local government to follow/implement (new) policy strategies/initiatives in the Local Autonomy Era in Indonesia due to funding issue of the policy programs = weakness.</p> <p>In terms of the prostitution issue, when prostitutes do not come from the place where they are found, the local government must send them back to their area of origin. This may slow down the program or may even become the main barriers in practical levels = Threats.</p> <p>The legal policy in Indonesia does not see children engaged in prostitution as an urgent policy issue in terms of getting treatment from the government. The children are often just sent back to their parents = Threats.</p> <p>To some extent, prostitution is an invisible (sex) industry, due to the implication of the non-regulation/total criminalisation policy.</p>	<p>The recognition of localisations can at least be ‘a government hand’ to control the activity of prostitution in terms of public health.</p> <p>Prostitution is part of economic exploitation of prostitutes by those getting profit from the sex commerce such as pimps and the middle man.</p> <p>Localisations are never formally closed by the government because the localisations are never regulated or had specific policy on localising prostitutes in a place such as Saritem and the like.</p> <p>Prostitution policy discourse is against gender mainstreaming, as the social issue discussed in the discourse often puts women in a blameworthy position; every sweeping operation, for instance, targets women - accused as working as prostitutes.</p> <p><i>Pameo</i> of ‘having daughters means money’ still exists in some rural areas - to sell their young girls to work as prostitutes in big cities.</p> <p>Married in <i>syiri</i> contributes to the escalation of the numbers of young girls being sold by their parents or relatives “to get married” temporarily, with some people believing this is a way to escape from religious sin complicity in prostitution. The government cannot interfere with this type of marriage since it rules out that religious law is</p>	<p>connected to the issue of harm to women’s health, not limited to female prostitutes but also housewives whose husband consumes prostitution service regularly</p>	
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<p>Criminalising users of prostitution could be difficult to implement = Challenge.</p> <p>The policy draft of the law no. 11/ 2011, punishment for public officials that improperly perform the implementation of government programs in the social justice of children, opens the opportunity to adapt or even to go beyond the Swedish Model in coping with prostitution issue, especially with the underage vulnerable.</p> <p>Some policy makers think the ‘end goal’ or the measure of success that should be taken in a prostitution policy is to minimise or to eliminate prostitution activities - some think the ways to achieve that are less important than the end goal itself = pragmatism.</p> <p>According to some central policy makers in Jakarta: any prostitution involving minors/vulnerable is considered to be trafficking - they perceive prostitution as part of the trafficking issue and so the attention to come up with specific policy on prostitution is mingled with the laws on trafficking for all purpose and pornography laws. = create uncoordinated actions due to unclear focus of policy making = Challenge</p>	<p>recognised as one of legitimate sources of law in Indonesia.</p> <p>Some NGOs seemed to perceive trafficking and prostitution as an individual problem, rather than one of the system more generally. Most interviewees view that the best way to save the vulnerable and prevent trafficking as the surrounding problems of prostitution is some form of psychological, medical or legal help.</p>		
<b>Boundary Categories</b>			
<p><b>Sources of power</b> <i>‘Decision makers, resources, decision environment’</i></p>			
In-depth Interviews	Analysis of policy documents	Qualitative content analysis of media coverage	

Government Sectors	Non-Government Sectors		
<p>The role of community and religious leaders are significant in relation to better alternative policy on the prostitution issue.</p> <p>Persuasive policy solution is better than coercive policy execution in coping with the issue of prostitution.</p> <p>A challenge of the current criminalisation policy for prostituted young girls/children is a poor judicial system that then leads to the use of social punishment to handle prostitution.  “the criminal system can only bring children in to the court when they are 14 years old in minimum with a sentence that have to be less than 7 years imprisonment. If, for example, we found the 12 years old children break the law...say to work as prostitute, the legal system can still process the case but not by bringing them to the court. For those under 14, we send them back to their parent or would consider social punishment and such” (SS-GO-MoWE).</p> <p>Coordination issues are believed to be the barriers in assisting prostituted people, especially young girls, with legal aid from the government:</p>	<p>The role of community and religious leaders are significant in relation to better alternative policy on the prostitution issue.</p> <p>Persuasive policy solution is better than coercive policy execution in coping with the issue of prostitution.</p> <p>Religious norms as parts of the policy making environment on the prostitution issue.</p> <p>The government cannot control policies based on <i>syariah</i>. In terms of the prostitution case in Indonesia, men are allowed to have a second wife only after the first gives her permission. Since most women say no to share their husbands, unregistered ceremonies, or "<i>nikah siri</i>," are often covertly carried out by an Islamic cleric outside the law. Some of the marriages can be just a cover for prostitution. A cleric is paid to organise "contract marriages", which can be just a one-night marriage.</p>	<p>Law no. 37, year 1999 about Human Rights.</p> <p>Like the issue of child abuse, prostitution is largely viewed as a multifaceted issue that likely hidden from a whole-effort policy attention<sup>35</sup>.</p> <p>Solicitation of prostitution, living off the earnings of prostitution and consuming sexual service are illegal by law<sup>36</sup>. The existing Codes with respect to prostitution, to a large extent, implying total prohibition in principle. However, the execution of the law seems to be varied by different authorities albeit raids are conducted randomly against prostitutes and pimps. No punishment ever occurred for buyers (consuming sexual service).</p> <p>The protection of Witnesses and victims for the vulnerable victims of rape and trafficking for prostitution are challenged by red-</p>	<p>Cases where women get arrested by mistake have been blown up by some Indonesian media.</p> <p>The current contesting debates on prostitution invites neighbourhood community organisations (some of which emerge as spontaneous organisations) to have political voice</p> <p>Growing attention of poverty issue as a determining factor in vulnerable people entering prostitution industry</p> <p>Rising numbers of young people selling sex to survive neediness. Increasing awareness of the use of social media to façade sex transaction by some teenagers. A highlight from an international broadcasting media about a teenager pimping out other teenagers.</p>

<sup>35</sup> Law no. 23, year 2002 about Child Protection; Law no. 21, year 2007 about the Elimination of Crime against Human Trafficking.

<sup>36</sup> Provincial Regulation no. 3, year 2005 about Organising K3; Provincial regulation of Bandung City no. 11, year 2005 about the amendment of Provincial Regulation no. 3, year 2005 about Organising K3; Code of Criminal Procedure, article 296; Provincial Regulation of DKI Jakarta no. 8, year 2007; Provincial Regulation of West Java Province no. 10, year 2012 about Organising Social Welfare, by virtue of article 52. The latter has more explicit sentences with respect to prostitution albeit the main emphasis, as other Codes mentioned formerly, is still on moral and public order. Article 52 :(1) “every individual is prohibited from behaving and/ or doing “*asusila*” (amoral) in public places. (2) every individual is prohibited from: a) becoming “*tuna susila*” (prostitute) b) ordering, facilitating, misleading, forcing other people to become “*tuna susila*” c) consuming [sexual] service provided by “*tuna susila*”.

<p>“Unfortunately, the coordination does not reach the grassroots level-we cannot coordinate or have link with PolSek [KepolisianSektor or Sector Police Department: Police Department having authority or responsibility in cities, districts or municipalities]. If, for instance, you send me complaint, I cannot directly deal with the complaint. I have to coordinate with police departments, public prosecutors and so forth” (SS-GO-MoWE).</p> <p>A national guideline for policy executors in regional level governance is crucial in executing policies on prostitution. The guideline is still in policy draft.</p> <p>An example of how the Indonesian government decides on prostitution as a public order offence and prostituted people as public order offenders. The precise numbers of prostituted people are hardly known. Government agencies and NGOs can only estimate the numbers. This is due to the fact that prostitution is practised both openly (in red light districts or tolerated zones) and covertly (façade by massage parlours, night clubs, men’s health centres and such). The covert practice is exclusive of those operating discreetly via social media or newspaper advertisements. Another factor behind the unknown exact numbers of prostituted people is the nature of the current</p>		<p>tape of “prostituting happens in any adultery case” among law enforcers. This results in social hypocrisy and a double standard law with respect to running programs to help prevent people to become victims of prostitution by means of trafficking<sup>37</sup></p> <p>Law no. 32, year 2004 about regional governance.</p> <p>Law no. 17, year 2007 about the National Plan for Long-term Development 2005-2015.</p> <p>Rising awareness of child pornography is closely linked with escalating attention of the invisibility of underage prostitute<sup>38</sup></p> <p>Law no. 11, year 2009 about Social Welfare.</p> <p>The regulation of the Minister of State for Women’s Empowerment no. 2, year 2008 about Guidelines of the implementation of Woman Protection.</p>	<p>Recent local media headlines debates of opinions as regards to criticism of the policy attitude towards prostitution. Contesting critiques of the oversimplified problem of “<i>lelaki hidung belang</i>” (punter), in relation to women’s issue as the service provider, to the escalating debates on relating prostitution to gay and transgender issues towards human rights issues.</p> <p>Some media coverages portrayed prostitution phenomenon as ‘urban trap’, to quote Chambers (1983). Prostitutes coming from rural areas in many ways were seen as victims of “urban attractions” as properly describes by Chambers (1983, p. 7) to be better social services, better health and education facilities, better wages and such. In Indonesia, this is commonly discussed as ‘urbanisation’ and ‘gap between rural and urban development’.</p>
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<sup>37</sup> Law no. 13, year 2006 about the Protection of Witnesses and Victims can be said as a progressive approach in dealing with people who are trapped into entering the industry by means of trafficking. Nevertheless, my dialogue with Mrs Strong Heart (pseudonym), Deputy of Public Complaint, Indonesian Ministry of Woman Empowerment and Child Protection, uncovered a devastating problem with Indonesian law enforcement in some respects. I quote some of her professional experience in dealing with victims of sexual exploitation. According to Mrs Strong Heart, this problem may explain why many exploitative cases of sexual exploitation of the vulnerable, including prostitution remain unsolved.

<sup>38</sup> Law no. 44, year 2008 about pornography.



<p>policy implementation that mainly sweeps street prostitution off the streets by the public order offence.</p> <p>Second Boss (pseudonym): “These prostitutes are usually charged of violating “<i>perda</i>” [provincial regulation] about K3 (public order, cleanliness, and beauty). These prostitutes usually stay on the street, or public places to wait for their client. If we see the data, prostitutes in West Java have reached 5,500-6,000 [people]. But what we can see on the surface are not as big as the real problem, because ofcourse those prostitutes who are caught are prostitutes of middle level, and perhaps prostitutes of high level haven’t been detected or hard to be detected... the hidden ones. Because like I’ve mentioned before that, those prostitutes caught are the ones that violate the regulation of K3”</p> <p>Riswanda: “The number you’ve mentioned, 5,500-6000, on what period did the number is taken?”</p> <p>Second Boss: “We compiled the data on 2011.”</p> <p>Riswanda: “And that is the compilation of?”</p> <p>Second Boss: “The data compilation of the whole West Java. It’s not the precise number, but [just] estimation.”</p> <p>Misdirected implementation among agencies (policy executors) of the prostitution policy in Indonesia. The use of the public order offence in sweeping prostitutes off the streets often results in a prejudiced assumption on women for being on streets at late night time:</p>		<p>Expanding awareness of the victimisation of vulnerable children surviving through prostitution industry 39</p> <p>The [Government] Service of Handling Complaints in Terms of Protecting and Fulfilling Women’s and Children’s Rights as victims of Violence.</p> <p>Ministry of Women’s Empowerment and Child Protection Regulation no. 01, year 2010 about Minimum Service Standard on Integrated Service Sector for Woman and Child as Victim of Violence.</p> <p>Standard Operation Procedure [regarding] the Implementation of Minimum Service Standard on Integrated Service Sector for Woman and Child as Victim of Violence.</p> <p>Guidelines for Documenting and Reporting System of Data on Violence Against Women and Children.</p> <p>The Parameter of Gender Equality in Shaping Laws and Regulations. The policy document is drafted</p>	
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<sup>39</sup> The regulation of the Minister of State for Women’s Empowerment no. 3, year 2008 about Guidelines of the implementation of Child Protection.

<p>“[...] not all of them who are caught to be in the streets at night are CSWs [prostitutes]. They can be manufacturer workers who just passed by. It happens. But I have been here for two years and it’s never happened here. But it’s possible. Satpol PP [Public Order Officials] could catch the wrong person. For example, at 10 or 11 PM, a lot of people are on the streets, but they don’t have to be CSWs. They can be manufacturer workers. Once, there was a SPG (Sales Promotion Girls) of one department store in Bandung city who was caught. So, we make crosscheck. If there is sufficient data, and contact number of family member, family should be informed. After they [prostitutes] fulfil the requirement [do paperwork], and we are sure that they are CSWs, we ask them for contact number of family member.” (GO9).</p>		<p>and published by Indonesian Ministry of Law and Human Rights, Indonesian Ministry of Women’s Empowerment and Child Protection, Indonesian Ministry of Home Affairs.</p> <p>Suggesting the reduction of harm and exploitation to vulnerable groups, not limited to prostitutes, particularly prostituted women and children<sup>40</sup></p> <p>Presidential Regulation of the Republic of Indonesia no. 69, year 2008 about the Task Force of Preventing and Handling the Crime Against Human Trafficking.</p> <p>Coordinating Ministry Regulation of Welfare Sector no. 25/KEP/MENKO/KESRA/VIII/2009 about the national Action Plan in Combatting the Crime Against Human Trafficking.</p>	
<b>Boundary Categories</b>			
<p><b>Sources of knowledge</b> <i>‘Expert, expertise, guarantors’</i></p>			
In-depth Interviews		Analysis of policy documents	Qualitative content analysis of media coverage
Government Sectors	Non-Government Sectors		

<sup>40</sup> Standard Operation Procedure in addressing complaints involving women and children as victims of violence, Ministry of Women Empowerment and Child Protection

<p>Social Department is considered as legitimate or authorised government agency as guarantors of success of the policy on prostitution.</p> <p>Districts and municipalities send prostitutes caught in sweeping operations to Social Department to get in 'rehabilitation program'.</p> <p>Social Department is also responsible for post-monitoring programs after prostitutes finish their rehabilitation programs.</p> <p>Social Department is also coordinated with Public Order Officials and Police Officers in public security and public peace sectors.</p> <p>Government policy makers who are seen to have expertise in the field related to prostitution are often dominated by the discourse of contempt or disapproval marked with disgust to those doing prostitution for whatever reason behind it. Policy stance discussed within the discourse is on view that people who prostitute is under one's self-worth and prostituting itself is shameful of one's respect. People within the policy stance of contempt often come up with sarcasm towards prostitution as to being degrading regardless the intention of the people who involve in prostitution; no matter they are the service providers or users. Basically saying, the contempt utilitarian here is a discourse on contempt and responsibility to protect society from the people mentioned formerly</p> <p>The adaption of the past Dutch colonial era to regulate prostitution seems to be the popular answers among policy executors of the prostitution policy. Unclear guidance in</p>	<p>NGOs and community sectors have almost never been involved in official policy decision making on prostitution. Some NGO activists suggest to use the term 'prostituted women' to embodies the lack-of-choice situations women have in entering the industry. Their argument seems to be in similar sense with Jeffreys (1997) in line with Farley and Kelly (2000) who advocate the term 'prostituted woman' instead of the term prostitute. The latter critiqued to have been objectifying women who by very limited choice have to survive through the industry. The term prostitute excludes the humanitarian aspects of these underprivileged women.</p>	<p>According to policy documents of Client database of government service agencies as senders of prostitutes to be rehabilitated (year 1972-2012), there are 28 districts and municipalities recorded to send prostitutes to Social Department in West Java Province to have handling expert of so-called 'getting back to live with community'.</p> <p>Social Departments as authorised agencies with experts on social issues including prostitution have a wide range of policy documents (such as Working Guide of Social and Rehabilitation Services) of discussing aspect of prostitution. Parts of the documents highlight why many women coming from semi-urban and rural areas enter the sex industry in big cities. Some policy reports have attempted to answer this by providing psychological motives from events in childhood or early adolescence. But the policy reports seem to have had so many conflicting opinions on the subject that little has been gained in their line of rehabilitation programs.</p> <p>The term "<i>wanita tuna susila</i>" (slut, slovenly women) has been used to define prostitutes. The broadly used term has been influenced government</p>	<p>Moral and religious lenses dominate the debates on regulating prostitution industry. Religious leaders, whether they sit in communal or governmental positions, are often seen as experts in thinking about solutions for the policy making.</p>
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implementing the criminalisation policy on what to refer in deciding fine for prostitutes caught on sweeping operations causes the goal of reaching a shocking effect in maintaining the so-called public order is far below the expectation:

'...penal code we use today is adapted from Netherlands, so it's very old. [But] actually Indonesia, started in 2000, has already designed a new Penal Code and Criminal Procedure Code. The previous Penal Code only regulates about maximum confinement period, maximum penalty, for some it's still relevant, but for nominal, it's very irrelevant with the use of Penal Code. Meanwhile, Penal Code is used for the very first time in Indonesia by the government of Indonesia in 1981, so the prevailing nominal used is the nominal in 1981. For example, lightweight crime of prostitution. In local regulation of K3, the violator of prostitution can be fined up to 2 billion rupiahs, and particularly in Bandung City, according to judges, lightweight crime cannot be fined more than one hundred thousand rupiahs. So, it's around 25 thousand rupiahs, ten thousand rupiahs, so it doesn't provide a deterrent [shocking] effect, and the correlation with the previous Penal Code is that it's not relevant anymore. In the Netherlands itself, the Penal Code and Criminal Procedure Code have been revised for several times. In the new Penal Code layout, it's actually regulated about the maximum and minimum punishment. So the judge cannot give sentence less than what has been regulated. For now, judges have different decision in giving sentence in the similar cases, because they still refer to the old

perceptions in determining policy treatments on prostitution.

Bandung city regulations no.11 year 2005 on amendments to regulation no. 2005 on the implementation of K3 policy on orderliness, cleanliness, beauty, Satuan Polisi Pamong Praja, Jawa Barat, Indonesia, p. 72 states:

'Any person or legal entity who acts in the form of peddling love or [who shows] behavior that should be expected to do immoral [doings] by being on the street, parks, or other public places as well as places suspected to be used as a place to commit sexual misconduct, is charged based on imposed coercive enforcement of Rp. 5000,000, - (five million rupiahs) and administrative sanctions in the form of detention of National Identity Cards,, and will be sent to (Social) Rehab Centre and or will be published in media'

jurisprudence'. (Interview with Pak Kumis (pseudonym), the General functional of Investigation Field, under the Interrogation Section of Civil Service Police Unit, 3 January 2013)

This policy is targeting prostitutes particularly offering sex service on streets and other public places such as public parks. Night time sweeping operations are normally used to execute the policy. Nevertheless, there is a huge gap of between the fines mentioned on the document (five million rupiahs/ around 470 AUD) and the actual fines charged to those caught during the operations as admitted by a public order officer in the interview formerly quoted. Despite the fact the criminalisation code used still refer to outdated Dutch colonial policy; different enforcers seem to have differing interpretations and personal preference in giving the penalty.

The word every person is clearly emphasised in the policy document. Given that the policy is on prostitution issue, the sanction given to those breaching the K3 or public order policy should apply to both parties involved in the sexual misconducts as mentioned in the line. In other words, those receiving the punishments as offender of public order should be both the providers and the users. On the former page of the policy document (p. 70) we can find

		<p>similar statement with the one targeting prostitutes on streets. The following has no emphasis of the venues where the sexual misconducts may happen, but rather just emphasising on every person (or perhaps a couple of as illustrated) doing immoral doings or sexual misconducts:</p> <p>'Any person or legal entity who acts in the form of immoral [doings] is charged based on imposed coercive enforcement of Rp. 5000,000, - (five million rupiahs) and administrative sanctions in the form of detention of National Identity Cards,, and will be sent to (Social) Rehab Centre and or will be published in media'</p>	
<b>Boundary Categories</b>			
<b>Sources of legitimations</b> <i>'Witness, emancipation, worldview'</i>			
In-depth Interviews		Analysis of policy documents	Qualitative content analysis of media coverage
Government Sectors	Non-Government Sectors		
Different visions of policy making improvement among policy makers of central government: Some policy makers think localisation or normalisation of prostitution can be a way of solving the issue - two of the government agencies see 'Genting Island' in Malaysia as an example of policy execution when the country legalised, by centralise in one place, gambling and adult entertainment places aiming at eliminating illegal gambling places.	<p>Cutting off supply side and demand side altogether.</p> <p>Emphasising supporting efforts on poverty reduction.</p> <p>The current criminalisation-of-all policy creates no protection for those who are actually victims of the sex industry.</p>	In Indonesia, prostitution was at best occasionally controlled by some mass organisation until passage of the Convention on the Elimination of Discrimination against Women, ratified by the Government of Indonesia Law no. 7/ 1984, which prohibited the trading of women for prostitution purposes. The government	<p>National and local news capture sinister portrayals of prostituting to survive poverty. One's engagement in the industry may be viewed as fulfilling unrealistic and hedonistic lifestyles by some.</p> <p>The rising phenomenon of underground the prostitution</p>

A challenge of the current criminalisation policy: program funding; coordination; mobilisation/ migration of prostitutes:

“Only the problem is that we find it difficult to ask the local government to follow our new policy strategies in this Local Autonomy Era in Indonesia. When we come up with new program or policy, the local government asks us (Jakarta/ central/ national government) to fund the new policy initiatives. Another problem is that provincial / local government must coordinate with other provincial governments or even districts in cases where the victims of sexual exploitations, trafficking or prostitution does not come from the place where they are found. The local government must send them back to their area of origin. This may slow down the program or may even become main barriers in practical levels.” [The interviewee shows her dashing hopes].’ (SS-GO-MoWE).

The problem of addressing the complicity of parents or relatives in luring young girls to work as prostitutes:

“The legal policy in Indonesia does not see children with issues such as prostitution to get treatment from government. In case like this, the law would just send the children back to their parents.” (SS-GO-MoWE).

A challenge of implementing the Swedish model in Indonesia: unrecognised buyers.

The government efforts on prostitution so far appear to have been one of the aspects that creates a gender-biased stigma among communities in general regarding prostitutes. Prostitutes are women. The use of term to call prostitutes and the name of government rehabilitation centre given shows this stigma.

The economic facts of the Indonesian sex industry based on government investigations.

How the Indonesian government sees prostitution as a public order offence and prostituted people as public order offender.

The precise numbers of prostituted people are hardly known. Both government agencies and NGOs can only estimate the numbers. This is due to the fact that prostitution is practised both openly (in red light districts or tolerated zones) and covertly (façade by massage parlours, night clubs, men’s health centres and such). The covert practice is exclusive of those operating discreetly via social media or newspaper advertisements. Another factor behind the unknown exact numbers of prostituted people is the nature of the current policy implementation that mainly sweeps street prostitution off the streets by the public order offence.

backed the United Nations recommendation to include particularly forced prostitution as a form of violence against women. By this, nearly all local governments had passed laws that banned localisations or regulated the profits of prostitution. As a result, prostitution remained prohibited in most provinces, though it was and it is still unofficially tolerated in some cities. Law-enforcement agencies, especially Public Order Officials and Social Departments became more concerned with banning on-street prostitution and the crimes associated with the practice as such drug abuses and alcoholism. Authorities also intervened to stop girls from being forced into prostitution.

industry dominates media reportage .... Details media investigation, in both printed and electronic local media, on how prostitution players can still get away with their involvement in the industry. This contradicts the strong message of criminalising prostitution as shown in the government’s massive efforts to shut down brothels and to battle street prostitution. The phenomenon also shows how the existing prostitution law is outdated compared with the still-growing industry. “*Warung remang-remang*” (vaguely visible all-night food stalls) and “*panti pijat plus*” (massage parlours with “extra” service) are commonly used terms to describe underground prostitution industry in Tangerang, Bandung and Jakarta.

Spontaneous demonstrations by some community neighbourhood groups protesting the existence of hidden prostitution business in their residential areas are commonly found in recent news coverage. The media investigations of such demonstrations reflect public dissatisfaction of the current

<p>The hidden existence of prostitution as a morally unaccepted practice but tacitly accepted practice in terms of economic surviving.</p> <p>Opportunities of implementing the Swedish model: proposed policy in putting legal punishment to law enforcers has proven to not properly deal with underage prostitution case.</p> <p>Regional autonomy by which every local government has the right to determine their own measures of dealing with social issues can be a barrier in implementing the proposed policy mentioned.</p> <p>“That is why we are proposing/ drafting a policy ( law no 11 year 2011 on criminal justice system of children) in which government officials/ department known to misconduct or to improperly perform their duty in dealing with children protection, including children in prostitution, can get punishment of 2 years in prison or penalty of Rp, 200.000.000,-. The officials are including judge, prosecutor, and criminal case investigators, also other parties related to the case</p> <p>However this policy creates protests from many government agencies. Some agencies think they have special rights as government bodies. We may need 2 years to prepare for these interconnected agencies to get ready to execute the policy. They have to have common understanding on this drafted policy.” (SS-GO-MoWE).</p>	<p>The rebirth of feminist interest seeing prostitution as both a result and a warning sign of gender-based exploitation is a reaction to the current criminalisation policy. This is shown by the revitalisation role of the National Commission of Woman’s rights as part of government body in corporation with the Indonesian Ministry of Woman Empowerment and Child Protection. This is not yet to mention many established woman’s right based NGOs. Reflecting these ever-changing attitudes, during the 2000s the more unbiased term ‘pekerja seks’ (sex worker), instead of ‘wanita tuna susila’ (immoral/ sluttish woman), was increasingly used to describe those involved in prostitution activities:</p> <p>‘[...] legitimizing prostitution as a line of work will get the conditions of prostitutes' lives better [...] Prostitution is a 'job'...Prostitutes are "sex workers." [Pak Kumis emphasizes the words “job” and “sex workers”. The relations between prostitute and the user are a deal or an agreement. Pimps and mediators are third parties. The answer to the subjugation and abuse of women in the sex commerce is for PS [sex workers] to organize and to get recognition legally thence women can become empowered....I believe that prostitute’ rights as just other human beings needs to be recognized and we have all the rights to be in a legally recognized organization’ [Interview with Waria Pintar (pseudonym) 2013,</p>		<p>prostitution policy in handling the issue.</p> <p>“<i>Penjualan ABG</i>” (the buying and selling of teenagers for prostitution), “<i>penjualan remaja di bawah umur</i>” (the selling of underage youth for prostitution), “<i>Germo cilik/ remaja dalangi prostitusi online</i>” (teens pimping out other teens through online prostitution) have become media headlines. Media reportage regarding this theme reflects prostitution as an unjust and exploitative practice, whilst on the other hand as profitable alternative income for many urban-living teenagers.</p> <p>Sweeping up places that are a façade for prostitution practice has marked the government’s effort to control the widely-spread underground prostitution industry. Raids conducted by local Public Order Officers to massage parlours, spas, karaoke clubs, discotheque, and boarding houses often appear on recent local news reports related to prostitution. This may have exposed most of local government’s opinion on the issue. The dominating opinion is total prohibition of the</p>
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	<p>a feminist/ pro prostitution NGO, Sri Kandi Pasundan]</p>		<p>industry based on moral and public order.</p> <p>Recent media coverage exposes hypocrisy and inequity within Indonesian social construction wherein prostitute is mainly and commonly defined as female and buyer is male. The coverage implies a question such as why people generally tolerate male consuming sex service whilst rejecting the idea of prostitution as a sex work and prostitute as sex worker</p> <p>Some local media reportage highlights a paradox between negative effect of prostitution on residential neighbourhood (i.e. adultery, socio-moral concerns) and the benefit it does to local business (i.e. food selling around the areas where prostitution occurs create jobs, employments and other sorts of alternative informal businesses).</p> <p>Media oftentimes reported on high prevalence of social violence against people suspected and or assumed to have provided sexual services.</p>
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Source: This table is an application of Werner Ulrich's 'Table of Boundary Categories', (Ulrich, 1983, p. 258; 1996, p. 43; and 2000, p. 256)

Based on the above table, the '12 is and ought' questions can be addressed as follows:

- *Whose interests are served by the current Indonesian policy on prostitution?*  
The answers are the interests of public order, addressing public nuisance, and promoting public security. The three are trying to consider the needs of the government and officially the needs of the majority.
- However, in actual fact, if we look at the number of people who are not part of the 1% very wealthy, a large number of people have to find a way to earn a living. Thus, in fact, although publicly the government emphasises public order. Little has been done to date to protect the very vulnerable.
- *What is the current purpose of the policy design?* The purpose is public order and public security.
- *What ought to be the purpose?* To give social justice to all involved in prostitution, e.g. not only targeting prostitutes since the sex commerce involves many parties who are complicit in many ways.
- *What should be the consequences of the policy design related to prostitution?*  
It should be to protect not only society but also the victims of the sex industry, being prostituted women, young girls and warias who survive neediness through prostitution.
- *What ought to be the purpose of the design?* The design should not only protect society from the so-called moral disorder happening within the society, but also providing more exit programs for prostituted people. One of them is the provision of more accessible welfare supports in terms of employment opportunities and improving capabilities of the prostituted persons to earn

incomes with more marketable working skills than what is provided by the Centre for Women Social Rehabilitation.

- *What is the case in terms of the policy design on prostitution in Indonesia?* It is that some people are being protected. The image of the Indonesian government officially is that prostitution is discouraged. Unfortunately, because of the extent of unemployment and the extent of challenges for many to survive, there is a great deal of complicity in looking the other way to survive. Realistically, the issue of prostitution calls for a greater governance of the industry in order to protect the prostituted people, to criminalise the users who in fact make use of the people who might not have choice.
- *What ought to be the case in terms of ideal policy suggestion?* Greater management of the industry, and greater numbers of alternative employment choices for prostituted people.
- *Who is the actual client of the system's design?* Society members affected morally by prostitution activity.
- *Who is supposed to be at the receiving ends of the policy design on prostitution?* Prostituted people
- *What is the measure of success for the current government?* A morally ordered environment free from prostitution activity
- *What ought to be the measure of success for the current government?* Increased numbers of prostituted persons that can exit the sex industry, who are capable of accessing more options -accessing equal rights as other citizens can.

- *Who is the decision maker of the policy solution on prostitution?* Government organisations, with conflicting interpretations on the case among social affairs departments, law enforcers and national policy formulators.
- *Who ought to be the decision maker of the policy solution on prostitution?* All parties related with the issue, government, NGOs, MBOs, and socio-community leaders.
- *Who is involved as experts of the policy making on prostitution?* Those who are officially authorised as service providers currently address the issue.
- *Who ought to be involved as experts?* Those who really know about what should be done to improve prostitution policy ought to include those who have walked the same path and understand the challenges they face: people who had been working as prostitutes, people who have been service providers of the prostitutes. In actual fact, these are the last people on the list. Those who are actually involved are those people in the existing government make the rules and rationalise themselves in terms of those rules.
- *Where do the involved seek the guarantee that their planning would be successful?* They have no voice and are thus unable to address their strategic needs.
- *What ought to be the case?* People who are affected by the policy decision ought to be involved in the policy making process and ought to develop the indicator of success themselves.

In terms of prostitution policy, to what extent are people actually involved? In some instances they are consulted and listened to, but in most instances their opinions are not taken into account at all. The people who are affected, never have a voice to say

to those who do the controlling, that they (policy makers) need to listen to the voices of the people, especially those at the receiving end with very limited life chances.

The dominant view in Indonesia is the government view, which, to a very limited extent, is being shaped by the powerful, whilst those who have limited life chances are silenced. Perhaps, in the ideal sense, criminalising users and profiteers of the prostitution industry may be an excellent policy strategy in a small population with a much higher overall standard of living. Criminalising users and decriminalising providers fits best in the context mentioned previously, but the trouble with this approach in Indonesia is that it would leave some people very vulnerable since the fact that engagement in the prostitution industry is used to survive; taking away the purchasers or buyers may cause those relying on the industry for their income to starve. Until such time as the development issue surrounding the prostitution industry is addressed, a better government approach may be to make the existing prostitution industry fair, transparent and safe for users and providers. Making policy decisions involves drawing boundaries based on considering the scenarios in terms of specific questions guided by the Design of Inquiring Systems Approach (see West Churchman series volumes 1-3, also known as critical heuristics or 'the 12 is or ought questions' that help guide policy decisions through engaging in a dialogue that unfolds values and sweeps in social, cultural, political and economic dimensions). Also, drawing a boundary around certain limits is critical, as the limits are protecting those who are underage, and remove hypocritical arrangements of pseudo or contractual marriage.

The existing moderate attitudes and policies on prostitution in Indonesia put women at risk too. Advertisements in newspapers, for example, continually attract young

women to enter prostitution. This could happen especially when brothel managers or pimps offer the young women, with lack of education and skills, higher earning capacity than other occupations they could possibly do without any skills or qualifications. So, if the contextual approach was chosen without an open-minded governing policy, it would put young women at risk.

A strong argument is to be made to think strategically about addressing migration issues from rural to urban areas, the needs to create balance between rural and urban areas, and the needs to think about ways to enhance the demographic transition through empowering women. Although, it is not a popular message in the context where in many cases people regard the status quo as fine.

Strategic empowerment of women is absolutely essential to be taken into account in the policy making consideration on prostitution. This can only occur once women are empowered, in terms of developing capabilities that will enable them to live a life that can be considered as fostering their capabilities and enabling them to achieve quality of life. At the very least they need to have more control of their choices and the implications it has for their personal capabilities and rights. The capability to make decisions about their own lives and bodies, the right to education and a political voice, the right to respect and leisure are vital. Currently, many engaged in the industry do not have real choices as they are illiterate, innumerate and unable to control their earnings (see Nussbaum and Crocker 1995). Indonesia is already moving to this direction and so the policy needs to be linked with gender mainstreaming and citizenship rights for young people.

The strategic empowerment is about meeting basic needs and strategic needs in the sense suggested by Naila Kabeer's institutional power dynamics in gender relationship (1994), saying that only when a woman has a vote, should she be able to make a difference beyond the household, not just community volunteering. This is to argue that women's empowerment is not something just given by the state (the government) and/or society. Instead, it ought to be something that is endeavoured upon everyday life.

The Indonesian situation in the case study shows that women have not yet been given voice in the policy making decision. This research has compared the case with previous literature on the topic. The research agrees that more relevant changes need to occur in terms of taking the needs, wants, desires and interests of all stakeholders related to the social justice of prostituted women and children as actually applying the ideal goals that are being suggested in Indonesian law regarding social justice for all, and not just for some.

Another issue exists in the increase in size of Indonesian urban population. The enormous population growth creates competition for resources and conflicting interests. The study sees, in particular, the need for more scrutiny of the policy making process pertaining to the issue of prostitution and more empowerment for women to have a say. Both are essential for two reasons:

- 1) This would bring about the demographic transition that the country needs; and
- 2) As soon as the literacy and numeracy of women are improved, the wellbeing of the family unit would possibly be improved in line.

These aspects of capacity building should be applied to boarding schools and affordable education to ensure social justice.

As previously mentioned, strategic empowerment of women is absolutely essential. Empowerment here is used in the sense argued by Sen (1999) and Nussbaum (2000) that educated women are free to make their own life choices and to control their earnings. Indonesia is already moving in this direction and so the policy needs to be linked with gender mainstreaming and citizenship rights for young people.

## **5. 8 Concluding remarks**

This chapter is addressing the areas of concern in the policy on prostitution. The environment of the problem is the social, economic and environmental context in which the issue of prostitution is occurring. A comparison is made across three basic discourses derived from an analysis of the case studies by applying critical heuristics (CSH).

The (if then) critical scenario on prostitution policy making would be: 1) if we look at the very fundamentalist narrow approach to prostitution, then what would the consequences be?; 2) if we have a more contextual and open approach that considers the growing population and socio-demographic challenges in urban areas, then what would the consequences be?; 3) If the strategic empowerment needs of women and children are placed first, could human rights, dignity, capacity building and respect for people provide the basis for making better policy to protect the vulnerable and to provide them with better life chances?



Drawing the line of what is acceptable and unacceptable in policy terms is vital when it comes to protecting minors (children). The policy line makes room for idealism for what ought to be done, and there is no room at all for extenuating circumstances—the policy line needs to be quite strong here. This research explores the understanding of these three key points (overarching themes) on the continuum through case studies and through drawing on many strands of literature including women’s studies, human rights, and ethics.

This thesis argues that policy making on prostitution ought to be based on the assumption that prostitution places women and children engaged in the activity at high risk. Devoid of the demand there would be no prostitution. It is certain that demand affects supply and a well-marketed supply can give rise to a demand.

The supply and demand circumstances create implications for social justice. For Indonesia, in particular, there is a need for some uniformity in application of the prostitution law. People need to know what their rights are in a practical sense are so that they can make their informed choices. People who work on the one side of the border might be legal, and when they step over to the other side of the border it is illegal. In reality in Indonesia, if prostituting happens in a localisation then it might be acceptable, but if prostituting happens outside this concentrated area then it is likely to lead to criminal charges.

The thesis makes a case that prostitutes ought to be given training so that they are capable of making choices about how they wish to live and how they wish to make a living. The next chapter will discuss how and why public education and capacity building can address the rights of marginalised prostitutes.

## **Chapter 6**

### **Public education and capacity building to address the rights of marginalised through critical reflection on prostitution discourses in Indonesia**

This chapter addresses public education and building the capacity of service providers to serve the very poor and vulnerable by enabling service providers to better serve the human rights of women and children and waria in Indonesia. The chapter will discuss the policy environment shaping the public and NGO responses to the industry of prostitution and ways to enhance the life chances of women and children. The most vulnerable members of the population in Indonesia include those struggling to make ends meet. In this chapter public education means the discourse of democracy and gender mainstreaming in getting people to think about the consequences of their choices. The theme of public education brought in this thesis using the sense of enhancing public education on the rights and life chances of those who live in extreme poverty and who struggle to find ways to earn a living in an increasingly urbanised Indonesia.

The following sections cluster case studies that use parentheses where people's voices begin and end, illustrating the three major approaches on the continuum. The cluster aims to show examples of how voices can express ambiguous discourses demonstrating tolerance, intolerance and overlaps. At times one informant can express all three typical groups of standpoints, starting from intolerance to ambivalence and tolerance. In what follows, I provide quotes of my dialogues with 2 key participants selected by their representativeness in representing intolerance typology along the continuum of standpoints. While the participants appear to be

expressing similar standpoints, their roles reflect policy makers and non-government standpoints

## **6.1 Intolerance**

The policy seems to be designed and executed merely based on emotional reactions to the issue. Existing policy frames prostitution merely as a disgraceful phenomenon that has to be eradicated.

Indeed, many-sided aspects of prostitution phenomenon in Indonesia lead to diversity of interpretations that different departments have chosen. This shows contradictions, avoidance and inconclusive policy solutions to the issue across legitimate government organisations and law enforcers. Deep-rooted socio-cultural attitudes of the society in general towards prostitution strengthen the usage of labelling and negative judgements as shown in the current policy, rather than policy to protect those with limited life chances and to provide them with opportunities to engage in work of their choice, rather than living lives of narrow choice and narrow options because of poverty and lack of strategic choices.

Intolerant policy approaches to prostitution are likely to assume that people choose to be prostitutes, rather than to view the industry as a way to survive. Most policy actions within this approach reflect an ignorance of the situation and the extensive difficulties that they face.

Furthermore, the normative policy does not respond sensitively to those who are vulnerable and survive through prostitution or who (at least initially) make ill informed choices to work in the industry as a way out of poverty or to support other life goals.

In Indonesia policy makers know to a large extent the industry exploits poverty and neediness. The government social rehabilitation program prioritises those who do not wish to become prostitutes

Mrs Social (pseudonym) is my first informant during the fieldwork. She has a Master's degree related to her role as Head of Social and Rehabilitation Services Department. She is married with two children and has been in her positions for quite a while. My in-depth dialogue with her is useful in providing an understanding of the industry

Mrs Social (pseudonym): most prostitutes said they work like that [prostituting] because of economic reasons. But a lot of people have financial problems, and those who have good faith in their religion wouldn't become a prostitute, because there are a lot of poor people who survive and do not sell themselves [the way Mrs Social dresses and talks express her strong faith in religion. From the way she talks I have the impression that Mrs Social wants to show her seniority in terms of power and position in the Social Department]

Riswanda: How about the youngest one ever found?

Mrs Social: 14 years, there was even a 12 year-old-girl in Cirebon, her father even puked when he found out about his daughter. He's an old man. Most young girls who work as prostitutes lie to their parents, and their parents don't have any suspicion. People have different lifestyles, like the clothes they wear ... when they were caught in a sweeping operation; they wore different kinds of clothes, especially short dresses. There was one that said that she just came home from school, but it's impossible for a student to be on the street in the middle of the night - what time did she go to school then? We immediately don't believe her, so we made a cross-check with her school and we found that she has left school two years ago. When you face a case like this, the level of honesty is very low.

Riswanda: For the community, themselves, how do they see prostitution? Is there any difference in how they perceive it now and then? Are they more permissive or strict?

Mrs Social: There is shift in values. Nowadays, there is a lot of trafficking, and exploitation problems. Actually, it's the family who do that; the family knows. As we all know, West Java has the largest population, [known] as exporter of prostitutes [to other regions], especially Indramayu city or Subang city. It's common knowledge. It seems that parents there don't have any problem with their daughter becoming a prostitute; they take and sell them [their daughters]. There are a lot of trafficking victims now [her eyes were a well of frustration]. There are some who are really victims and don't want to be prostitutes any longer. There are also those who enjoy being prostitutes so they no longer become victims, because they know how to get a big sum of money instantly [her professional experience working in the department seems to make her pessimistic about the chances of prostitution-related problem being resolved].

According to the Head of Social Rehabilitation Service, West Java Social Department, there seems to be a shifting in the values as to the way people perceive prostitution. The negative attitudes towards prostitution as an easy way to escape poverty for many remain. As the Head of the Rehabilitation Service went along with her stories that day,

she stressed the complicity of families living in certain rural areas of West Java, that have been known in sending their young daughters to work as prostitutes in some urban areas. In an upset tone, by the time we walked off her office, she said to me more plainly than what she had said during our interview session about her biggest fear. To rephrase her, when parents know and actually let their daughters become prostitute in return for money, it is very difficult to bring these prostituted girls out of the prostitution business. Some girls have already become dependent on the amount of money they can get from selling their bodies; compared to if they need to do other jobs with skills and education they have. The most upsetting fact is that they tend to refuse our (the government) social program or some argue that their parents make them do this, and parents' decision here in Indonesia can be above the law to interfere. Literally, they are those who are traded by their own families. These include brothers, cousins, and even their sisters who are already in the industry. We (the government) do have law to protect those who are victims of girls trading like this (for the purpose of prostitution), but with their families covering up, there is not much we can do about it.

Mrs Social: It [prostitution nowadays] is uncontrollable. But it's also wrong if Saritem [a name of a widely known tacitly accepted red-light district in Indonesia that has been operated since the Dutch colonial era] was not dissolved; it could be seen [if it continues to operate] as legalising prostitution. But then, it is a problem for the Health Department because prostitutes spread everywhere [going outside the areas to streets, motels, karaoke, and night clubs]. When they [prostitutes] were still in localisations, their health was checked regularly.

Riswanda: Does the Health Department still do the checking?

Mrs Social: Yes, to overcome the problem, officials from the Department have found out where these prostitutes live. They usually rent a place together, and the officials will visit their place.

Riswanda: Do they want to be checked?

Mrs Social: Yes, because there are a lot of them who already have awareness about their health. At first, it's difficult. But what's more difficult is the user. For example, to prevent HIV these prostitutes want their user to use a condom, but the users don't want to. The problem is how to make their user tell the truth about their health. In the end, the wives of the users become the victims. There are a lot of housewives, then infants, who have HIV, because their husbands like to have sex with prostitutes.

Riswanda: If clients were hard to deal with, what would a Public Order Officer or perhaps the City Police Department do about it?

Mrs Social: The police department has the right to capture them if they disturb the public order. If they commit a criminal offence, it will be connected [with prostitution]. On the other hand, Public Order Officers only conduct public order enforcement in public places. What's the different is that

our targets are those prostitutes who work for economic reasons for their family. We have to be selective because there is only a small quota.

Riswanda: If clients are caught in a hotel or motel, are they usually let go?

Mrs Social: there is usually counselling from the City Police Department, but not by the Social Department.

Riswanda: What does the City Police Department do?

Mrs Social: Usually counselling is done by the criminal department but not in a form of ... perhaps only data collecting.

Riswanda: For those who manage, for example, a spa business but also provide 'services', is there any sanction given?

Mrs Social: There have been none all these years, because the practice is hidden so it is hard for us to do a sweep. Now, there are even students or college students [working in the prostitution industry under a façade].

Riswanda: How about that? Has anyone ever been caught?

Mrs Social: Yes, those who wander at night on the streets.

Riswanda: Will they be returned to their school or...?

Mrs Social: It varies; sometimes they don't go to school anymore but they say they still go. They make a lot of excuses to escape.

Riswanda: For parents who sell their daughters, have you found any cases handled by this Department?

Mrs Social: Yes, in Indramayu city, Subang city. There was once a parent who asked [the department] why should his daughter be put in here for 4 months, what would happen to her? If she were working as prostitute outside the rehabilitation institution, she could borrow a house. So it was the parents who [Mrs Social paused her story to recall her memory of the case whilst showing a face with grieved expression] ... in Haur Geulis, Indramayu City ... most of the people have luxurious houses. We face dilemmas, because we have to do our duty.

Riswanda: Isn't it hard if it's the parents who manage their children's prostituting?

Mrs Social: In a community like that, there is no norm anymore, so they don't take prostitution as a problem, it's a common thing for them.

Riswanda: For the government, the parents can be a problem. So, in the future, what can be improved from this rehabilitation program? Would the complicity of the parents be included? Is there any solution for the problem - what can be planned by the government?

Mrs Social: Perhaps for Regency/City because of the budget limitation. If we see the population, there are 5,509 prostitutes in West Java [alone], the number seen is only in the surface. Perhaps for improvement, this is only a social rehabilitation institution, so it's not solely our duty, and people should care more. They should start with their family. If they know their children work as prostitutes, don't encourage them. It all starts in the family... to play their part in the community. The policy should be more on how to prevent it. So, it should be how to prevent it from happening... If family encourages them, it's like there is no limitation of good norms ... most of them are girls who are prostitutes because of their lifestyle where their parents are only able to pay for school fees, but not fulfil their high-class lifestyle, such as buying fancy clothes, recharge their bank balance. They have that kind of lifestyle because they want to be like their friends who have high-end cell phones, fancy make up or clothes, even though their family couldn't afford that.

## **6.2 Religious and moral views of the industry**

Perceptions of religion and religious values as the saviour of life difficulties, including economic hardship, dominates policy-making discourse on prostitution. Policy providers using these lenses cannot accept the argument that says prostitution is a way to survive poverty. Although this contradicts the fact that many young girls leave

school because they have broken families and no one to support their education financially.

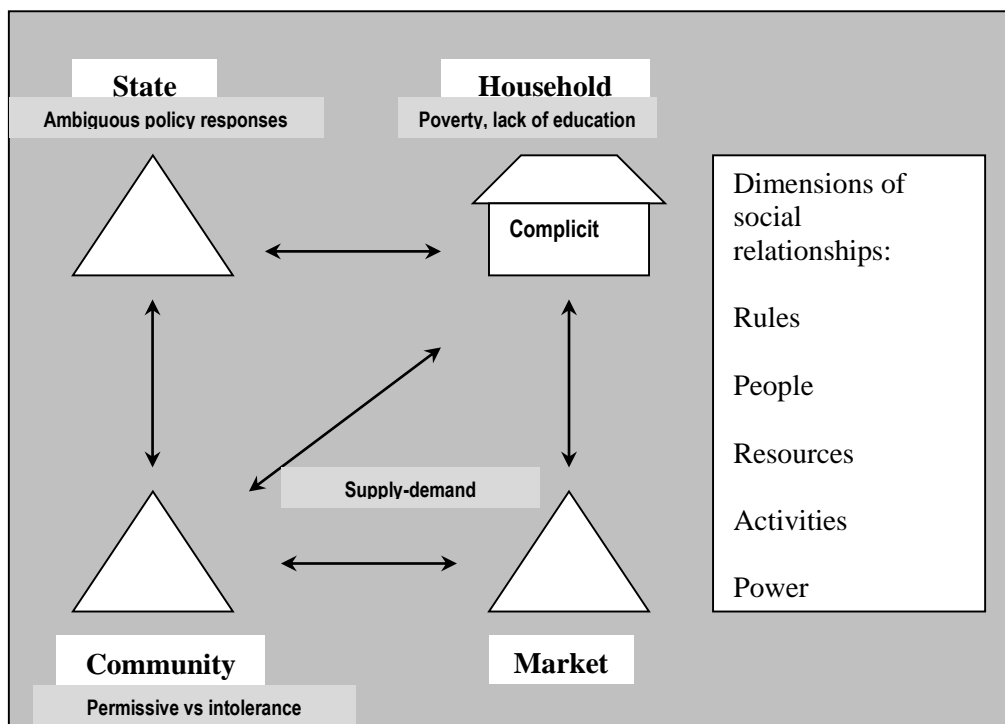
However, after criticising the complexity of the problem they have in dealing with prostitution, the head of the social rehabilitation service admitted the benefit of controlling the sex industry using the old localisation strategy. One of the benefits, she mentioned to me that day, is the public health concern, saying it was easier for the government to do health assessments of prostitutes and to address potentially widespread sexual related disease of prostitution activities. But on the whole policy responses to the industry are uncoordinated. Differing departments just do their own set of programs pertaining prostitution coming along with ambiguous targets and strategies in implementing the program, whilst the issue demands integrated responses to meet the complex needs of vulnerable people working in the industry. . As expressed in the discussion with Mrs Social, police force targets prostitutes doing criminal offence related with their activities in providing sex services. Another government agency, public order officers target people prostituting in public places by the reason of disturbing public order. The social department itself, according to them, want to target people prostituting for economic reasons to support their family, although there seems to be no clear explanation on either how they can categorise the different workers on the basis of their motivations to work in the industry.

Clearly in terms of economic hardship, social norms are interpreted differently by some groups of communities in Indonesia. This is shown not only by the known fact of parents' complicity to sell or to encourage family members.

Reflecting on the cases of some parent complicit in selling their own daughters in the industry, Giddens (1984) reveals that power can be economic, political, social, cultural and symbolic. People consequently are hardly ever powerful in or powerless across all five types of power mentioned. Instead, power is socially constructed by means that one's experience or understanding of power can count on their gender, social class in the society where one lives in, age, ethnicity and so forth.

March et.al (1999, p. 108) have depicted interrelationships of five social dimensions relating to tie-in institutions of state, household, community and market and how those four institutions actualize interrelationships of authority whereby some institutions can have power over others. The interrelationships are as follows:

**Figure 8: Social relations concept 3: key institutions and their relations**



Source: Adapted from March, C, Smith, I, Mukhopadhyay, M 1999 A guide to gender-analysis frameworks, An Oxfam Publication, Oxfam, England, p. 108



The interrelationship between market and household shows how some family units see working in prostitution industry as the way to survive considering a lack of education and marketable skills of those working in the industry. These survivors just take whatever it is provided on the market with the skills and education they got (seeing reflecting professional experience of Mrs Social for instance). The ambiguous ways of the community in seeing the issue, between permissive and intolerant reflected from the dialogue, different conception in seeing prostitution can make religious believes, to some extent, are adjusted for real live needs. At the same time, interrelationship between market and community are basically based on supply and demand regarding prostitutes and kinds of services offer. Demands for young prostitutes, as an instance, influence supply of young girls to meet the demands. The state policy on the issue tries to meet intolerant community groups to totally ban prostitution and the underground sex industry as apparently one of the results since demand-supply for sexual service is still in existence. Parties involved with this business just need to find a way to get away with the criminalisation penalty.

March et.al (1999, p. 108), in the key institutions and their relations (see Figure 8) describes this kind of circumstance as off-balance apportioning as regard to resources and responsibilities sometimes happens when some of the institutions are biased. The following narrative dialogue will show how biased institutions then have a propensity to endorse and legitimise the off-balance apportioning through sort of practical guidance so as to root their advantaged position.

Riswanda: May I know how long have you been in Majelis Ulama Indonesia (MUI)/ The Indonesian Ulama Council (IUC)?

Mr Haji Besar (pseudonym): I have been a general secretary for two periods, 10 years. [Mr Haji Besar is a respected senior Muslim Scholar].

Riswanda: In your opinion as a MUI leader, is prostitution a main problem in Bandung or Indonesia in general?

Mr Haji Besar: In Bandung, the main policy goal is to make Bandung a religious city. There are some indicators to be a religious city. One of the indicators is free from prostitution. Before the policy was out [implemented], there was a localisation called Saritem. And to create a religious city, Saritem was closed. After that, it's converted into mosque... and there was even an Islamic school built there. But, I see that it's not really effective, because the spirit was only to close the localisation and not followed by the will to counsel. After prostitutes were stopped [to provide service] in the localisation, they should be counselled. And it was useless that the place was shut down, and prostitutes were told to go. When they got out from the place, they went to other places to sell themselves. So, what's needed is counselling. The counselling should be multidimensional, not only religious counselling, but also economical, and social. Clearly, religion is the most important one. There's an Islamic school built there, but the school doesn't answer the remaining problem [of prostitution]. So, it's just like an Islamic school in general. So, it's inappropriate. So, when the place is closed, prostitutes work in hidden places, in hotels. To handle prostitution, all elements should be involved, not only by a religious leader or religious institution, but it should be all of them. Because most of the prostitution practice is caused mainly because of economic reasons, broken home, broken marriage; most of them are divorced. So that's why all of the dimensions should be considered. When the City Major came with a statement to transform Bandung to be a religious city, MUI gave its full support

Riswanda: Is there any binding rule?

Mr Haji Besar: Something that is clear in front of Islam law shouldn't be made the binding rule. Prostitution is clearly stated in Koran; "Don't you come close to prostitution." So, not even being close to prostitution is allowed, not to mention doing it. Because it's a bad deed, the most evil deed, the worst path of life. So, don't ask about the binding rule about something that has a clear law. The binding rule is made upon something that is not clear enough according to Islamic law.

Riswanda: In your opinion, what is the best solution to handle those who have economical problem, broken home, divorce?

Mr Haji Besar: Indeed, this is a complex problem. In the economic sector, for example, when a prostitute is willing to stop, she has to be directed and this is the government's responsibility. What is her tendency, what is her skill? For example, if she is good in doing business, then she should be directed to do that. And she should be given the capital. Don't only give training but there's no capital given. So, this is government's duty. If she can make clothes, she should be trained to be a tailor and given the capital.

Riswanda: So, they should be supported?

Mr Haji Besar: Yes, and after the program's running, they should be kept on to be monitored and counselled. So, monitoring should always be done from the related department, such as social department. 'A' has left the rehabilitation program and she wants to run a business. Where is her business, where does she live? It should be monitored. Is it once in two weeks, or once a week from the related department to make the progress report? It's the government's duty. It's okay to ask the community to help, to organise, but still it is the government who has the main control. What I see in reality is it [the controlling] doesn't go that far. Just to stop the localisation [shutting down brothels]. It is impossible without counselling. I don't agree with the current argument of punishing people who partake in the sex service. It's unacceptable. That kind of argument doesn't solve the problem. I think they are all the same. If a user cannot find prostitutes, he will stop looking eventually. Often, men are given attention. There are those who are called "hidung belang" (lady-killer), they are user, right? If there are no prostitutes offering the service, they won't be able to get one. That's why counselling is not only conducted for prostitutes, but also for those men. Besides all of that, law enforcement becomes the main tool because there is a local regulation about this. So violators should get punishment according to law.

Riswanda: the one with K3 (public order, cleanliness, and beauty)?

Mr Haji Besar: Yes, that one. If the regulation is effectively enforced, in many months a sweeping operation is conducted, and then violators are caught and legal sanctions imposed; I believe there is a deterrent effect. The problem is there is no sweeping. I heard that there is no execution of the legal sanction; the execution is even done secretly. Prostitution is a big issue in the community...because the effect of prostitution has a bad impact on people's lives in the community, namely the spreading of disease, [the declining of] morality.

Riswanda: How about people's opinions back in the 60s or 70s - did they tend to allow it or were they against it?

Mr Haji Besar: I see that the religious attitude in society today is getting more and more permissive... compromising. So, when they are asked about the phenomenon [prostitution], most of them will say just let it be, those prostitutes will have to bear their own sin, their own risk. That's a permissive attitude. In my opinion, not to mention as a Muslim, it shouldn't be like that. They have to do all they

can to refuse bad deeds. In Islam, there's a duty of delivering good deeds, such as asking them to pray or giving advice, and preventing bad deeds. About the latter, there's a hadith [saying of Prophet Muhammad], he said "whoever see a bad deed, then he should prevent it with his own hand." What is meant by his hand is to do some action, with a concrete effort. If he couldn't do it with his hand, do by saying with his tongue. If he couldn't do it, do it with his heart, praying, but with a note, if someone only refuses bad deed with his heart. It's a sign of the weakest faith. So, if there is a phenomenon of permissive society regarding bad deeds, it's because people have a degraded level of faith. So, it's another factor, why they are permissive, have low levels of faith. That's another problem to be discussed. One of the reasons why it happens is the globalisation that can change a Muslim's mindset to be permissive. But that's another problem that can be discussed at length.

Riswanda: For Muhammadiyah or MUI itself, is there any special program for children or women who work as prostitutes?

Mr Haji Besar: There is one. MUI deploys "Ustad" (Muslim missionary) to prostitution places. MUI also works together with the government. If the government is holding a sweeping in prostitution, MUI is always asked to come. MUI also participates in sweepings of alcohol, gambling. Then, when they will destroy the evidence of alcohol, drugs in the police department, MUI is always present. I also become a regular source in many upgrading programs for drug, HIV, gambling, the social ills. In the police department, when they conduct a counselling program, one of the sources used is us. Not to mention in the local government, in the Narcotics Department, I actively become the source, trainer. We work together.

Riswanda So, MUI basically covers them all?

Mr Haji Besar: Yes, because the members of MUI come from community organisations. So, when MUI needs their help, I just communicate with Muhammadiyah. I am [also] the official of this Islamic organisation. And those who come from other Islamic organisations will talk to their organisation, such as NU and Persis. So, talking about the program, we have one, and we have conducted it concretely. The question is why are there a lot of programs but the problem still remains, never ending? Prostitution keeps developing, also drugs. Isn't it incredible, West Java. Bandung has the highest level of HIV. Perhaps we will ask why. Just like I've mentioned before, the community has been very permissive. And the offer to do bad deeds is far more intense than ... So, it's the offer [supply]. Just see... I like to observe about the sexual abuse that happened to junior high school students, underage. Why is that? They are influenced more after they watched porn videos, found on internet. In this exact time, we can easily connect to internet, or google. Children today ask Google more than their parents. That's what I meant by saying the offer of doing a bad deed is more intense.

Riswanda: And that's easy to access.

Mr Haji Besar: So, the challenge of dakwah (spreading Islamic values) is amazing.

Riswanda: I want to ask, before you worked in MUI or in Muhammadiyah, did you have the same opinion about prostitution?

Mr Haji Besar: Just the same...

Riswanda: Are you willing to involve directly in the counselling? Or have you been involved?

Mr Haji Besar: I have. When I was involved with Saritem, I was a member of Regional Legislative Assembly of Bandung city ... even [to give] the immunisation of prostitutes...I participated because I was in Commission E. Commission E handles religious issues. I still remember, back then the head of Health Department was quite religious, when we were about to go to Saritem, we had a conversation. He asked me. I teased him. I said he made a sin and he had to be responsible to the spread of the prostitutes. He asked why? I said that he's the one who did the immunisations. By getting immunised, prostitutes become healthy. By being healthy, they would keep on working as prostitutes. I said it's just the same as giving them the way for the life of prostitution. I still remember when I went this block [of tacitly accepted red-light districts], that block, I entered each room in Saritem. I asked them where they came from. There were those who came from Kuningan city, from Majalengka, Indramayu. What's interesting in Saritem was that there were some who said that in Saritem, even though they worked as prostitutes, if the time for pray had come, they prayed. There was even an MTQ [the competition of reciting Koran] in the month of Mulud [month when Prophet Muhammad was born]. I was accompanied by the leader of the neighbourhood. I asked what kind of counselling had the local government made and he said there was even MTQ held here. But that's inappropriate in my opinion, because it mixed the bad deed and good deed. I gave the prostitutes a warning, if they didn't quit prostituting and they kept holding an MTQ, they were sinners. That's confounding. Koran says don't ever confound the bad and good deeds. So, when they proudly said that they were reciters, I said to them that they wouldn't get pahala (reward from God), angels would be angrier to you. Don't ever mock Koran.

Riswanda: It means that she knows about the rule (of being prostitute) but they still do it?

Mr Haji Besar: So, I asked them why they could read Koran beautifully, but worked in this field. They said they had broken marriages. There was also one who said that she wanted to make her parents happy in the village and she was thankful that she could afford to buy rice field, or buffalo, and her parents took care of it. That's the economical factor. Economy and broken home. Broken home... in West Java, there are a lot of cases of underage marriage, just like one committed by Garut city Regent. If the girl involved in the marriage didn't get counselling after this happened, she could be ... even though she would probably be in a different class. So, whose duty is it? It's the government's, MUI, Islamic organisations'. Furthermore, it's been regulated in Act no. 1 1974, that underage marriage is not allowed. For men, at least, they should be 19 years old, and women 16 years old to be able to get married. Now, a lot of those who are under 16 [get married].

Riswanda: about siri marriage [a marriage which is valid through Islamic law but not registered to state registrar], related to prostitution. What do you think about that?

Mr Haji Besar: It's not siri marriage, it's contractual marriage. Actually, in Islam there is no such thing as siri marriage. Any marriage is the same, it's only in Indonesia (the terminology of siri), and it means getting married secretly and not being registered in the state registrar. According to Islamic law, the marriage is valid because the requirements to get married are fulfilled, there are the woman's guardian, witness, dowry, husband and wife to be, but the marriage is not registered to state registrar. In the Marriage Act, every marriage should be registered. The siri marriage is like the case in Garut. In my opinion, even though it is valid according to Islamic law, but in the case of Garut's Regent, he was still mistaken, not to mention that he was a public official, he violated the ethic and state regulations all at once. In Puncak, it's contractual marriage. Rumour has it that Arabian people come there during their holiday season, for a month, and they get married with local girls.

Riswanda: Is it still happening?

Mr Haji Besar Yes, but I heard it's not as common as the months or years before. That's a contractual marriage. I think it's obviously prohibited because even though the requirements of a marriage ceremony in Islam are fulfilled, there's a more important factor, which is the violation of the marriage intention. In Islam, marriage is not only done to fulfil sexual needs, it's just one of them. The aim of marriage is to build a good marriage life, and then have children. And from these children, we have the will to build our nation, country, to continue our Prophet's "*risalah*" [message], to give a sermon. So, for a contractual marriage, the people involved are only married for one or two months with an agreement of not having children. It's easy not to have children. After one month, they get divorced. That's what violates the Islamic law. So, it can be said, about hidden prostitution. Just imagine, they only get married for one month, after that they separate. And then, another man comes, with another contractual marriage. It's just the same (with prostitution).

A way to redefine the boundaries of prostitution policy is by expanding ways to understand the issue, whilst investigating the human aspects of the problem over and above the technical aspects of the policy implementation. In agreement with Churchman (1994), expanding options of a policy decision can be made through encompassing at least a stakeholder or a group that can act as an opponent of the decision or of the policy action. In making an appropriate policy decision, Churchman (1994) is in similar opinion with Chambers (1983,1997), 'putting the last first' to use Chamber's phrase, is about continually asking whom are most often excluded and

whom are over-included in making a policy decision on an issue. People who are unlikely involved in the decision may provide a worth insights into the decision.

Recently, prostitution in Indonesia represents systemic problems having to do with urbanisation, social class and gender position (see Riswanda 2008, ILO 2002, UNIFEM 2002). Indonesian policy attitude with regards to legal problem of the issue has always been remarked by the effort of opposing the practice as shown by statements in the country's penal codes. However, the growths of the industry remain high of the economic crisis. Rising concerns about prostitution are pointed towards a broader atmosphere of gender anxiety and gross violations of human rights (*Komnas Perempuan/ Indonesia's National Commission on Violence against Women 2002*).

Some Indonesian non-government activists and public policy practitioners believed that the economic crisis might lead to social disorder. Incapable to have a handle on the immensity of the country's economic difficulty, they often translated them into gender issues instead<sup>1</sup>. As a consequence, images of side-lined women occupy the crisis-era policy making design influencing government policy and action and shaping employment and social welfare options. The images created influence not only for prostituted people as can be seen in Women Social Rehabilitation Centres, but for a much broader group of women such as women dealing with domestic violent and women dealing with law problems given the current programs run by the Indonesian Ministry of Woman Empowerment and Child Protection.

Despite the woman related programs mentioned formerly, prostitution, in particular, remains to be a topic of widespread comment and concern. Critics drew a straight association between increasing joblessness and the rising scale of prostitution

industry. The industry now seems to leave the old localisations as the famously known Indonesian tacitly accepted red light district areas or prostitution tolerated zones.

A senior official of West Java Social Department, known as its establishment of *Balai Karya Wanita/ Women Social Rehab Centre*, stated that prostitution is on the increase in their province. They claimed that most women are becoming prostitutes since more legitimate jobs were unavailable. The Department's policy reports (1972-2012) summarised that women living in urban areas within the province are at greater risk than women living in more regional areas for becoming prostitutes. Not only are rural living women more economically and educationally helpless, the breakdown of traditional family constraints and the magnetism of growing urban (adult) entertainment industries are on the blame for the alternative income earnings among the lack of legitimate jobs for many rural living women. Lack of skills and education have driven the women's economic motives to enter the actual prostitution-risk business in urban areas, facade by generally known business establishments such as karaoke, massage parlours, men's health spas, night clubs, and such.

### **6.3 Drawing the line to clearly demarcate the protection and rights of young people**

The rights of young people are clearly demarcated in policy in terms of Child Welfare. Children are future citizens. No space for contextualism can justify their exploitation (McLeod and MacIntyre 2007) and no contextual analysis can justify their being placed within the industry. They cannot make informed decisions.

#### **6.4 Contextualism and policy to protect service providers and to extend their life chances through capacity building and voice**

The contextual approach considers the consequences of working within the prostitution industry are regulated in ways that minimise the risks to adult service providers and to control the service users to minimise criminal acts.

The contextual approach is a pragmatic approach in saying what can we do in order to ensure the consequences of working within the prostitution industry are regulated in ways that minimise the risks to the service providers and to control the service users to minimise criminal acts.

In Indonesia, prostitution industry commodifies the prostitutes for the benefits of particular people who employ them. In some cases, parents can commodify their own children to work as prostitutes. However, knowing the fact that the commodification happens is bounded by the understanding that prostitution has to be viewed as a whole. This means viewing the phenomenon according to both the facts and where the people within the industry came from. The standpoints with respect to the approach to cope with the issue thus become dependent on the context.

The socio economic context surrounding the prostitution industry in Indonesia has created community initiated approach to the issue by governing the industry regardless of what the local law says. The community initiated approach can be seen...

The following quotes come from one of my in-depth interviews with Pak Haji {pseudonym} a neighbourhood community leader who has 12 years lived experience in dealing with prostitution in Saritem<sup>41</sup>. The in-depth interview will be brought together with another in-depth interview done with Pak Kyai (pseudonym), a religious leader who run a religious centre in the middle of a prostitution complex. Pak Kyai also has years of lived experience coping with prostitution. During his four periods of leadership, the directly-elected community leader has valuable insights in representing the voice of people who are surviving through prostitution. People like Pak Haji and Pak Kyai are among few people in the neighbourhood without profiting from the industry in terms of income earnings. Their perspectives in seeing the issue are non-judgmental. As a result of being born in the neighbourhood, they have witnessed how life as prostitutes does go hand-in-hand with raising a family, and how religious activities can be understood in different ways among people in the industry.

The following narrative dialogue will show mixed values and assumptions shaping the way prostitution issue is constructed. It may reflect valuable assumption, values and emotions of people have lived experience with the industry. The dialogue aims to provide systemic insights of the industry on how conflicting social realities influence the way government make up a policy response to the issue and the way society either accept or reject it.

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<sup>41</sup>Saritem is a well-known tacitly accepted brothel houses complex called 'localisation' in Bandung. The complex is located side-by-side with community neighbourhoods, religious centre and police station for more than a century. Saritem is not literally a brothel complex since the location blends in with local community neighbourhoods. Saritem can be an example of how prostitution is treated by the community generally, and how the local government policy response can be in fact irresponsible to the actual needs of the people who are the receiving ends of the policy. Saritem can also be an illustration of how then community-initiated regulation replaces the irresponsible policy response, by the use of social control, in governing tacitly accepted prostitution industry.



Pak Haji (pseudonym): we have had regulations restricting and limiting outsider [prostitutes] to come here to work. If the permit were given to them, they have to have their parents' approval to work here as prostitutes...people who want to work here as prostitutes come with their parents, accompanied by their own parents! [The interviewee was showing his concern about some parents who use their daughters as a source of income by telling them to work as prostitutes]

Riswanda: Were there some who came here accompanied by their husbands?

Pak Haji: No, I have never experienced that here. If there were some husbands accompanying [handed over] their wives [to work as prostitutes], I would never allow them, I would have been uncompromising, but in fact many were like that out there...but not here [by the tone the interviewer wants to emphasise "this is the line in my place"]

Riswanda: I have heard from Satpol PP [Public Order Officials] <sup>42</sup> that it is hard to catch the prostitutes on the street where they transact, because they are picked up by their husband, and when they are asked to show their marriage document, they have the document. So, in that case...it means that their husband allowed and ordered the wives to work as prostitutes...?

Pak Haji: That's why I always asked for their marriage documents, but in case of singles, they usually were the victims of love. I'm a hard person, if some of them were accompanied by their husbands, I would be very angry with the husbands, but I couldn't do anything to their parents...Such heartless parents, due to economic reasons they have the heart to let their daughters become prostitutes [with a grieved facial expression, Pak Haji shook his head having to accept the fact that some parents do lure their own daughters in the industry. This fact goes beyond his capacity as a socio-religious leader. He then continued his life-time story with a deeply afflicted tone]. Moreover there were parents who came here just to take their daughters' money from their hard work as prostitutes. Even parents who came here to take the money from their jobs as prostitutes...just like they blackmailed their own daughters...I've asked them [prostitutes in Saritem], where did their money go, they said every time they went home, their parents took their money. Most of the parents are drinkers and gamblers, so they use their daughter's money for alcohol and gambling.

The above dialogue may reflect what Douglas (1996) theorised as sacred and profane; purity and pollution. The concept of taboo, she claimed is significantly affected by society's grouping of order and disorder, accompanied by external and internal boundaries. This often leads to the creation of 'symbolic boundaries' according to Douglas. Practice of prostitution is outside the bounds of (commonly) acceptable behaviour in Indonesia, particularly unacceptable for some people who live within and who uphold the boundary of moral order. For these people, the practice is a pollution

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<sup>42</sup>This information comes from my other in-depth interviews with some Public Order Officers who do sweeping operations to battle street prostitution and raids to hotels, motels, boarding houses they suspect as places used for prostitution. Every time I had new information regarding the current practice of the prostitution industry from a key informant, I always try to confirm this to another key informant with a different organisation or mainstream. The aim is to both knowing the actual facts and then confirming them to people with different "hats" or who might have different perspective about the facts. The in-depth interview allows me to create open, relax and honest atmosphere for the key informants to share their stories and experiences. During this kind of situation, where informants are keen to spend their times sharing their experience and knowledge on the issue, one interview session can take all day long with few breaks for coffee or meals. During the breaks I take the opportunity to dig out more information from them whilst taking field notes. In the breaks conversation, where no recording is taken, some informants can come up with information or stories they prefer not to be recorded due to the informants' concerns of the sensitive nature of prostitution problem for some people involved in the industry. In analysing this kind of information on the thesis, I rely on field notes.

and disgust. This is against those who are saying that in actual fact prostitution is an industry and it is high time that prostitution could be properly regulated.

The above narrative dialogue aims to show how prostitution is often normalised to the extent where certain areas, locations or entertainment complexes are known to provide sex service, though the service is not offered openly in some venues. To some extent, prostitution is tolerated within the Indonesian urban community where people are more individual one another and job employment is highly competitive. Prostitutes mentioned in the following dialogue are in many cases young girls who trade sex for food, protection, income to send to their family in rural areas, and for few it is to support the lifestyle they cannot actually afford. The complex nature of the industry has created differing views of prostitution from saying “not in my backyard” to disgraceful behaviour to people have rights to safe working environment.

### **6.5 Gray areas of policy and complicity**

To a large extent, complicity helps to support in Indonesian prostitution industry. The complicity here is defined as the reality of being involved with others in a prostitution activity or a sex commerce that is officially criminalised or commonly perceived as immoral. In the case of Indonesian prostitution, complicity works like this. All those with a particular interest or involvement in an activity related to prostitution business, mainly people hoping to get earnings or profits out of the business, in turn, become entangled into the rhetoric of the prostitution itself. This is a situation when they may not want to be involved with in a different case. As times goes by, these people would be likely to believe in everything that is going on within the business. This including,

for many instances, the degree of toleration of prostitution as just a normal happening for the sake of differing individual excuses.

When the complicit situation then goes on for a long period of time, people lured in the situation would likely to start to believe that they are doing the reasonable thing as they feeling the earnings they have from the prostitution business, and also likely to start to believe in the commodification of the prostituted people they actually taking benefits of as “normal”.

Their ability to see the sexual exploitation of people that actually make the earnings by selling their body, including the moral-religious values that used to be attached to it has been compromised

From the government side, on the other hand, when personal benefits are involved, dishonesty may happen as a consequence. The complicity of law enforcers, individuals, families and business entities, particular groups of the society with the prostitution industry, driven by the intention of earnings income, has made the policy response to the issue create another interrelated problem.

**Table 15: neighbourhood community organisation document**

Status of involvement	Sex		Age <sup>43</sup>				Place of origin	
	M	F	0-5	6-18	19-60	>60	Urban	Rural
“ <i>Penanggungjawab</i> ” / pimps	4	1			1		5	
“ <i>pengasuh</i> ”/ recruiter middle man	9	3			12		11	1
“ <i>Anak asuh</i> ”/ prostitute		179		65	110	4	15	164
<b>Total</b>	13	183		65	13	4	31	165

Source: data extracted from documents of Saritem community neighbourhood organisation 2012-2013.

The above data and the way the neighbourhood community organise them into sorts of documents that can speak for legality are paradox with the social departments data that clearly have legal entity.

The above data and the way the neighbourhood community organise them into sorts of documents that can speak for legality are paradox with the social departments data that clearly have legal entity.

A report by The Centre of Women Social Rehabilitation, West Java Department of Social affairs (2010, pp. 5-6) reveals one’s motivational background to enter the industry. Economic reason is on the top answer as to why prostitutes do the “jobs”, implying Neediness seems to be the dominant leading factor of entering:

<sup>43</sup>This age categorisation is based on category used by the Indonesian Ministry of Social affairs in categorising people as receivers of social support programs from the government. One of the policy documents using the categorisation, for instance, is when the government categorise numbers of people listed as victims of human trafficking.

**Table 16: Reasons for choosing work as prostitutes**

NO	What is to be achieved while working as prostitutes	Numbers of prostitutes
1	Earning income	44
2	Forgetting the past	22
3	Looking for love	15
4	Looking for someone who can look after	11
5	Looking for sexual satisfaction	6
6	Do not know what	2
	Total	100

NO	Motivations to work as prostitutes	Number of prostitutes
	Personal motivation	
1	Poor economic situation	37
2	Low education	10
3	Low [working] skills	23
4	Broken marriage / divorce	15
5	Lonely	8
6	Not happy with sexual relationship	5
7	For fun/ sexual addiction	4
8	Other factors	-
	Total	100
	Motivation coming from other people	
1	Family economic pressures	57
2	Hurt by husband	22
3	Taken by friends of the same rural/ urban areas	11
4	Hurt by relatives	3
5	Hurt by boyfriends	4
6	Had no idea of being taken to prostitution	1
7	Hurt by parents	1
8	Rape victims	1
9	Others factors	-
	Total	100

Source: The Centre of Women Social Rehabilitation 2010, Program Annual Report 2009-2010, West Java Department of Social affairs, pp. 5-6

Nevertheless, the government report reflects a never-effort to make a distinction between those who choose to enter the industry and those who are enforced to enter it. But paradoxically both groups are penalised.

In a localisation like Saritem', prostitution benefits not just the service providers but also people who live around the area. People who rely their source of income from selling foods, drinks and small daily essentials products within the neighbourhoods

and around the localisation areas are ready to fight for Saritem. Apart from the negative label attached to it, some people actually enter the industry for an alternative way of making money. In Indonesia, different interests groups have differing values and assumptions regarding prostitutes and prostitution. This difference forms the way each group defines prostitution as public or social problem. In turn, the difference also forms the way the policy responses are interpreted. Differing interpretations are obvious in the way different groups execute the policy. This research analyse the similarities and overlaps of the differing and often conflicting values and assumptions with respect to prostitution in Indonesia. The analysis is expected to inform the policy making literacy concerning the issue.

There are three main arguments that can be advanced as critical reflections of typology (2):

Argument1: Stakeholders' understanding of the given socio-economic circumstances shape the way they perceive prostitution as a public issue, which then affects they accept or reject a policy response to prostitution

Argument 2: People who have live experiences regarding the issue have contesting social realities in seeing the issue of prostitution.

Argument3: Bottom-up policy making approach would work better than top-down approach in addressing prostitution issue in Indonesia.

### Picture 8: Tacitly accepted practice of prostitution



Source of pictures: fieldwork observation (Riswanda 2012-2013)

Many prostitution businesses in Indonesian regional areas operate in common residential areas. The building with the green painted wall (picture on the left hand side), for instance, operates as a brothel house at particularly afternoon to night time. The next building, the building across to it, and even the second floor of the green painted building are common residence home of families with children and youth ages 0-17. Some of them have been operating for decades. The majority of the people living in the residential areas tacitly accepted the business both as part of their neighbourhood histories and sources of living income for some. The three pictures above shows one of the areas mentioned formerly. For some natives of the areas, prostitution practice there has been running since the time of their grandparents and great grandparents. While nearly all of the sex service providers are not native of the neighbourhood, many of the people living in the neighbourhood rely their income, for example, from renting their place to use for other to operate the business, selling foods (picture in the middle) ,and fishing pond. Earnings they make are really dependent on numbers of people visiting the areas. The prostitution business clearly attracts people to come to the area. In areas like this (widely known as 'localisations'), the service

users have few concerns about raids or 'sweeping operations' by law enforcers since they would usually be told by the people in the neighbourhood when religious restriction or raids are to take place.

**Picture 9: Discourse of ambiguous policy strategy**



Source of pictures: fieldwork observation (Riswanda 2012-2013)

As part of the policy strategy to reduce the numbers of brothel houses in Indonesia, some local governments developed a religious centre. The idea is to bring in the religious atmosphere to the complex. The strategy may appear unusual, but the centre is authorised by some local governments. Gedung Asrama Santri Putri Pondok Pesantren Dar Al-Taubah/ Female Boarding House-Islamic Religious Centre Dar Al-Taubah (picture on the left hand side) was inaugurated by the former Governor of West Java Province. Having seen the word female used on board, the intention is clear.

The second typical groups reflect ambivalence attitude saying prostitution is a given phenomenon or a day-to-day reality for some. According to this view, the remaining task is for us to find a way to manage it as long as it is not operating in certain religious restricted areas, events or times. Those within this view are likely to be pragmatist in



saying that prostitution is an industry that needs to be faced up to. One of the key concerns for the pragmatists-contextual is that to make sure that the prostituted people are safe, in terms of abuse by pimps and by users who seek for under age prostitution. A key concern voiced by parents is that by having separate areas it could help to prevent young people from being exposed to the risks or temptations of the industry and the illicit nature of the environment. The idea of establishing “pesantren” at the heart of Saritem according to my dialogue with Pak Haji and Pak Kyai was in order to save the children’s future and to provide opportunities for education and another way of life. In the words of the community and religious leader: ‘if we cannot save their mothers from selling their bodies in prostitution, we can at least save their children’. Whilst emphasising the teachings of the Koran based on Islamic values, “pesantren” also gives formal education during the day. “Pesantren” can be said to provide a semi-formal education that is mostly organised by religious leaders with the support of the local community where it is located.

## **6.6 How complicity plays out**

In the industry, there are people who benefit from regulations being slippery. By law, many groups of people are involved not just those labelled as prostitutes, but also those who benefit from their commodification.

Those within the third typology of the continuum of standpoints, namely tolerance critique the approach. What follows will show narrative dialogue with two different key participants that typify tolerance attitude towards regulating the industry based on concerns of human rights of the marginalised prostitutes:

Riswanda: do you think the existing policy [on prostitution] is adequate?

Mr Betawi (pseudonym)<sup>44</sup>: I don't think the existing policies are enough...because if it were just through human trafficking policy ...prostitution is a complex issue...those entering prostitution can be driven by human trading...or because they are traded and there are social aspects...people see prostitution as a social disease...especially by the time we close down the localisation [designated brothels/ tolerated areas for prostitution/ brothel complex]...there are some places [localisations] closed down in Jakarta, so now prostitution is spread everywhere else...when it was conducted in localisations only, some particular people have access to prostitution...now everyone has access to it [prostitution]...it is everywhere...even young people or teenagers have access to or enjoy prostitution...connect to prostitution...either enjoy the sex with prostitutes or work as prostitutes...it becomes a particular problem nowadays...so if the policy intervention is just trafficking policy...it is not enough or adequate...because human trafficking policy is handling human trading not just for prostitution but lately even more for human organ trading...

Riswanda: Do you think the existing policy pertaining to prostitution should be changed? What is the approach of your organisation to the legal approach on prostitution?

Mr Betawi: I don't know the ideal policy on prostitution but all I know is that prostitution exists along with human civilisation...so the way to cope with it is to localise them...for example, in Genting Island, Malaysia...they localise prostitution and gambling there...aiming at restricting who can access the place...and there should be a sanction either legally or socially...social sanction like feeling shame to access to place if we localise prostitution...meanwhile a policy should be targeting the practice of prostitution on streets or camouflaged by massage parlours, and hidden practice in hotel rooms and such...so I think all this must go hand in hand ...must go together with the regulations of localisation policy...also, law enforcement to users and providers of prostitution outside the designated areas must be executed at the same time....

But I don't say this is an end goal in coping with prostitution...there should be follow up actions after the localisation or the normalisation policy...this is just to minimise the negative effects that may come from prostitution...the end goal is the eradication of prostitution ....prostitution harms the young generations ...harms everything...

In many ways, this study argues that religious-moral stakeholders among policy thinkers and executors, pressures groups of the community, NGOs in Indonesia, would support the Swedish approach. In some respects, some of Indonesian brothels are tolerated and some are regarded as more unacceptable. Mainly all the stakeholders or service providers of the Indonesian prostitution policy may have never heard of the Swedish approach, but they would be talking about some aspects that are closer to or a bit more like the Swedish approach, which say that the users and profiteers are only to be criminalised.

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<sup>44</sup> Mr Betawi describes himself as a policy formulators dealing with the issue of women's empowerment and child protection. With an overseas Master Degree in Development Studies, Mr Betawi is a high ranking official responsible for coordinating and recapitulating result of program implementation of units in the Ministry where he is assigned. Before taking on his current position, Mr Betawi was working for Indonesian Department of Religious Affairs by which he also describes himself as an intellectual-religious person.

The following narrative interview will show how the above phenomenon links to some aspects of the Swedish approach. In Indonesia, most commonly the criminalisation of everyone involved in prostitution is above the line but in actual fact the users nearly always get off scot free because many of them have got money and they are powerful. On the other hand, the providers (the prostitutes) who are poor and vulnerable, who comprise the majority of people are the ones who are penalised and 'locked up' in institutions. Sometimes the providers who are powerful are complicit with some particular people in authority because then they are able to ensure their business's interests are protected. The majority of people I interviewed with respect to the policy on prostitution in Indonesia would favour officially the complete criminalisation. But some of them understand that the reality makes prostitution inevitable.

Mr Social (pseudonym<sup>45</sup>): I think prostitution should be regulated. By localising or licensing prostitution, we can maintain their health thus the government can better manage public health issues related to prostitution. Another benefit of regulating prostitution is that we can control the activities. As simple as that...

Riswanda: Would you say prostitution has been led by socio-economic factors?

Mr Social: Yes, I think it is economic factor...the main factor...that is obvious. I can tell you an extreme case...I know a teenage community that offers virginity for sale for 5 million rupiahs [AUD500]. These teenagers have their own networks. Some parents are involved in the selling. I can't tell who are they but I know them. Rural areas such as PatokBesi, Karawang, Subang are the main suppliers of this kind of prostitution. The modus is usually via religious institution...a temporary or short marriage as I mentioned before. So there are many ways to camouflage prostitution in Indonesia. According to my experience, the main factors driving people to prostitution are economy. What I can say is that lack of education opportunities make it hard for them to compete in the labour market or, in other words, to get proper jobs. Prostitution then becomes the easiest way to escape poverty. Prostitution can give prostitutes big earnings, but one should keep in mind that 60% of the earnings they get from prostitution are for pimps, security or bribing authorities, rent of places, make up and such. This is based on my own study a couple of years ago. So 60% of the money they get from prostitution service is for the operational expense; 40% of the earning is for them. So prostitution, in my opinion, is the exploitation of economy by the profiteers exclusive of the prostitutes.

I do not talk about religious or moral norms here, OK? We talk about the actual facts happening in our society today...the grounds why I say we need to legalise prostitution. If the government regulates or normalises prostitution, we can solve the problem I mentioned. Say, for example, we close down Saritem [well known tacitly accepted brothel in Bandung]. Prostitutes who work in Saritem are just middle to low class workers. How about the higher class of prostitution, the hidden

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<sup>45</sup> Mr Social is in charge in various types of organisation. Some of them are: the leader of Youth Mosque Community, the executive member of Mosque Communication Board Indonesia, a political leader of Amanat Nasional Party, Program Director of Education Care Forum. As a politician, socio-religious scholar as well as education expert, Mr Social has years of experiences in directly dealing with differing social issues throughout different types of mainstream NGOs. One of them is his lived experience in dealing with prostitution.

population of it? The elite class of prostitute is those who are in the age of 17 to 21 years old...and their existence is hideous. They can operate anywhere outside brothels, people's houses, for instance. The sweeping operations they [the government] do are just arresting prostitutes in their 30s.

I personally deal with the issue. That's why my view on prostitution may be different to other socio-religious leaders. When we carried out the social development programs in some brothels in West Java, I was involved in giving religious consultation to prostitutes in those places. Politically and *de jure*, prostitution is criminalised. So, we cannot really say that government gives authorisation to prostitution activity. It has never been really regulated. No government policies I found either to criminalise or to legalise prostitution in Bandung and West Java. In Jakarta, the government took authorised retribution of the business based on the Governor Decree of Ali Sadikin some decades back. The government Acts related to prostitution are "different" here. There are retributions, yes, but the word retribution in Bandung and its surrounding municipality is "informal" retribution, such as retribution of particular corrupt authorities, retribution for hoodlums and such. So they have their own peculiar systems in the prostitution industry. It does not make sense to me and seems a bit ridiculous to me that the police offices near the brothels do not know the places are still operating or the city major has no idea that people are still running this prostitution business, and more so, public order officials who do sweeping on streets skip brothels like *Saritem*. So, if the government says they are closing down *Saritem*, which is incorrect in terms of administrative paperwork, why? There has never been legal permission for a brothel here. Administratively, the government cancels the permission or legal authorisation of a place or something else if there was a legal permission or authorisation granted overruling the cancellation. You are a public administration expert, brother, Am I wrong?

I have a story about that brothel place...*Saritem*. I was one of the religious leaders who initiated the development of a religious centre at the heart of the brothel complex. The idea based on the idea of gender inequality related to family welfare...At that time, we were doing a project derived on the issue that women have always been the social blameworthy group of the prostitution issue. For example, when the authorities do sweeping operations, the target is women who are on the streets especially after midnight. Why do men never get arrested in the operations? My brother, when we talk about prostitution, there are both sexes involved. There are sellers and buyers of the sexual transaction. Why do Public Order Officials, for instance, never do sweeping operations targeting men who are on the streets after midnight? Why does the government never use the term *laki-laki nakal* [men with immoral or sinful behaviour]? So in my opinion, the policy on prostitution is gender biased. So our socio-culture values here in Indonesia do not stand up for women.

Riswanda: Why do you think people turn to prostitution?

Mr Social: the development of a city or district influences the existence of prostitution. For example, we can see that prostitution places exist more in industrial areas. Cultural factors of some particular urban or rural areas influence the existence. There is a rural area named Gabus Wetan, in South Cianjur; people living there have a social culture that sees prostitution as work...as normal work. Having a daughter, instead of a son, means more money in their culture. So, this issue is more complicated than what the government thinks it is, in my view

Riswanda: In your opinion, what would improve the policy on prostitution? How and why? The law as it stands charges/criminalises prostitutes only. What is your attitude towards de-criminalising the prostitutes and criminalising the clients, pimps, traffickers and those profiting from the prostitution industry?

Mr Social: I think the approach is to end the demand. But...but in Indonesia the approach may face challenges to execute. Here in this country, we recognise religious marriages or getting married outside the law but it is legitimate according to Islam. This is the challenge to criminalise the users of prostitution since there are many ways in Indonesia to camouflage the buying of prostitution. One of them is by what I just said - the government can't just arrest someone who does this. Islam calls it *Mut'ah* or *Nikah Siri* in Bahasa. This is what happens in Gabus Wetan. Some parents "sell" their own daughters to be bought by people who look for this...to justify their quick sexual urge without getting the shame of going to a brothel complex...This is actually a misuse of Islamic value...this kind of way is used by some people who want to be looked as a moral supporter but actually like to partake in immoral behaviour.

Riswanda: How do you think we can resolve this?

Mr Social: When I did the dialogue or consultation programs with prostitutes working in brothels, my team also ran a religious consultation in hidden prostitution places such as massage parlours. We ran a persuasive program with them. One of them is by promoting prayers no matter what you do for a living, in the hope that at best they [the prostitutes] are interested to learn more about Islam

and to know that people like us are here for them to offer a way out...to escape for those wanting to get out of prostitution. We cannot use a coercive approach on the issue of prostitution. My team and I found that the majority of them experience exploitation by pimps, by brothel owners. We also found that most of them got trapped and are getting trapped in the industry by false promises to work in restaurants, entertainment places; these were commonly mentioned by prostitutes I interviewed.

Riswanda: How far can we expect change on the Indonesian policy making on prostitution?

Mr Social: In Indonesia, there is no particular policy on prostitution. That is the biggest problem. I think the policy solution is to legalise or localise prostitution. Then we can at least come up with a proper public policy on the issue. My brother, all this time, Indonesian Religious Boards, Muhammadiyah, Persatuan Islam, Nahdlatul Ulama have their funding from the government. Some of the government funding comes from liquor tax, retribution comes from massage parlours, spas, karaoke and other adult entertainments... The religious parties I mentioned know that. So sometimes the policy solution is also a matter of being honest about the facts.

This issue is politically unpopular. I can say the prostitution issue comes after poverty and corruption issues.

I admire one Governor in Soeharto's administration...Bang Ali Sadikin. The 70s Jakarta Governor. He was a political leader who had the guts to come up with controversial and unpopular political decision. He localised gambling and prostitution. He charged people a lot of money to enter those places. Users were registered...prostitutes were registered. Where do you think Jakarta has the money to build the entire highway?

But the point is the social sanction works when we localise prostitution. People who enter the gates of localisations are those who, I can say, have the guts to be labelled shameful and disgraceful. In this way, I believe we won't see school teenagers consume sexual services as happens nowadays when prostitution is mostly hideous, as the implication of the criminalisation policy. We may be able to control or at best manage this activity. Today, as the criminalisation policy is executed, prostitution is veiled or hidden from public eyes.

I would like to emphasise that the prostitution issue is multifaceted. In this sex commerce, power elites are involved either as users or are backing up providers of the service. This is a loss of government revenue and the loss of social sanction mechanism since prostitution goes underground and uncontrolled. For example, now in Jakarta...post Ali Sadikin's administration, the localisation by the governor decree was cancelled...and now the prostitution issue is getting worse, not only in terms of the rise of the practice but also the spread of HIV/AIDS virus. I have reports noting that many housewives gets AIDS from their husbands who like to have sex with prostitutes.

In 2014, the Indonesian Bureau of Statistic (BPPS 2014) noted numbers of people who live under the poverty line reach 28.28 million (11.25% of the total population).

The poverty driven situation is worsened by the fact that the Indonesian government priority on social welfare development issue remains unhelping for many in needs. A national newspaper stated firmly that '*Anggaran Pendapatan dan Belanja Negara (APBN)*/ National Revenues and Expenditures Budget is not "*prorakyat*"/ pro-people.

The statistic shows the declining attention of government support for social welfare fund during the year period of 2007-2012. The media reports further critiques the lack of 'pro-poor' programs by the Indonesian government in terms of job creation:

Picture 10: National Revenues and Expenditures Budget is not pro-people



Source: Kompas 2013, 'APBN tidak prorakyat', KOMPAS, 6 January, p. 17.

### 6.7 Some examples of the Swedish Model and Embrace Dignity model is already discussed and championed in the Indonesian context

The Swedish model would support the already established role of the Indonesian Social Rehabilitation Centre. By criminalising buyers of the service or 'targeting the demand end of the industry' (Kishan 2014, p. 1), the Centre's function as a legitimate provider in giving counselling and work-skill training service would help prostituted people to really leave the industry. Temptation to get back to the industry is often triggered by remaining high demands for prostitution<sup>46</sup>

<sup>46</sup> Although admitting the fact that prostituted people need to have a different and a more conclusive solution so as to enable them to exit prostitution (Social Departments reports 2012), but the efforts to maintain the exit programs seems to be far less than the effort to sweep prostitutes off the street. Different names used to call the raids on prostitution. The raids are often literally called 'sweeping' by Public Order Officers, while some government departments like to call it "Operasi pemberantasan maksiat"/ Operation against immoral acts or Elimination of places where sins are committed. Other departments prefer to call it "Pemberantasan penyakit sosial masyarakat"/ the eradication of society's

In Indonesia the survival of those in the industry is at stake. Whole communities could lose a way of making ends meet – both the sellers and managers of the industry. Thus making changes towards the Swedish Model and Embrace Dignity model will require systemic transformation alongside the provision of alternative ways of earning a living. A realistic concern is that in the process of criminalising the ‘customers’ – a requirement of the Swedish model—those currently surviving would be hard pressed to find alternatives unless a concerted effort is made across the public, private and NGO sectors, that is to protect vulnerable (women, children and transgender groups ). The question is important to consider regardless of the legitimate prohibition of buying the service as championed by the approach. When the buying is banned, would there be any alternative source of income for such vulnerable groups? The approach of criminalising the customers should be accompanied with policies to protect and compensate those no longer with a way to earn a living.

In many instances, ongoing demand for prostitution is one of the biggest barriers for the Social Rehabilitation Centre to achieve its goal<sup>47</sup>. The 6-months rehabilitation programs cannot guarantee prostituted people to not re-enter the industry. Lack of policy regulations to target the buyers of the service, according to social department

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social disease, wherein the term “penyakit”/ disease here is used similarly with the term “maksiat”/ sinful/ immoral acts.

Regardless the differing use of the term on anti-prostitution raids, the policy attitude reflects the dominant lenses used by the policy decision makers to come up with a response to the issue. The raids seem to be grounded on maintaining given norm that is viewed as the standard of acceptability or appropriateness in the community. Prostituting in any ways according to this view breaches the standard. Proponents of this view are likely to favour normative set of rules to be established in terms of public order and moral religious order.

<sup>47</sup> Rehabilitation is the right response for child protection, but it needs to build capacity and not be seen as a punishment.

officials, is a driving factor that makes many of the people finished their 6-months' time in rehab program re-enter prostitution.

## 6.7 Responsive to human rights

In many instances, gender equality and human rights responsive projects reflect the policy perspective of Swedish model in addressing prostitution. In relation to prostituted people, such non-government related projects work on ensuring that: a) people without choices are protected, ensuring that people are not trafficked; b) protecting those who supposedly choose to be in the industry because they are on age of choice; c) they are able to control their own income and so they can work safely.

**Picture 10: Gender equality and human rights responsive projects**



Source of photos: courtesy of Komisi Penanggulangan AIDS kota Bandung/ Commission for AIDS control of Bandung City and Srikandi Pasundan

It is worth noting that as an NGO promoting equal treatment to transgender individuals. Srikandi Pasundan<sup>48</sup> has never been granted a government approval as a legitimate organisation. Supports instead come from strong international funding such as Aus

<sup>48</sup> For a predominantly Muslim country like Indonesia, it can be said that prostituted people in the country face legal challenges and prejudices that are not experienced by residents who do not work in prostitution. There is a sign of the struggle prostitutes community as shown by public demonstration and the growing development of organisations of sex workers or prostitutes network groups, in which Srikandi Pasundan is one of the most known.



Aid, USAID, and Global fund as shown in the right-hand-side picture where Srikandi Pasundan organised a national meeting of Indonesian transgender groups as shown in the above picture.

**Picture 11: Human rights-based NGOs campaigning the criminalisation of buyers and the decriminalisation of prostituted people**



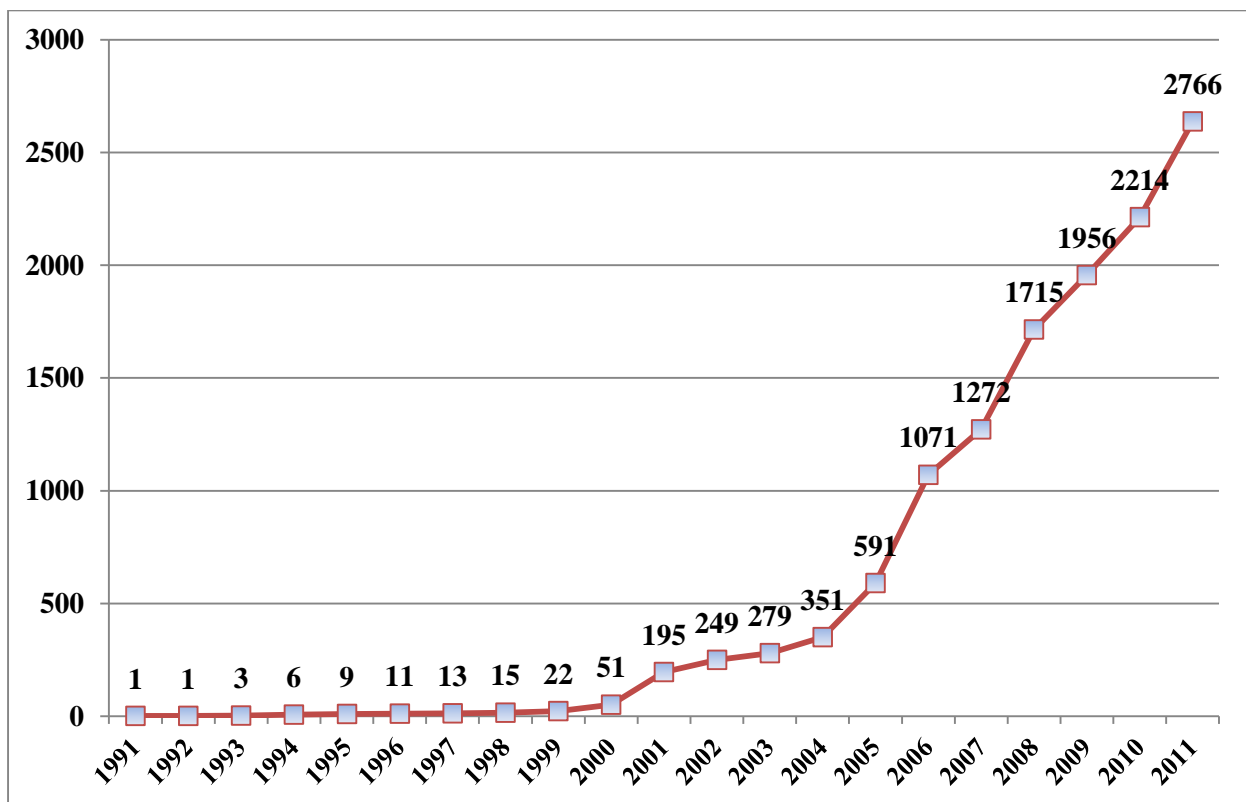
Source: pictures by detikhealth 2012, 'Laki-laki "jajan" seks, anak istri jadi korban HIV/AIDS', detikhealth, 1 December

Indeed, the failure of prevention and countermeasures programs of HIV<sup>49</sup> in Indonesia has attracted many parties, especially those with community-based backgrounds to discuss the legal sanctions on users of prostitution service. Coming along with the increasing numbers of HIV cases among housewives that are claimed to be higher than HIV cases among prostitutes, the idea of giving criminal sanction, later generally campaigned as the 'kriminalisasi pembeli seks' or 'criminalisation of the sex buyers', then triggers pros and cons among socio-community scholars and HIV NGOs activists.

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<sup>49</sup> It is assumed that HIV is extended most often via sexual contact. Concerns thus present on the role of female prostitutes and their customers in the spread of the virus. In the case of Indonesia, Ford et.al (2000) has properly discussed the spread of AIDS and other sexually transmitted diseases (STDs), risk behaviour patterns, and condom use among 3 distinct groups of female prostitutes in Bali, Indonesia. The study came up with a conclusion that prostitution practice contributes to the spread of potent HIV and STDs considerably.

Today, in most provinces, cities and municipalities, prostitution is criminalised but widely tolerated. Attitudes toward prostitution seem to have changed drastically over two major growths. First is the nationally spread of AIDS, which has boosted concern about public health problems created by prostitution. In Bandung particularly, one aspect in the rapid spread of AIDS has been the prostitution industry in which prostitutes with HIV positive transmit disease to a married men and subsequently transmit it to their sexual partners. According to the Indonesian Commission for AIDS reduction in Bandung city, this is shown by the increasing numbers of housewives indicated to have HIV positive along with the raising numbers of prostitutes with HIV positive:



Sources: Documents of Indonesian Commission for AIDS Reduction 2012, 'Cumulative numbers of HIV/AIDS cases in Bandung city from 1991-2011, KPA Kota Bandung, Jawa Barat, Indonesia

The graph shows the escalating numbers of identified HIV/ AIDS cases in Bandung. It is worth noting that the numbers have been escalated significantly in the last 10 years

after the attempt to criminalise prostitution started. Although the AIDS commission has no official evidence to say there is a positive correlation between prostitution and the rising of HIV/AIDS cases, but the document indicated the numbers of house wives with HIV/AIDS are higher (282 cases) compared to prostitutes (122 cases) and children (94 cases). The Vice Chair of the Commission believes this is due to the lack of attention from either the society or the government to the groups at risk, such as prostituted people and the kinds of issues they may bring to the public:

Usually, the doer [user of prostitution service] has partner in the beginning. For example, a married couple having a husband goes to prostitutes regularly, or both of them like to have sex with prostitutes behind the marriage. Or sometimes, the wife does not know that her husband is with HIV. So, the wife will know once they feel sick after being examined [...] It is dilemmatic though. The high-risk groups like 'customer', people who like to spend money for commercial sex workers, they consist of people from various levels. However, they are difficult to reach, so then we reach the sex workers. We've involved the sex workers in many activities, and we also ask them to use condom when they serve the customers. It's difficult since the customer refuse to use condom; but the sex workers need some money to finance her life [...] whether it [prostitution] is legal or not, they still need to use condom [...] prostitution cannot be gone, even though it is hidden. Now we are even able to see prostitution places. Technology is developing, so people can easily access it. Closing prostitution places does not mean it will reduce the number of HIV AIDS (Interview with Dr Senior (pseudonym), 19 January 2013, Vice Chair of Indonesian Commission for AIDS, Bandung)

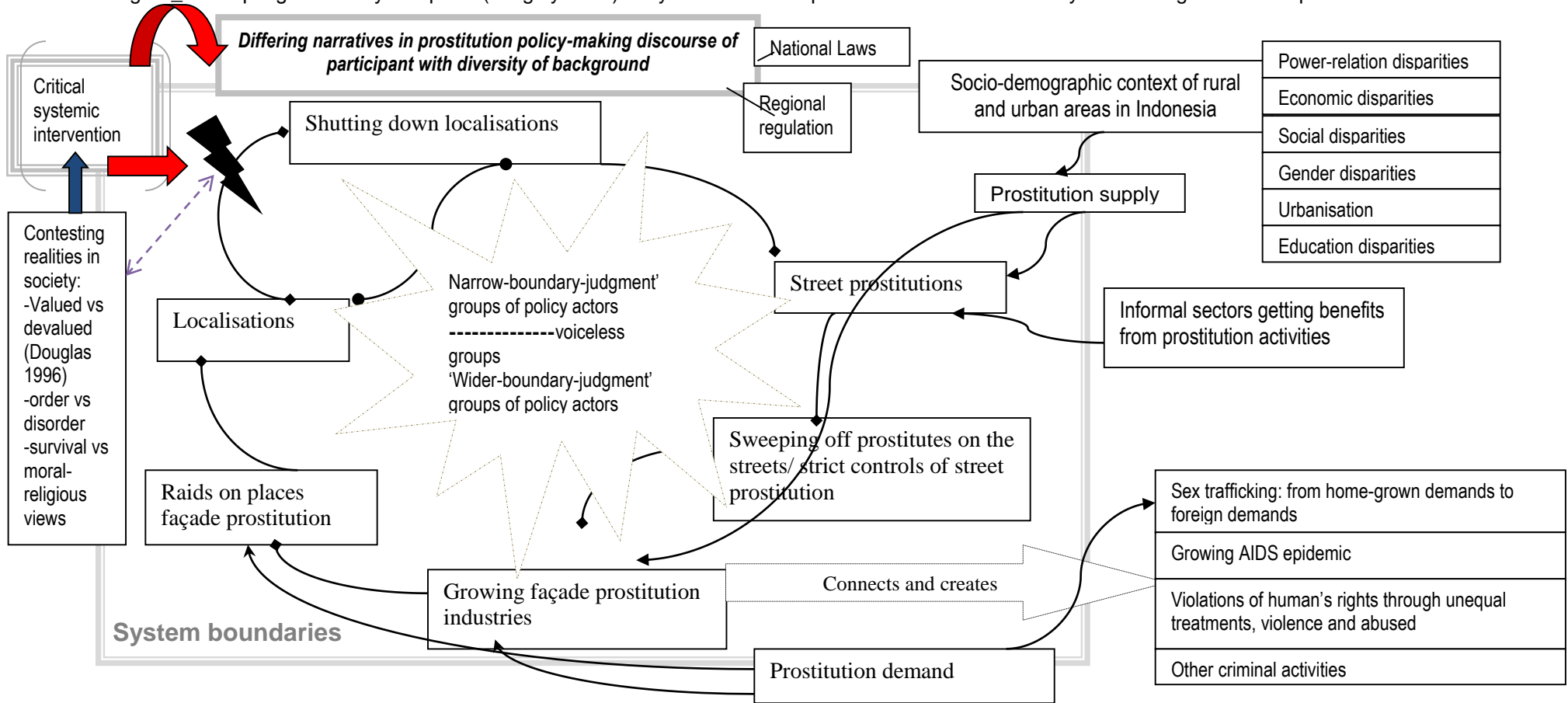
The public health concern pointed out by Dr Senior (pseudonym) shows the importance to see users of prostitution as the ought-to-be target of the policy having seen their powerful position in the sex transaction. Regardless the harming HIV/AIDS she concerns most, her professional experience in directly involve with prostitutes show the criminalisation effort by closing down suspected prostitution places is not a proper policy solution. Prostitution prolongs by demand. Cutting off the demand would potentially be a proper solution of the hidden and open use of prostitution in Indonesia

Differing opinions on the legal sanction that ought to be given to users of the sex service are rooted in two contrasting views of the prostitute itself. The first view comes

from those who see prostitute as 'prostituted women (often called "perempuan yang dilacurkan"/ "pedila"). Such NGOs often critique the ignorance of demand for sexual services and call for assisting victims who have been forced to enter prostitution. Their critiques are mostly grounded on confronting and addressing gender discrimination in policy responses to prostitution that often put vulnerable women as the blameworthy groups. In the long term, this view requires to reform the Indonesian prostitution policy as a means to address the acknowledge prostitution as a form of violence against women and children. This has encouraged some local NGOs to investigate socio-economic gaps and gender inequality in relation to prostitution and to develop public education campaigns.

In terms of Indonesian policy making on prostitution, the different constituents of the policy interact with each other dynamically, as illustrated in figure 8. Lack of coordination among those involved leads to the complexity of the problem. In fact, no effort has been made by any of the constituents to at least sit together and listen to one another.

Figure\_9: Adapting 'boundary critique'<sup>50</sup> (Midgley 2000) to systemic issue of prostitution in Indonesia: a systemic insights into complex realities of the issue



<sup>50</sup> To adapt Midgley (2000, p. 138), 'boundaries are constructs, and may therefore be placed in a variety of different places, bringing forth markedly different "realities"; they are associated with values, in that different values (associated with different ideas of improvement) may result in boundaries being constructed in different places; participation from a variety of stakeholders is important, because different stakeholders may bring different insights to bear [...]

The lightning bolt shows a policy effort with the idea of cutting off (existing) supply, whilst demand of the service remains. The effort creates unending loops of problems where a policy response leads to a new problem over a solution to the old problem.

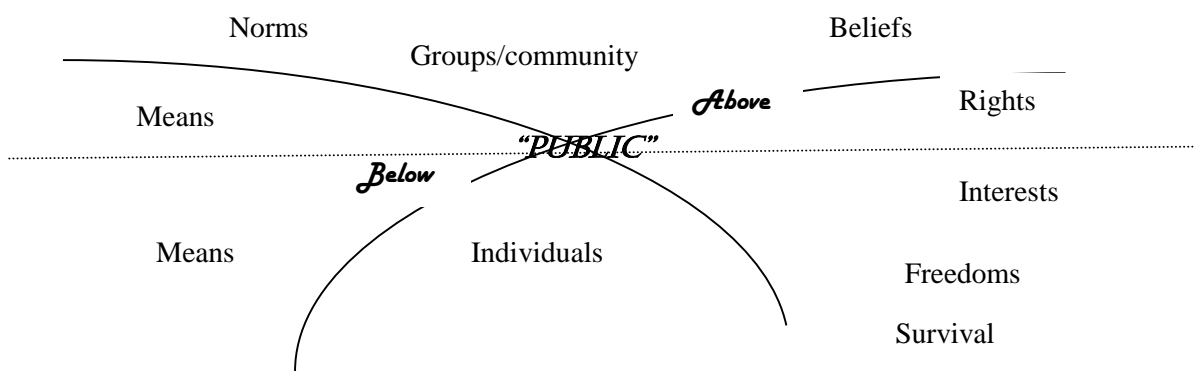
Prostitution is a recurring social issue in Indonesia. This is likely attributable to three factors. The first major influencing factor is inconsistency between past and current policy attempts to counteract the problem. The past attempts to confine the industry into particular permissible areas called 'localisations' as a way to protect the rest of society – contradicts the current attempts to completely ban the areas. The shifting in policy strategy from permissive to strict public order law has made the problem worse. The second factor is that prostitution affects the social environment where the industry exists in. The other way around, prostitution is affected by its social environment. In Indonesia, the prostitution industry does not merely involve the sex service providers and the users of the service, but also people who rely their living income from it. People who live surrounding a localisation for instance,

Lastly, prostitution is affected by its social environment because the reactions as to whether people give strong rejection or become tolerant are dependent of where the industry is situated. In more urban metropolitan areas like Jakarta and Bandung, where cost of living is high job employment is highly competitive, people can be more tolerant. But, in more provincial areas like Bandung, the reactions can be a mixed combination of both – depending on the values of the policy makers and the specific context of the act. In other words, the reactions are dependent on which particular groups they stand for, in which each groups have diverse interpretations of what they call norms and beliefs. Individuals however are also diverted in terms of their interests and means to manifest the interests.

## 6.8 Concluding remarks

This thesis shows how people's personal and professional values and biases produce different narratives and policy responses to the industry. It explores how particular values act as policy lenses through which the issue is perceived.

**Figure 10: The coherent whole of prostitution policy lenses**



So, what needs to be taken into consideration is the effort to see the big picture when understanding the nature of prostitution. Isolating the solution by formulating and executing a public policy that addresses interests and needs of some of the stakeholders would create a policy solution that creates another policy issue. Bearing in mind the 'problematizations' of the problem, said Bacchi (2009), is the better option for policy makers than just coming up with a policy response to an issue without being mindful of 'what's the problem represented to be'. In terms of prostitution policy problem, what appears to be missing is the lack of attention of the policy makers to see the problem below the notion of public. The current public policy put too much attention on the problem above the notion 'public'. What appears to be going on is that the policy on prostitution is formulated and executed as a response to the rights of some groups in the community to have their community environment free from

prostitution. Particular beliefs and values are “translated” in to a set of moral guidance that turn out to be a public order rule.

I make the case that policy on prostitution needs to be re-labelled from an offense to public order and morals and to be seen instead as a crime of gender-based violence. The terms gender-based violence should encompass all vulnerable people who survive through the industry with limited choices and life chances. In Indonesia, gender-based violence does not only happen to women and children but also to transgender groups. The latter have been forgotten to be taken into account in any policy consideration on prostitution. Indonesian transgender might have survived through the industry on top of the fact that their existence in many instances is socially excluded.

### **6.9 Policy suggestion**

The research has explored an urgent need of creating the nuance of dialogue and consensus as regards to policy making on prostitution. Debates surrounding prostitution as an ongoing social phenomenon and a public policy issue in Indonesia have created differing interests and conflicting solutions to the issue. This results in a policy solution over a solution in which one solution may contradict one another.

This study argues that a public policy on prostitution ought to be spanned across the boundaries set by differences in gender, beliefs, socio-economic status and political power. The policy decision ought to represent the interests of all stakeholders within the policy making circles on the basis of mutual understanding and respects to the equal rights of all people.



Drawing on Ulrich (1988) and McIntyre-Mills (2006c, 2014a) a comprehensive policy solution requires that policy makers think about areas of concern through ‘unfolding’ the values, taking into account the perceptions, values and emotions and ‘sweeping in’ the social, cultural, economic and environmental context of the problem. Stakeholders of the policy on prostitution need to be well informed about the general insight into the issue. The stakeholders need to have access to information coming from trustworthy public-opinion surveys and expert knowledge regarding the issue.

The thesis argues for an awareness of the need to build the capacity of policy stakeholders to understand the way in which their values shape the policy response to vulnerable people earning a living through an industry that exploits them and in many instances places them at risk in terms of the physical, mental and emotional wellbeing.

Hence, it is critical to enable policy makers to understand through building their capacity to understand the differing and sometimes conflicting assumptions and values that can be the basis of policy responses. Public education is urgently needed to enhance awareness of this social justice issue. By doing this better policy solutions could be formulated to address multiple interests.

Clear access to such sources of information that demonstrates the consequences of limited understanding of issues could be put to use to better address the problem. These sources can give stakeholders a clearer picture of the issue, and thus create a greater understanding of the issue. The understanding here refers to mindfulness of

who are the most affected groups by the implementation of the prostitution policy. In that case, 'multidimensional and multilayered policy decisions' (McIntyre-Mills 2006b) could be designed through engaging all the stakeholders in developing opportunities for survival , training and employment that will respect the rights of the vulnerable.

The thesis argues that where people are not marginalised and they have opportunities to meet their life chances, then they are likely to be more productive. Reflecting the case of "*Pesantren*", marginalised prostitutes are often without access to formal public education resources. The circumstances of being people or the children of people who survive through prostitution make them have to rely on other sources of earning incomes. A worse circumstance may apply to the marginalised with the identity of being transgendered. In Australia the rights of people with ambiguous gender have only recently been discussed and recognised through policy to protect their rights.

The lack of access to public education and training contribute to the lack of obtainable job and continuing vulnerability from the industry. As a result, many of the vulnerable have to count on other forms of income-earning sources. Networks of relatives, friends and interest groups become an alternative obtainable support. This creates dependency. According to some of my interviews with key participants, this kind of dependency that lure many vulnerable women at their very young age started to enter tacitly accepted red-light districts ("localisations") or masked prostitution industry. Many of the informants came up with examples of how relatives and friends can turn out to be those providing entrance to the industry. It can be started with former involvement of the friends and relatives in the industry.

Here the role of public education is a critical part in prostitution policy-making strategy to make knowledge, information, and skills available for young people to trim down their dependency on others and to grapple with prejudiced social relations. In actual fact, the vulnerability of prostituted people in Indonesia is marginalisation, whereby marginalised prostitutes pushed to pushed to the bottom rung of the society. As a minority, their needs or desires is excluded from the policy-making on the issue.

Pesantren waria and pesantren established in the middle of localisation areas can be a progressive way towards critical capabilities. Young people in the Pesantren latter mentioned should learn their rights and responsibilities. Living a life in a neighbourhood where prostitution may appear to be a common practice of income earnings can be very exploitative for young people especially of whom their parents are prostitutes. Public education can address the needs for children to have a say by having critical capability of being engaged in more than learning.

Part of prostitution policy-making ought to address the meeting of basic needs and strategic needs. For instance, a policy guideline needs to be produced for community-based education like Pesantren and or formal education for not being too judgmental to the marginalised prostitutes. At last, this approach can be very valuable in making sure that the future generation of those whose life must rely on surviving through the industry is addressed.

Orr and Rogers (2010) debate the determining role of public engagement in enhancing socially inclusive public education. Community participation personates a significant role in providing proper public education based on a just and fair principle. Disparity in public engagement, in terms of exclusion in social status class, as the case in point here, shapes opportunities for engagement.

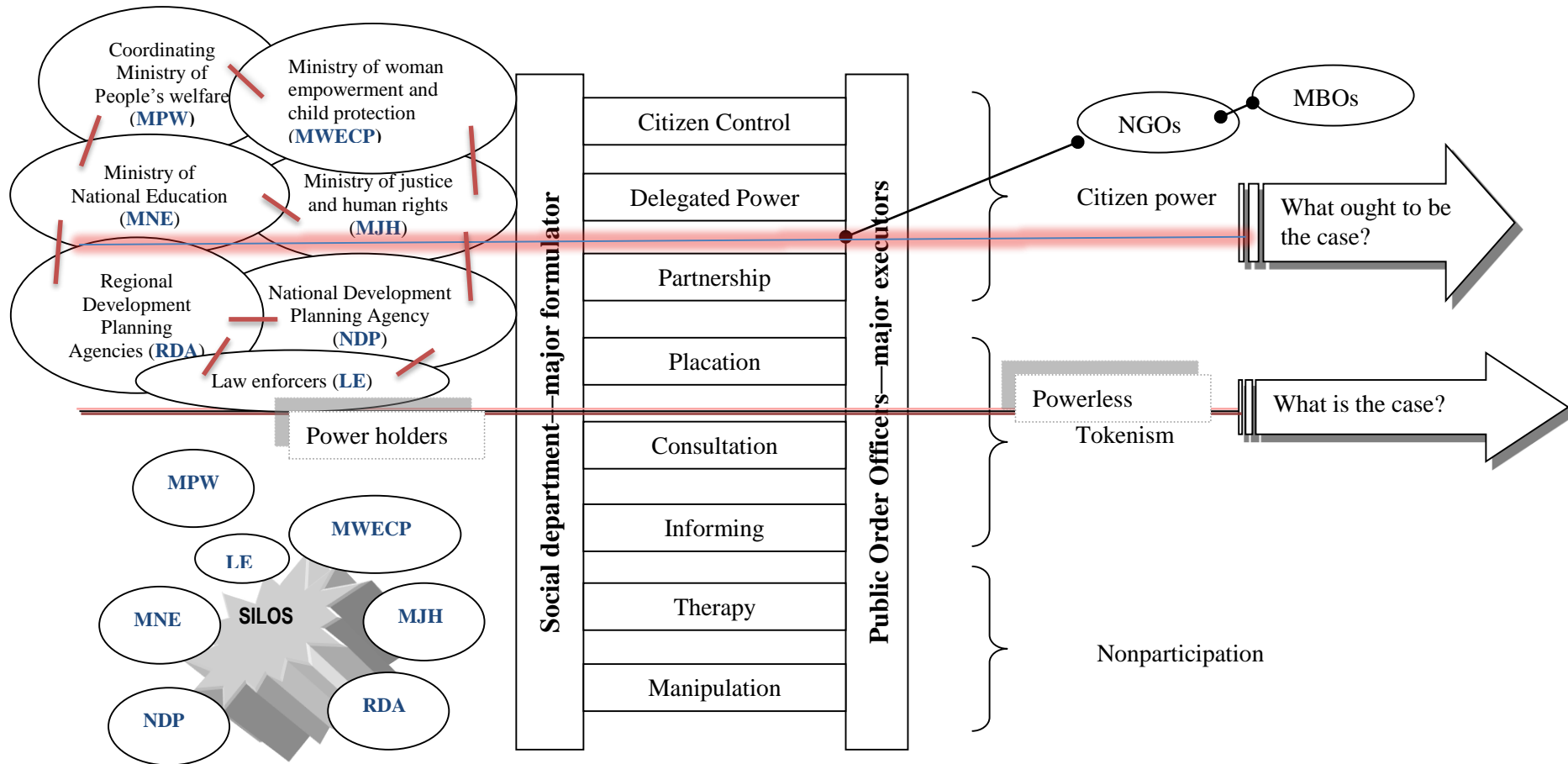
What is the case is the lack of equal opportunity for public engagement. Reflecting the discourse of prostitution in Indonesia, prostitution is not merely a problem of making money, but also the problem of getting accepted by the community after leaving the industry. What can be said as a major challenge of the social program related to prostitution admitted both by social departments and some NGOs rowing for the rights of people survive through prostitution is social acceptance. The so-called 're-socialisation' (Dinas Sosial Provinsi Jawa Barat 2012) program running by the local government in Bandung, for instance, creates a prostitution policy attention of maintaining the purity in the society in general as argued by Douglas (1998). Using the sense emphasised by Douglas, prostitution is 'pollution' separated by symbolic boundaries of the accepted moral order. People surviving through the prostitution, in times they are lured in it or after leaving the industry, need to face not only another way of finding alternative source of income, but also "cibiran" (contempt/ mocking) coming from their neighbourhood.

Participation in the sense of is the key point in enhancing the equal opportunities. Findings of the research have explored that lack of cross-functional solutions in coming up with a policy solution is one of the triggers that causes conflicting discourses and differing interpretation among decision makers of the law pertaining prostitution.

Using the terms 'silos' by Lencioni (2006), this situation creates 'silo mentality' amongst sectors and departments as key formulators and executors of the policy on prostitution. Breaking down silos would allow knowledge based on social realities of the prostitution issue to be distributed across the whole related sectors. Drawing on the Swedish approach to prostitution requires 'critical systemic policy-making' (Riswanda, Corcoran-Nantes, McIntyre-Mills 2015) informed by systemic insights on the issue. The approach is for policy decision makers to be mindful of the interconnections between parts of a social, political and economic system surrounding the issue, and then amalgamating them into an integrated view. This approach, together with an amalgamated effort, should be applied across related sectors and departments to foster group effort in the policy-making process.

The effort however should take into account 'citizen power' in the sense emphasised by Arnstein (1969, pp.216-24), "it is the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future". People surviving through prostitution often live their life under social stigma that excludes their voice in the policy-making process. Their commodification of body is often understood as living a low life by some in society. Their powerlessness can be represented in NGOs and MBOs that fight for and promote human rights to all.

**Figure 11: Breaking down silos based on 'what is' and 'what ought to be' the case**



Source: adapted from Arnstein, SR 1969, 'A ladder of citizen participation', *JAIP*, vol. 35, no. 4, July, pp. 216-224

In case of prostitution in Indonesia, the way 'power holders' come up with a policy response ought to consider, to use Burn's (2013) phrase, 'what matters most'. Three top steps on the 'Ladder of citizen participation' coined by Arnstein (1969) is in line with Burn's argument in taking into consideration the knowledge and perspectives of people that are most affected by poverty. This fits the Indonesian context of prostitution problem, where most decisions to engage in the industry is based on a no-choice and/or false choice decision.

Future development plan and actions should come together with substantial shift citizen participation from merely allowing major power decision-makers to assert that all aspects and all groups of opinions are reflected in the policy response to prostitution, though in fact the response benefit only some of those aspects and groups. 'Critical systemic policy-making' (Riswanda and McIntyre-Mills 2014a) can be manifested by developing partnership with NGOs and MBOs as genuine representation of voice of the marginalised, and making sure decision-making power of citizens is delegated equally among groups of citizens with differing views

Following Burns (2014), policy decision makers ought to 'experience' the reality of choices left for people living in poverty. They need to acknowledge the complexities of daily lives of marginalised people that often have to involve in the industry to get out of the poverty line. A way to 'experience' can be by taking into account lived and witnessed experience of those living with neediness, and get marginalised at the same time, when making a policy response. For example: what are the risks prostituted people either entering or leaving such exploitative industry like prostitution? Why can't transgendered people have equal access to public employment and public education

as other citizens? Why can't they have choice to choose their gender identity of preference, to live their life in their very own way without breaching the rights of others? What makes many of transgendered people lured in the industry? Why do some parents in rural Indonesia allow and even send their daughters to earn income through prostitution in big cities?

Quoting Wheeler and Burns (2012, p. 1), 'for policy makers to in fact understand the complexities of lives led by people who are marginalised and living in poverty, they need to experience in a real way the choices that people have to make on a day-to-day basis.'



## **Chapter 7**

### **Conclusion**

To sum up, the thesis 'addresses the rights and responsibilities of service users and providers' (see McIntyre-Mills and De Vries 2008) and applies this user centric approach by making a case for protecting the vulnerable and criminalising the powerful who exploit those who work within the industry of prostitution in Indonesia.

The thesis makes a contribution to the way in which prostitution is framed by the different interest groups in Indonesia and it is a response to the challenge of providing policy and practice to address the systemic issues. It provides a greater understanding of the life chances of vulnerable people who survive through prostitution, in order to enhance social justice for the vulnerable in a complex policy context.

It explored the way these discourses frame prostitution from the point of view of the different stakeholders in Indonesia. The thesis analysed the continuum from the normalisation of prostitution to policy making solutions that protect the vulnerable and criminalise the perpetrators of abuse. This is broadly in line with the Nordic model and the South African 'embrace dignity approach'.

A critical systemic approach was applied to an analysis of the discourses of the government and NGO policy makers obtained from primary and from secondary data.

Deceit, hypocrisy, and the complicity of family, business institutions, community and in particular corrupted law enforcers play a role in creating the complex policy context

which the research addresses. The issue seems to be problematic to resolve since it involves the contradictory understanding of the industry by differing people with different interests and opinions.

The thesis demonstrates that these stakeholders can benefit from the industry. But the official policy environment pretends that those who sell their labour in the prostitution industry do so based on their choice to participate freely in the business. In fact, many have few choices because of poverty and limited life chances.

The hypocrisy involves pretending that they have free choice and then taking the moral high ground and disrespecting their morals, because they sell their labour and submit to commodification that undermines their quality of life.

The thesis draws on the discourse of the lack of power equality (related to the lack of support) for the wellbeing of woman and children. This lack of support is linked with a lack of awareness of rights for all that ought to be upheld by the state regardless of gender, age or social status.

This study applies critical systems thinking to address the prostitution policy in Indonesia. The thesis addresses social, economic and environmental aspects. The research centres on the way in which prostitution is framed by the different interest groups in Indonesia, and underlines the current crisis in policy-making praxis in Indonesia. The thesis develops a case for systemic policy praxis in terms of:

- a) Making a case for re-framing the issue of prostitution using critical heuristics through obtaining a greater understanding of the life chances of vulnerable people who survive through prostitution, in order to enhance social justice for the vulnerable

- b) Re-framing the policy response to prostitution to address life chances and human dignity based on enhancing their life chances and the 'capabilities' (Sen 1999 and Nussbaum 2000) of prostituted people.

The Swedish law decriminalises the victims and criminalises those who purchase or profit from prostitution as it undermines human dignity and human rights. It is suggested in this thesis that the law and policy in Sweden may resonate in the Indonesian context.

Deliberation in the public sphere is appropriate to making decisions on what prostituting should be criminalised, but it is also vital to draw a distinction between prostituting that is imposed by 'pimps' and traffickers to be beyond discussion as it is an abuse of human rights. Policy-making on prostitution should be made developed based on processes that allowed for a) the criminalisation of those who sell the labour of marginalised people (male, female and transgender) and b) for choice as to whether people wish to work in the sex industry. An informed choice can only be made by those who have education and other skills. This includes receiving an education as a human right. d) Making a case that this is the policy-making gap where 'systemic intervention' is needed to restore human dignity. The situation is also shaped by the socio-economic burden of policing the industry to protect the vulnerable workers within the industry. e) Strive to address the entangled nature of the issue with other issues and to unravel the corrupt linkages with those who exploit them.

Socio-economic circumstances shape the lives of prostitutes in Indonesia. This is evident in the way prostitution is used for economic survival. To a large extent the industry exists because of the double standards of moral rhetoric and actions that do

not support the espoused values in practice. The development of conceptual policy-making framework ought to be founded on the policy-makers' awareness of the social constructs in which the issue exists. The awareness of life survival issues, as a result of poverty and lack of employment opportunities faced by prostituted people, should be a main concern of policy-makers in Indonesia to criminalise the users of prostitution instead of just to criminalise the prostitutes, as is currently the case.

Nevertheless, what seems to have been missed out of the policy attention and response to the issue is that prostitution in Indonesia is not only about breaching morality, it is about breaching human rights and the exploitation of the vulnerable who have no other way to survive. It is about taking unfair advantage of the powerless who, by virtue of age, gender, lack of education or poverty, do not have freedom to choose their way of life or their way of earning a living.

Appropriate policy decisions require protecting the rights of those who are unable to choose their way of life from those who aim to exploit them. A case for criminalising the traffickers and pimps could be made to protect the vulnerable. In some respects this policy is in line with the approach adopted in Sweden, namely decriminalising those who sell their labour and criminalising those who buy or make a profit from prostitution.

Re-framing prostitution policy in Indonesia can be undertaken by considering human rights and development. All parties related to the industry of prostitution ought to decide carefully how best to secure social justice for adults and children. Arguably, strong messages of criminalisation are important. Powerless prostituted women and

children need to be seen as the victims of users and traffickers who commodify them. They – not those who sell services - should be seen as the criminals. Adjustments of the current policy model might need to be undertaken to propose the development of policies that should, in fact, support social justice.

Thus, long-term development in Indonesia will need to consider 'development as freedom' and the necessity for improving the life chances of the marginalised. Alternative approaches like welfare support, equally distributed schooling and providing more alternative opportunities for prostituted people could be valuable in terms of re-enhancing the life chances of the vulnerable.

The (if then) critical scenario on prostitution policy making would be: 1) if we look at the very fundamentalist narrow approach to prostitution, then what would the consequences be ?; 2) if we have a more contextual and open approach that considers the growing population and socio-demographic challenges in urban areas, then what would the consequences be?; 3) If the strategic empowerment needs of women and children are placed first, could human rights, dignity, capacity building and respect for people provide the basis for making better policy to protect the vulnerable and to provide them with better life chances?

Drawing the line of what is acceptable and unacceptable in policy terms is vital when it comes to protecting minors (children). The policy line based on asking critical questions is drawn to protect the vulnerable. This line indicates what ought to be done to protect minors (see Ulrich's 12 questions applied to the area of concern, page 179 of this thesis) This research explores the understanding of these three key points

(overarching themes) on the continuum through case studies and through drawing on many strands of literature including women's studies, human rights, and ethics.

This study argues that policy making on prostitution ought to be based on the assumption that prostitution places women and children engaged in the activity at high risk. Devoid of the demand there would be no prostitution. It is certain that demand affects supply and a well-marketed supply can give rise to a demand. Prostitutes ought to be given training so that they are capable of making choices about how they wish to live and how they wish to make a living.

The supply and demand circumstances create implications for social justice. For Indonesia, in particular, there is a need for some uniformity in application of the prostitution law. People need to know what their rights are in a practical sense, so that they can make their informed choices. People who work on the one side of the border might be legal, and when they step over to the other side of the border it is illegal. In reality in Indonesia, if prostituting happens in a localisation then it might be acceptable, but if prostituting happens outside this concentrated area then it is likely to lead to criminal charges.

The thesis makes a case for public education and capacity building on the human rights of the most marginalised in Indonesia. In the context of an increasingly urbanised Indonesia where the voiceless are the most vulnerable, a case is made for addressing the needs of those who have limited choices through making policy recommendations about public education and a transformation in the way in which services are delivered.

This research contributes to the current discourse on prostitution by arguing that a multi-layered policy solution on the issue of prostitution should encompass multi-layered of social, economic, politics and environmental aspects surrounding the issue. This study draws on the Swedish model as a progressive approach to policy making on prostitution. On the basis of the evidence currently available, as a result of the study, it seems fair to suggest that the buying of sex service ought to be prohibited and people surviving through the industry ought to be decriminalised. By doing so, the policy on prostitution would endorse gender equality

The research has explored socio-cultural frameworks accompanying different life chances of completely marginalised groups in society. The narrative dialogues have provided critical reflections of differing ways of thinking among key actors in and around the Indonesian policy making circles on prostitution. On the basis of the narrative, it seems fair to suggest that values and assumptions of key actors shape the way they construct the problem of prostitution. The construction then guides the way they develop a policy response to the problem.

Integrated policy development effort is necessary to address similarities and overlaps among differing perspectives of key actors within the boundary of policy assessment on prostitution. The effort needs to be made based on unfolding the values and assumptions that frame their interpretations of either the current implemented policy or their interpretations of what ought to be the case in dealing with prostitution. This can establish an opportunity to discover common understanding to address the rights and wellbeing of others (McIntyre-Mills 2003, p. 24, 2014, 21).

The thesis summarises 3 typologies of perspectives with respect to prostitution issue and its policy strategies in Indonesia. The typologies seem to show differing, and in many cases, conflicting interests among the policy stakeholders of the issue.

The systemic narratives reveal the dynamic of policy initiatives within national and regional areas regarding the rhetoric of prostitution industry in Indonesia. The initiatives comprise differing interests and needs of individuals, families, business entities, society and government.

In Indonesia, each of the three approaches stands alone. However, the approaches influence one another within a whole public policy making system regarding the issue of prostitution.

Supporter of each approach have unique interpretations about the issue, which can be contrasting with each other, and go with their own arguments in coping with the issue of prostitution.

Government and NGOs seem to run their own programs with respect to prostitution. Although some of the approaches may be similar in purpose, but the actions to design and run the programs are in their own particular ways and are influenced by each particular missions.

Conflicting regulations are the current policy response to the many issues surrounding prostitution policy in Indonesia, and are the result of contradictory views among policy actors. This creates differing paradigms in implementing the current criminalisation policy. Ambiguous policy solutions create implications that lead to contesting views of



the government policy initiatives vs. the differing interests of non-government organisations (NGOs).

This study is based on the notion of 'critical heuristics' thinking about the consequences of choices when making policy on prostitution. It makes a contribution by looking at policy makers with a range of different views, and considers their policy discourses on the issue of prostitution

## **APPENDICES**

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# FINAL APPROVAL NOTICE

Project No.: **5600**

Project Title: Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia

Principal Researcher: Mr. Riswanda Riswanda

Email: risw0001@flinders.edu.au

Address: School of Social and Policy Studies

Approval Date: **23 July 2012** Ethics Approval Expiry Date: **30 November 2014**

The above proposed project has been **approved** on the basis of the information contained in the application, its attachments and the information subsequently provided.

## RESPONSIBILITIES OF RESEARCHERS AND SUPERVISORS

### 1. Participant Documentation

Please note that it is the responsibility of researchers and supervisors, in the case of student projects, to ensure that:

- all participant documents are checked for spelling, grammatical, numbering and formatting errors. The Committee does not accept any responsibility for the above mentioned errors.
- the Flinders University logo is included on all participant documentation (e.g., letters of Introduction, information Sheets, consent forms, debriefing information and questionnaires – with the exception of purchased research tools) and the current Flinders University letterhead is included in the header of all letters of introduction. The Flinders University international logo/letterhead should be used and documentation should contain international dialling codes for all telephone and fax numbers listed for all research to be conducted overseas.
- the SBREC contact details, listed below, are included in the footer of all letters of introduction and information sheets.

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 'INSERT PROJECT No. here following approval'). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au).*

### 2. Annual Progress / Final Reports

In order to comply with the monitoring requirements of the *National Statement on Ethical Conduct in Human Research (March 2007)* an annual progress report must

be submitted each year on the **23 July** (approval anniversary date) for the duration of the ethics approval using the annual progress / final report pro forma. *Please retain this notice for reference when completing annual progress or final reports.*

If the project is completed *before* ethics approval has expired please ensure a final report is submitted immediately. If ethics approval for your project expires please submit either (1) a final report; or (2) an extension of time request and an annual report.

Your first report is due on **23 July 2013** or on completion of the project, whichever is the earliest.

### **3. Modifications to Project**

Modifications to the project must not proceed until approval has been obtained from the Ethics Committee. Such matters include:

- proposed changes to the research protocol;
- proposed changes to participant recruitment methods;
- amendments to participant documentation and/or research tools;
- extension of ethics approval expiry date; and
- changes to the research team (addition, removals, supervisor changes).

To notify the Committee of any proposed modifications to the project please submit a Modification Request Form to the Executive Officer. Please note that extension of time requests should be submitted prior to the Ethics Approval Expiry Date listed on this notice.

#### Change of Contact Details

Please ensure that you notify the Committee if either your mailing or email address changes to ensure that correspondence relating to this project can be sent to you. A modification request is not required to change your contact details.

### **4. Adverse Events and/or Complaints**

Researchers should advise the Executive Officer of the Ethics Committee on 08 8201-3116 or [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au) immediately if:

- any complaints regarding the research are received;
- a serious or unexpected adverse event occurs that affects participants;
- an unforeseen event occurs that may affect the ethical acceptability of the project.

Andrea Fiegert (nee Mather)  
Executive Officer  
Social and Behavioural Research Ethics Committee

c.c     A/Prof Janet McIntyre-Mills  
           Dr Yvonne Corcoran-Nantes

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**Andrea Fiegert** (nee Mather)  
Executive Officer, Social and Behavioural Research Ethics Committee  
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Sturt Road, Bedford Park | South Australia | 5042  
GPO Box 2100 | Adelaide SA 5001  
P: +61 8 8201-3116 | F: +61 8 8201-2035 | Web: Social and Behavioural Research Ethics Committee

## MODIFICATION (No.1) APPROVAL NOTICE

Project No.:

**5600**

Project Title:

Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia

Principal  
Researcher:

Mr Riswanda Riswanda

Email:

[risw0001@flinders.edu.au](mailto:risw0001@flinders.edu.au)

Modification  
Approval Date:

23 July 2014

Ethics Approval  
Expiry Date:

**30 November 2015**

I refer to your modification request for the project above that has been approved previously. I am pleased to inform you that the Chairperson has approved your request to modify the project as outlined below:

✓	Approved Modification(s)	Details of approved modification(s)			
✓	Extension of Time:	From:	30 November 2014	To:	30 November 2015

## Appendix iii: Interview questions

### Government Official/ Administrator

1. Name/ position/ role
  - Sex: F/M
  - Married/single [If married – For how long?]
  - Have children/ no children
  - What is your highest stage of finished education?
2. Department/ main responsibilities
  - How long this policy program been existing?
  - How long have you been in the position within this Department? Did you work in different Department before?
3. How do you deliver the service / program?
  - How important do you think it is to offer the service to the public/ community?
  - How do they benefit from this service?
4. How do you coordinate your activities with different related agencies?
  - Do you have any links with NGOs/ community organisations? If yes what are they - explore
  - Who initiated this?
5. What are the main policy issues that you are dealing with at this point in time?
  - What would you identify as the major social problems in this (*province/ urban area; municipality/ semi-urban areas; village/rural area*)
  - How are you dealing with these issues? What policy response does this Department come up with to deal with them?
6. What are the main policy initiatives, related to or with a focus on prostitution issue that you are working on in the department/ agency at the moment?
  - Would you say prostitution is a major problem in this (*province/municipality/village*)
  - Do you think the existing policy is adequate? If yes -why if no -explore
  - Do you think the existing policy pertaining prostitution should be changed?
  - What is the approach of your organisation to legal approach on prostitution?
7. Why do you think people turn to prostitution?
  - In your view, why does prostitution exist?
  - What do you think is the general attitude towards prostitution in 2012/2012? Is it the same or different from the way it was perceived in the 1950s? Do you think the attitude has changed?
  - Do you believe people have a greater understanding of prostitution?
  - What is your opinion with respect to prostitution?

8. In your opinion, what would improve policy on prostitution? How and why?
  - The law as it stands charges/criminalises prostitutes only. What is your attitude towards de-criminalising the prostitutes and criminalising the clients, pimps, traffickers and those profiting from the prostitution industry?
  - How far can we expect change on the policy making on prostitution?
  - How do we resolve this kind of situation?
9. How do you think the situation could be improved for the community, prostitutes and the programs/ the service involved?
10. Would you say prostitution has been led by socio-economic factor?
11. How far as working in this program/ service has changed your attitude towards prostitution/ prostitutes?
12. In an ideal world, how would you personally deal with the issue?

**Appendix iv:** Interview questions

**NGOs/ MBOs / Socio-religious/ community leaders**

1. Name/ position/ role
  - Sex: F/M
  - Married/single (If married-for how long)
  - Have children/ no children
  - What is your highest stage of finished education?
2. How long this NGOs/ community organisation has been existing?
3. How long have you worked here? Have you worked in other NGOs? Which one?
4. Can you tell us something about your organisation?
  - What are the main aims and objectives of the service?
  - How did it come about?
  - What do you think the people (community) attitude on the service/ program?
5. What are the main policy issues that you are dealing with at this point in time?
  - What would you identify as the major social problems in this (*province/ urban area; municipality/ semi-urban areas; village/rural area*)
  - How are you dealing with these issues? What policy response does this Department come up with to deal with them?
6. What are the main policy initiatives, related to or with a focus on prostitution issue that you are working on in the department/ agency at the moment?
  - Would you say prostitution is a major problem in this (*province/municipality/village*)
  - Do you think the existing policy is adequate? If yes -why if no -explore
  - Do you think the existing policy pertaining prostitution should be changed?
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  - What do you think is the general attitude towards prostitution in 2012/2012? Is it the same or different from the way it was perceived in the 1950s? Do you think the attitude has changed?
  - Do you believe people have a greater understanding of prostitution?
  - What is your opinion with respect to prostitution?
8. In your opinion, what would improve policy on prostitution? How and why?



- The law as it stands charges/criminalises prostitutes only. What is your attitude towards de-criminalising the prostitutes and criminalising the clients, pimps, traffickers and those profiting from the prostitution industry?
- How far can we expect change on the policy making on prostitution?
- How do we resolve this kind of situation?

9. How do you think the situation could be improved for the community, prostitutes and the programs/ the service involved?

10. Would you say prostitution has been led by socio-economic factor?

11. How far as working in this program/ service has changed your attitude towards prostitution/ sex workers?

12. In an ideal world, how would you personally deal with the issue?

**Appendix v: CONSENT FORM FOR PARTICIPATION IN RESEARCH**  
(by interview)

*'Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia'*

I .....

being over the age of 18 years hereby consent to participate as requested in the letter of introduction for the research project on the life chances of women and children as regard to the policy on prostitution

1. I have read the information provided.
2. Details of procedures and any risks have been explained to my satisfaction.
3. I agree to audio recording of my information and participation.
4. I am aware that I should retain a copy of the Information Sheet and Consent Form for future reference.

5. I understand that:

- I may not directly benefit from taking part in this research.
- I am free to withdraw from the project at any time and am free to decline to answer particular questions.
- While the information gained in this study will be published as explained, I will not be identified, and individual information will remain confidential.
- Whether I participate or not, or withdraw after participating, will have no effect on my relationship with the researcher.
- I may ask that the recording/observation be stopped at any time, and that I may withdraw at any time from the session or the research without disadvantage.

6. I agree/do not agree\* to the tape/transcript\* being made available to other researchers who are not members of this research team, but who are judged by the research team to be doing related research, on condition that my identity is not revealed. \* *delete as appropriate*

7. I have had the opportunity to discuss taking part in this research with a family member or friend.

**Participant's signature.....Date.....**

I certify that I have explained the study to the volunteer and consider that she/he understands what is involved and freely consents to participation.

**Researcher's name.....**

**Researcher's signature.....Date.....**

*NB: Two signed copies should be obtained. The copy retained by the researcher may then be used for authorisation of Items 8 and 9, as appropriate.*

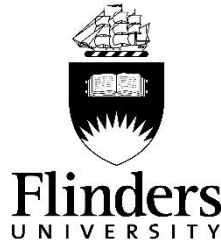
8. I, the participant whose signature appears below, have read a transcript of my participation and agree to its use by the researcher as explained.

**Participant's signature.....Date.....**

9. I, the participant whose signature appears below, have read the researcher's report and agree to the publication of my information as reported.

**Participant's signature.....Date.....**

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project number: 5600). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*



**FORMULIR KESEDIAAN PARTISIPASI DALAM PENELITIAN**  
(dengan wawancara)

*'Persepsi atas prostitusi: studi kasus dengan pendekatan kritis-etnografis pada daerah rural dan urban di Indonesia '*

Saya yang bertanda tangan di bawah ini

Berusia diatas 18 tahun dan menyatakan kesediaan Saya untuk turut berpartisipasi dalam penelitian mengenai peluang hidup (yang lebih baik) bagi perempuan dan anak-anak terkait kebijakan prostitusi di Indonesia

1. Saya telah membaca informasi yang tersedia.
2. Hal-hal terkait prosedur dan resiko partisipasi Saya telah dijelaskan.
3. Saya menyetujui jawaban Saya akan direkam dalam bentuk rekaman audio.
4. Saya mengetahui bahwa Saya berhak mendapatkan copy dari lembar informasi

(information sheet) dan formulir kesediaan (consent form) untuk referensi Saya.

5. Saya paham bahwa:
  - Saya mungkin tidak akan mendapat keuntungan langsung dari partisipasi ini.
  - Saya bebas untuk menolak menjawab kapan saja dalam partisipasi di penelitian ini.
  - Pada saat informasi yang Saya berikan dalam penelitian ini dipublikasi, Saya paham bahwa nama Saya akan dirahasiakan, dan informasi yang sifatnya pribadi tidak akan termasuk dalam publikasi tersebut.
  - Kesediaan ataupun penolakan Saya untuk berpartisipasi tidak akan mempengaruhi hubungan Saya dengan peneliti.
  - Saya berhak untuk menghentikan rekaman informasi yang sedang berjalan dan menyatakan tidak akan melanjutkan partisipasi kapan saja tanpa kerugian apapun.
6. Saya setuju/tidak setuju\*, untuk informasi yang Saya berikan diperlihatkan pada peneliti-peneliti lain yang bukan anggota penelitian ini, yang oleh peneliti dianggap layak mengetahui karena memiliki atau melakukan penelitian terkait, selama identitas Saya tetap dirahasiakan
7. Saya telah diberikan kesempatan untuk membicarakan kesediaan berpartisipasi dalam penelitian ini dengan anggota keluarga atau kerabat dekat.

**Tanda tangan partisipan.....tanggal.....**

Saya menyatakan bahwa partisipasi dalam penelitian ini sifatnya sukarela (voluntir) dan memastikan bahwa mereka yang berpartisipasi paham akan hal tersebut

**Nama peneliti.....**

**Tanda tangan peneliti.....tanggal.....**

*NB: Pernyataan yang telah ditanda tangani dibuat rangkap dua. Peneliti menyimpan satu rangkap dan satu rangkap lain diberikan pada pihak yang berpartisipasi*

8. Saya, partisipan yang bertanda tangan di bawah ini telah membaca transkrip partisipasi yang tersedia dan setuju untuk dipergunakan oleh peneliti seperti yang telah dijelaskan.

**Tanda tangan partisipan.....tanggal.....**

9. Saya, partisipan yang bertanda tangan di bawah ini telah membaca laporan dari peneliti dan setuju untuk publikasi informasi yang telah diberikan oleh peneliti.

**Tanda tangan partisipan.....tanggal.....**

*Penelitian ini telah di acc oleh Flinders University Social and Behavioural Research Ethics Committee (Project Number 5600). Informasi terkait ethical approval of the project the Executive Officer of the Committee bias kontak telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*



**School of Social and Policy Studies**

Room 385, Social Sciences South

GPO Box 2100  
Adelaide SA 5001

Tel: +61 8 82012075

Fax: +61 8 82015111

Janet.mcintyre@flinders.edu.au

www.ssn.flinders.edu.au/fippm

RICOS Provider No. 00114A

## LETTER OF INTRODUCTION

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To whom it may concern

This letter is to introduce Riswanda who is an PhD student in the Department of Social and Policy Studies at Flinders University. He will produce her student card, which carries a photograph, as proof of identity.

He is undertaking research leading to the production of a thesis or other publications on the subject of 'Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia'

He would be most grateful if you would volunteer to assist in this project, by granting an interview which covers certain aspects of this topic.

Be assured that any information provided will be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions.

Since he intends to make a tape recording of the interview, he will seek your consent, on the attached form, to record the interview, to use the recording or a transcription in preparing the thesis, report or other publications, on condition that your name or identity is not revealed, and to make the recording available to other researchers on the same conditions. He will be solely responsible for transcription. Please be assured that your name or identity not be revealed and that the confidentiality of the material is respected and maintained.

Any enquiries you may have concerning this project should be directed to me at the address given above or by telephone on 82012075, by fax on 8201 5111 by email (janet.mcintyre@flinders.edu.au).

Thank you for your attention and assistance.

Yours sincerely

*A/Prof Janet McIntyre*

*School of Social and Policy Studies*

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5600). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*



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[www.ssn.flinders.edu.au/fippm](http://www.ssn.flinders.edu.au/fippm)

RICOS Provider No. 00114A

## SURAT PENGANTAR PENELITIAN

Kepada Yth. Bapak / Ibu,

Surat ini adalah pengantar untuk Riswanda, yang saat ini mahasiswa PhD, Department of Social and Policy Studies di Flinders University. Sebagai bukti identitas, Riswanda akan memperlihatkan kartu mahasiswa Flinders University dilengkapi foto.

Riswanda saat ini sedang melakukan penelitian dalam penyelesaian tesis doctoral dan publikasi akademik terkait dengan judul '*Persepsi atas prostitusi: studi kasus dengan pendekatan kritis-etnografis pada daerah rural dan urban di Indonesia*'

Partisipasi sukarela Anda dalam wawancara terkait penelitian ini akan sangat dihargai.

Informasi yang Anda berikan akan dipastikan kerahasiaannya dan digunakan hanya untuk kepentingan akademis. Identitas Anda sebagai pemberi informasi akan dirahasiakan. Tentu saja Anda berhak untuk menolak untuk tidak (melanjutkan) berpartisipasi dan tidak menjawab pertanyaan yang tidak ingin Anda jawab.

Peneliti akan merekam informasi yang Anda berikan. Oleh karena, peneliti berkewajiban untuk menjelaskan form kesediaan untuk diisi sebelum wawancara berlangsung. Kepastian bawa identitas Anda dirahasiakan dan informasi yang diberikan hanyalah untuk keperluan penelitian dan akademik lainnya. Rekaman suara Anda adalah menjadi tanggung jawab peneliti untuk menjaganya.

Bila terdapat pertanyaan atau hal-hal yang kurang jelas terkait penelitian ini, Anda dapat menghubungi alamat yang tertulis di sudut kanan atas surat ini atau via telephone di 82012075, ataufax di 8201 5111 dan email ([janet.mcintyre@flinders.edu.au](mailto:janet.mcintyre@flinders.edu.au)).

Terimakasih atas perhatian dan bantuannya.

Hormat Saya,

*A/Prof Janet McIntyre*

*School of Social and Policy Studies*

*Penelitian ini telah di acc oleh t Flinders University Social and Behavioural Research Ethics Committee (Project Number 5600). Informasi terkait ethical approval of the project the Executive Officer of the Committee bias kontak telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*



School of Social and Policy Studies  
Faculty of Social and Behavioural  
Science

Social Science Building  
Flinders University, Bedford Park SA  
5042

GPO Box 2100  
Adelaide SA 5001

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## INFORMATION SHEET

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**Title:** *'Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia'*

**Investigator:**

Riswanda  
School of Social and Policy Studies  
Flinders University  
Ph: +61 403514852

**Description of the study:**

This study is part of the project entitled *'Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia'*. This project will investigate the life chances of women and children involved in prostitution in Jakarta, Bandung and Tangerang, looking at particularly the intellectual arguments and practical implications of policymaking on prostitution. This project is supported by Flinders University, School of Social and Policy Studies.

**Purpose of the study:**

This thesis aims at exploring less pragmatic perspectives of prostitution amongst conflictual reality of the issue in Indonesia. It thereby should start with a critical analysis of different views in seeing the issue of prostitution, either as a given social realness or an existing sex works happen in different countries by various societies. The usefulness of the views within the social construction of Indonesia, namely from permissive-moderate to radical-conservative in conceiving prostitution, is first and foremost explored.

**What will I be asked to do?**

You are invited to attend to participate in a face-to-face semi structured interview which covers certain aspects of this topic. No more than 30-40 minutes on one occasion would be required. The interview will be recorded using a digital voice recorder to help with looking at the results. Once recorded, the interview will be transcribed (typed-up) and stored as a computer file and then destroyed once the results have been finalised. This is voluntary.

**What benefit will I gain from being involved in this study?**

The sharing of your experiences and opinions in this study should lead to better legislation on the unsettling problem of prostitution. It is hoped that the research could lead to the decriminalisation of prostitution and instead the criminalisation and targeting of clients or buyers who exploit vulnerable women and children. It is also hoped that pimps and traffickers will be criminalised since they intentionally take advantage of the defencelessness of the potential sufferers of prostitution.



For service providers in the areas of the social justice of women and children as you participate, the thesis shall strive to develop better measures on poverty reduction, sustainable development, gender mainstreaming program, and also social programs with women and girls, as the centre of attention, should be further introduced to the Indonesian society as a whole. To put it simply, a sound research-based policy would potentially accommodate law enforcement agencies (police departments in all Indonesian provinces), judicial officials and public servants working in social service areas have to have insights of the issue of prostitution, who the sufferers are, why these measures and legislation are taken and how to actually apply these measures to the form of policy implementation in effectual ways, by placing the well-being of the sufferers as a priority

### **Will I be identifiable by being involved in this study?**

Any information provided will be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications We do not need your name and you will be anonymous. Once the interview has been typed-up and saved as a file, the voice file will then be destroyed. Any identifying information will be removed and the typed-up file stored on a password protected computer that only the researcher (Riswanda) will have access to. Your comments will not be linked directly to you.

### **Are there any risks or discomforts if I am involved?**

The study will rely on criminal records, public records and court records. Only human service providers, policy makers and community leaders or NGO representatives will be interviewed. I am aware that the research could pose risks for me and I will take care to work carefully and to protect my sources of data Given the sensitivity of the research, I will only engage in one to one conversations and will at no time conduct focus groups that could be more difficult to manage, in terms of confidentiality and in terms of protecting the informant's identity. Thus all the issues that I wish to cover will be carefully researched by triangulating the data from a range of different interviews and secondary data sources

### **How do I agree to participate?**

Participation is voluntary. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions. A consent form accompanies this information sheet. If you agree to participate please read and sign the form.

### **How will I receive feedback?**

You will be invited to see drafts of the data as it is written up in de-identified formats. Iterative comments on the research are welcome. This would possibly be undertaken in face to face feedback or at least via email, phone or posted draft report.

**Thank you for taking the time to read this information sheet and we hope that you will accept our invitation to be involved.**

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5600). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*



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Science

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5042

GPO Box 2100  
Adelaide SA 5001

CRICOS Provider No. 00114A

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## LEMBAR INFORMASI

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**Title:** *'Persepsi atas prostitusi: studi kasus dengan pendekatan kritis-etnografis pada daerah rural dan urban di Indonesia'*

**Peneliti:**

Riswanda  
School of Social and Policy Studies  
Flinders University  
Ph: +61 403514852

**Deskripsi penelitian:**

Penelitian ini adalah bagian dari thesis doctoral dengan judul *'Persepsi atas prostitusi: studi kasus dengan pendekatan kritis-etnografis pada daerah rural dan urban di Indonesia'*. Penelitian ini akan mengkaji peluang hidup (yang lebih baik) dari perempuan dan anak-anak terkait permasalahan prostitusi di Jakarta, Bandung dan Tangerang, ditinjau dari argumen intelektual dan implikasi praktis dari kebijakan prostitusi di Indonesia. Penelitian ini telah disetujui atau didukung oleh Flinders University, School of Social and Policy Studies.

**Tujuan penelitian:**

Penelitian ini bertujuan untuk mencari perspektif diluar pendekatan pragmatis yang ada terkait prostitusi, dengan segala realitas kepentingan yang saling berbenturan di Indonesia. Analisis kritis dengan sudut pandang lain dalam melihat isu prostitusi dalam konteks (kebijakan) di Indonesia sebagai realitas social yang umum terjadi, adalah tujuan utama penelitian ini. Kajian terhadap benturan pandangan antara mereka yang cenderung permisiv dan moderat dalam memandang isu ini, dengan pandangan konservativ-radikal, menjadi pijakan awal penelitian.

**What will I be asked to do?**

Anda diajak untuk berpartisipasi dalam wawancara yang sifatnya semi-terstruktur terkait aspek tertentu dalam penelitian ini dalam waktu kurang lebih 30-40 menit.

Wawancara akan menggunakan perekam suara digital untuk memudahkan kajian peneliti terhadap informasi yang Anda berikan. Setelah itu peneliti akan menyalin informasi rekaman suara Anda ke dalam bentuk transkrip wawancara. Peneliti bertanggung jawab akan kerahasiaan identitas Anda dan penggunaan informasi yang diberikan bagi kepentingan akademis saja. Partisipasi Anda sifatnya sukarela (voluntir).

**Keuntungan berpartisipasi dalam penelitian ini?**

Pendapat dan tuturan pengalaman Anda akan membantu terciptanya kebijakan yang lebih baik dalam permasalahan prostitusi di Indonesia.

Bagi mereka yang bergerak dalam bidang keadilan sosial dan kesejahteraan perempuan dan anak-anak, penelitian ini menyediakan pengukuran yang lebih baik dalam penanggulangan kemiskinan, pembangunan berkelanjutan, kesetaraan gender dan program-program social lain terkait perempuan dan anak-anak di Indonesia.

Penelitian ini juga akan membantu para penegak hukum, dinas dan department social untuk mencermati permasalahan prostitusi dari sisi yang lebih mendalam. Ke depan diharapkan implementasi kebijakan prostitusi di Indonesia akan lebih efektif dengan menempatkan kesejahteraan dari pihak-pihak yang mungkin telah menjadi korban sebagai prioritas utama.

**Akankah identitas Saya dilibatkan dalam penelitian ini?**

Identitas Anda akan sangat dijaga kerahasiaannya. Setelah informasi yang Anda berikan disimpan dalam bentuk rekaman digital dan digubah ke dalam bentuk transkrip, data terkait identitas Anda akan dihilangkan setelah penggunaan untuk tujuan penelitian tercapai. Penyimpanan data juga akan sangat dijaga keamanannya

**Resiko dari partisipasi Saya?**

Penelitian ini adalah sesuai dengan ketentuan hukum yang berlaku. Sehingga tidak ada resiko ke depan dari informasi yang Anda berikan. Penyimpanan data informasi dan lain sebagainya adalah seperti paparan poin diatas

**Bagaimana bila Saya setuju untuk berpartisipasi?**

Partisipasi dalam penelitian ini adalah sukarela (voluntir). Bila Anda setuju untuk berpartisipasi, silahkan mengisi dan menanda tangani form kesediaan yang telampir di lembar informasi ini.

**Bagaimana saya akan mendapatkan feedback?**

Anda akan diundang untuk melihat draft laporan hasil penelitian ini. Komentar, kritik dan saran yang membangun akan ditanggapi dan dipertimbangkan. Hal ini bias dilakukan via email dll.

**Terima kasih atas kesediaan membaca lembar informasi ini. Semoga Anda bersedia untuk berpartisipasi.**

*Penelitian ini telah di acc oleh Flinders University Social and Behavioural Research Ethics Committee (Project number: 5600). Informasi terkait ethical approval of the project the Executive Officer of the Committee silahkan kontak telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

**Appendix xi: Letter of permissions, supports and correspondences to conduct research**



**MINISTRY OF WOMEN'S EMPOWERMENT AND CHILD PROTECTION  
REPUBLIC OF INDONESIA**

JALAN MEDAN MERDEKA BARAT NOMOR 15, JAKARTA 10110.  
TELEPON (021) 3842638, 3805562 FAXIMILE (021) 3805559, 3805562  
SITUS <http://www.meneapp.go.id>

Number : B. 52 /Set/KPP-PA/Roren/03/2012

29 March 2012

**To**  
**Dr Janet McIntyre**  
**Associate Professor**  
**Faculty of Social and Behavioural Science**

**Subject: Re: Letter of Introduction – Perceptions on Prostitution: A Case Study of Rural and Urban Areas of Indonesia**


**Dear Ms McIntyre,**

With regard to your letter on the aforementioned subject, we are pleased to inform you that the Ministry would be glad to provide related information to assist Mr Riswanda in completing his thesis. For that purpose, we have coordinated internally with the Deputy Directors in charge of the pertaining matters so as to prepare the required data.

For further action please kindly liaise with our staff, Irma ([irma.sanusi@yahoo.com](mailto:irma.sanusi@yahoo.com)) or via telephone at 62-21-34834569).

Thank you for your kind cooperation.

With regards,

  
**Ir. Agustina Erni MSc**  
**Head of the Bureau of Planning**

With cc to:  
Riswanda, PhD Student at Flinders University

**Permission to conduct study**

1 March 2012

Secretary of The Ministry of Women Empowerment and Child Protection  
JI Medan Merdeka Barat 15  
Jakarta  
Indonesia

RE: Permission to conduct research study

Dear Secretary of The Ministry,

I am undertaking research leading to the production of a thesis or other publications on the subject of the life chances of women and children involved in prostitution in Jakarta, Bandung and Tangerang. I would be grateful if you would volunteer to assist in this project, by consenting to participate in a face-to-face semi structured interview which covers certain aspects of this topic. No more than 20 minutes on one occasion would be required

If approval is granted, I will be sure that any information provided will be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions

The results of the interviews or secondary data analysis will be pooled for the PhD thesis only and individual results of this study will remain absolutely confidential and anonymous. Should this study be published, only pooled results will be documented. No costs will be incurred by either your institution or the individual participants.

Your approval to conduct this study will be greatly appreciated. I will follow up with a telephone call if needed and would be happy to answer any questions or concerns that you may have at that time. You may contact me at my email risw0001@flinders.edu.au. or mobile +61403514852. Any enquiries you may have concerning this project should be directed to my supervisors Janet McIntyre or Yvonne Corcoran Nantes at the address given above or by telephone on 8201 2075 , by fax on 8201 5111

If you agree, kindly submit a signed letter of permission on your institution's letterhead acknowledging your consent and permission for me to conduct this study at your institution.

Sincerely,

  
Riswanda  
School of Social and Policy Studies

21 Mei 2012

Kepada Yth  
Program Director,  
Kartini Asia Network Office,  
Jl. Melati Blok B no. 15,  
Rt 001/012, Mekarsari Permai,  
Cimanggis, Depok, 16952  
Indonesia

Hal : **Permohonan Izin dan Data-data Penelitian**

Dengan hormat,

Dalam rangka pencarian data untuk penyelesaian thesis program doktoral (*PhD*) maka Saya yang bertanda tangan dibawah ini, selaku mahasiswa program terkait, mohon bantuan izin observasi dan pengadaan data-data:

Nama : **Riswanda, MPA**  
Student ID No : 2044018  
Universitas : Faculty of Social and Behavioural Science,  
Flinders University of South Australia  
Judul Penelitian : *Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia*  
Data yang dicari : 1. Data primer: survey/ observasi lapangan, , wawancara  
2. Data sekunder, antara lain:  
- Dokumen kebijakan  
- Data statistik  
- Dokumen publikasi event / program terkait permasalahan penelitian  
3. Data-data lain yang berkaitan dengan penelitian  
Lokasi Penelitian : Jabotabek

Atas perhatian dan bantuannya yang berharga, Saya ucapkan terima kasih.

Peneliti



Riswanda, MPA  
Student ID no: 2044018

Lampiran:  
Letter of Introduction from Principal Research Supervisor  
Pengajuan izin/ support untuk melakukan penelitian dalam versi English

**Permission to conduct study**

10 February 2012

Head of Regional Planning and Development Board  
Jl. Ir H Juanda no. 267  
Bandung, Jawa Barat  
Indonesia

RE: Permission to conduct research study

Dear Head Department of Women Empowerment and Family Planning,

I am undertaking research leading to the production of a thesis or other publications on the subject of the life chances of women and children involved in prostitution in Jakarta, Bandung and Tangerang. I would be grateful if you would volunteer to assist in this project, by consenting to participate in a face-to-face semi structured interview which covers certain aspects of this topic. No more than 20 minutes on one occasion would be required

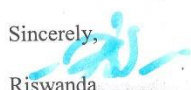
If approval is granted, I will be sure that any information provided will be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions

The results of the interviews or secondary data analysis will be pooled for the PhD thesis only and individual results of this study will remain absolutely confidential and anonymous. Should this study be published, only pooled results will be documented. No costs will be incurred by either your institution or the individual participants.

Your approval to conduct this study will be greatly appreciated. I will follow up with a telephone call if needed and would be happy to answer any questions or concerns that you may have at that time. You may contact me at my email risw0001@flinders.edu.au. or mobile +61403514852. Any enquiries you may have concerning this project should be directed to my supervisors Janet McIntyre or Yvonne Corcoran Nantes at the address given above or by telephone on 8201 2075 , by fax on 8201 5111

If you agree, kindly submit a signed letter of permission on your institution's letterhead acknowledging your consent and permission for me to conduct this study at your institution.

Sincerely,

  
Riswanda  
School of Social and Policy Studies

**Permission to conduct study**

10 February 2012

Head Department of Women Empowerment and Family Planning  
Jl. Soekarno Hatta no. 458  
Bandung, Jawa Barat  
Indonesia

RE: Permission to conduct research study

Dear Head Department of Women Empowerment and Family Planning,

I am undertaking research leading to the production of a thesis or other publications on the subject of the life chances of women and children involved in prostitution in Jakarta, Bandung and Tangerang. I would be grateful if you would volunteer to assist in this project, by consenting to participate in a face-to-face semi structured interview which covers certain aspects of this topic. No more than 20 minutes on one occasion would be required

If approval is granted, I will be sure that any information provided will be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions

The results of the interviews or secondary data analysis will be pooled for the PhD thesis only and individual results of this study will remain absolutely confidential and anonymous. Should this study be published, only pooled results will be documented. No costs will be incurred by either your institution or the individual participants.

Your approval to conduct this study will be greatly appreciated. I will follow up with a telephone call if needed and would be happy to answer any questions or concerns that you may have at that time. You may contact me at my email [risw0001@flinders.edu.au](mailto:risw0001@flinders.edu.au) or mobile +61403514852. Any enquiries you may have concerning this project should be directed to my supervisors Janet McIntyre or Yvonne Corcoran Nantes at the address given above or by telephone on 8201 2075 , by fax on 8201 5111

If you agree, kindly submit a signed letter of permission on your institution's letterhead acknowledging your consent and permission for me to conduct this study at your institution.

Sincerely,

  
Riswanda  
School of Social and Policy Studies



18 Februari 2012

Kepada Yth  
Kepala Bappeda Provinsi Jawa Barat  
Jln. Ir. H. Juanda No. 287  
Bandung  
Jawa Barat

Hal : **Permohonan Izin dan Data-data Penelitian**

Dengan hormat,

Dalam rangka pencarian data untuk penyelesaian thesis program doktoral (*PhD*) maka Saya yang bertanda tangan dibawah ini, selaku mahasiswa program terkait, mohon bantuan izin survey dan pengadaan data-data:

Nama : **Riswanda, MPA**  
Student ID No : 2044018  
Universitas : Faculty of Social and Behavioural Science,  
Flinders University of South Australia  
Judul Penelitian : *Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia*  
Data yang dicari : 1. Data primer: survey/ observasi lapangan, kuisioner, wawancara  
2. Data sekunder, antara lain:  
- Dokumen kebijakan  
- Peraturan / Perizinan  
- Data statistik  
- Dokumen publikasi event / program terkait permasalahan penelitian  
3. Data-data lain yang berkaitan dengan penelitian  
Lokasi Penelitian : Bandung, Tasikmalaya, Indramayu, Subang  
Instansi tujuan : Badan Koordinasi Bidang Sosial Budaya

Atas perhatian dan bantuannya yang berharga, Saya ucapkan terima kasih.

Peneliti



Riswanda, MPA  
Student ID no: 2044018

18 Februari 2012

Kepada Yth  
Kepala Badan Pemberdayaan Perempuan dan Keluarga Berencana  
Jln. Soekarno Hatta no 458  
Bandung  
Jawa Barat

Hal : **Permohonan Izin dan Data-data Penelitian**

Dengan hormat,

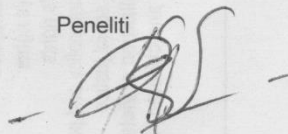
Dalam rangka pencarian data untuk penyelesaian thesis program doktoral (*PhD*) maka Saya yang bertanda tangan dibawah ini, selaku mahasiswa program terkait, mohon bantuan izin survey dan pengadaan data-data:

Nama : **Riswanda, MPA**  
Student ID No : **2044018**  
Universitas : **Faculty of Social and Behavioural Science,  
Flinders University of South Australia**  
Judul Penelitian : ***Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia***  
Data yang dicari : **1. Data primer: survey/ observasi lapangan, kuisisioner, wawancara**  
**2. Data sekunder, antara lain:**  
**- Dokumen kebijakan**  
**- Peraturan / Perizinan**  
**- Data statistik**  
**- Dokumen publikasi event / program terkait permasalahan penelitian**  
**3. Data-data lain yang berkaitan dengan penelitian**

Lokasi Penelitian : **Bandung, Tasikmalaya, Indramayu, Subang**  
Instansi tujuan : **Badan Pemberdayaan Perempuan dan Keluarga Berencana**

Atas perhatian dan bantuannya yang berharga, Saya ucapkan terima kasih.

Peneliti



Riswanda, MPA  
Student ID no: 2044018

12 March 2012

Kepada Yth  
**Sekretaris Kementerian Pemberdayaan Perempuan dan Perlindungan Anak**  
Jl. Medan Merdeka Barat 15  
Jakarta

Hal : ***Permohonan Izin dan Data-data Penelitian***


Dengan hormat,

Dalam rangka pencarian data untuk penyelesaian thesis program doktoral (*PhD*) maka Saya yang bertanda tangan dibawah ini, selaku mahasiswa program terkait, mohon bantuan izin survey dan pengadaan data-data:

Nama : **Riswanda, MPA**  
Student ID No : 2044018  
Universitas : Faculty of Social and Behavioural Science,  
Flinders University of South Australia  
Judul Penelitian : *Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia*  
Data yang dicari : 1. Data primer: survey/ observasi lapangan, kuisisioner, wawancara  
2. Data sekunder, antara lain:  
- Dokumen kebijakan  
- Peraturan / Perizinan  
- Data statistik  
- Dokumen publikasi event / program terkait permasalahan penelitian  
3. Data-data lain yang berkaitan dengan penelitian  
Lokasi Penelitian : Jabotabek  
Instansi tujuan : Asdep Penanganan Masalah Sosial Perempuan  
Asdep Penanganan Kekerasan terhadap Anak

Atas perhatian dan bantuannya yang berharga, Saya ucapkan terima kasih.

Peneliti

  
Riswanda, MPA  
Student ID no: 2044018

[Previous](#) | [Next](#) | [Back to Messages](#)

[Mark as Unread](#) | [Print](#)

Delete Reply Forward Spam Move...

**Re: Introduction of PhD student to Bandung Trust** Monday, 19 March, 2012 6:59 PM  
From: "Siska Wiliyhana" <siska.wiliyhana@flinders.edu.au>  
To: "Janet McIntyre" <janet.mcintyre@flinders.edu.au>  
Cc: "Riswanda Riswanda" <riswandariswanda@yahoo.com.au>, "yuyukom@btrust.or.id" <yuyukom@btrust.or.id>, "yuyukom@gmail.com" <yuyukom@gmail.com>

Hi Janet,

It's Great to hear from you. Will try to see whether he can speak to one of our colleague in the Ministry of Social Affairs. Thanks

Regards,  
Siska

Sent from my iPad

On 16/03/2012, at 9:53 AM, "Janet McIntyre" <janet.mcintyre@flinders.edu.au> wrote:

Dear Siska and Yuyu  
· I would like to introduce you to Riswanda  
· He is doing a study on prostitution policy  
· He would like to speak to NGO leaders and facilitators  
· It would be great if you could support his research?  
· He is based in Bandung and he is a uni lecturer there, so it would be really helpful  
· Also Siska , perhaps you could enable Riswanda to have a chat with some of the agencies who work on policy issues pertaining to social justice in Indonesia?  
Kind regards  
As ever  
Janet

Delete Reply Forward Spam Move...

**Re: Introduction of PhD student to Bandung Trust** Monday, 19 March, 2012 12:31 PM  
From: "Yuyu Komariah" <yuyukom@gmail.com>  
To: "Janet McIntyre" <janet.mcintyre@flinders.edu.au>  
Cc: "Siska Wiliyhana" <siska.wiliyhana@flinders.edu.au>, "Riswanda Riswanda" <riswandariswanda@yahoo.com.au>

Dear Janet,

I am very glad to hear from you again. It has been long time, and sorry to miss seeing you in flinders alumni meeting. Siska sent me message through mobile phone at that time.

I am very happy to talk to riswanda. And please use my [yuyukom@gmail.com](mailto:yuyukom@gmail.com) for email correspondence.

When are you visiting Indonesia again? I do not want to miss it.

Best regards

Yuyu Komariah  
Deputy Director  
Bandung Trust Advisory Group  
JI Citamiang No 61 Bandung 40121  
Ph +62 22 7212121 Fax. 022 7275270  
Mobile 081322227233  
Email [yuyukom@gmail.com](mailto:yuyukom@gmail.com)

On Fri, Mar 16, 2012 at 9:53 AM, Janet McIntyre <janet.mcintyre@flinders.edu.au> wrote:

Dear Siska and Yuyu  
· I would like to introduce you to Riswanda  
· He is doing a study on prostitution policy  
· He would like to speak to NGO leaders and facilitators  
· It would be great if you could support his research?  
· He is based in Bandung and he is a uni lecturer there, so it would be really helpful  
· Also Siska , perhaps you could enable Riswanda to have a chat with some of the agencies who work on policy issues pertaining to social justice in Indonesia?  
Kind regards  
As ever  
Janet

From: "emi patmisari" <emiskp@yahoo.com>  
To: "Riswanda Riswanda" <riswandariswanda@yahoo.com.au>

Dear Riswanda,

Thank you for your letter and your interest in our institution for your research fieldwork. After a short discussion in my division, basically we are willing to facilitate your data collection process. As you probably acknowledge, our institution's main task is to conduct technical policy formulation and implementation of regional development planning. There are 6 divisions within, i.e. governance, physical, sociocultural, monitoring and evaluation, economic, and development funding. Regarding your research interest, there will be more than one division would be involved in your data collection depending on your purpose of study. Your document will then be processed according to existing procedures in our office and we will contact you for further notice.

Regards,

Emi Patmisari  
Sociocultural Division  
West Java Development and Planning Board  
Jl. Ir. H. Juanda No. 287 Bandung  
<http://bappeda.jabarprov.go.id/>

---

From: Riswanda Riswanda <riswandariswanda@yahoo.com.au>  
To: emi teh emi <emiskp@yahoo.com>  
Cc: emiskp@yahoo.com  
Sent: Wednesday, 21 March 2012 8:33 PM  
Subject: Teh minta tolong dibales buat correspondence tea ya..-suratnya di attached ulang-sugan tiasa diproses lg atau teu langkung teteh saena

Dear Teh Emy,

I am going in for a research on '*Perceptions of prostitution: a critical ethnographic case study of rural and urban areas of Indonesia*' as my PhD thesis.

The research is basically looking at particularly the intellectual arguments and practical implications of policymaking on prostitution. The contextualisation of prostitution, in rural and urban areas, of Indonesia is highlighted.

**b.trust**  
BANDUNGTRUST ADVISORY GROUP

Number : 064/adm/B\_Trust/V/2012

Bandung, 28 May 2012

Attachment : 1 (one) set

Regarding : Response to Permission for Research of PhD Student (Riswanda)

Dear Ms Janet McIntyre,

In reference to your letter and Riswanda (PhD candidate of Flinders University), we are very happy to welcome Riswanda to conduct in depth interview with our organisation team on his research topic.

I am looking forward to assisting Riswanda on his project completion and welcoming him in our NGOs.

Sincerely Yours,

 **b.trust**

**Yuyu Komariyah MA, Ph.D**

*Deputy Director*



PEMERINTAH PROVINSI JAWA BARAT  
**DINAS SOSIAL**

Jalan Raya Cibabat Nomor 331 Telp. 022 6643149 – 6643209  
Fax. 022 – 6645535  
CIMAHI

Kode Pos 40522

Bandung, 6 Juli 2012

Nomor : 070/ 2679 /PEGUM  
Sifat : Biasa  
Lampiran : -  
Hal. : Ijin Survey dan Pengadaan  
Data-data

Kepada  
Yth. Riswanda, MPA  
Faculty of Social and Behavioural  
Science Flinders University of  
South Australia  
di -  
Tempat

Memperhatikan surat Saudara tanggal 2 Juli 2012 Perihal Permohonan Izin dan Data-data Penelitian, atas permohonan tersebut pada prinsipnya kami tidak keberatan dengan kegiatan dimaksud sepanjang dapat mentaati ketentuan yang berlaku

Atas perhatiannya, kami ucapkan terima kasih.

a.n. KEPALA DINAS SOSIAL  
PROVINSI JAWA BARAT  
Sekretaris,



H. KHOIRUL NAIM, SKM, M.Epid  
Pembina  
NIP. 19700615 199602 1 002

Tembusan disampaikan kepada, Yth :

1. Yth. Ibu Kepala Dinas Sosial Provinsi Jawa Barat di Cimahi ( sebagai laporan )
2. Kepala Bidang Pelayanan dan Rehabilitasi Sosial
3. Kepala Sub Bagian Perencanaan dan Program
4. Peringgal



**MINISTRY OF WOMEN'S EMPOWERMENT AND CHILD PROTECTION  
REPUBLIC OF INDONESIA**  
JALAN MEDAN MERDEKA BARAT NOMOR 15, JAKARTA 10110,  
TELEPON (021) 3842638, 3805562 FAXIMILE (021) 3805559, 3805562  
website:<http://www.menegpp.go.id>

Number: B. 125 /Set/KPP&PA/Roren/07/2012

9 July 2012

**To**  
**Ms. Janet McIntyre**  
**Associate Professor**  
**Faculty of Social and Behavioural Sciences**

**Re: Letter of Introduction – Perceptions on Prostitution: A Case Study of  
Rural and Urban Areas of Indonesia**

Dear Ms. McIntyre,

Referring to our previous letter on the similar subject please be informed that the Ministry of Women's Empowerment and Child Protection of Indonesia is pleased to assist Mr. Riswanda in the process of thesis completion. We will assist him in providing support for interviews with key informants related to the study and facilitate access to policy document related to the topic of the study or as asked by the researcher in terms of the social justice or the life chance of women and children in Indonesia. We will only provide data that protects anonymity of individuals.

We hope this would suffice. Thank you for your kind cooperation.

Yours sincerely,

Agustina Ern  
Head of the Bureau of Planning



With cc to:

Riswanda, PhD. Student at Flinders University





PEMERINTAH PROVINSI JAWA BARAT  
**BADAN PERENCANAAN PEMBANGUNAN DAERAH**

Jalan Ir. H. Juanda No. 287 Telp. 2516061 (hunting 6 line) Fax.: 2510731  
url : <http://www.bappeda-jabar.go.id>, e-mail : [public@bappeda-jabar.go.id](mailto:public@bappeda-jabar.go.id)  
BANDUNG Kode Pos 40135

Bandung, 15 Juni 2012

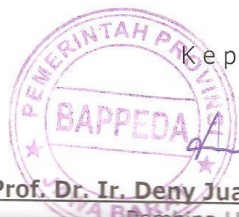
Nomor : 073/1128/PPE  
Sifat :  
Lampiran : --  
Hal : Data dan Informasi

Kepada  
Yth. **Riswanda, MPA.**  
Faculty of Social and Behavioural  
Science – Flinders University  
Di  
Tempat

Menanggapi surat Saudara, Nomor 18 Februari 2012, hal Permohonan Izin dan Data-data Penelitian, dalam rangka penyusunan thesis program doktoral (PhD), "*Perceptions on Prostitution: a case study of rural and urban areas of Indonesia*", bersama ini disampaikan bahwa pada prinsipnya kami bersedia memberikan data dan informasi yang diperlukan, dan diharapkan Bappeda Prov. Jawa Barat dapat memperoleh hasil akhir penelitian tersebut sebagai bahan kebijakan pembangunan daerah.

Berkaitan dengan ketersediaan data tentang hal tersebut, kami menyarankan agar Saudara juga menghubungi Dinas Sosial Prov. Jawa Barat, Jl. Cibabat No. No. 331 Cimahi – 40522, Telepon: 022-6643149; 6643209; 6649557; 6633323, Fax: 022- 6645535, Website: [www.dissos.jabar.go.id](http://www.dissos.jabar.go.id), e-mail: [datin@dissos.jabarprov.go.id](mailto:datin@dissos.jabarprov.go.id).

Demikian penyampaian kami, terima kasih atas perhatiannya.



Kepala,  
**Prof. Dr. Ir. Deny Juanda Puradimaja, DEA.**  
Pembina Utama Madya  
NIP. 195707121984031001

Re: Riswanda-Permohonan izin penggunaan foto untuk tujuan penulisan disertasi dan karya ilmiah journal

Redaksi NU Online <redaksi@nu.or.id>

Wed 9/07/2014 1:42 AM

To: Riswanda <risw0001@flinders.edu.au>;

Terima kasih atas suratnya

Pada dasarnya redaksi NU Online tidak berkeberatan atas pemanfaatan artikel yang telah dimuat, baik untuk tujuan akademis atau untuk dipublikasikan dalam bentuk lain, dengan memenuhi kaidah ilmiah atau jurnalistik.

Kami berharap penulisan ilmiah tersebut bisa menambah khazanah baru dalam melihat persoalan lokalisasi dari berbagai sudut pandang dan memberi masukan bagaimana menyelesaikannya. Untuk informasi lebih lanjut atau pendalaman materi, bisa menghubungi Mahbub Muafi, dari Lembaga Bahtsul Masail NU di mahbub\_maafi@yahoo.com

Salam

Mukafi Niam

Redaktur

On 2014-07-07 23:58, . Riswanda wrote:

Yth. Redaksi NU,

Perkenalkan nama Saya Riswanda. Saat ini Saya sedang menyelesaikan program studi doktor di Flinders University of South Australia.

Bersama surat ini Saya memohon izin sitasi/ penggunaan foto di salah satu artikel online NU berjudul '**Dasar hukum yang membolehkan lokalisasi**', oleh redaksi **NU**, pada tanggal 27 Januari <<http://www.nu.or.id/a,public-m,dinamic-s,detail-ids,11-id,49730-lang,id-c,syariah-t,Dasar+Hukum+yang+Membolehkan+Lokalisasi-.phpx>>.

Penggunaan/ pengutipan foto tersebut digunakan hanya untuk tujuan penulisan karya ilmiah PhD thesis dan publikasi journal terkait. Bila diizinkan, foto tersebut diatas akan dimuat dalam PhD thesis Saya berjudul '**Perceptions of prostitution: a critical ethnographic case study of rural and urban areas in Indonesia**'; dan artikle journal yang saat ini sedang Saya tulis berjudul '**Reframing prostitution in Indonesia: a critical systemic review**'.

Tentu saja, sebagai bentuk apresiasi hak cipta, referensi sumber akan ditulis sesuai dengan kaidah ilmiah sebagai berikut:

Nahdlatul Ulama (NU) 2014, 'Dasar hukum yang membolehkan lokalisasi', *Nahdlatul Ulama: syariah*, 27 January, p. 1, <<http://www.nu.or.id/a,public-m,dinamic-s,detail-ids,11-id,49730-lang,id-c,syariah-t,Dasar+Hukum+yang+Membolehkan+Lokalisasi-.phpx>>, accessed 8 July



KEMENTERIAN  
PEMBERDAYAAN PEREMPUAN DAN PERLINDUNGAN ANAK  
REPUBLIK INDONESIA

**PROSEDUR STANDAR OPERASIONAL**

**PELAKSANAAN**

**STANDAR PELAYANAN MINIMAL (SPM)**

**BIDANG LAYANAN TERPADU**

**BAGI PEREMPUAN DAN ANAK KORBAN KEKERASAN**

**TAHUN 2010**





**PERATURAN DAERAH  
PROVINSI JAWA BARAT**

**NOMOR 10 TAHUN 2012**

**TENTANG  
PENYELENGGARAAN KESEJAHTERAAN SOSIAL**



**DINAS SOSIAL  
PEMERINTAH PROVINSI JAWA BARAT  
2012**

- Eksploitasi, meliputi tapi tidak terbatas pada :
  - a. Tindakan yang mengeksploitasi ekonomi atau seksual anak dengan maksud untuk menguntungkan diri sendiri atau orang lain (Pasal 88 UU Perlindungan Anak).
  - b. Tindakan dengan atau tanpa persetujuan korban yang meliputi tapi tidak terbatas pada pelacuran, kerja atau pelayanan paksa perbudakan atau praktik serupa, penindasan, pemerasan, pemanfaatan fisik, seksual, organ reproduksi, atau secara melawan hukum memindahkan atau mentransplantasi organ dan/atau jaringan tubuh atau memanfaatkan tenaga atau kemampuan seseorang oleh pihak lain untuk mendapatkan keuntungan baik materil maupun immaterial (Pasal 1 butir 7 UU Pemberantasan Tindak Pidana Perdagangan Orang).
  - c. Eksploitasi seksual adalah segala bentuk pemanfaatan organ tubuh seksual atau organ tubuh lain dari korban untuk mendapatkan keuntungan, termasuk tetapi tidak terbatas pada semua kegiatan pelacuran atau pencabulan (Pasal 1 butir 8 UU Pemberantasan Tindak Pidana Perdagangan Orang, Pasal 4 ayat (1) UU Pornografi).

9



Pelayanan penanganan perempuan dan anak korban kekerasan

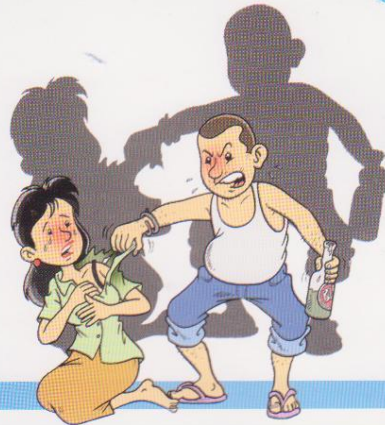
- Kekerasan lainnya, meliputi tapi tidak terbatas pada :
  - a. Ancaman kekerasan adalah setiap perbuatan secara melawan hukum berupa ucapan, tulisan, gambar, simbol, atau gerakan tubuh, baik dengan atau tanpa menggunakan sarana yang menimbulkan rasa takut atau mengekang kebebasan hakiki seseorang (Pasal 1 butir 12 UU Pemberantasan Tindak Pidana Perdagangan Orang).
  - b. Pemaksaan adalah suatu keadaan dimana seseorang/korban disuruh melakukan sesuatu sedemikian rupa sehingga orang itu melakukan sesuatu berlawanan dengan kehendak sendiri (Penjelasan Pasal 18 UU Pemberantasan Tindak Pidana Perdagangan Orang).

10

### HAK-HAK KORBAN DALAM SPM

No.	Jenis Layanan	Penanggung Jawab
1.	Penanganan pengaduan/laporan kekerasan terhadap perempuan	Badan/Unit PP
2.	Pelayanan Kesehatan bagi perempuan dan anak korban kekerasan	Dinas Kesehatan
3.	Rehabilitasi sosial bagi perempuan dan anak korban kekerasan	Instansi Sosial Kantor Agama
4.	Penegakan dan bantuan hukum perempuan dan anak korban kekerasan	Polri, Kejaksaan Pengadilan Kemenlu Kemenakertrans BNP2TKI
5.	Pemulangan dan reintegrasi sosial bagi perempuan dan anak korban kekerasan	Instansi Sosial





**STOP**  
**Kekerasan**  
Terhadap  
Perempuan  
dan Anak







KEMENTERIAN HUKUM  
DAN HAK ASASI MANUSIA REPUBLIK INDONESIA



KEMENTERIAN  
PEMBERDAYAAN PEREMPUAN DAN PERLINDUNGAN ANAK  
REPUBLIK INDONESIA

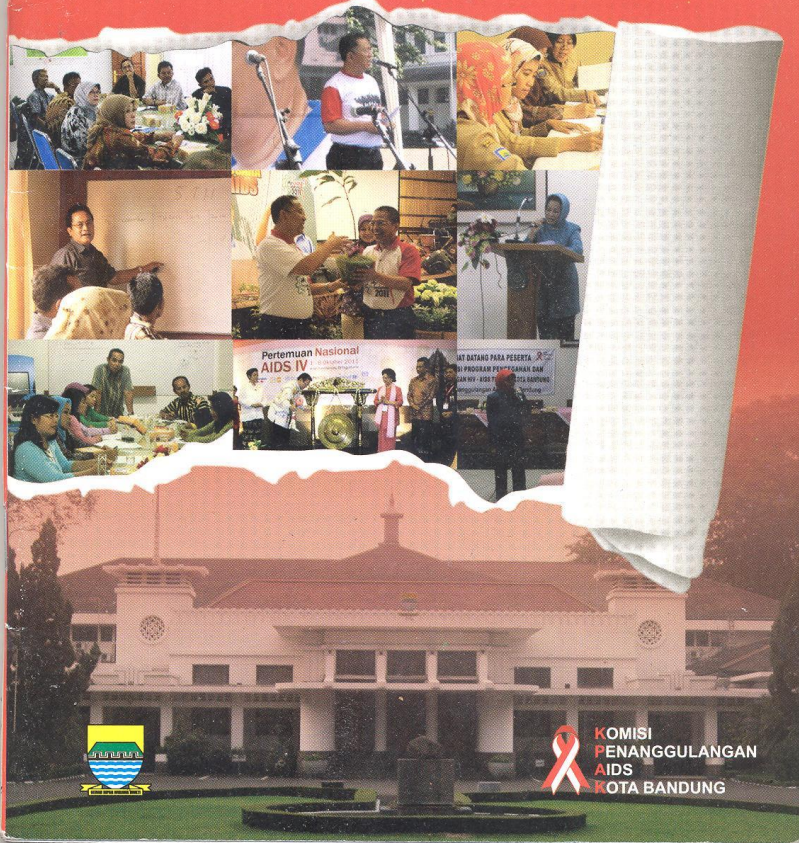


KEMENTERIAN DALAM NEGERI  
REPUBLIK INDONESIA

# Parameter Kesetaraan Gender dalam Pembentukan Peraturan Perundang-undangan



# RENCANA STRATEGIS PENANGGULANGAN HIV-AIDS KOTA BANDUNG TAHUN 2012 - 2016







KEMENTERIAN  
PEMBERDAYAAN PEREMPUAN DAN PERLINDUNGAN ANAK  
REPUBLIK INDONESIA

PERATURAN MENTERI NEGARA  
PEMBERDAYAAN PEREMPUAN DAN PERLINDUNGAN ANAK  
REPUBLIK INDONESIA  
NOMOR 01 TAHUN 2010

TENTANG

**STANDAR PELAYANAN MINIMAL (SPM)  
BIDANG LAYANAN TERPADU  
BAGI PEREMPUAN DAN ANAK KORBAN KEKERASAN**

TAHUN 2010



**Undang-Undang Republik Indonesia**  
**Nomor : 21 Tahun 2007**  
**Tentang**  
**Pemberantasan Tindak Pidana Perdagangan Orang**

**Peraturan Pemerintah Republik Indonesia**  
**Nomor : 09 Tahun 2008**  
**Tentang**  
**Tata Cara dan Mekanisme**  
**Pelayanan Terpadu Bagi Saksi dan/atau Korban**  
**Tindak Pidana Perdagangan Orang**

**Peraturan Presiden Republik Indonesia**  
**Nomor : 69 Tahun 2008**  
**Tentang**  
**Gugus Tugas Pencegahan dan Penanganan**  
**Tindak Pidana Perdagangan Orang**

**Peraturan Menteri Koordinator Bidang Kesejahteraan**  
**Nomor : 25/KEP/MENKO/KESRA/VIII/2009**  
**Tentang**  
**Rencana Aksi Nasional**  
**Pemberantasan Tindak Pidana Perdagangan Orang (PTPPO)**  
**dan Eksploitasi Seksual Anak (ESA) 2009-2014**



**KEMENTERIAN**  
**PEMBERDAYAAN PEREMPUAN DAN PERLINDUNGAN ANAK**  
**REPUBLIK INDONESIA**

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<sup>52</sup> Translation of Bulughul maram 26<sup>th</sup> ed. The term "Bulughul al-maram" comes from Arabic that literally means attainment of the objective. The book contains a collection of "hadith" (teachings, deeds and sayings of Prophet Muhammad).

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