



THE EXISTING POLICY ON PROSTITUTION IN INDONESIA: A RETROSPECTIVE EVALUATION

Mohammad Suud

Study Program of Social Welfare, Social and Political Science Faculty
University of Wijaya Kusuma Surabaya

Email: mohsu2000@gmail.com

Abstract

This paper presents the policy on prostitution existing in the last ten years of the period of the New Order Regime. By using qualitative analysis, in the frame of rationality and coherence, author describes of the policy on prostitution and its results. The practice that was done by the government to tackle the prostitutes tended to be unjust, while the implication of the Indonesian Criminal Code as the one of the national law saved a discrimination. The spirit of the law saved a moral weakness to endorse the creation of good life for Indonesian having the way of life Pancasila. Linked to the policy, the government tended frontally to tackle the prostitutes. As the policy made by the government was based on unhistorical and unsubstantial views, the governmental intervention to them has been more bringing problems than solutions. The inconsistency of the local governments in managing the localization of prostitutes has compounded the problem. The governmental policy could not grasp the goals: rehabilitation and resocialization. The policy has empowered the institutionalization of prostitution and pimps. The government has been tacitly the institution of serving pimps.

Key Word : *policy, prostitution, pimps*



INTRODUCTION

A. Research Background

The subject of this research is adult female prostitution existing in Indonesia. This is based on the reason that female prostitution is a more endemic phenomenon than male prostitution. What is specifically investigated as prostitution here is the system of localized prostitution complexes that are well known as ‘lokalisasi’ in Indonesia. The object of this research is the existing policy on the female prostitution.

According to the Constitution of 1945, Article 27, “Every citizen has the right to work and live in human dignity” (MPR RI, 2012:175).¹ This means that women and men have equal rights to work and live, and that a profession is an entitlement in Indonesian context. The Constitution values that of being worked for every citizen. Because the Indonesian acknowledges the balance between rights and duties, the Indonesian has always to attempt to obtain any decent profession. As a responsible institution to create employment opportunities, the government must pay serious attention to this issue. The government has obligation to create good employment opportunities or an adequate work environment for its peoples before the government asks for its citizens to operate decent professions.

It is important to look at a primary role of Indonesian government in creating employment opportunities with an economic growth reached.

“According to the 1980 Population Census, the Indonesian workforce increased averagely by 2.7% per year. The 1990 population census revealed that the growth of workforce amounted to 3.0% per year. From 1980 until 1990, the number of workforce needing

employment opportunities was almost 21.5 million persons, and increased to 85.8 million in the first year Repelita VI (1994/95), while the active workers until 1994 reached 82.9 million” (Soedarjanto, 1995:164).

Unfortunately, there is no clarification why the number of workforce could be quadruple. Although the figures of active workers do not include prostitutes (Hull et al., 1997:113), it is clear that there is a great progress of Indonesian government in creating job opportunities for its citizens. 2.9 million people are, however, still enough to supply vast number of prostitutes, if a sheer unemployment is a cause of prostitution. Besides that, as long as government cannot yet create better job opportunities than prostitution, so becoming ‘sex worker’ constitutes an exciting alternative for some women and sometimes for men.

With regard to the issue of ‘human investment’, it is important to pay close attention to participation of people, particularly active participation of women. The role of the latter group tends to be ignored or late in development. The government has formally paid attention to the group since Repelita IV through creating State Ministry for Woman Roles. This notion refers to ‘social development’ thought as a result of International Conference of Social Welfare conducted by Pre-Conference Working Party (PCWP) in Manila in 1971. PCWP formulates social development as entire development aspects that link with social relations, social systems, and values. Social development pays attention to the balance of human life to improve their social conditions. Social development is efforts to improve social lives both at microstructure levels as family and at macrostructure levels as society (in Sumarnonugroho, 1991:89).

¹ The Article is translated in English by author



B. Statement of the Research Problem

Generally, views on prostitution problems in Indonesia are divided into three interest groups. First are those who want prostitution to disappear from Indonesian society. Second are those wanting sex industry to be regulated and reformed effectively. Two strands of the problem derive from respectively these two different views, the 'moralist group' and 'pragmatist group'. There is a third group that ask for a clear and consistent attitude from government towards the existence of prostitution (Hull et al., 1997:109-115).

The views of the two first groups showed by Hull et al. are essentially similar to the two first views stated by Truong below. She shows three opposing views as follows: the moral view, the institutional view, and the women's social condition view (Truong, 1986:2).

One policy made by the government is the localized prostitution complexes well known as 'lokalisasi'. 'Lokalisasi' are "prostitution complexes that are managed based on regulations issued by local governments" (Hull et al., 1997: 118). Such prostitution complexes are legalized and approved by the government. There are three indications to recognize whether a prostitution complex is legal or not. First, the existence of the complex is supported by regulations issued by local governments. Second, prostitutes existing in the complex acquire rehabilitation and resocialization programmes. Third, the Municipal Social Welfare Office controls prostitutes existing in the complex. Otherwise, prostitution complexes that rise without agreement from local governments are illegal. Such prostitution complexes have no relation to rehabilitation programmes undertaken by the government.

So, prostitution continues in the system, generates 'legal income' for local governments and illegal income for the police, satisfies clients and provides the prostitutes with income; but the prostitutes have the chance to prepare for an

alternative life, and the profession remains not officially endorsed. This is a compromise aimed to satisfy some groups.

According to the statistics data, the number of registered prostitutes in Indonesia increases year by year. It was 71.000 excluding unregistered free-lance sex workers and other workers who disguisedly offer sex services for their customers (Hull et al., 1997: 63).

Therefore, there is a pressing need to delineate the existing policy on prostitution in Indonesia.

C. Formulation of the Research Problem

In fulfilling this need, we are aware that prostitution is a multidimensional phenomenon. This research covers a following question: What is the existing policy on prostitution in Indonesia and what are its results?

We wish to attain the following goal: to know and understand the existing policy on prostitution in Indonesia and its results.

D. Methodology of the Research

1. Scope of the Research

This research highlights the past situation of prostitution in Indonesia, particularly Jakarta. This is based on reasons that the city is a metropolitan area, the largest in the country; many prostitutes exist there in both a legal complex (Kramat Tunggak) and illegal ones (Cilincing, Angke, Kalijodo, Jalan Gajahmada, etc.); the majority of the inhabitants are practicing Moslems.

To answer the question of this research in terms of time, a retrospective analysis is limited to the last 10 years of the period of the New Order Regime, i.e. 1988-1998. This is based on reasons that this regime had long experience in undertaking National Development, and then the government in that time had more concrete policy on prostitution relatively than the predecessor and the successor. But some relevant information after the period,



i.e. 1999, is also discussed.

2. Data Sources of the Research

This research uses secondary data. I collected the needed data from literature, document, statistics, journal, magazine, and mass media prepared at Library of Wijaya Kusuma Surabaya University, a private collection, and online sources.

ANALYTICAL FRAMEWORK

A. Definition and Sector of Prostitution

According to the Encyclopaedia Britannica (1975:75), prostitution might be defined as ‘the exchange of money or valuable materials in return for sexual activity and the relatively indiscriminate availability of such a transaction to individuals other than spouses or friends.’ It can thus be characterized by three major elements: payment, promiscuity, and emotional indifference. For the purpose of this research it will be adequate. This consideration refers to the importance of the element of payment in prostitution. As Scambler says, “Prostitution is taken to mean the exchange of money for sex – use value for exchange value...” (1997:10). Davis adds,

“since some form of payment is found in social arrangements such as marriage and courtship, the element of promiscuity must be retained in the definition in order to differentiate prostitution from other types of relation between sexes” (in Truong, 1988:18).

On other definition, “prostitution is seen as an expression of the ‘cultural hegemony’ of men over women” (Rowbotham in Truong, 1988:19). Based on Rowbotham’s view, Barry elucidates that “under male cultural hegemony women form a vulnerable social group, and that this vulnerability provides ample opportunity for men to sexually

abuse and exploit them” (in Truong, 1988:20).

From these definitions, two main issues emerge. First, material gains can be in the form of money and/or gifts and social mobility for both individual and groups. Second, the act of prostitution must be seen both at the level of individual motive and in relation to the structure of the social relationship between men and women and the class structure of society (Truong, 1986:6)

Referring to Black’s delimitation of sector, prostitution might be seen as a tertiary sector or service sector (1977:419). The underground nature of the sex sector makes it very difficult to determine its actual size and economic significance. Lim estimates that the contribution of sex sector is between 2 per cent and 14 per cent of gross domestic product in countries such as Indonesia, Malaysia, the Philippines and Thailand (1998:7).

Then, Lim says that prostitution has economic components relating to economic progress, modernization and a growing sense of materialism, and social components relating to unequal relations between men and women (1998: 9-12).

B. The Rationality and Coherence of Policy on Prostitution

1. The Rationality of Policy

Theory of society – state relation will be relevant to analysing prostitution phenomenon particularly in this research. Because,

“the traditional dichotomy between state and civil society remains problematic when investigating prostitution. We need to make allowances for flexible boundaries, dichotomies, and dialectical relationships between state and society, as institutions within and outside the state exercise and legitimate their power. We do well to remember that prostitution is a dependent institution, reflective of gender, economic and political stratification orders,



and of transforming family relations” (Davis, 1993: 8).

Prostitution is explored as a multidimensional phenomenon: “as a social crisis embracing concepts of both danger and opportunity, as a complex occupational structure, and as a distinct politic” (Davis, 1993:5-7). The complexity of this prostitution problem deserves attention from policy makers because policy has to be problem(s) resolution oriented (Laswell, 1968:181).

The notion developed here is to justify the relevance of rationality and coherence of policy on prostitution. To understand the rationality of policy on prostitution, we must appreciate the underlying values and who are the involved people. According to the Oxford Dictionary of Philosophy, there are two kinds of views on the status of value: as subjective (a protected personal choice) and as objective (a guided and corrected personal choice) (Blackburn, 1996:390). The former issue leads us to assess the ideology (Heineman et al, 1990:39) that underlies the policy goals while the latter issue guides us to take into account stakeholders (Nutt and Backoff, 1992:190) who involve or must be involved in the policy path, particularly in policy formulation.

2. *The Coherence of Policy*

To know how a good policy is, we need to test the belief for truth in the light of other beliefs, including perceptual belief, and then we need step inside our own belief system to anticipate how well it is doing in terms of *coherence* with the reality. According to the Oxford Dictionary of Philosophy, “A system is consistent if it does not yield both a formula and its negation...” (Blackburn, 1996:78). We have to be consistent with the body of truth. In looking for the basis of consistency, we must know upon what the structure of our belief is built in time and place dimensions.

The term ‘social entitlement’ deserves attention from government to reduce the sense of uncertainty, particularly for prostitutes to grasp their freedom and rights. In relation to the term, Dixon-Mueller notes that this term stands on the two following views. First is that every people has individual rights that cannot be separated from himself or herself. Second is that society and state having obligation to ensure not only freedom and opportunity for citizen but also capacity of citizen to obtain what freedom and rights of theirs (in Adrina, et al., 1998: xi-xii).

The political will of the government, as regulator to resolve the prostitution problem, must be effective and consistent and fill a need of stakeholders, particularly the prostitutes. If the prostitutes are necessary to involve in resolution of their problem, when and where they will meet that condition. It is very important in order that we don’t face the anomalous situation of having strongly worded policies and weak actions.

Prostitution might not only be viewed as a moral issue but also within perspective of the social entitlement that should be guaranteed by government and society alike. The prevailing morality and perception of prostitution that describe prostitutes as women who deviate from standard codes of sexual conduct conceal many aspects of social transformation affecting women as a group. However,

“Although many women choose prostitution as a strategy of survival for themselves as individuals, and for their family, it should be kept in mind that viewing the act of prostitution as a calculated rational choice is not sufficient for a full understanding of the phenomenon. Such a view tends to ignore the economic system underlying the institution in which individual and collective interests are grounded” (ESCAP, 1985:5).



Now let us to clarify the dimensions of time and place as basis of consistency of policy on prostitution. Time more focus on how long before the government can create better job opportunities than prostitution or provide adequate social security rather than the chance in which prostitutes have to prepare for an alternative life. The better job opportunities are an amount of other decent works that can be chosen or obtained by prostitutes or ex-prostitutes instead of prostitution.

Place more focus on places where prostitutes can maintain their welfare in the social context rather than their segregation or isolation from society at large. The view developed here is that attempts to segregate or isolate the prostitutes from society at large will be in vain as long as the government itself cannot meet yet its obligations: creating the better job opportunity than prostitution or providing the social security. The government must take into consideration the prostitutes' involvement to embody their well-being in time and place dimensions rather than on merely the return of prostitutes into their families or society.

THE EXISTING POLICY ON PROSTITUTION

A. The History and Trends

The existence of a commercialisation of sex in feudal period has underlain the growth of prostitution existing today. That condition could be seen through values treating women as things. Jones et al. call it 'the commoditization of women' (in Lim, 1998:29). The treatment of women as commodities happened not only in Java but also in Bali (Hull et al., 1997:1-3).

The more organized forms of prostitution grew fast during the Dutch colonial period. In 1650, the colonial government established 'house of correction for women' to rehabilitate prostitutes and protect

public order. In 1852, the colonial government introduced a new regulation agreeing to a commercial sex industry, including a series of regulation to avoid its harmful consequences. The 'public women' were suggested to operate in brothels. In 1858, another regulation clarified that the 1852 Act was not to be interpreted as having legitimised brothels as commercial institutions but as places of medical consultation to limit the harmful effect of prostitution (Hull et al., 1997:4-5). The problem is that society and prostitutes may have different perceptions rather than the government has.

Two decades later, the central government shifted responsibility for controlling brothels to local governments. For example, in 1875, Batavian government (Jakarta now) promulgated regulation pertaining medical checkups of prostitutes where medical workers were responsible to control health of prostitutes (Hull et al., 1997:6).

The legal framework built in 1852 might be compatible with laws prevailed in the Netherlands. But it was still inadequate seen from the side of prostitutes' rights, equalities or detection of dangerous infected diseases.

The sex commercialisation in Indonesia was further entrenched during the Japanese occupation between 1941 and 1945. Women who were already working as prostitutes were rounded up, and after health checks some were allocated to brothels to serve the Japanese soldiers while others continued to operate as before. Many adolescents and schoolgirls were brought from their original towns or villages for better education and life in Tokyo and other cities in Indonesia. But these girls became sex slaves for the Japanese soldiers and officers (Tempo, 1992:17-18).

In the colonial period prostitution was condemned by society based on two reasons: public health and public morality (Hull et al., 1997:16). This view more emphasizes dangers faced by society particularly men while less pay



attention dangers faced by women or women's interests. Many persons already accept such views although its worth for human beings is fundamentally questionable.

B. The Indonesian Government's Policy on Prostitution

1. The Legislation on Prostitution

Up to now, there is no law in Indonesia that prohibit explicitly the sale of sexual services. The Indonesian Criminal Code just prohibits those who help and facilitate illegal sexual services. The Criminal Code also prohibits the trading of women and under-age boys. The relevant articles are as follows (John et al. in Lim, 1998:57).

Article 296: "Those whose actions or attitudes intentionally lead to or facilitate illegally sexual activities with other people will be given a penalty of one year and four months imprisonment or a fine of Rp. 15,000 (US\$7)."

Article 297: "Trade in women or under-age males will incur a maximum penalty of six years imprisonment."

Article 506: "Whoever as *mucikari* (pimp) derives profits from prostitution of women, will incur a maximum penalty of three months imprisonment."

There are also difficulties to accuse a married person being adulterous by using Articles 284-288 of the Code. "First, it will be difficult to prove that the prostitutes know their client is married. Second, ...it requires a formal complaint from client's wife and evidence of a breakdown of the marriage as a result of the adultery..." (Hull et al., 1997:26). Besides that, it must be kept in mind that women who work in brothels are usually unmarried.

"In Indonesian society, law extends beyond the

legislative provisions of the government and includes both religious laws and customary regulations. While these generally are not open to prosecution in state courts, they do shape community norms and attitudes, and modify the way civil laws are carried out in practice" (Hull et al., 1997:27).

Mu'thi points out the difference between the meaning of adultery in the Criminal Code and in Islamic law (*syari'ah*). In the former, a married person only can commit to adultery, because the purpose of the law is to support monogamous relationships rather than to pass judgments on premarital sexual behaviour. In the latter, all premarital sexual relations are regarded as adulterous. A polygamous man is not committing adultery by having sexual relations with more than one legal wife, but both man and woman can only have sexual relation with their legal spouse. The implication is that a female prostitute cannot be prosecuted for adultery under the Criminal Code as long as she is not married, but her actions remain will be condemned as sin under the religious law. Mu'thi questions the moral basis for the Code, which is a legacy of colonial period of limited relevance to the majority of Indonesian who are practicing Muslims (1965:13-16).

What the strange is the pimp can be prosecuted, but the person who has sexual services for money is free from restraint. This is a challenge for policy-makers to seek an adequate assumption as a basis to amend the Code.

2. The Legalized Prostitution Complex

Because prohibition of the direct commercial sex services does not exist in national law, the regulation of the sex sector tends to be based on each of provincial or sub-district government regulation. This is in part important to let different localities decide differently for developing



decentralization or district autonomy. However, it is also important to have an adequate national policy, as a basis of our commitment to humanity in dealing with this phenomenon.

One important governmental policy is the rehabilitation of prostitutes in the official prostitution complexes. The legalization of prostitution seems based on the reasonable assumption that prostitution cannot be stamped out, and that it needs to be controlled in the interests of public safety and order. Such 'lokalisasi' are usually under the control of Municipal Social Welfare Office. However, illegal prostitution complexes also arise, which have no direct relations to the rehabilitation programme directed by the Social Office (Hull et al., 1997:31).

A first legal localized prostitution complex in Jakarta arose in 1970s when Ali Sadikin was Governor of Jakarta. The biggest and only 'lokalisasi' is well known as Kramat Tunggak, which aimed at gathering and rehabilitating prostitutes. This policy was based on the Letter of Decision of Governor number Ca.7/1/13/70, Ca.7/39/71, and Ca. 7/1/32 (Sedyaningsih-Mamahit, 1999:32-34). The rehabilitation goals for prostitutes will be reached through education, skills training, and mental and social guidance undertaken by Rehabilitation Institution or 'Panti Rehabilitasi'. This is to help prostitutes leave the complex in order to work in other profession (Umiyono, et al., 1992:16).

Prostitutes in the complex are only temporary while undergoing rehabilitation and resocialization. The minimum age to enter the complex is 17 years. They are only permitted to live in the complex for a maximum of five years or until reaching the age of 35 (Umiyono et al., 1992:16). Pimps are also subject to this regulation, in where they are only permitted to operate one brothel for five years and a three years maximal extension (Sedyaningsih-Mamahit, 1999:36).

The central government Department of Social Affairs runs 22 rehabilitation centres nationwide. Such rehabilitation must be differentiated with the Municipal Social Welfare Office's own rehabilitation. With central government funding, the Department of Social Affairs educates prostitutes in the Rehabilitation Institution for a maximum of six months before they are given back to their original region. During the rehabilitation period, they are prohibited to operate sexual services for clients. With more regular and stricter education, this effort can be considered as having the serious objectives of retraining the prostitutes for working in other sectors of the economy as well as encouraging them to leave commercial sex work permanently. However, many of the women in the rehabilitation centres are 'sickly prostitutes' who are rounded up in police raids on illegal prostitution complexes or hotels, and are strongly encouraged to join the programme (Hull et al., 1997:42). It means that they ever followed a rehabilitation programme in a rehabilitation centre. After they go back into society they don't get an appropriate work. For surviving, they operate sexual services again in illegal prostitution complexes.

In contrast, with limited local government funding, the Municipal Social Welfare Office runs a legalized prostitution complex, Kramat Tunggak for instance, that also educates the prostitutes, but do not prohibit them to give sexual services to their clients. This centre claimed that many prostitutes left the complex and went back to normal life (Hull et al., 1997: 33). Sedyaningsih-Mamahit noted from 1972 to 1993 the Kramat Tunggak's rehabilitation centre sent 11,624 prostitutes back to normal life, 2,795 of them into marriages, 6,229 to their families and another 1,420 to jobs (1999:35). However, Murray states that this is not valid because most of prostitutes who leave the localized prostitution complex will re-enter or move to other complexes in the same city or the



other ones (1991:106).

3. *The Results of The Legalized Prostitution Complex*

Kramat Tunggak, like other local prostitution complexes in Indonesia, is a prostitution complex operated upon the basis of brothel where people who have appropriate resources can operate brothel(s) with some prostitutes in the complex. One key requirement to stay in the complex is that the prostitutes and pimps have operated similar work outside Kramat Tunggak or in illegal prostitution complexes (Sedyaningsih-Mamahit, 1999:35). So Kramat Tunggak, and other similar prostitution complexes, is a transition place for prostitutes and pimps to change their profession to other decent professions. What are the results of this policy?

There are four results of the policy. First, although the regulations setting up the complexes mentioned specific areas from which prostitutes were to be moved and where the practice was to be subsequently disallowed, prostitution in a variety of forms has continued to flourish in areas outside the official complexes, for instance Cilincing, Binaria Ancol, Kalibaru, North Koja, Pejagalan, Pademangan and Penjaringan in Jakarta (Hull et al., 1997:35). The local government backed up the first two unofficial prostitution complexes laying close to Kramat Tunggak, while the last five unofficial prostitution complexes were laying in areas of North Jakarta where commercial sex practices were prohibited. Suara Karya newspaper even reports that in West Jakarta, such as in Angke and Jelambar Baru, areas that should be closed for prostitution since 1992 have become the centre of commercial sex practices of about 500 prostitutes operated at huts along the Kalijodo riverbank (1992:12). It means in part that the effectiveness of the localization of prostitutes is linked with the prospect of the economic values of the place, because every place has a different value economically (utility of place). Prostitution

complexes placed in an economic zone will have a considerable prospect of success in concentrating the prostitutes or the complexes. Hull et al. note that part of women labours having an interest in a sex industry after hours have a motivation of seeking additional income fast. A number of registered prostitutes even recognize that they seek tacitly additional income outside the legal prostitution complexes (1997: 40).

Second, the programmes have succeeded to only a very limited extent in returning prostitutes to the society in the sense of ceasing the practice of prostitution (Hull et al., 1997:37). This is not surprising given that the earnings available with prostitution are better than alternative occupations opened to poorly educated women. Prostitutes' per month net income at Kramat Tunggak varied. 2% of prostitutes recognized having income less than or equivalent to Rp.100, 000; 56% of them had income more than Rp.100, 000 to Rp.500, 000; 42% of them had income more than Rp.500, 000. In comparison with the wages of factory labourers or housemaids earning a living less than Rp.100, 000 per month in the same year, it is not surprising if Kramat Tunggak has always 'new faces' (Sedyaningsih-Mamahit, 1999:45). Moreover, there has been considerable displacement of women from agricultural activities (Manning, 1988:35).

Third, the officially approved pimps find not only profit to run a brothel(s) in the legalized prostitution complex but also safety from prosecution (Hull et al., 1997:36). The earnings of pimps at Kramat Tunggak are around Rp.100, 000 to Rp.250, 000 per day. It means that, if they work 25 days per month, their incomes are about Rp.2, 500,000 to Rp.6, 250,000 per month (Umiyono, 1992:41).

Fourth, local government authorities gain substantial revenue from prostitution complexes. Though the stated aim of the complex is to rehabilitate the prostitutes, were this to be



successfully achieved, the lucrative source of revenue would dry up. Hotman Siahaan notes in *Sinar* magazine the profits derived from the localized prostitution complexes are not treated as officially stated income, because to do so will expose the transaction to investigations by the legislative branch. This will expose the contradictory nature of the arrangement (1992:23). It looks like that the local governments become tacitly brothel institution. The stated aim of the localization policy has been dragged to become 'quasi-localization policy'. According to the Article 506 of the criminal law, whoever as pimp to derive profits from prostitution of women will incur a maximum penalty of three months imprisonment, while the government become tacitly a pimp servicing institution.

Anyway, in 1996 the Jakarta authorities considered to relocate Kramat Tunggak to another area because they viewed that the prostitution complex was not already separated from society at large. So it was not suitable in the ground of the harmony of social environment. The Vice-Governor of Jakarta, RS Museno, even said that Kramat Tunggak disgraced Jakarta's reputation (Kompas, 1996:1).

In relation to this issue, in 1999 the Governor of Jakarta, Sutiyoso, closed Kramat Tunggak without the reason of relocating the prostitutes and pimps to another area. He just expected the prostitutes and pimps to switch to respected work. He did this action with an assumption that the pimps have had enough capital to do respected jobs and the prostitutes have had enough skills to move to decent work because they have been long staying in the complex (Kompas, 1999:1).² One of the ironies of this action is that the legal prostitution complex was closed while Jakarta's illegal

prostitution complexes, such as Kalijodo, Pela-pela, Rawawalang, Kramatjaya, Jalan Blimbing, Jalan Gajahmada, etc., persist in serving the commercial sex (Kompas, 1999: 1).

CONCLUSION

As concluding notes, I wish to sum some main arguments and remarks up of the previous sections.

The growth of prostitution in Indonesia moved from Javanese Kingdom period until the Old Order Regime and the New Order Regime. Commoditization of women was a dominant characteristic during the Javanese Kingdom period. Commercialisation of sex services was a dominant characteristic during the Dutch and Japanese colonial with some sex slavery practices in the latter. During the periods, where unequal social and economical relationships between women and men exist, the existence of prostitutes as human tended to be ignored. These circumstances must be kept in mind in order that we don't be trapped in an unhistorical view, and then we can be avoided from brutal or frontal actions to deal with the prostitution problem in the future.

The existing policy on prostitution in Indonesia during the last ten years of the New Order Regime, tended to ignore the historical contexts and substance of the prostitution problem. Such approach has driven the government to deal with the problem of prostitutes and prostitution in injustice. While the Indonesian Criminal Code as the only regulation for prostitution at national level, the implication for pimps, prostitutes and clients concealed discrimination. The spirit of the law has a moral weakness to create a good life for Indonesian having Pancasila.

² This policy is based on the Governor's Decision Letter Number 6485/1998. See *Semai Bulletin*, 1999: p. 2. See also *Kompas Newspaper*, December 8th, 1999.



The existing policy tended to view the prostitutes as an object rather than as a subject. Such approach, instead, could drive the government to treat the prostitutes frontally. As long as the Indonesian government policy on prostitution is based on an unhistorical and unsubstantial view, the intervention of the government on prostitution would bear problems rather than solutions. The inconsistencies of the local authorities in regulating and treating the legalized prostitution complexes have compounded the problem. The Indonesian government's localization policy could not reach the main goals: rehabilitation and resocialization. Instead, prostitution in a variety of forms has continued flourishing outside the official complexes, including a horizontal mobility of prostitutes; the policy tends to strengthen the institutionalisation of prostitutes and pimps; and the government becomes the institution of pimp services.

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