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

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This paper addresses public education and building the capacity of service providers to better support the human rights of marginalised women, children, young people and transgender groups engaged in and exploited by prostitution. In making a case for public education on what gender based violence means, this paper advocates for building the capacity of citizens and residents of Indonesia to understand UN human rights protocols in terms of protecting some of the most marginalised people in Indonesia. The paper provides systemic insights into complex realities of prostitution and makes the case that public education needs to promote the capability of all Indonesians to recognise human rights, gender rights and the essential rights of children. All children are supposed to be protected under the UN regulations for the child. All children are recognised as citizens with rights according to Indonesian law as discussed in this paper. In the context of an increasingly urbanised Indonesia, the urban poor have the most limited life chances. Public education needs to provide them the opportunity to voice their strategic concerns and to make a contribution to making policy recommendations to promote social justice. Public education also needs to educate the public in general about the need to provide protection and not exploitation of the urban and the rural poor.

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### Statement of the Problem and Area of Concern

The most vulnerable members of the population in Indonesia include those who experience extreme poverty, and who may perceive few options other than to engage in prostitution to feed themselves, their children or to survive. This paper is derived from research that aimed to make a difference to the way that Indonesians understand the rights of women and children, including those who choose or are pressured to engage in the prostitution industry. It addresses the policy environment shaping public and Non-

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Government Organisations' (NGOs) responses to prostitution, including what may help to enhance the life chances of individuals who become involved in this industry.

In this paper public education means the discourse of democracy and gender mainstreaming when inspiring people to think about the consequences of their choices. The theme of public education brought into this paper uses 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. In this paper I discuss the rights of women, children and warias.

The Indonesian government has started the inclusion of gender-mainstreaming policies across its ministries and departments since the year of 2000. The presidential instruction no 9/ 2000 and no. 3/ 2010 show the government effort to mainstreaming gender into policies and development. The still-ongoing effort is expected to close the gap between Indonesian women and men in contributing to the process of human development through equality in various aspects of the development programmes, including gender parity in education (Indonesian Ministry of Woman Empowerment and Child Protection & Indonesian Ministry of National Development Plan, 2011, pp. 1-11).

Indonesia ratified the United Nations (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. This paper highlights article 32 of the UN Convention that says "*Governments should protect children from work that is dangerous or that might harm their health or education*".

In Indonesia "waria" is a widely known term to label the transgender group, namely people who were born men but feel they should be women. The term melds two words in Bahasa, which are 'wanita' and 'pria'. By the law no 39/ 1999 on Human Rights, the country promotes non-discriminatory values that should be applied to all Indonesian citizens (the House of the Representatives of the Republic of Indonesia, 1999). Accordingly Indonesians are equal before the law since it guarantees the protection of basic human rights such as freedom to practice religions (article 23), right to welfare (article 36), education (article 42).

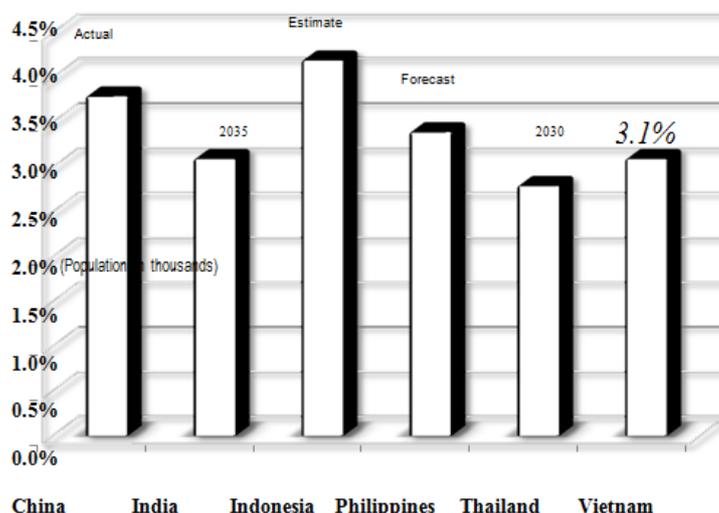
Discourse on the third gender in Indonesia is on the rise recently (see Ariyanto & Triawan, 2008; UNDP, 2014), owing to the fact that being warias can make people unable to have all the rights guaranteed by the law. The use of the word 'everyone, both men and women' (as in article 38 for example seems to be literally interpreted as the biological assignment of a person instead of their gender identity. Unlike women and children, warias have not as yet been the focus of a policy to ensure their equality in Indonesia.

The thesis on which the paper is based emphasises that the protection of those who sell their labour needs to be informed by policy that responds to the human rights of women, children and transgender groups. This requires matching policy to protect the essential rights of children whilst being mindful that women may be working to provide for the basic needs of their children and that transgender groups may have few other means to survive as they are excluded from many employment opportunities.

Urbanisation and the growing numbers of people competing for jobs and survival place pressure on those who are poor, even more so for individuals without supportive social networks. Eames and 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 a role in increasing prostitution in Indonesia (International Labour Organisation/ ILO, 2004). Poor villagers view big cities as the place of opportunity in terms of 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.

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 to the prostitution industry. This is because perceptions of the money that can be earned can be enticing to vulnerable people with lack of skills and education.

According to research by Tirtosudarmo (2009), approximately 72% of Indonesian migrants are women who mostly have no skill. Many get trapped in the illegal labour force by way of employment agencies and middlemen. These women, including young girls are vulnerable to sex-trafficking as either local prostitution industries or international cross-border sex trafficking have taken part to facilitate them to enter prostitution.



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

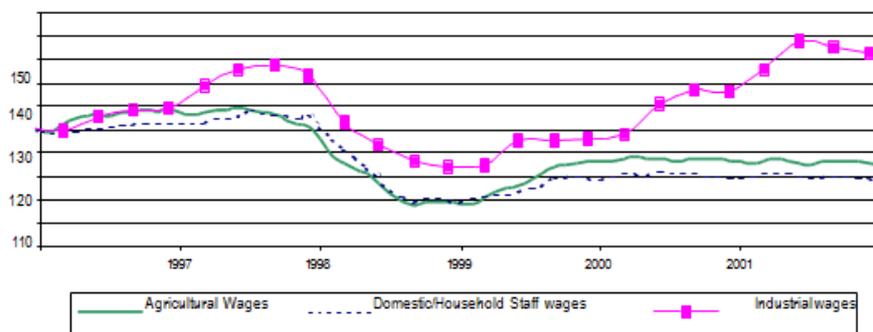
Source: United Nations World Urbanisations Prospects (as cited in Samad, T (2012), Indonesia’s urban development towards inclusive and sustainable economic growth, The World Bank, Investing in Indonesia’s institution for inclusive and sustainable development, p.



7. Retrieved from [https://crawford.anu.edu.au/acde/ip/pdf/lpem/2012/2012\\_09\\_19\\_-\\_KPP\\_UI\\_Taimur\\_Samad.pdf](https://crawford.anu.edu.au/acde/ip/pdf/lpem/2012/2012_09_19_-_KPP_UI_Taimur_Samad.pdf)

The term ‘urban’ has a fairly different definition in different countries. According to Jones (2011a, 2012), research related to urbanisation has often relied on the descriptions of urban areas depending on the context or locality of one particular country. 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. Indonesia is on the top rank in terms of urbanisations’ growth rate among its Asian neighbouring countries. This fact can worsen the given situation in which prostitution already exists, and can open a door for vulnerable people with lack of skills and education to enter the sex 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 skills and education. Prostitution then becomes an alternative source of income for some.

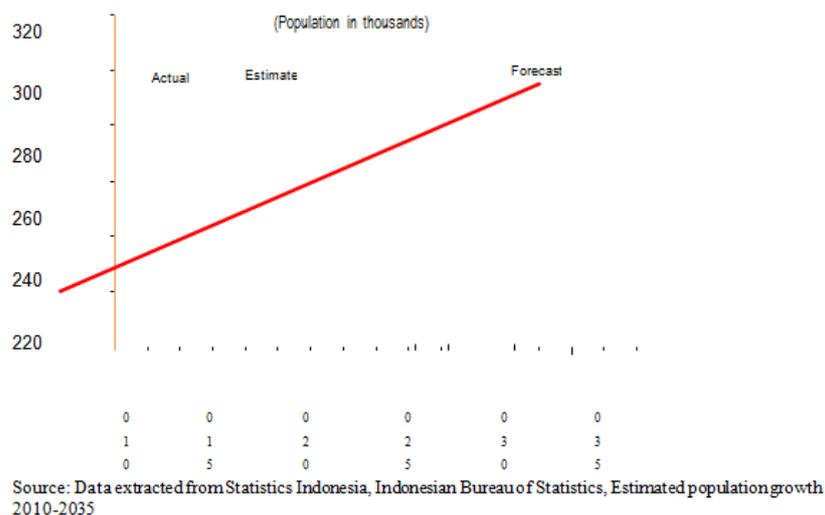
According to research by Tirtosudarmo (2009), an approximated 72% of Indonesian migrants are women who mostly have no skill, which then many got trapped in illegitimate labour force by way of employment agencies and middlemen. These women, including young girls, thereon, are open to sex-trafficking.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



**Figure 2:** Wage Indices

It is actually a very relevant and timely research given the socio, economic and environmental context of Indonesia are the growing population, food security concerns in cities that represent 86 per cent of the Indonesian population. The paper raises questions about how the most vulnerable would survive. And clearly policies to address the risks and needs of women and children need to be linked to critical systemic policy making that seek to address these big issues. The effects of convergent socio-economic, politics, environmental problems cannot be addressed without looking at the causes. Advocating for prostitution policy and engaging service providers in participatory education to increase their capacity might be vital to effect reparation of this deep wide ranging problem. The paper emphasises that the protection of those who sell their labour needs to be informed by policy that responds to the human rights of women, children and transgender groups. This requires matching policy to protect the essential rights of children whilst being mindful that women may be working to provide for the basic needs of their children (and sometimes for their education) and that transgender

groups may have few other means to survive as they are excluded from many employment opportunities. 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). This research sees in particular, the need for more scrutiny of the policy making process pertaining to 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

## Methodology

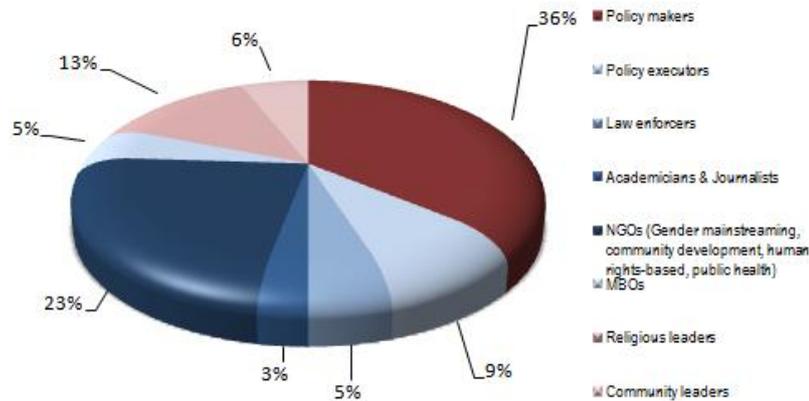
The study uses narrative style and applies ‘critical systemic praxis’ (McIntyre-Mills, 2003, p. 112) to understand the life chances of the vulnerable and to make a case for public education to enhance the way in which organisations respond to their needs. The narrative dialogue in this paper is based on the PhD thesis of Riswanda. The research is based on using the critical ethnographic case study in three areas spanning metropolitan and regional areas in Indonesia, namely Jakarta, Bandung and 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. Within the framework of case-study research, Riswanda 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.

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.



**Figure 4:** Key informants backgrounds

This research utilises qualitative data from in-depth interviews with key informants with diverse background. 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. 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.

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.

This paper clusters case studies that show inverted commas of where people’s voices begin and end, illustrating the three major approached on the continuum. The cluster aims to show contesting, though overlapping at the same time, typical groups of standpoints, starting from intolerance to ambivalence and tolerance.

### ***Theoretical Concepts***

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 ones goals is expressed by the right to choose the way one lives and works. Quality of live is determined by the right to control one’s income and one’s body.

This paper 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. A case is made that gender-sensitive policy making should be based on the idea of human dignity for all. In this paper, transgender

is included and thus it expands Nussbaum's argument for social justice.

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 a marginal position in society. By taking the critical ethnography approach, this research 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.

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.

Boundary critique perspectives are taken in this research as 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 (1998) 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.

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 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.

The following section aims to show 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 widely known Indonesian tacitly accepted red-light district areas in the struggle between inherited moral-religious concepts and economic survival.

The section also provides quotes of my dialogues with key participants selected by their representativeness in representing intolerance typology along the continuum of standpoints.

While the participants appear to be in similar standpoints, their roles reflect policy makers and non-government standpoints

## **Findings and Analysis**

### ***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.

## **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.

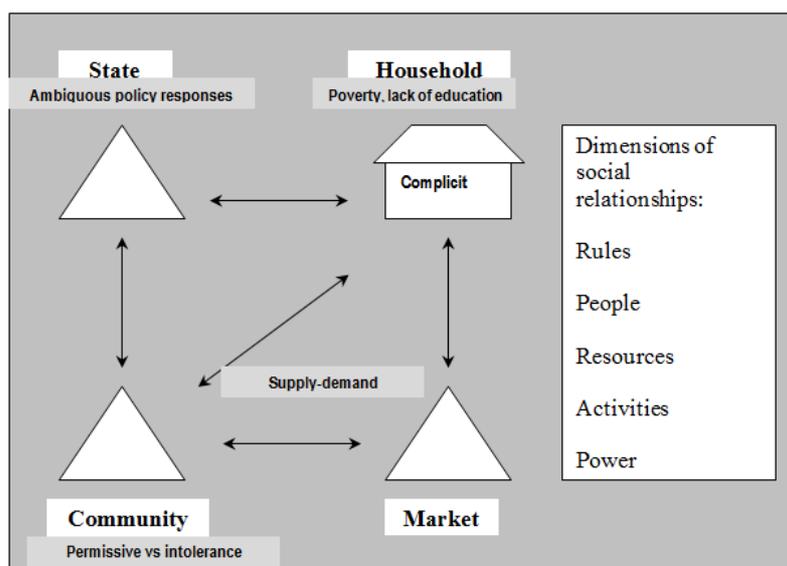
However, after criticising the complexity of the problem they have in dealing with prostitution, the head of the social rehabilitation service admitted the benefit of controlling the sex industry using the old localisation strategy. One of the benefits, she mentioned to me that day, is the public health 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, Kabeer (1994) situates the family and household inside the network of social relations linking them to the community, market, and state, illustrating how gender and other inequalities are shaped and repeated inside structural and institutional aspects. These have 'rules' on how things get done, 'resources' on what is used and/or produced, 'people' on who is in or out as well as who does what, 'activities' on what is done, in addition to 'power' on who decides, and whose interests are served, all of which bring about social relations in ideal sense. The latter refers to Giddens (1984) who 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:



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

**Figure 5:** Social relations concept 3: key institutions and their relations



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 is provided on the market with the skills and education they have got (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 5) 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.

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.

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 ILO, 2004; Riswanda, 2008; 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. 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.

### **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 & MacIntyre, 2007) and no contextual analysis can justify their being placed within the industry. They cannot make informed decisions.



### ***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 in the below narrative.

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. 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.

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.

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] 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 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.

### ***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 1:** Neighbourhood community organisation document

Status of involvement	Sex		Age				Place of origin	
	M	F	0-5	6-18	19-60	>60	Urban	Rural
“Penanggungjawab” / pimps	4	1			1		5	
“pengasuh”/ recruiter middle man	9	3			12		11	1
“Anak asuh”/ 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.

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.

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:

**Table 2:** 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: West Java Department of Social affairs. (2010). *Program Annual Report 2009-2010*, West Java, Indonesia: The Centre of Women Social Rehabilitation, 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.

### ***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.

### ***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.



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

**Picture 3:** Gender equality and human rights responsive projects

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



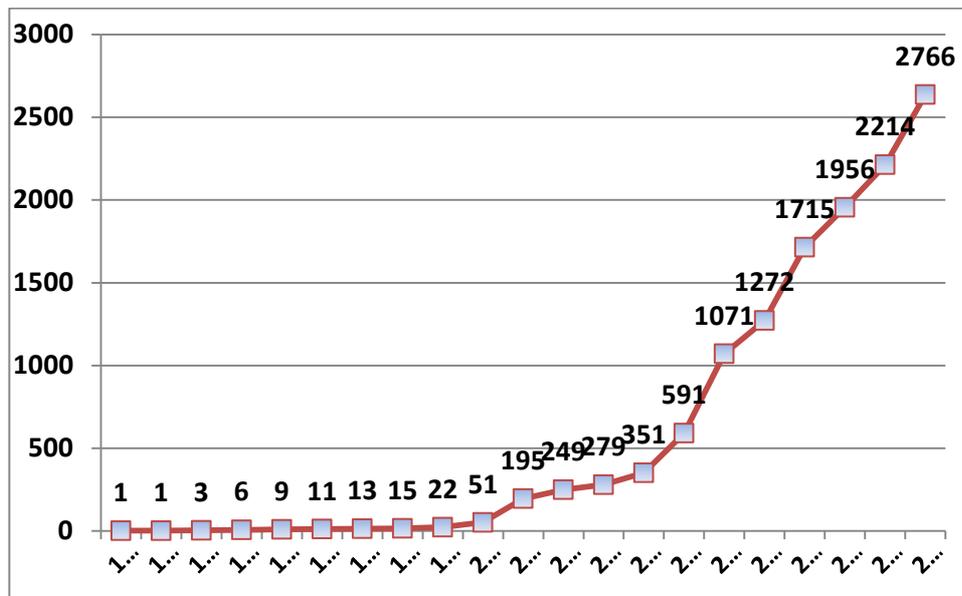
Source: pictures by detikHealth (2012, 1 December). Laki-laki “jajan” seks, anak istri jadi korban HIV/AIDS, *detikHealth*. Retrieved from: <http://health.detik.com/readfoto/2012/12/01/185016/2106908/1406/laki-laki-jajan-seks-anak-istri-jadi-korban-hiv-aids>

**Picture 4:** Human rights-based NGOs campaigning the criminalisation of buyers and the decriminalisation of prostituted people

Indeed, the failure of prevention and countermeasures programs of HIV in Indonesia has attracted many parties, especially those with community-based backgrounds to discuss the legal sanctions on users of prostitution service. 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, Wirawan et.al (1993) has 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. 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.

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*, Jawa Barat, Indonesia: KPA Kota Bandung.

**Figure 6:** Numbers of HIV/AIDS cases in Bandung city

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:

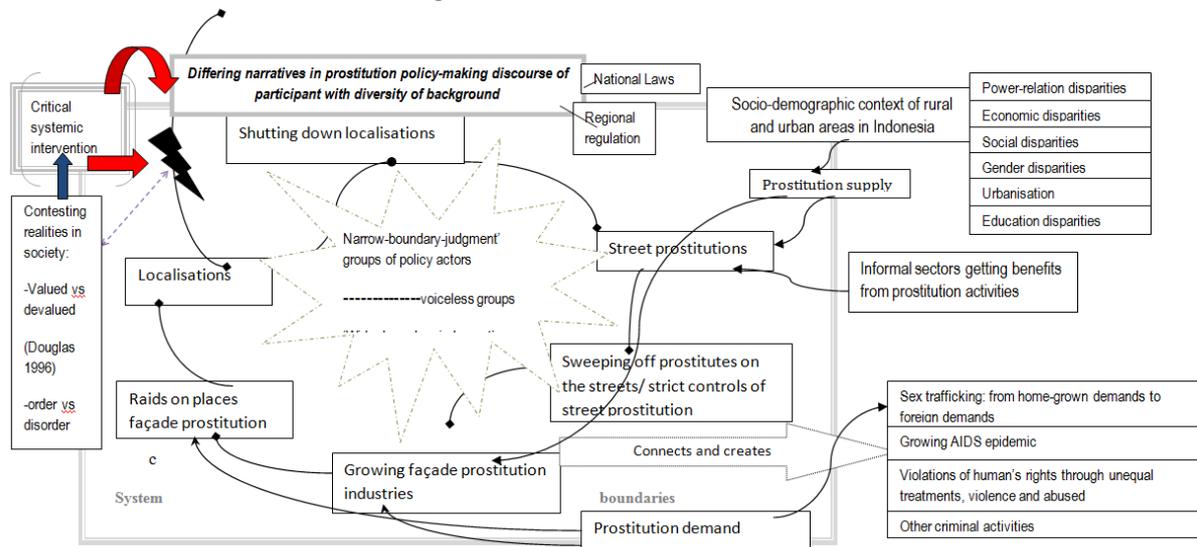


... We've involved the sex workers in many activities, and we also ask them to use condom when they serve the customers. It's difficult since the customer refuse to use condom; but the sex workers need some money to finance her life [...] whether it [prostitution] is legal or not, they still need to 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 is directly involved with prostitutes and show that the criminalisation of sex work closing down suspected domiciles of prostitution 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 7:** Adapting 'boundary critique' (Midgley, 2000) to systemic issue of prostitution in Indonesia: a systemic insights into complex realities of the issue

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 (in figure 7) 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.

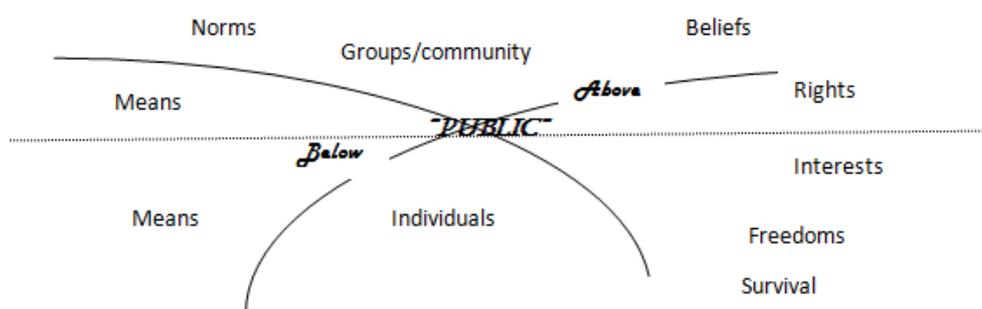
Prostitution is a recurring social issue in Indonesia. This is likely attributable to three factors. The first major influencing factor is inconsistency between past and current policy attempts to counteract the problem. The past attempts to confine the industry into particular permissible areas called ‘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.

## Conclusion

This paper 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 8:** The coherent whole of prostitution policy lenses

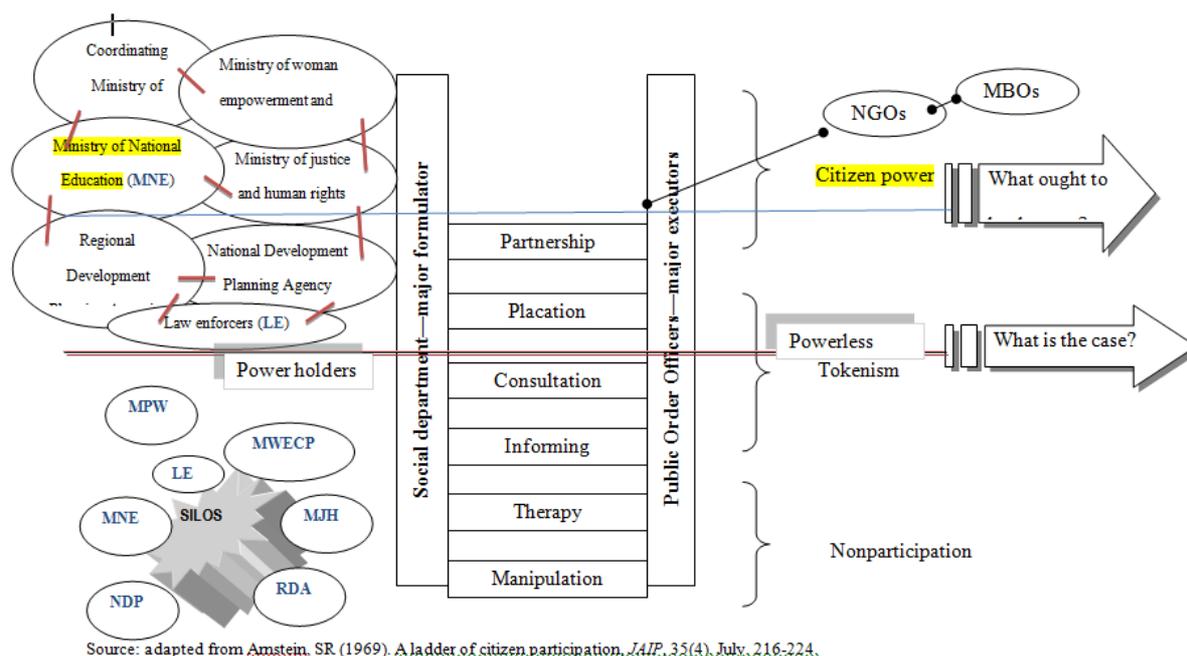
So, what needs to be taken into consideration is the effort to see the big picture when understanding the nature of prostitution. Isolating the solution by formulating and executing a public policy that addresses interests and needs of some of the stakeholders would create a policy solution that creates 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.

### ***Capacity Building through Engagement***

I make the case that public education on the need to address the rights and responsibilities to the vulnerable. It needs to be addressed 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.

Participation in the sense of policy-making 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 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 for all.



**Figure 9:** Breaking down silos based on ‘what is’ and ‘what ought to be’ the case

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’ 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 live 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?

For policy decision makers to really 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.

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