

RE-READ THE PROSTITUTION PREVENTION POLICY IN BALI: BIO-POLITICS IN POWER RELATIONS OF THE REGIONAL BUREAUCRATES AND SEX WORKERS IN THE DENPASAR CITY

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ABSTRACT

The prostitution prevention policy in eastern culture country such as Indonesia tends to be approached by eliminating the commercial sex workers (CSWs) due to the social moral and health reasons or by alleviating them by providing business capital for their welfare. This policy is always re-reviewed by both the central and the regional government. They ignore whether the acts of prostitution they repress are able to create a space so that as if the state allows them. The state through the regional bureaucratic apparatus always holds routine actions of closing the prostitution business and bringing CSWs into order with a purpose to improve the moral image of the regional leaders along with the bureaucratic apparatus. This article tries to re-read the regulations related to the prevention of prostitution in Bali, especially the Denpasar city. This does not review the successful narrative of the implementation of The Regional Regulation No. 1 of 2015 concerning Public Order which is always reported by the bureaucracy, but it re-reads the regulation by examining various stories of potential failures of this product of regulation, the contention of discourse as well as the state's hidden agenda which actually becomes a productive power unrealized by either the regulatory enforcer bureaucrats or the object of the regulation namely the CSWs. This article has a non-positivist paradigm with an interpretive perspective. The theory used in this article is governmentality especially bio-power and the Michel Foucault's panopticon concept borrowed from Bentham's. This is a qualitative research with a case study in Denpasar. Denpasar is a city considered an actualization of urban space believed to always have a tug of war of the production of sexuality discourse. The data was collected by observation, interviews that prioritized emics rather than ethics, and documentation. The data were analyzed by using critical discourse analysis that examined the micro findings in the field and then analyzed the structure of the macro politics therein.

Keywords: Bio-Politics, Prostitution Prevention Policy, Denpasar

BACKGROUND

There are many actual studies related to the sex workers. The news related to the arrest of a celebrity indicated to have been involved in online prostitution some time ago showed the public the unfinished efforts of the state in handling the case. The outbreak of prostitution cases is still partial. The closing of the localization has become a classic action of the regional heads to put forward the reasons for guaranteeing the morality of the community and the prevention of sexual diseases, despite the fact that it is counterproductive (CNN Indonesia, May 25, 2018). Another counterproductive reason is the limited understanding that prostitution is only carried out by female sex workers compared to males or transgender (Joni, 2018). There is an assumption that the workings of the apparatus in prostitution cases have been considered as imaging which confirms their position as merely a moral police (Sindonews, August 26, 2018).

Sanders' (2001) and O'Neill's (2001) research shows the discussion of prostitution governance as a reality always faced to discursive discussions about moral and public disruptions, so that its existence must be confronted by the apparatus. Oppressive viewpoints of most apparatuses consider the legalization of all forms of prostitution activities to approve negativity in society, so that there are more rejections than the legalization. When commercial sex workers are vis a vis (face to face) with the apparatus, actually there is also a contestation

with a variety of interests. This contestation may be possible when the relation is equal as a power relation. The context of this power relation can be studied through the theory of symbolic interactionism, which assumes that humans shape the meaning through the communication process. This theory focuses on the importance of self-concepts and perceptions based on the interactions with other individuals.

The sex workers of this study are female and transgender sex workers in Bali. Whereas the apparatus follows the Athusserian concept leading to the State Apparatus which is a modern state apparatus, namely police, civil service police unit; and traditional state apparatus, such as *pecalang* and militia organizations in Bali. The research question is how the symbolic interactionism pattern between sex workers and apparatus in Bali is.

The results of this research are expected to produce international seminar proceeding articles and policy engineering models for the stakeholders to detect the patterns resistant to the deviations of interaction between the apparatus and the sex workers. The data were collected by interviews and observations. The instrument of research is Blummer's symbolic interactionism theory considered appropriate because it has a categorization of symbols between sex workers and apparatus. In this research, there is a finding that the dominant apparatus that interacts with the sex workers in Bali includes the government bureaucracy, customary stakeholders, and tourism stakeholders such as hotel owners. In this study, the most dominant group is the bureaucratic apparatus. Symbolic interactionism really depends on the meaning of the symbols given between the two parties. The meaning of this symbol is dynamic and always experiences a shift. The prostitution in tourism always experiences relative movement, so that it raises cultural diversification absorbed from a variety of influences and manifested in various symbols.

The practice of prostitution has a meaning related to sexuality. Sex is the fundamental interaction of two human beings bound by various institutionalized rules and structures. It is not merely a power relation between men and women, but a reflection of various symbolic meanings built up from interaction with the community, religious groups, customs, and various state institutions (Olong, 2007: 16). These various symbols can manifest in positive or negative meanings, containing either handicaps or stigmatization. To frame the symbolic meaning of the interactionism process, Blumer's conception builds the symbolic interaction of sex workers with their environment, including the sexuality apparatus, into several parts namely textual and social parts.

The symbolic meaning built up in this interaction is the body as an everyday reality that is not neutral or merely physiological. The problem called Synnot is closely attached to the relation where each part is constructed of cultural, public and private symbolism, positive and negative, political or economic, sexual, or moral domination issues full of controversy. The interaction between the sex workers and the apparatus becomes a contestation of meaning construction in various ways and processes accompanied by various attributes. The construction of this meaning depends entirely on who and where the interaction occurs and is interpreted. This meaning is continuously produced to support the power manifested in the discourse of each group. Discourse is closely related to power relation, where the interaction between the sex workers and the apparatus is a device that not only guarantees obedience but also rules of submission on the people. Power is social strategies and practices including a shift in meaning between the two parties. The meaning of this symbolic interaction borrows Blumer's terminology where interaction is not only limited to certain groups that have power but also to the claims of truth. Symbolic meaning is derived of oppressed groups with hidden conditions. The construction of symbolic power relations in its operations spreads at every level of life in a productive way and helps shape, strengthen, or actually weaken the foundation of the workings of sex workers in prostitution.

DISCUSSION

In relation to power with symbolic interaction, CSWs are not merely meant as a construction of discourse about the spread of disease and violation of morality. CSWs actually have the power to contest their interests along with the power that has been considered suppressing them. Violation of morality dominates the meaning of the early apparatus to repress sex workers in Bali. Since the New Order regime, sex workers have been labeled as subjects with a symbolic meaning that their bodies must be ready at all times to be determined by various

regulations, anti-trafficking laws to local regulations whose commitments equally negate their existence. Regardless of the political motives of the drafting of these regulations, it is clear that the narrative of violating morality determines the body of sex workers as violators of the moral appropriateness of the community as well as a compelling reason to always include them as a priority for the ongoing implementation of routine government activities.

The bureaucrat apparatus symbolically interpret their interactions with sex workers positioned as violators of morality. In this interaction, sex workers are placed as the objectification of routine government programs manifested in the elaboration of public budget financing (APBD) with the components distributed in the routine budgeting posts of regional government organizations (OPD). This is like the most dominant bureaucratic apparatus in the Social Service, Health Service, *Pamongpraja* Police Unit (Satpol-PP) or integrated teams in the regional secretariat, such as Women's Empowerment and Child Protection. In the pattern of interaction/communication between the two parties (sex workers and apparatus), sex workers do not have the ability to refuse or advocate themselves. They are receptive to the repression of the bureaucratic apparatus by providing repatriation fees and severance pay to start a business for the sex workers that is routinely budgeted in the annual budget (Interview with Anak Agung and I Wayan).

This symbolic interpretation is built on the "controlling" program of sex workers whose outcomes are activities with different programs. *Pamongpraja* Police Unit (Satpol-PP) uses the term "policing", social services with the term "coaching", "alleviation", or "economic empowerment", while the health department with the term "health or prevention program of infectious diseases". The terms used in these activities, imply the same social relation, using sources of funding from the state.

Symbolic interactions that are very visible to the public are the closing, blocking or sealing of prostitution localization. These actions are often used as strategic political communications in the form of symbols of the ongoing moralist programs of the regional heads. The phenomena in several research sites in Bali also show these symptoms, such as the closing of the two "Aseman" and "Mount Lawu" prostitution areas in the South Kuta region that had existed since the 1990s. These two localizations were closed after previously the state apparatus displayed the persuasive communication with the local prostitution business owner. The apparatus issued a written reprimand three times. In the end, the Badung Regent, I Nyoman Giri Prasta accompanied by his Deputy Regent directly involved in a repression in the form of sealing the site on Jalan Baypass Ngurah Rai, Benoa Village, Kuta Selatan District, Badung, Tuesday, December 19, 2017. In this localization, there were 52 homesteads inhabited by 520 female sex workers. The symbolic interaction that arises is localization as a place of morality restraint, so it needs to be closed according to the Regent Regulation Number 73 of 2015 and Law Number 7 of 2016 regarding public order and public peace (Interview with Anak Agung).

Interestingly, the symbolic interaction between the apparatus and the sex workers in the Badung district does not stop only in the capacity of moral repression. Sex workers are more interpreted in the interaction between the individuals and the state as the people who must be prospered. Through the Badung community (residents) welfare program, the sex workers are given guarantees of alleviation from the prostitution industry to become independent entrepreneurs, including guarantees of birth, retirement, and the provision of death benefits. Even this is used as the moralistic image of regional leaders who substitute for sex workers in the logic of proper economic welfare or diversion programs, empowering productive economic business, and various similar empowerments, in line with economic alleviation efforts are echoed at the national and regional levels.

In the interaction capacity it constructs, the symbolic meaning of empowerment by providing economic capital is still interpreted as an ideal solution to break the distribution of the sexual services industry. Now the logic is shifting. It is no longer a single truth that is believed to be completely able to solve the problem of the presence of the sexual service industry. Initially, the pros and cons as a justification for this knowledge was the successful narrative of the policy of the Mayor of Surabaya in handling the closing of the Dolly localization (Interview with Putu Eni). On the other hands, there is also a mindset of awareness of the threat of health, especially the spread of the HIV/AIDS endemic, which has more urgency than just a reason for upholding the morality.

Some bureaucrats believe that the efforts to dismiss or close it actually make it difficult to detect the spread of HIV/AIDS endemic which was previously localized and controlled. Symbolic interactions favor sex workers as “the sick” who must be localized for health reason rather than disbanded because they threaten the reputation of Bali’s tourism (Interview with I Ketut, 2019). An informant of a bureaucratic state apparatus in this research stated that the threat to HIV/AIDS is far more a threat to tourism than merely a discourse of morality. “If there is routine localization, there are health controls, such as injections. If (localization) is dismissed as it is now, it is a dilemma, because it is more dangerous for tourism. They (sex workers) will peddle carelessly, wildly and hard to detect. Everything will become messy and tourists will be more disturbed by the news of the increasing AIDS/AIDS epidemic, one of which is the result of this step”. The symbolic meaning of this condition among state apparatus is no longer single but has experienced a shift from what was originally shutting down the sexual service industry as an effort to solve moral problems to an opportunity to give a space to develop (Interview with Putu Eni, 2019).

Inadequate handling of the sexual service industry on the other hand is also recognized by bureaucrats as a reality that arises due to economic urgency. Their truth production is only limited to understanding the use of language in the program by describing the achievement of outcomes in quantity, not to the effectiveness which substantially cuts the presence of the sexual services industry, including anticipating the impact of the possibility of creating opportunities for new industries. This acknowledgment was revealed by a bureaucrat interviewee that when quantitatively the number of sex workers controlled by the *Pamongpraja* Police Unit (Satpol-PP) decreased, the budgeting was reduced. It was revealed in one of the interviews with social service bureaucrats that in the 2016 fiscal year, there were still sex workers who were caught in raids. There were around 10 people with productive age groups above 20 years. In 2017, there were no sex workers caught by *Pamongpraja* Police Unit (Satpol-PP) operations, and social services were not given subjects that had to be handled, scouted or repatriated. From this condition, the special budget of this post was still intact and it was considered that sex workers had been orderly even though they (bureaucracy) did not explore further opportunities for other spaces.

In this context, if there is no action against sex workers (female) in one fiscal year, then this is considered part of the success of the economic empowerment program, applied to both sex workers and owners (intermediaries). Although in the production of other knowledge, there is an assumption among bureaucrats that the empowerment programs for the sex workers are cosmetic in nature. When subjected to curbing efforts, there are still sex workers who tend to return to their profession. Symbolic interaction which means controlling is still only partially repressive and just trapped in examining the impact afterwards. Partial repression and only pursuing the outcome of routine government programs were explained from the interviews with bureaucrat informants from the Social Service. “So we only follow up on the small ones and the development is very dependent on *Pamongpraja* Police Unit (Satpol-PP). Those who know the location where the sex workers will be disciplined are *Pamongpraja* Police Unit (Satpol-PP). Once *Pamongpraja* Police Unit (Satpol-PP) has caught them, then they are sent to us the social services to get guidance or the imposition of acts of minor violations (*tipiring*)” (Interview of Anak Agung, 2019).

Efforts to bring them into order neglect the search for substantive conditions of various subjective encouragement of the presence of sex workers which actually has the opportunity to facilitate the presence of the sexual service industry in Bali. This condition is finally understood by bureaucrats as a form of knowledge of human rights out of the authority to carry out their routine work duties. As long as the activities in the tourism service industry do not disturb the security, all parties will have guarantees to carry out their service activities (Interview with NT).

In the symbolic interactionism of the social body, the sex workers and the state apparatus of the bureaucratic relation are highly dependent on the social structures in the society where they are. In this symbolic interaction, sex worker autonomies vary depending on social status, involvement in the organization of sex trafficking, perceptions of rights and the biological history they undergoes. Laws and policies related to the regulation of CSWs are crucial (Wolkowitz, 2006: 135). Indonesia’s positive law does not at all allow the existence of sexual service industry. The sexual service industry is analogous to an act of crime related to human trafficking. Woman

trafficking has become a highly influenced agenda of human trafficking and the movement of women across country borders (migration) (Matthews, 2007: 12).

Bali as the main tourism destination in the world prioritizes the basic value of the development of cultural tourism and has never declared it as sex tourism. It is just ironic that Bali is often used as a transit point for the existence of the trafficking industry before they are sent overseas (APIK Legal Aid). Bali is used as the main transit area for CSWs in the woman trafficking network. The ambush of the syndicate of human trafficking by the Garut District Criminal Investigation Police involving Woman Labor Force as prostitutes from Garut and Banten spread in the entertainment areas of Bali. Of the 20 CSWs arrested, most did not want to be repatriated because their intention was to become CSWs in Bali. (Tribune, Tuesday, March 20, 2018).

Bali is considered to have an attraction for trafficking because of the proliferation of spa industry in various regions in Bali. The attractiveness of spas is used as a mask as well as a destination wherein the trafficking industry is used as training before they are finally sent abroad with agents and private intermediaries. On September 12, 2018, the Soekarno Hatta Airport City Metro Police arrested Ilham Rairamanda, who wanted to sell four underage girls as therapists at a spa in Bali. The perpetrators recruited under ages to be employed as therapists in a spa on the Bali Island by promising some money. The victims were brought from Jakarta to Bali by Lion Air flight number JT42.

The police confiscated mobile phone as evidence, fake letters in the form of electronic identity card recordings on behalf of the victims, five pieces of boarding passes, and a bundle of screen capture of WhatsApp conversations between them and the victim. As a result of the action, the suspect was subjected to Article 76D juncto Article 81 paragraph 1 and 2 and or Article 76E juncto Article 82 paragraph 1 and or Article 76F juncto Article 83 and or Article 76I juncto Article 88 of Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Republic of Indonesia Law Number 23 of 2002 concerning Child Protection and or Article 2 of Republic of Indonesia Law Number 21 of 2007 concerning Eradication of the Criminal Act of Human Trafficking and or Article 263 of the Criminal Code and or Article 266 of the Criminal Code. (Jawa Pos, September 19, 2018).

Before being sent abroad, the sex workers were employed by the sexual business owners as therapists in several spa centers throughout the Bali region. Spa in the meaning of the symbol of the bureaucrats is the most likely a place for the sexual service industry to take place because it involves the bodily contact (Interview with I Wayan). In addition, the effect of the law does not guarantee the existence of business growth, all of which are in agreement. Only a few spa industries are licensed and monitored, the rests are not licensed and these provide sexual services (Interview with NT).

All forms of sexual service management policies are always approached with a variety of choices, liberal choices (endorsement), mixed, interventionist, to negation (abolitionist). It is just a choice widely adopted by many countries including Indonesia is elimination/closing, including the prohibition or eliminating the existence (Matthew, 2007: 96). The instruments used are based on local regulations, district regulations, and similar regulations at the top level that refer to the Criminal Code, Law Number 23 of 2002 concerning Child Protection, Law Number 21 of 2007 concerning Eradication of Criminal Acts of Human Trafficking, and Law Number 11 of 2008 concerning Information and Transactions electronics (ITE). There are three articles that provide criminal threats to anyone whose livelihood or habit intentionally makes or facilitates the obscene acts with others, namely article 296 of the Criminal Code, article 297 of the Criminal Code, namely under age woman trafficking (and man), and article 506 of the Criminal Code i.e. the protectors who act as intermediaries or brokers in bringing prostitutes to their customers and taking advantage of prostitution.

In the interactionism the symbolic meaning of the repression of the state apparatus is still considered to manifest a patriarchal value system providing more legal sanctions to service providers in this case sex workers, especially women, than their users, namely men. This context causes the presence of the sexual industry to always be wide open in the absence of criminalization of the users, thereby encouraging the growth of diverse sexual offerings by the sex workers. Symbolic interpretation of bureaucrats states that through the language of the stubbornness of the sex workers who are still happy to do their profession, this industry practice

exists but as long as there are no adverse reports from the public, all are the consequences of unlawful acts always repressed but must always be accepted.

CONCLUSIONS

All economic activities carried out by the sex workers can never be separated from the reality of symbolic action with a variety of structures, including climate and local conditions. Even some of them are transnational climate, socio-cultural structure, global economy further influenced by local lifestyle contexts, sexual norms and values, racism experiences, and sexism formed in colonial history.

It must deal with the demands of sexual objectification, but on the other hand it allows the opening of sexual liberation among the sex workers. These then become the entrance for the presence of the sexual service industry, which are always discursive in the never-ending contestation arena.

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