

Prostitution Policy (Sweden, Germany, Victoria, China, Netherlands) and its connection to the HIV / AIDS Prevention and Control Program in Indonesia

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Abstract—Prostitution policies are made in regulating the existence of the public so that they can work together in their lives in a state of peace without conflict. Policies from various literature that regulate prostitution are important as a basis for making policies on prostitution in the Indonesian homeland based on the conditions of the people. The results of the study resulted in thought that any type of policy in the form of legalization or decriminalization and even in the form of criminalization of prostitution must pay attention to the contents of the policy. Has the policy been in favor of women, humanism and without being norm While the policies that apply in Indonesia are still far from these criteria so that various problems arise such as child prostitution, online prostitution, and trafficking.

Keywords— Prostitution, Prostitution Policy, Criminalization, Legalization, HIV / AIDS program

I. INTRODUCTION

Before 1950 prostitution was not at all discussed, it was only after 1950-1980 that some publics and policies were emerging to talk about prostitution. This issue became very interesting in 1980 by the countries of America, Canada, Australia and several cities in Europe. Nearly two decades there have been changes in studying prostitution socially and politically, by several causes and causing various reactions in understanding the context of prostitution and the organizations that deal with it. for example: at first, the issue of prostitution only occurred on the streets and then turned into localization for health reasons and suppressed the circulation of illegal drugs so that changing patterns in its handling [1]. Causes of the issue: the spread of HIV / AIDS, support and campaigns for prostitution, increasing demand for street prostitution control, declaration of war on drugs, increasing the number of cases of trafficking and prostituted children. Besides, the role of some feminists who view prostitution with a variety of perspectives [1]. Prostitution is working by women with low skills but has a large salary. There is a close relationship between prostitution and poverty caused by the low employment opportunities that may be caused by women [2]. Besides, research involving 854 sex workers as informants in 9 countries (Canada, Columbia, Germany, Mexico, South Africa, Thailand, Turkey, United States, and Zambia) related

to the trauma they experienced both sexually and physically during their work as sex workers. The study found that 71% experienced physical abuse, 63% were raped and 89% wanted to leave work as sex workers and all of them did not have a home to live in. Symptoms of PTSD (Posttraumatic Stress Disorder) are very closely related to sexual life and physical violence that a person has experienced [3].

Prostitution is also caused by the level of sex ratio. The higher the ratio of the number of men to women, the greater the return to the market for prostitution, and vice versa. In addition, prostitution also causes the women involved in it to have a small chance to get married. The amount of income promised from the practice of prostitution causes failure in the household to decide to become a female sex worker [2]. Especially if prostitution occurs on the streets, because street prostitution is the worst type of prostitution, there are differences in prostitution carried out by men and boys with women and girls, almost all prostitution is done freely, most of the people involved in prostitution are because drug dependence, qualitatively different from prostitution with trafficking, legalization, and decriminalization of prostitution can reduce the adverse effects caused [3].

II. THE CAUSES OF PROSTITUTION

There is a very strong relationship between the use of illegal drugs and women who work as sex workers. This research was conducted by Melrose, who presented poverty factors as a determinant so that women and young people were provided with facilities in the form of substitute drugs (a type of methadone) at an affordable price (cheap) to reduce drug dependence so that the possibility of prosthetic practices could be suppressed. Because all this time the concentration of handling of prostitution only lies in men as perpetrators of violence and child prostitution. Men are the ones who encourage women to be involved in prostitution but have not used social, health and welfare factors as a way to overcome them. This research was conducted by Whowell and Gaffney, although they were not very sure of the strategy because it would only be able to be used if the country embraced homosexual liberalization [1]. In addition, in his book Mattahews also talked about the relationship between the law on the abolition of slavery, focusing on topics for public

safety, zero tolerance, and women's anti-violence strategies. A statement made by New Labor: that there is no relationship between prostitution and morality because the assumption is not entirely true because there are factors of half-truths, false dichotomies, and euphemisms. But prostitution by (Mattahews, 2007), is caused several myths as follows:

- a. the oldest profession
- b. prostitution as a response to male sexual needs
- c. A non-victim crime
- d. Woman enter prostitution out of 'free choice'
- e. It's just a job like any other
- f. Prostitution as (white) slavery

In Mattahews's analysis, the incorrect prostitution appears, which is not necessarily true due to: (1) insufficient quality of research related to prostitution, (2) there is a deadlock in overcoming this prostitution as an interesting topic in scientific studies. , (3) mobilization of this myth can be used as a way to strengthen support in protecting prostitution, because there is little literature on the topic and very monotonous discussion [1]. Although it does not rule out the possibility that from the assumption that can still be contested the truth can be feedback, a back weapon in dealing with prostitution, fully utilized in encouraging the emergence of policies that regulate prostitution.

III. CRIMINALIZATION OR DECRIMINALIZATION OF PROSTITUTION

The sex worker movement in developing countries has also been organized but not yet represented in the global mobilization efforts of the 1990s. With the establishment of a network for sex worker projects in 1991, the global sex workers movement began to include sex workers from developing countries, including the Maxi Linder Association in Suriname and the Women's Association in Colombia. Female Prostitution in Costa Rica-Historical Perspectives, 1880-1930 by Anne Hayes. A Routledge Series. New York & London. 2006. The Costa Rica community is a society that strictly adheres to traditional traits, but democratization is the basis for carrying out its government. People who still prioritize the existence of white race, family values, small farms planted with coffee as a result of their agriculture. In this belief between right or wrong is a fundamental part.

Almost all countries in the world treat criminal law against prostitution, including almost all states in America, Middle East countries and several European countries. Criminal law is used in regulating prostitution to manage, control, suppressing, prohibiting or otherwise allowing the growth of prostitution. The basic form of the criminalization of prostitution is because it is related to morals, health and human rights. The issue of prostitution is considered similar to other criminal behavior. So it needs regulation in the form of intervention in the form of punishment or criminal law sanctions (Phoineix, 2009). While Mattahews through his book tries to understand prostitution through Radicalism approach to describe the depth of various international (universal) literature in-depth and present various existing

policies and their implementation, besides reducing tension between two different opinions (Liberal Vs Conservatives). So far, prostitution has only been examined using a polarizing view between liberalism and conservatism. The liberalism which considers prostitution should be criminalized, normalized and humanized but on the other hand conservatives must be abolished [1]. Besides, this book also presents an overview that tries to see prostitution from various political documents and the latest approaches in encouraging the emergence of new policies in prostitution.

What's interesting about the criminal law that occurs in Sweden is that in this country sex hawking or prostitution is not illegal, but people who engage in prostitution are punished. The law was introduced in 1999 by feminist groups, who saw the impact of prostitution as women victims. For Swedish police: "We don't have a problem with prostitutes, but we have problems with men who buy prostitutes". As a result of these regulations, prostitution in Sweden fell 40% from 2500 in 1998 to 1500 sex workers in 2003. In 2005 new criminal provisions were used to regulate the criminalization of prostitution (Carson and Edwards, 2011). The contents of the policy that regulates prostitution are that if there are sex buying and selling and someone making payments to get sex services will be subject to fines or imprisonment for a maximum of 6 months. But judges usually convert with a fine of money equivalent to 14 million (rupiah). Besides, there is a penalty of shame with the users of sex services will be published in the media. Whereas pimps and brothel-owners will also be tried using the law. Swedish law does not impose penalties on sex workers so sex workers will be freed from the snares of the law. The law sees that women are victims who are treated as commodities in prostitution or sex trafficking (Phoineix, 2009). The criminalization of prostitution is the biggest contribution made by radical feminist groups. The unsuccessful of women when dealing with masculine groups in putting down the issue of prostitution is that these men do not think there is anything wrong with prostitution. Prostitution is a problem of the loss of morality in women and is not a matter of inequality and sexual deception between the relationship of men and women (Levy and Jakobsson, 2013). Although criticism has finally emerged to review the regulation because it does not have sufficient impact it provides evidence of a decrease in the amount of prostitution because there is no reliable data that shows a decrease in the number. Illegal law shows an increasing danger in some forms of sex work. The danger is exacerbated by the lack of harm reduction services, with a policy clash with Swedish abolitionism. These issues concern the eviction of sex workers, issues with immigration, child custody, and the police, where Sweden exports sex attitude to other parts of the world.

What happened in Victoria-Australia, prostitution is legitimized discursively as deviant behavior and is needed to quell male sexual desire. Therefore prostitution in Australia occurs as a form of the state giving free rights freely in the meaning of sex. This idea emerged from the liberal feminist

movement, where the discursive understanding of prostitution was a form of liberation in expressing rights and equality in the dominant sexual discourse. The construction of prostitution in social realities is an inevitable part. During this time prostitution is defined as an inseparable activity from human trafficking, so that women are victims of trafficking even though women who work as sex workers are not victims but a choice. At the same time, the need for men in consuming sex services is normal, so this is what is recommended in legitimizing the sex trade (Levy dan Jakobsson, 2013). On the other hand, Germany is a country that legalizes prostitution, where this idea appears to alienate sex workers from their pimps, so that sex workers will be free to look for their customers, and not do it carelessly on the side of the road. This is done on the condition that sex workers must pay taxes and receive social security (pension and health insurance). Since the regulation was enacted, around 400,000 people were officially registered as sex workers in 2006. Germany's profits in legalizing prostitution in 2002 and creating industry can be estimated to be worth more than 16 billion euros (257 trillion) a year [4].

The Netherlands, this country defines prostitution as the work of choice for women who want to work independently. Although it does not rule out the possibility that this work is a dark valley that will bring the woman trapped in illegal drugs and debts so that the consequences of adverse conditions that threaten her physical and psychological are not taken into consideration. Secular parties demand that the prostitution sex industry be formally registered so that service users must demand identity from sex services. The age allowed in the commercial sex business is above 21 years, although left-wing parties and social liberals doubt the application of this regulation as the most effective way of controlling violence due to prostitution. The Netherlands legalized prostitution in 1999, voting in parliament and the most support from secular parties [5]. Even so, the evaluation shows that the legal prostitution sector still has abuses such as poor working conditions on sexual violence and several cases of trafficking. In Thailand, Cambodia, the Philippines, and the United States have long passed a law that recognizes that a girl who is 18 years old and is involved in prostitution or is a victim of child trafficking will be considered a victim and treated as a real victim. With various entitlements or other services and protections that should be received by the victim. So, far from the attitude of treating children as defendants, in the case of child trade, even though the incident may have been years ago, and children no longer feel part of the disadvantaged, but they all must be treated as victims who should be protected and truly saved [6].

Talking about the topic of prostitution is not just a question of the relationship between individuals as perpetrators of prostitution alone. The importance of analyzing this is closely related to how to build a more equal force in matters of gender and national identity development and not the discursive representational practice of the fate of sex workers. In Indonesia, prostitution is regulated in health laws

that regulate prostitution as follows: (1) Law Number: 04 of 1984 concerning infectious diseases. (2) Republic of Indonesia Government Regulation No. 40/1991 concerning the Control of Communicable Diseases and (3) Republic of Indonesia Minister of Health Regulation No. 560 / Menkes / VII / 1989 concerning Specific Diseases that can cause epidemics. The issue of prostitution has an impact on the discourse of changing morality talks towards talks that protect the nation's moral identity by hiding it into issues or topics about the health that are very normative. Prostitution will be the topic of health problems, although it is known that health itself is a consequence of the economic development program. Because development will not benefit and have no meaning if the health sector is not touched and included in the design of development programs.

In addition to the almost identical views contained in the Decree of the Minister of Social Affairs of the Republic of Indonesia Number 23 / HUK / 96 that all forms of prostitution are contrary to the social, religious, and moral values of the Republic of Indonesia. The definition of prostitution found in Indonesia tends to degrade the degree of women, even though the Criminal Code article 506 on adultery for married people; article 279 applies to those involved in trafficking in adult women; and article 296 is imposed for those who facilitate prostitution, in this case, are pimps. In this article it is not explicitly mentioned and written which is directly related to prostitution but the article uses the words adultery which means the act of adultery, namely acts of intercourse between men and women who are not bound by marital relations; and also as an act of intercourse with a man who is married to a woman who is not his wife, or a woman who is married to a man who is not her husband. The words contained in the article use adultery, and not prostitution. In addition to these rules, specifically, regulations that directly regulate prostitution are contained in articles 295 and 296, as said:

Article 295 (1):

1. Sentenced to imprisonment for up to five years, whoever intentionally causes or facilitates obscene acts committed by his child, stepson or adopted child who have not been handed over to him for his care, education or care for or an underage or underage person under it with other people;
2. With a term of imprisonment of up to four years, whoever intentionally, outside of the things mentioned in the article above, causes or facilitates obscene acts with other persons which are carried out by minors, which he knows or deserves, that he is immature.
3. If the person who is guilty of committing the crime is carried out as his livelihood or habit, then the sentence can be increased by one third.

Article 296 of the Criminal Code:

Anyone whose livelihood or habit is deliberately making or facilitating obscene acts with another person is punishable by imprisonment for one year and four months or a maximum fine of Rp. 15. 000, -. At the Violations concerning public order, specifically Article 506 of the Criminal Code; quoted as

saying: "Whoever as a pimp (souteneur) takes advantage of female prostitution, is sentenced to confinement for three months". If explored carefully, the qualifications for the formulation of prostitution are prioritized in the act of violating politeness, not in prostitution. Not in the presence of one / more women prostituting themselves, then voluntarily comes a man and one gives achievement; others offer counter-achievements. This is important to understand. Precisely because the problem of prostitution is considered to disturb public order, the responsibility is more emphasized on pimps and not on prostitutes. [7,8].

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