Evaluating Sharia Regulation on the Prostitution Prohibition: The Case of Majalengka Regency

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ABSTRACT

This article aims to evaluate the local regulation (Perda) No. 14 the Year 2007 concerning the prostitution prohibition in Majalengka Regency, West Java Province. In addition, to assess this regulation, this article also presents the driving factors determining the fruitfulness and failure of such sharia law. Methodologically, this article is qualitative-based research by applying a case study approach. More technically, the research employs documentary and in-depth interview as a data-gathering technique. In order to evaluate this regulation, this research adopts Dunn's six indicators: effectiveness, efficiency, adequacy, responsiveness, equity, and accuracy. The finding demonstrates that among six indicators, four are indicated as a failure. Only effectiveness and efficiency are successful. Thus, this sharia law can be concluded as an unsuccessful regulation. In the meantime, the indicator determining the fruitfulness and failure of the regulation consists of a threefold: adequacy, effectiveness, and responsiveness. To sum up, the government needs a serious effort to operate the regulation suitable with the societal needs and, indeed, supported by the parliament mainly related to the budgeting policy.

Keywords: Local Regulation, Evaluation, Prostitution, Majalengka Regency

1. INTRODUCTION

Decentralization is the transfer of authority from the central government to local governments to take care of their territory. The purpose of decentralization is to facilitate the government in its efforts to serve the people in their regions based on the regional characteristics (Kaho, 1997). Thus, decentralization has links with regional autonomy that means the local governments have the authority to regulate their regions (Nadir, 2013). Empirically speaking, in Indonesia, this right is obtained after the enactment of Law number 32 of 2004 concerning the Regional Government.

Nonetheless, to manage its area, each region needs a regulation that can be used as a guide for society. Therefore, the regulation, in this context, is referred to as Regional Regulation (Perda). Thus, this Perda is drafted and is approved by the regional of house representatives and the local government. The making of a regional regulation aims to oversee the running of the regional government, regulate, and manage a more dynamic area, as well as empower the community in realizing regional independence (Nadir, 2013).

For instance, the Local Regulation Number 14 of 2007 on the prostitution prohibition in Majalengka Regency is included in the Syariah regulation group. Sharia regulation is a precept that contains Islamic values in it. At present, there are several regions in Indonesia, both at the provincial and regency/city levels, stipulate Syariah values as regulations in their regions. Perda No. 14/2007 concerning prostitution prohibition belongs to the Sharia regulation because in Islam, explicitly prohibits the act of prostitution. In the view of Islam, it is assumed that the act of prostitution is an activity that demeans women. The act of prostitution can also damage the moral norms that exist in society, and it is feared that such actions will also threaten the nation's morale. Nevertheless, the enactment of Sharia Regulations must be based on laws and regulations that applies in Indonesia (Djohermansyah, 1990).

For this reason, in implementing Perda No. 14 of 2007 concerning the prohibition of prostitution in Majalengka Regency, an in-depth evaluation is needed. This evaluation includes evaluating the content of the law as a whole, providing socialization related to the implementation of the content of the law, and providing solutions related to the enforcement of the law. Therefore, this evaluation process also aims to have a clear view of law and sanction in the process of implementing the law to avoid a negative impact on the community. Based on such an explanation, this study examines further this Perda in order to know the factors that determine the success or failure of the Majalengka government policy.

2. THEORETICAL FRAMEWORK

2.1. Policy Evaluation

According to Nugroho (2003: 51), public policy is a way to achieve the shared goals that have been dreamed by every country. From this point, it can be said that public policy is reflected as the society dreams in a country. For instance, in the context of Indonesian policy, it aims to achieve a prosperous society based on the Pancasila and the 1945 Constitution. With that, public policy is a tool to achieve a goal that has been aspired to the Indonesian nation.

Moreover, one of the most important in the public policy process is evaluation. According to Dunn (2003, pp. 608-610), policy evaluation has some functions, and if the evaluation is carried out correctly, it will produce good benefits. First, it provides reliable and proven information about a policy that is carried out. Second, it can clarify and critique policy objectives and targets. The evaluation also can verify alternative sources of value and the foundation used. It can be a method of analyzing a policy; for example, evaluation can show the goals and targets that need to be explained or reviewed. In addition, it also can reinforce new alternative policy.

In assessing policies, it is necessary to determine through a number of indicators in order to assess the overall results of the policy. According to Dunn (2014), there are six indicators in the policy evaluation where Winarno (2002, pp. 184-189) explore them in details:

1. *Effectivity* means that the success of the goals has been achieved. However, the effectiveness of a policy cannot be seen in the short term. It commonly needs time to measure if the policy can overcome the problem or not.
2. *Efficiency* is related to the amount of effort done to achieve a certain level of effectiveness, and it is generally measured in terms of costs. If the objectives of public policy cost are more than the results of the policy, then it can be said that the policy is inefficient.
3. *Adequacy* is measured by how far the level of effectiveness can meet the needs of value or opportunity in a problem. This process means that an analysis of the suitability of the method with the objectives must be carried out before policy approval.
4. *Equality* means the implementation of public policies must have a fair nature in all sectors, and layers of society can feel the results of the policy, both directly and indirectly.
5. *Responsiveness* is defined as the response of the community to an activity; this is related to how far the policy can meet the reference needs or values of community groups. The success of the policy can be seen from the public response to the policy on the condition that the community already has a prediction of the policy implemented. Also, responsiveness is an illustration of the four previous indicators of policy evaluation in the form of support or rejection of the policy.
6. *Appropriateness* refers to the value or price of program objectives, and the assumptions rely on these goals. This indicator is associated with substantive rationality because it involves the goal, but it is not the method or instrument used to achieve that goal.

2.2. Sharia Law

According to Hadi (2014), there are three categories of types of sharia regulations. First, they are related to community morality, such as regulations on prostitution and prohibition on alcoholic drinks. Second, it is related to fashion or fashion, such as having to wear the hijab and other clothing provisions. Such regulations are identified as sharia regulations because they are very Islamic. Third, the rules govern religious skills and requirements, such as reading the Koran, zakat, infaq and sadaqah. This type of regulation is also clearly identified as a sharia regulation.

Furthermore, Muntoha (2010) states that in general sharia-based regional regulations are divided into four categories; First, local regulations related to the issue of the morality of society in general, for examples, local regulations related to adultery and prostitution. Second, local regulations related to fashion/clothing such as the need to wear the hijab and clothing rules in certain places. Third, local regulations related to religious skills and the necessity to be able to read and write Al-Quran and the need to study in Madrasah diniyah such these skills as a prerequisite for the promotion of civil servants, marriage, and public service. Fourth, local regulations related to the collection of social funds through local regulations on Zakat, sadaqah, and infaq (Syafingi, 2012).

2.3. Prostitution

Prostitution is an act that performs husband and wife relationships, alternately with non-spouses and is carried out in certain places for wealth purpose (Dewi, 2012: 3). Meanwhile, according to Perkins and Bannet in Koentjoro (2004: 5), prostitution is a business transaction that has been agreed by the parties in it as a short-term contract to get sexual satisfaction. In another definition, prostitution is a service to get sexual relations with the aim of getting money in return (Irwansyah, 2016: 4).

According to Asyari (1986: 12), prostitution has the type that can be seen according to its activities, whether the prostitution activities are registered/organized and unregistered/disorganized. Meanwhile, according to Surtees (in Rusyidi & Nurwati, 2018: 3) explains that there are two types of prostitution in Indonesia divided into two groups, namely: traditional (general) and non-traditional. Moreover, According to Binahayati N. & Nunung N. (2018: 5), there are different types of prostitution in Indonesia based on three different entry,

namely: Bonded Entry, Involuntary Entry, and Voluntary Entry

3. RESEARCH METHOD

This study uses qualitative research by applying the study case approach. This method was chosen based on the consideration that Perda No. 14/2007 on the prohibition of prostitution in Majalengka Regency is a sharia-based regional regulation, where prostitution is a real phenomenon in society. Therefore, this research intends to reveal the fact that the existence of prostitute usually obscures by various parties for political purpose.

In the data collection method, this research employs documentation and in-depth interviews methods for data collection. The authors have collected documentation and interviews from ten institutions, namely: the Public Order Enforcers (*Satpol PP)*, Social Service, Department of Religious Affairs, Women's Organizations Association (GOW), the parliament, Partai Keadilan Sejahtera (PKS) Faction, Nahdlatul Ulama (NU), Muhammadiyah, church, and scholars in Majalengka Regency.

In data analysis, this research is systematically analyzed based on compiling data obtained from interviews, field notes, and other materials. Therefore, data analysis is done by organizing data, describing it into units, conducting hypotheses, compiling into research patterns, selecting essential data and data to be studied, and making conclusions (Bogdan in Sugiyono, 2014).

4. FINDINGS AND DISCUSSION

This paper provides two main points which will be analyzed and discussed further. First is the regulation evaluation by applying Dunn's six indicators. Second is the driving factors determining the regulation failure.

4.1. Evaluating the Regulation with Six Indicators

As has been discussed above, evaluation is a crucial stage for public policy because this process can be used to assess the success of public policies that are oriented towards policy goals and objectives. In evaluating Perda No. 14 of 2007 concerning the prohibition of prostitution in Majalengka District, there are six indicators in it. These indicators are effectiveness, efficiency, adequacy, equality, responsiveness, and accuracy.

4.1.1. Effectiveness

In the indicators of effectiveness, there are two parameters in it. These parameters include achieving the success of policies and programs regarding community needs. Based on data obtained through interviews, there are ten informants with different opinions. The informants were Satpol PP, Ministry of Religion, Social Service, the Parliament, PKS Faction, Muhammadiyah, NU, GOW, and Scholars. Their opinions are classified into three answers, namely: agree, disagree and doubt. Based on the interview results, the authors found that there are three informants argued that this regulation was not sufficient, while six informants were hesitant to state the effectiveness of this regulation. Nevertheless, one informant who was Satpol PP argued that he acknowledged the regulation was effective.

In an indicator of the success of the program, the Satpol PP as a Perda enforcement apparatus believed the implementation of this regulation has been successful. The reason is the decrease in the number of CSWs caught during Community Disease Operations (OPM) from 2016 to 2019.

Table 1. Number of CSWs Caught during OPM

No.	Year	Total
1.	2016	25
2.	2017	12
3.	2018	16
4.	2019	3

Source: Complied by the Author (2020).

Based on the data above, it showed a decrease in CSWs caught during OPM from 2016-2019. OPM or Community Disease Operation is an operation to control Majalengka Regency from Community ills. OPM is carried out when approaching Ramadan so that people can undergo worship in the month of Ramadan calmly (Radarcirebon.com, April 27th 2017). In the implementation of OPM, the Majalengka Regency government formed a team consisting of Satpol PP, Military, Police and Social Service.

Although the argument of Satpol PP said that this regulation is significant, however, there are several arguments from different stakeholders (Social Service, Church, and Scholars) which states that this regulation is ineffective. They argued this regulation was ineffective because the regulation took time, and it was lack of socialization and lack of discipline in giving punishment to violators. Therefore, the lack of socialization on the regulation implementation was felt by several stakeholders such as the Parliament, the Social Service, and Scholars in Majalengka Regency who stated that they were not aware of the existence of this regulation. The parliament as a legislative body must know if any local regulations are operating in the chosen region because of its functions as legislator, supervisor, and budget planner. Besides, the lack of socialization of these regulations also caused a lack of community participation in overseeing the regulation. Based on article 11 of Perda no. 14 of 2007 concerning the prohibition of prostitution in Majalengka Regency stated that the people of Majalengka Regency could report to the authorities if they found indications of prostitution.

Furthermore, lack of clarity and lenient punishment for sex workers who were arrested led to the adoption of this regulation as considered ineffective (Interview with Dr. Gandana Purwana, Head of Majalengka District

Social Service, January 9 2020). Based on Perda no. 14 of 2007 in article 13 concerning the prohibition of prostitution in Majalengka Regency explains that the punishment to be given to violators is the threat of a maximum punishment of three months with a maximum fine of Rp. 50,000,000. However, the sentence will be imposed on violators who have been arrested three times (Interview with Udin Wahidin, Head of Law Enforcement for Majalengka Regency Satpol PP Invitation, January 9, 2020) [1].

Another reason that makes the enforcement of this regulation is ineffective because the length of the regulations is excessive. The regulation was made in 2007 without amendment and is still applied. Consequently, the length of time for a Perda has caused stakeholders and the community almost to ignore this regulation. According to Diding Bajuri in an interview on January 31, 2020, explained that *"this regulation has an indication of the lack of procedures in making a law properly so that many relevant stakeholders are not aware of this regulation"*.

Other than that, another parameter in this indicator is the suitability of the program with community needs. This regulation is considered adequate because it is following the needs of the community. This Perda is a solution to reduce and eliminate prostitution activities in Majalengka Regency. However, this regulation requires a more profound evaluation so that this regulation can be useful. One of the things that need attention is to do greater socialization to the community. In order to support this, a special fund is needed for this regulation. The existence of funds is an operational tool to support and achieve this goal. However, this Perda did not have a specific draft in the Majalengka District Budget. Without financial and support, this regulation and policy are not possible to be enforced smoothly. As a consequence, the effectiveness of this regulation cannot be achieved optimally.

4.1.2. Efficiency

In the efficiency indicator, five speakers shared different opinions. The informants were Satpol PP, Social Service, Ministry of Religion, DPRD, and PKS Faction. They are informants who know about funds in this regulation. For this reason, it can be assumed that the efficiency indicators in this regulation can be answered. In general, there were two opinions on this indicator, namely: agreed and doubt. Satpol PP was the only informant who stated the implementation of this regulation was already efficient. Meanwhile, four other informants expressed doubt. The reason Satpol PP thinks that the enforcement of this regulation has been efficient because this regulation does not have special funds in the regional budget, but its implementation has been successful. Therefore, the adoption of this regional regulation has succeeded in minimizing prostitution cases in Majalengka District by proving that the number of CSWs who have been caught for four years.

In contrast, there are doubtful statements regarding the efficiency of the implementation of this regulation. The reason for this opinion is that many informants did not know of this regulation. Also, the absence of special funds in this regulation is a reason why interviewees were doubtful about the efficiency of this regulation implementation. Ideally, a policy issued by the government has budgetary consequences. The absence of an operational budget is suspected that the existence of this regulation is only a formality. The lack of financial support provided is an obstacle to enforce this local regulation. Diding Bajuri in an interview on January 31 stated that *"The local regulation can run if there is operational funding support provided by the government"*. Regardless different argument showed by the informants; however, the authors argued this regulation could work effectively, although this regulation does not have special funds. It is evidenced by data showing that prostitution cases in Majalengka District have decreased over the past four years.

With that, the initial conclusion on this indicator, this regulation is efficient because of the results of the field data. Despite the fact that this regulation does not have a specific budget, but it is useful in its implementation. Perda can be more efficient if it can achieve better results with a minimum budget.

4.1.3. Adequacy

There were five interviewees with different opinions on this indicator. The informants were from Satpol PP, Social Service, Ministry of Religion, PKS, and Scholars. Since this indicator discusses the availability of facilities in the process of implementing policies, it assumes that they are informants who know about problems in their implementation. There are three opinions from the informants on this indicator, namely: agree, disagree, and doubt. The interviewees who agreed on the adequacy of the facilities provided for the implementation of the policy was the Social Service. Meanwhile, the PKS faction opposed the Social service's opinion by stating disagreement regarding the adequacy of the facilities provided for the application of this policy. Moreover, the informants who expressed doubts about the availability of facilities provided were the Ministry of Religion, Satpol PP, and Scholars.

The Regional Government of Majalengka Regency did not provide a specific budget for this regulation, but several related institutions and apparatus provide facilities and human resources in OPM. For instance, the Social Service guides the perpetrators caught in the operation, including sex workers and their pimps. Also, the police provide facilities in the form of vehicles and their personnel. At the same time, Satpol PP has the HR to conduct OPM Lodaya. For this reason, the Social Service considers that the availability of facilities in the implementation of this regulation is sufficient because the budget is to provide training and send it to the Social Service of West Java Province. As argued by Dr. Purwana, he explained that *"due to the lack of special*

funds for this regulation, this facility is not only for sex workers who are caught but also applies to homeless people and alcohol consumers" (Dr Gandana Purwana, Head of Majalengka Regency Social Service, in an interview on 9 January 2020).

The PKS faction stated that the facilities and human resources provided by the government for this regulation were not enough. According to the PKS Faction, this regulation does not have a specific budget for its operations, the small budget given to the Social Service, and the lack of Satpol PP members is proof that the facilities and human resources for this regulation are inadequate.

Table 2. The Number of Facilities and Infrastructure of Security and Public Order in 2018

No	Facilities and Infrastructure	Amount
1	Civil Service Officers	287
2	Military Public Officials	343
3	Patrol Officer	132
4	Community Protection Officers	3430
5	Security Posts	10
6	Kamling Post	2084
7	2 Wheel Operational Vehicles	9
8	4-Wheel Operational Vehicles	9

Source: Open Data Majalengka (2019).

Based on the table above, Majalengka Regency could be argued as lacks the number of human resources in Satpol PP members. This problem appears because based on the Minister of Home Affairs Regulation no. 17 of 2019 concerning the fulfilment of the rights of civil servants. The provision of minimum facilities and infrastructure, operational, technical guidelines, and the provision of civil service police units, ideally for type A, must be at least 351 employees. However, empirically speaking, there are only 270 Satpol members in Majalengka Regency.

The Satpol PP and the Ministry of Religion were hesitant in giving opinions about the adequacy of facilities and human resources for this regulation. Satpol PP is doubtful because the budget for Community Disease Operations is scanty and forced to suffice.

> "The operational budget is quite sufficient, and the intention is sufficient. If you say you are lacking, there aren't many. If it's an honorarium, it's honorarium."[1]

Based on the interview above, it showed that the existing budget is still lacking in the process of implementing local regulations, but the municipal police are hesitant to inform the truth. The absence of special funds is a factor that causes the facilities for this regulation to be lacking. Therefore, other informants who expressed doubts were the Ministry of Religion and Majalengka Academics. These groups were hesitant to say whether this was enough because they do not have a direct contribution to the implementation of this

regulation. Having said that the Ministry of Religion provides facilitators in the form of religious advisers and it spread to all villages in Majalengka. As a consequence, the Ministry of Religion is hesitant in stating the adequacy of facilities and resources for this regional regulation. Besides, the scholars also feel hesitant to comment on the adequacy in providing facilities and human resources by the government, because they are not aware of the existence of this regulation.

Based on the data obtained, it can be concluded that the adequacy indicator is the facilities and human resources provided by the government for this regulation are considered inadequate since the parameters in this indicator are the availability of infrastructure facilities and human resources in the process of implementing the policy. Additionally, most of the respondents argued that the budget and human resources provided by the government are inadequate. Consequently, the regulation could not be adequately enforced.

4.1.4. Equity

Based on the data obtained, there are differences of opinion about the questions in the implementation of this regulation. These differences of opinion can be classified into three groups, namely: agree, disagree and doubt. From these three groups, seven parties agree to the application of this regulation which has been applied equitably in Majalengka Regency. These informants were Satpol PP, Muhammadiyah, GOW, NU, DPRD, PKS Faction, and the Social Service. Even there was no group disagree with the equal distribution of the implementation of the Perda in Majalengka; however, the Group of Scholars, the Church, and the Religion Ministry were sceptical about the levelling of this regional regulation.

The reason they state that the application of this regulation has been evenly distributed and applies to anyone is that they believe that the regulation applies to everyone and more than that they state that they rarely see prostitution activities in Majalengka Regency..

> "Yes, it applies to all levels of society, rich hotels also hit as well. So we do not only use prostitution operations in that place, to the hotel as well as to the boarding house, because yes, on average, it is not in Majalengka who often brings a partner who is not a Muslim. Maybe they think it's safer at the hotel, but safer at the boarding house because there are alibis."[2]

According to Satpol PP in an interview on January 9, 2020, said that this regulation applies to all society. The Satpol PP patrol will target all places that have indications of prostitution. More than that, Rinaldi, Deputy Chairperson of the Majalengka Regency PMD

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[1] Interview with Udin Wahidin, the head of local regulation enforcement (Satpol PP) in Majalengka Regency, January 9th 2020

[2] Interview with Udin Wahidin, the head of local regulation enforcement (Satpol PP) in Majalengka Regency, January 9th 2020

in an interview on January 15, 2020, stated that this regulation was equitably distributed in its application because the nature of regulation applies to everything. The government should be more assertive in handling immoral acts because immoral acts are not only prostitution but many other types of immoral acts. The development of Majalenga as an industrial area and the construction of Kertajati International Airport in West Java made people and investors come to this regency. Accordingly, this development will affect the lives of the people of Majalengka Regency, so that there is a high possibility of immoral activities appearing such as prostitution (Rinaldi, deputy chairman of PMD Majalengka Regency in an interview on January 15, 2020).

Likewise, three respondents expressed doubts about the implementation of this regulation because many informants did not feel aware of this regulation, including them. It is difficult to know about equity in the implementation of this regulation if many stakeholders are not aware of these regulations (Hars Fault, Representative of the Majalengka Duchy Church, in an interview on January 31 2020).

In spite of the fact that the informants considered that this regulation applied to all, but many of community did not know about this regulation. In this connection, these groups might represent the ignorance of Majalengka community on the existence of this regulation. Subsequently, the community cannot follow the regional regulation that leads to incapability in controlling the implementation of this regulation. This issue makes accountability regarding equity in the implementation of this Perda questionable, so it cannot be ensured that this Perda has been applied to all communities.

Based on the information above, it shows that this operation cannot be confirmed to have been implemented in all places that have indications of violations. Based on the data obtained, the initial conclusion following the levelling indicator is that the application of this regulation is not the same, because the parameters of this indicator are "the policy applies to all people without exceptions, including the whole community". However, in reality, many people do not know this regulation, so the community cannot control the implementation of this regulation. Therefore, the government must increase its socialization efforts to educate the community about this local regulation. This socialization effort is essential because, with the socialization, the community will know this regulation. With that, the community can participate in the implementation of this regulation.

3.1.5. Responsiveness

In the enforcement of this regulation, interviewees also showed different responses towards responsiveness level. Respondents who agreed on satisfaction with the implementation of responsiveness on this regulation were NU and GOW. In contrast, respondents who

expressed their disagreement about the implementation of responsiveness on this regulation were the PKS Faction, Muhammadiyah and Academics. Thus, the last group who were in doubt were the Ministry of Religion, the Church and the Parliament. However, in this indicator, the Satpol PP and the Social Service did not provide their arguments because the parameters in this indicator were the response of community satisfaction groups and community control over policies.

Precisely, NU and GOW stated that they were satisfied with the implementation of this regulation. The reason why they were satisfied with this regulation because they considered that the prostitution case in Majalengka was not significant. The absence of complaints from the public regarding prostitution activities is evidence that in Majalengka, there are no prostitution activities that disturb society (Miftah, General Secretary of Nahdlatul Ulama Majalengka Regency, in an interview on January 27 2020). Besides, they consider that Majalengka is a region that is not as busy as other regions. With that, the number of prostitution in this region is not as high as in other regions; even though, every year, there are always cases of prostitution captured by Satpol PP' OPM (Community Disease Operations) from 2015 to 2019.

Moreover, the parties who stated that they disagree with the satisfaction in the implementation of this regulation were the member of parliament from the PKS faction, Muhammadiyah, and Scholar. These groups were not satisfied with this regulation because of the lack of budget, lack of socialization, and lack of synergy between the people in enforcing this regulation. The absence of special funds for this regulation is the reason for the PKS faction by arguing that ideally, a regulation will enforce if there are special funds for its operations (Dhora Daojati, PKS faction representative and deputy chairman of Majalengka district DPRD, in an interview on January 15 2020).

Different arguments with the PKS faction, Muhammadiyah is not satisfied with the implementation of this regulation due to the lack of synergy between relevant stakeholders (Rinaldy, deputy chair of PMD Majalengka Regency, in an interview on January 15 2020). Therefore, Diding Bajuri, a Scholar of Majalengka University (in an interview on January 31, 2020) also expressed dissatisfaction with this regulation because, in its implementation, this regulation was not supported by budget funds. The absence of a particular budget for this regulation has resulted in the lack of socialization for the community. Based on the statements of Muhammadiyah, Scholars and PKS faction, it can be said that they showed different reasons about their dissatisfaction with this regional regulation.

Edy Anas Djunaedy, chairman of the Majalengka Regency Parliament (in an interview on January 15, 2020), was hesitant to determine satisfaction with the implementation of this regulation because Edy still heard that there were still areas indicated for prostitution. In fact, according to the Majalengka parliament, he satisfied that prostitution did not occur in

Majalengka. Therefore, the church was also hesitant to state satisfaction with this regulation because the church is not aware of this regulation. The church as a place of worship and gathering of Christians should understand about this regulation, because anyone can do prostitution and every community must know the existence of this regulation (Hars Sesar, representative of Pasundan Duchy of the Majalengka Regency, in an interview on January 31, 2020).

Based on this information, the initial conclusion following the satisfaction indicators is that the community feels dissatisfied with the application of this regulation. This statement can be proven by the parameters of this indicator which is community control policies. Additionally, people who became respondents in this research stated that they were not satisfied with the implementation of this regulation. The reasons behind their dissatisfied were the lack of synergy between the people, the absence of a particular budget, and the lack of socialization to the community. Another reason for dissatisfaction is that majority of people interviewees did not know about this regulation. As a result, it made people unable to oversee the implementing process of this Perda.

4.1.6. Accuracy

There are three responses in assessing this indicator, namely: agree, disagree, and doubt. Therefore, based on the interview, there were three parties agreed that this regulation was appropriate in solving problems. Thus, as many as five parties said that they disagreed on the accuracy of the regulations in resolving prostitution, while two parties were hesitant in stating that this regulation was appropriate in resolving prostitution.

The groups who believe that the application of this regulation is accurate or can solve community problems are Satpol PP, NU and GOW. They argued that this regulation has been effective because this regulation can minimize prostitution activities in Majalengka after all. This regulation is considered appropriate to deal with prostitution cases in Majalengka because of the impact of this regulation, the location of prostitution, which was once extensive, is now shrinking. Prostitution in Majalengka did not occur massively (Udin Wahidin, the head of local regulation enforcement (Satpol PP) in Majalengka Regency, in an interview on January 9 2020).

Furthermore, those who argue that this regulation is inaccurate in solving problems in the community are the Social Service, the Parliament, Muhammadiyah, the Ministry of Religion, and the Church. These groups argued that local regulations were not the only way to solve the problem of prostitution in Majalengka. They further explained that prostitution in Majalengka happened because of several factors, such as economic and spiritual factors. Economic factors are a classic reason when discussing prostitution cases, including in Majalengka. The percentage of poverty in Majalengka is 10% of the 1.2 million inhabitants of Majalengka (TintaHijau.com, January 6 2020). With that, in order to solve this problem, the parties suggested that people could open jobs so that people could live in prosperity.

Apart from economic factors, spiritual factors are also one of the factors that cause people to end up prostitution. Based on testimony from the Office of Social Affairs, a CSW who is arrested and sent to a rehabilitation facility often prefers to leave the place, and return to her previous job. Although in the regional regulation is written that the local government will provide training facilities for the arrested perpetrators. Nevertheless, the perpetrators prefer to return to the previous profession. This issue appears because the perpetrators feel that prostitution is one of the jobs that quickly earn money. According to Satpol PP, the average prostitute gets an average payment of Rp. 500,000 for one night. For this reason, this is one of the factors why eliminating prostitution is more challenging.

Besides the factors that cause prostitution, another reason why this regulation is not the only one is that it cannot function if there is no community participation. However, it is important to remember that this Perda is not supported by costs, thus hampering the operational performance of the perda, including the socialization process of this perda. The regulatory time frame that is too large also causes many people to not realize this regulation. This causes community participation in it to be hampered. Communities cannot supervise or control the surrounding conditions that are indicated as brothels if they are not aware of this regulation. Meanwhile, in this regulation, community participation is urgently needed, and in this regulation also regulates the right of the people to get information about this regulation and the importance of avoiding prostitution.

Besides the factors that cause prostitution, another reason is that this regulation does not work if there is no community participation. In order to enforce this regulation, community participation is urgently needed. For this reason, the right of the people to get information about this regulation is essential in preventing prostitution. Moreover, the PKS faction and scholars doubt the accuracy of this regulation in solving problems in society. They argued that the regulation is lack of socialization and the absence of a particular budget for this regulation. The PKS faction (in an interview on January 15, 2020) stated that he often found a place that indicated prostitution in Majalengka District. This evidence is what makes doubts in expressing an opinion about the accuracy of this regulation in reducing the case of prostitution in Majalengka.

Likewise, regional regulation must be an effort to solve the problem. However, he believes that the prostitution case in Majalengka is slowly disappearing. However, the less visible cases of prostitution that occurred in Majalengka does not mean that prostitution cases are entirely gone. Nevertheless, with the technology, online prostitution is considered to become

a trend in society, and it is challenging to eliminate it (Diding Bajuri, Academic Majalengka, an interview on January 31, 2020).

To sum up, the adoption of this regulation based on indicators of accuracy is still not accurate to minimize and eliminate prostitution in Majalengka. Although these indicator parameters are beneficial for the community, in reality, prostitution cases in Majalengka are caused by poverty and lack of participation among the community. Participants argued that the government should make the Majalengka people live in prosperity so that prostitution cases could be reduced.

4.2. Driving Factors Determining the Regulation Failure

In the process of enforcing a Perda, several factors influence the failure of the regulation. With that, this paper decides to select three driving factors which determine the failure of this regulation in Majalengka regency based on the case study, and these three factors are:

4.2.1. Adequacy

Adequacy is one of the leading indicators that can make law enforcement could be applied. The parameter in this indicator is the availability of facilities obtained by the community in the process of policy implementation. However, in implementing this Perda, there is no specific budget to support the enforcement of this Perda. Consequently, the absence of a particular budget can make this regulation not run well, because when the regulation was drafted, the government also drew up a budget to support the operation of regional regulations. When the budget is under what is planned, it will support the success of regulation. However, when the available budget is not appropriate, it will disrupt the operational policies that have been made.

4.2.2. Effectiveness

Effectiveness is another indicator that can make a local regulation work well because in evaluating a local regulation, the success of local regulation in achieving its objectives are essential to be reviewed while the evaluation process is ongoing. If the regulation is deemed to have achieved its objectives, the government will try to ensure that this regulation runs more smoothly. In contrast, if the regulation is deemed unsuccessful in achieving its objectives, the government will look for the failure reasons for this regulation in achieving its objectives.

Therefore, there are two parameters in this indicator. The parameter is the achievement of the success of policies and programs following the needs that exist in society. Based on the data, participants agreed that the law was following the needs and had achieved success in the policy implementation process. In the contents of the regulation, it is written that the community must participate in this regulation implementation. The reason is that the law cannot enforce properly without the participation of the people. However, in reality, most of the participants did not know about this Perda. As a consequence, it could reduce the function of people to participate in the implementation of this Perda.

4.2.3. Responsiveness

Responsiveness is also essential to ensure the local regulations work correctly. In this indicator, there are two parameters, such as the satisfaction of community groups towards policies and community control over policies. Responsiveness is an indicator that can make this Perda run well because every policy from the government is aimed at the community. For that reason, the success and failure benchmarks in this regulation can be measured by the level of community satisfaction. When a public policy gets a positive response from the community, the policy can be said to be successful, but if people claim that they are not satisfied, then the policy can be said to be less successful.

Furthermore, in the implementation of this Perda, most participants felt that they were not satisfied with this Perda. They argued that the government is not strong enough in implementing this policy. This issue can be proven by the parameters of this indicator which is community control of policies and policies of community control. Most of the respondents said that they were not satisfied with the implementation of this regulation. The lack of synergy between the people, the absence of a particular budget, and the lack of socialization to the community were the reasons why they dissatisfied with this regulation.

5. CONCLUSION

This paper concludes that by applying six indicators, the local regulation of Majalengka on the prostitution prohibition is unsuccessful because from six indicators, only two indicators that could be said successful in its implementation. These two indicators are effectiveness and efficiency. The effectiveness is successful because the prostitution case in Majalengka Regency is decreasing. People in this regency argued that they need this regulation because prostitution occurs anywhere and at any time. Thus, this regulation can minimize prostitution activities. Besides, efficiency is also successful because the prostitution case is decreasing. Therefore, Majalengka case demonstrates that the low budget in enforcing this regulation has a positive impact.

Moreover, four other indicators are failure because of some reasons. First, in the adequacy context, the low number of officers at Satpol PP Agency who operate this regulation and the low budget for providing human resources, are resulted in the inadequacy of the regulation enforcement. Second, in the equity context, many people in Majalengka does not know this regulation that leads the accountability of the regulation

implementation is doubtful. Third, in the responsiveness, most respondents reveal their dissatisfaction with this regulation because of the lack of socialization which must be carried out by the local government. Lastly, in the accuracy context, this regulation is not accurate to eliminate prostitution cases because the prostitution in Majalengka occurs due to the poverty situation and the lack of social care. For this reason, the local government must create more job as the main agenda for people prosperity who inhabitant in Majalengka Regency.

Last but not least, the driving factors which determine the failure of this regulation are a threefold: adequacy, effectiveness, and responsiveness. First, adequacy is the significant factor because the availability of facilities mainly the number of officers in operating the policy and the budget support can make this regulation works well. If the government cannot fulfil this factor, it leads to the failure of policy implementation. Second, another indicator which makes local regulations work well is effectiveness. If the regulation is deemed to have achieved its objectives, the government should maintain it well. Third, responsiveness is an indicator that can also make the regulation work well because the successful policy is measured by society satisfaction. When society provides a positive reaction, the policy could be argued successfully.

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