

REINFORCEMENT OF REGIONAL REGULATION ON ERADICATION OF PROSTITUTION CONDUCTED BY SATPOL PP, BATANG REGENCY

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ABSTRACT

This paper is based on the background of Satpol PP efforts in enforcing Batang District Regulation Number 4 Year 2015 on the Amendment of Batang Regency Local Regulation Number 6 Year 2011 on the Eradication of Prostitution in Batang District. It is also called Perda Eradication of prostitution, this regulation is the main actor in enforcing the local regulations.

The formulation of this research problem was how the enforcement of the Regional Regulation on the eradication of prostitution done by Satpol PP.

This research method used non-doctrinal research type which can be categorized into qualitative research. It was expected to get deep data and meaningful data.

The results showed that in enforcing prostitution law by doing raids both independent and combined raids. Then after catching the violators, Satpol PP conducted repressive action either Non judicial or Pro judicial.

Keywords : Enforcement of Local Regulation, Prostitution, Satpol PP

INTRODUCTION

The unitary state is a country whose territory is separated into regions by granting authority to the regions to regulate and manage their own regional affairs through decentralization or deconcentration.¹

Batang Regency is one of 35 (thirty five) Regencies/Cities in Central Java Province. The Batang Regency Government was formed based on Law No. 9 year 1965 concerning the Establishment of Level II Batang Regions. Prior to the enactment of the Act, Batang Regency was part of the Pekalongan Regency area.²

¹ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Sinar Grafika, Jakarta, 2010, page. 52.

² Pemda Batang, *Laporan Penyelenggaraan urusan Pemerintah Daerah (LPPD) Kabupaten Batang Tahun 2017*, page. 1.

Article 12 paragraph (1) letter c Law Number 23 Year 2014 concerning Regional Government³ states that the affairs of the Mandatory Government relating to Basic Services include peace, public order and community protection. The formation of the Civil Service Police Unit was based on the provisions of Article 2 paragraph (1) of Government Regulation Number 6 year 2010 concerning the Civil Service Police Unit. It states that to assist the regional head in enforcing regional regulations and the implementation of public order and public peace, in every province and district/the city was formed by the Civil Service Police Unit, often called Satpol PP.⁴

Legal foundation of the formation of the Satpol PP in Batang Regency was also strengthened by the enactment of Regional Regulation Number 8 year 2016 concerning the establishment and arrangement of Regional Apparatus Unit.⁵ The Principal Tasks, Functions of Job Descriptions and work procedures of the Batang District Civil Service Unit is under the District Head's Regulation Number 51 year 2016.⁶

Batang Regency is the regency that passes through the longest pantura route in Java. Where in the Batang Regency region is also a tired point of a good trip from Jakarta to Surabaya or vice versa. Along the pantura lane, we can see many trucks often parked to rest along the roadside. With this phenomenon, local residents often use the roadside to sell. They sell from food to massage services to the tired drivers. With such conditions, along the Pantura line, Batang District stands many restaurants or food stalls and massage parlor businesses.

As time goes, these stalls and massage parlors developed to a covert prostitution. The food vendors also provide Women Sex Workers (in Indonesian calles as Wanita Pekerja Seks). Due to the urgent economic situation, with limited capacity and inadequate supply of jobs are as the reason most women choose as prostitute actors⁷. According to Kartini Kartono, several social incidents of prostitution included these following issues: first, the absence of a

³ Act Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as amended several times the last by Law Number 9 of 2015 concerning Second Amendment to the Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679).

⁴ Republic of Indonesia Government Regulation Number 6 of 2010 concerning the Civil Service Police Unit, article 2.

⁵ Regional Regulation Number 8 of 2016 concerning the establishment and composition of the regional apparatus (Regional Gazette of Batang Regency in 2016 Number 8, Supplement to the Regional Gazette of Batang District Number 8).

⁶ Batang Regent Regulations Number 51 of 2016 concerning Position, Organizational Structure, Duties and Functions and Work Procedures of the Civil Service Police Unit (Batang District News 2016 Number 52).

⁷ Batang Regent Regulations Number 51 of 2016 concerning Position, Organizational Structure, Duties and Functions and Work Procedures of the Civil Service Police Unit (Batang District News 2016 Number 52).

law prohibiting prostitution. Second, there is a desire and encouragement of humans to channel sexual needs, especially outside of marriage bounding.⁸

Prostitution is carried out, especially to get payments from people who use their bodies, either in the form of sexual relations or sexual abuse committed outside of marriage, on the basis of the parties' will, without coercion, and intentional elements, accompanied by the objective of obtaining certain agreed money or goods.⁹

Islam considers prostitution as adultery, which in the process of occurrence of the existence of elements of adultery, namely intercourse which is forbidden and intentional or intentions against the law. Adultery is carried out periodically and expects the wages of the treatment, although in general they know that adultery is a form of bad treatment and is prohibited by religion and the norms adopted by the community, and have a large negative impact on human life.¹⁰

The places indicated as brothels in Batang Regency are as follows: Boyongsari Batang Subdistrict, Bong Cino Asri Batang Subdistrict, Mencawak Island Kandeman Subdistrict, the dimly lit stall ahead of Kandeman District Bulog, Jrasah Payung Tulis subdistrict, Tamanan Banyuputih District, Penundan Banyuputih District, and Luwes and Jentolsari Gringsing District.¹¹

In its development, prostitution activities are increasingly fertile and occur in almost every city, both big cities and small cities. It is because the criminal law does not regulate the prohibition of a person from prostitution. Therefore, to limit and to prevent the negative effects of prostitution is regulated through the District/City Regional Regulation (Perda). Regional Regulation as other laws also has a function to realize legal certainty. For the functioning of legal certainty must meet certain conditions, among others: consistent in the formulation in which the same legislation must maintain a systemic relationship between the rules, the composition of the rules and language, the harmonization of the relationship between the legislation and in accordance with people's aspirations and expectations.¹²

Batang Regional Regulation Number 4 year 2015 concerning Amendments to the Batang Regency Regional Regulation Number 6 year 2011 concerning the Eradication of

⁸ Kartini Kartono, *Patologi Sosial*, Raja Grafindo Persada, jilid 1, Jakarta, 2009, page. 243.

⁹ Neng Djubaedah, *Perzinaan dalam peraturan perundang-undangan di Indonesia ditinjau dari hukum islam*, Kencana Prenada group, cet. Ke-1, Jakarta, 2010, page. 100.

¹⁰ Juhaya S Praja, *Filsafat Hukum Antar Madzhab-Madzhab Barat dan Islam*, Yayasan Juhaya Setyapradja, Bandung, 2014, page. 108.

¹¹ Satpol PP of Batang Regency, see the data on Prostitution of Regional Law Enforcement Regulations of the District Civil Service Police Unit of Batang Regency.

¹² Nukila Evanti dan Nurul Gufron, *Paham Peraturan Daerah (PERDA) Bersepektif HAM (Hak Asasi Manusia)*, Raja Grafindo Persada, Jakarta, 2014, page. v-vi.

Prostitution in the Batang District Area¹³, it is also called the Regional Regulation on Prostitution in Batang District.

Based on the results of the identification of the problems mentioned above, the author limited the problem, namely how the enforcement of Regional Regulations on eradicating prostitution done by Satpol PP.

RESEARCH METHODS

This study used a socio-legal approach. Socio-legal study is study of the law using the approach of legal science and social sciences¹⁴. Social science includes politics, economics, and culture, history, and others where the law is located.¹⁵

Research on law enforcement of regional regulations by Satpol PP used descriptive research. Descriptive research method according to Sugiyono is a study that aims to provide or describe a situation or phenomenon that occurs at this time by using scientific procedures to answer actual problems".¹⁶

The types of data in this study were grouped into two, namely primary and secondary data. Primary data obtained from the field and informants from both the results of interviews and observations conducted by the researcher. Secondary data were in the form of documentation, such as archives, records, reports, including legal material.¹⁷

Primary data collection was done by interview and observation techniques. The informants in this study were the Satpol PP of Batang Regency, the Social Service of Batang Regency, actor of the Prostitution and the surrounding community. Secondary data were collected by documentation techniques. Documents could be official documents or literature.

The method of analysis in this study used an interactive model of qualitative analysis techniques. Soetandyo Wignjosoebroto argued that qualitative research is developed to study human life in limited cases, it is casuistic but deep (in depth) and is total and holistic.¹⁸

¹³ Batang Regency Regional Regulation Number 4 of 2015 concerning Amendments to the Batang Regency Regional Regulation Number 6 of 2011 concerning the Eradication of Prostitution in the District of Batang District (Batang District Gazette in 2015 Number 4).

¹⁴ Sulistyowati Irianto, *Memperkenalkan Kajian Sosio-Legal dan Implikasi Metodologisnya*, Pustaka Larasan, Bali, 2012, page. 2.

¹⁵ Explanation from Prof. Esmi Warassih during the lecture at Unissula Semarang.

¹⁶ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, Alfabeta, Bandung, 2011, page. 13

¹⁷ See Abdulkadir Muhammad, the data in the form of legal material consists of primary, secondary and tertiary legal materials. Primary legal materials are rules made by State institutions and / or government agencies. Which is the primary legal material, namely the legislation. Whereas secondary legal material is all information about applicable law or that has ever been applied, but not positive law. Including textbooks, legal research reports, legal journals, legal opinions that have persuasive power in law formation.

¹⁸ Soetandyo Wignjosoebroto, *Hukum, konsep dan Metode*, setara Press, Malang, 2013, page. 131.

RESEARCH RESULTS AND DISCUSSION

The term *kebijakan* (Indonesian) translated from the word policy is usually associated with the Government's decision, because the government has the authority or power that directs the community and is responsible for serving the public interest. This is in line with the notion of public in Indonesian which means government, society or the public¹⁹. According to Suharto, the policy is a provision which includes principles for mobilizing ways of acting that are made in a planned and consistent manner in achieving certain goals.²⁰

Taking an ideal Local Government public policy is done by taking into account the interests of local wisdom according to the demands, conditions and needs of the local community. However, in practice, public policy is sometimes not in line with the spirit of the law and the needs of the community. Policy makers must include people, if they want policies to have full power²¹. According to Edward, the implementation of the policy is one of the stages of public policy, between policy formation and the consequences for the people affected.²²

Policy in the public sector as one of the elements of Good Governance is closely related to the main tasks and functions of the state authority, all of executive, legislative and judicial and the most important domain in realizing Good Governance. The role of the bureaucracy is to assist the government in formulating and implementing public policies.²³ One of the government policies is by making Regional Regulations (Perda).

Regional Regulations as a manifestation of autonomy is more likely to be an independent system. Matters related to co-administration duties contain provisions that are implementing regulations from the statutory provisions which are of a higher degree, but these provisions are technically adjusted to the conditions of the local community.²⁴

The Civil Service Police Unit, hereinafter abbreviated as Satpol PP, is part of the regional apparatus in the enforcement of Regional Regulations and the implementation of public order and public peace.

In carrying out the enforcement of the Regional Regulation, the eradication of prostitution of Satpol PP members must act in accordance with the Standard Operating

¹⁹ Said Zainal Abidin, *Kebijakan Publik*, Salemba Humanika, Jakarta, 2016, page. 1.

²⁰ Edi Suharto, *Analisis Kebijakan Publik : Panduan Praktik Mengkaji Masalah dan Kebijakan Sosial*, Alfabeta, Bandung, 2008, page. 2.

²¹ Michael Moran, et.al, Handbook, *Kebijakan Publik*, Nusa Dua, Bandung, 2015, page. 5.

²² Dwiyanto Indiahono, *Kebijakan Publik berbasis Dynamic Policy Analysis*, Gaya Media, Yogyakarta, 2009, page. 31.

²³ Sedarmayanti, *Good Governance*, Sumpersari Indah, Cetakan kedua, Bandung, 2012, page. 11.

²⁴ Sunarno Danusastro, *Penyusunan Program Legislasi Daerah*, jurnal konstitusi, vol 9 No 4, Desember 2012, Jakarta : MKRI, page. 643-660.

Procedure (SOP) of the Batang Satpol PP²⁵. In accordance with the SOP of the Satpol PP of Batang district, it can be done with several actions, namely in the form of Pre-emptive, Preventive and Repressive actions.²⁶

1. Preemptive action is the initial action before carrying out activities. Preemptive activities are done through:
 - a. Early detection
 - b. Inventory
 - c. Socialization
2. Preventive action is a precautionary measure against violations of regional legal products through:
 - a. Counseling
 - b. Coaching
3. Monitoring repressive actions
 - a. Non judicial
 - b. Pro justification²⁷

If non-judicial prosecution is not obeyed by the violators and declared unsuccessful, the next step is to prosecute prosecutors. Where prosecution of prosecutors is carried out by Civil Servant Investigators (PPNS)²⁸ in an integrated manner through legal remedies in accordance with the provisions stipulated in the Criminal Procedure Code.

Enforcement of prostitution regulations by Satpol PP is by conducting raids. There are two types of raids, independent and combined raids. Independent activities are activities carried out by Satpol PP. The combination activity is done synergic across sectors, such as Batang District Police in collaboration with Batang City Police, 0736 Batang District Military Command, Batang District Social Service Office and other regional organizations.²⁹

²⁵ Batang District Head Regulation Number 57 of 2014 concerning Standard Operating Procedures for the District Civil Service Police Unit of Batang District (Batang District News in 2014 Number 57).

²⁶ Explanation of Standard Operating Procedure (SOP) for Enforcement of Regional Legislation of Batang District Head Regulation Number 57 of 2014 concerning Operational Standard Procedure of the Civil Service Police Unit of Batang District (Batang District News in 2014 Number 57).

²⁷ *Ibid.*

²⁸ Civil Servant Investigators (PPNS) in Batang Regency already have their own legal basis, namely Regional Regulation Number 2 of 2015 concerning Investigators of Civil Servants (Regional Gazette of Batang District 2015 Number 2) which includes duties, positions and authority as well as conducting investigations by PPNS in dealing with violators of local regulations or regulations in Batang Regency.

²⁹ Department of Health, Investigator of Civil Servants, Korwas PPNS, members of the PPNS Supervisory Committee, Sabhara Polres Batang, target police operations, Koramil target operations, and journalists.

Batang District Satpol PP conducted raids on places indicated as brothels, namely localization, lodging, dimly lit stalls and massage parlors that are used for prostitution and hotels that provided a place for prostitution.³⁰

After the Satpol PP members arrested the perpetrators of the Regional Regulation on eradicating prostitution, the perpetrators were brought to the Satpol PP office for investigation by PPNS and PPNS Assistants. The perpetrators are then got BAP (Minutes of Examination) process by the Officer to find out the actual information from the perpetrator.

After the BAP Satpol PP followed up with the repression of non-judicial regional regulations, the perpetrators will be directly guided by the Head of the Satpol PP of Batang District, Korwas PPNS and the Head and the Head of Regional Regulation enforcement. Subsequently, the perpetrator makes a statement that he/she will not repeat his/her actions again with a stamp Rp 6,000.

If the results of the BAP indicate that the violator is a WPS (Female Sex Worker) then the WPS will be taken to the women's social rehabilitation institution in Solo. There, WPS will receive training including cooking, salon, makeup and sewing. These rehabilitation activities are intended help WPS out from the prostitution activities and will practice at home the expertise field that it has practiced while in the Solo rehabilitation center.

On the other hand, the male offender after coaching and making a statement will not repeat again can return home with the condition that the offender presents the Village Chief or village administration apparatus where the domicile is accompanied by the family. Then both the village party and the family of the offender will be used as witnesses that the residents and their families have violated the law on eradicating prostitution and will pay attention on him after being handed over by the Satpol PP.

If in the future the violators, both women and men, are again subjected to intense raids carried out by Satpol PP, then there will be enforcement action on regional regulations on repressive Pro judicial. The legal action will be taken, in this case it will be tipped in court, while the money from the violator's fine will enter the state treasury.

CONCLUSION

The enforcement of regional regulations on the eradication of prostitution carried out by Satpol PP uses two ways. First, non-judicial repressive actions in the form of coaching and

³⁰ Including all jasmine class hotels in Batang District that are used to practice prostitution. As well as hotels that do not meet SOPs such as identity card identity questions, for short time, and hotels that also provide WPS.

making statements will not repeat their actions. Second, the repressive action of the prosecution is a legal effort in the form of hearing in court.

SUGGESTION

The Batang Regency Government opens a lot of employment so that with an increased level of welfare it will prevent women from becoming Female Sex Worker.

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