

Preliminary Review of Violence against Female Sex Workers in Jakarta, Indonesia: Criminalization and Barriers in Accessing Justice

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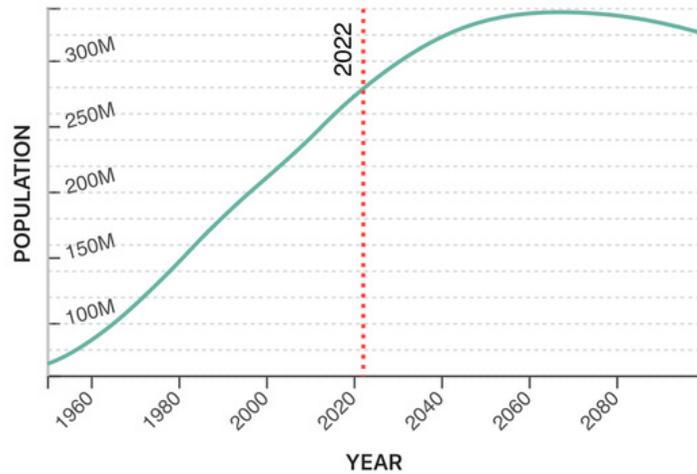
Donostia-San Sebastian, 6 June 2022

Indonesia Population
2022 (Live)

Hide Source
World Population Prospects (2019 Revision)

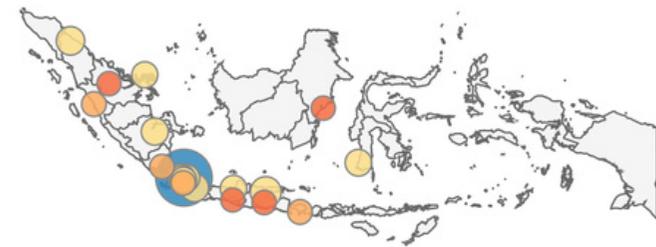
Indonesia Population 2022 (Live)

278,609,967



Indonesia Population Density Map

Hide Source
GeoNames



Indonesia is the 4th most populated country

Jakarta



CAPITAL CITY OF INDONESIA

and the most density. This city is a home to at least 11.860 active female sex worker (FSW) (Promchertchoo, 2021).

Name	Population
Jakarta	8,540,121
Surabaya	2,374,658
Medan	1,750,971
Bandung	1,699,719
Bekasi	1,520,119
Palembang	1,441,500
Tangerang	1,372,124
Makassar	1,321,717
South Tangerang	1,303,569
Semarang	1,288,084

Jakarta

URBANIZATION & FSW CHARACTERIZATION

FSW in Jakarta are mostly not local, but from outside Jakarta (Chief North Jakarta Police Resort, 2020) i.e. rural/sattelite areas/cities in Java and Sumatera.

FSW in Indonesia are addressed as 'prostitutes', 'sex worker', and 'prostituted woman'

FSW in Indonesia (and Jakarta) based on their entry method, those are:

- Bonded entry, generally situated when parents, partner/spouse, and/or guardian received bonding payment from pimps. This situation usually involves worker from less developed rural areas.
- Involuntary entry, also known as forced prostitution, when a woman is forcefully do sex work. This also covers human trafficking with sex exploitation purpose.
- Voluntary entry, when a woman enter prostitution businesses with her own favor. (Surtees, 2004).



Sumber : Dinas Kependudukan dan Pencatatan Sipil dan Dinas Sosial

Blue: urbanization to Jakarta
Yellow: people with social welfare problems

Legality of Prostitution in Indonesia

Prostitution is partially legal



Doing sex work is generally not illegal (solicited in brothels/cafes/streets)



Facilitating sex work is illegal



Sex work solicited online is illegal



Trafficking; underage prostitution are illegal



Doing sex work is illegal according local regulation, i.e. Jakarta



Doesn't have punitive effect per se. Hierarchy of law principle does not allow inferior law contradictory with superior law (i.e. national law)

Gender-Based Violence against FSW

2022 report of GBV against women in Indonesia (2021 data) (Indonesia National Women Commission):

- ✓ 338.496 cases. Significant increase for 50% compared to year 2020
- ✓ 99,09% of the total GBV were in personal space: intimate partner violence (IPV), domestic violence. 0,9% were in public spaces and 0,1% were violence by State
- ✓ Type of violence: physical (29,8%), psychological (29,4%), sexual (28,8%), economical (11,7%), and unidentified (0,3%)
- ✓ Settlement were only identified for 15% from total case number. 12% through litigation and 3% non-litigation. The rest 85% weren't identified
- ✓ Victim from underserved group were only identified as women with disability, HIV/AIDS, lesbian and transgender. FSW weren't included in the report
- ✓ There are no significant research and conclusive report on violence against FSW

FSW and Violence

Home > Nasional > Kriminal

Tempat Hiburan Malam di Jakarta Banyak yang Pekerjakan Gadis Korban Trafficking

Senin, 6 April 2015 23:59 WIB

JPNN.com > Kriminal > Pelaku Penusukan Terhadap PSK di Hotel Tamansari Ditangkap, Ini Motifnya

Pelaku Penusukan Terhadap PSK di Hotel Tamansari Ditangkap, Ini Motifnya

Jumat, 08 Mei 2020 – 15:42 WIB

FSW, society, and authority

Kompas.com > News > Megapolitan

Ramadhan dan Lebaran 2022

Razia PMKS di Jakarta Barat Akan Dilakukan Rutin Selama Ramadhan

Kompas.com, 6 April 2022, 23:54 WIB

Home > Nasional > Hukum Kriminal

Polemik Jerat Pidana untuk Pengguna Layanan Prostitusi Online

CNN Indonesia

Selasa, 04 Jan 2022 06:25 WIB

Criminalization towards FSW

Intersectionality of FSW and violence in all sex work settings

have been creating a notion that FSW are victim. However, Indonesian national criminal law reform addressing provision to potentially criminalize FSW nation-wide and Jakarta to this extent. In Indonesian Penal Code Bill, mutual sex between adults (outside wedlock) is constituted as a crime. This provision will be criminalizing FSW, including those who are forced to solicit sex work (criminalizing victim).

Dissolution of prostitution localization

as part of national policy to close all prostitution localization in Indonesia. Jakarta's famous prostitution localizations, i.e., Kramat Tunggak, Kalijodo, Alexis Hotel were closed down. Existing brothels are constantly raided and endanger therein FSW. Prostitution localization provides clusterized prostitution, efficient to control violence and sexual transmitted diseases, easy for supervision and assist by Social Services and NGOs. Disbanding these places forced FSW to solicit online (thus, illegal according to law) or solicit on streets (increasing risk of violence)

Local regulation to constitute sex work as illegal

although been constituted otherwise by the National Penal Code

Barriers in accessing justice

Everyone are equal before the law, except for FSW

An erosion of legal and policy frameworks to eliminate gender-based discrimination or violence, often justified in the name of tradition, culture, religion or fundamentalist ideologies... all these factors allow for the pervasiveness of GBV against women and lead to a culture of impunity (CEDAW/C/GC/35). FSW experience distrust for authorities due to discrimination and stigmatization that FSW are eligible for violence.

Discrimination of FSW in Jakarta, Indonesia has created reluctance in seeking protection from authorities whenever violence occurred.

There is distrust caused by the behavior of authorities towards FSW.

National authority doesn't want to register FSW nor recognizing sex work as a labor, thus, less protection. No conclusive research report on numbers of violence against FSW, thus fails to address appropriate settlement for prostitution without harassing FSW.

FSW are underserved group of women vulnerable from violence. Being FSW is technically legal, except in Jakarta.

Attempts to criminalize FSW were taken places: FSW solicited online were arrested, prostitution localization were shut, Penal Code Bill provisioned criminalization for FSW. These are disadvantaging FSW who are victims of crimes.

States Responsibility

States responsibility in eliminating VAW should comprehend the targeted group. Due diligence principle should be utilized through several framework: prevention; protection; prosecution; punishment of perpetrators; provision of redress and reparation for victims/survivors.

Programs to control prostitution should be in the most harmless way for FSW.

Law making processes should include protection for underserved group, i.e. FSW

Integrated support services (including first responders) should be trained to accommodate underserved women.

Indonesia to be persistent in the notion of prostitution as well as in the efforts to eliminate VAW within underserved women.

Thank you