

The legality of the Prostitution Place behind the Nightlife

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ABSTRACT

The rampant localization of prostitution that moves implicitly on the Nusantara Street of Makassar causes a long-standing problem that is neglected in terms of legislation, sexually transmitted diseases, and human trafficking. This study aims to provide information about raising social reality through case studies of the relationship between commercial sex workers and nightclubs (THM) on Nusantara Street, as well as an observation of the phenomenon of pimps, customers, and commercial sex workers in the Indonesian legal system, and comparison on the perspectives of the government and local regulations in the City of Makassar. The method used in this research is depth interview, observation, and literature review. The findings indicate that there is a mutual relationship between nightclubs (THM) and prostitution activities, and that they even benefit each other. In addition, the existence of Regional Law on the Supervision and Control of the Procurement, Distribution, and Sale of Alcoholic Beverages shows that there is no firm step taken by the local authorities to minimize the activities of nightlife entertainment and hidden prostitution.

Keywords: Alcoholic; Legality; Prostitution; Human Trafficking; Commercial Sex;

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INTRODUCTION

Makassar or in the lontara language Mangkasara from 1971 to 1990 was the capital of the island of Sulawesi which was popular as a center of economic and trade activities. The rise of this activity has made Makassar the fourth largest metropolitan city in Indonesia and the largest metropolitan city in Eastern Indonesia.¹ The rapid development of the city of Makassar to date has made the city of Makassar busy with urbanization. As reported by the Makassar City Central Statistics Agency in 2021, the population of Makassar city has currently reached 1,423,877 million

¹ Wahyuni, S. (2019). Placemaking sebagai Strategi Revitalisasi Kawasan. Studi Kasus : Kawasan Pecinan Kota Makassar', *Jurnal Linears*, 1(2), 103–11. DOI: <https://doi.org/10.26618/i-linears.v1i2.1815>



people with a population density of 228,231 people/km².² This social phenomenon has resulted in the high acculturation of cultures, such as the various cultures and ethnicities inhabiting the city of Makassar, such as the Bugis, Mandar, and Toraja.³

In addition, the high rate of urbanization is also supported by other factors in the city of Makassar, such as education. In terms of education, the high quality of educational facilities and infrastructure, as well as the large number of universities located in Makassar, contribute to a high flow of population movements from villages/districts to this city. A total of 110 formal education institutions in the categories of universities, colleges, polytechnics, and high schools are registered in the Makassar City Education and Culture Office data. Furthermore, the city has a large number of educational institutions, with as many as 238 national and international-based high schools and vocational schools scoring.⁴ Aside from education, economic factors are the most compelling reasons for visiting or even relocating to this city. Makassar's economic growth reached 8.23%, rivaling the average growth of the Indonesian economy of 5.15% with the development of the minimum wage reaching 3.1 million rupiahs which opened up high job opportunities, especially the tourism/entertainment sector.⁵

Makassar City presents a complete package of tours with cultural, historical, local, and metropolitan values. Some of the attractions in Makassar's northern region include the Dutch heritage Fort Rotterdam, the Gementeehuis city museum, the port, and Losari beach.⁶ Plus, there is a nightlife tour right in front of Losari beach, which has been busy with visitors since the 1990s, which is called "Jalan Nusantara". The street bears little resemblance to other streets in Indonesia. The night tourism area is also crowded with cafes, family karaoke, discotheques, massage parlors, restaurants, salons, travel, offices, expeditions, coffee shops, and hotels that line the area.⁷ However, if explored further, there are implicit differences, namely the localization of prostitution, which has different atmosphere from other cities in Indonesia.

² Badan Pusat Statistik (2019). *Kota Makassar dalam Angka*. (Makassar Municipality in Figures). <https://makassarkota.bps.go.id/publication/download.html?nrbyfeve=NGNhMDMzMDFiOGUyYic0MTRIMzNmNmEz&xzmn=aHR0cHM6L2tvdGFtYXNzYXItZGFsYVW0tYW5na2EiMlAxQS5odG1s&twoadfnoadfeauf=MIAVMS0wNvQwMvAxMzo1NTowMQ%3D%3D>

³ *ibid.*

⁴ Kementerian Pendidikan dan Kebudayaan (2020). *Jumlah Data Satuan Pendidikan per Kabupaten/Kota, Data Referensi Kementerian Pendidikan dan Kebudayaan*. <https://referensi.data.kemdikbud.go.id/index11.php?kode=196000&level=2>

⁵ Ashar, M. (2020). *Pengaruh Jumlah Penduduk Dan Inflasi Terhadap Pengangguran Di Kota Makassar*, (Publication No.12978) [Skripsi Program Studi Ekonomi Pembangunan Fakultas Ekonomi dan Bisnis]. Universitas Muhammadiyah Makassar]. https://digilibadmin.unismuh.ac.id/upload/12978-Full_Text.pdf

⁶ Ratnawati, R., Rosmiaty, R., & Nurfaizah, N. (2021). Exploring Language Style in Makassar Cultural Tourism. *ELT Worldwide: Journal of English Language Teaching*, 8(1), 18-27. DOI: <https://doi.org/10.26858/eltww.v8i1.20272>

⁷ Hildayanti, A. (2019). Pola Pergerakan Wisatawan pada Kawasan Pariwisata Pantai Kota Makassar. *Jurnal Koridor*, 10(1), 27-34. DOI: <https://doi.org/10.32734/koridor.v10i1.1383>

This localization area is a combination of various forms of entertainment which also trade in alcohol.⁸ Initially consisting of only one type of business, the Nusantara street area was developed into a night's entertainment business by the businessmen. The strategic location on the shore of Losari beach, close to the Soekarno Hatta port and freight crates, causes the crowds and density at this location to become an important tourist attraction in the city of Makassar.⁹ Based on data from the Makassar City Tourism and Culture Office, the average visitor to Nusantara Road is around 60% from other cities and the rest are local people. Visitors can consume alcohol or interact with flight attendants who also work as commercial sex workers, both of which are facilitated directly by the Night Entertainment Place (THM) manager.¹⁰

The profits obtained from businesses on Nusantara Street are the largest contribution to Makassar City's Original Regional Revenue (PAD). Based on data from the One Stop Integrated Licensing and Investment Service (DPM-PTSP), this advantage was realized by the increase in regional levies during the fourth quarter of 2017 amounting to IDR 805 million.¹¹ According to the head of the Makassar City PTSP Non-Technical Rear Service Division, permits for alcoholic beverages in nightclubs have reached the target of 109% from 739 million rupiahs with an increase in income of approximately 65 million rupiahs.¹²

Some of these night entertainment venues include pubs and bars, cafes, kiosks, and karaoke, such as: Pub and Bar Mirama, Makassar, Raja Mas, Nusa Dua, Bintang Executive and Primadona. Cafe 86, corner, Rasa Sayang, Dangdut, Maestro, 77, Mega Kiosk, Bintang, Melody, Cindy, Dreamland, Pomegranate, Leo, New Andy, Andre, MM, Melody 2, Bloom, Lips, Moon World, Singing house diva, Malibo and Mabua. The total in 2016 was 29 and increased in 2020 before being temporarily closed due to the Covid-19 pandemic.¹³

The tight competition between night entertainment venues (THM) in the Jalan Nusantara area makes business people use various ways to increase the number of visitors, some of which are using the services of commercial sex workers and the alcoholic beverage trade. Apart from karaoke places, other facts show that prostitution on Nusantara Street is also disguised as massage parlors and bars/pubs.¹⁴ This non-transparent guise frames prostitution as an appealing

⁸ Riyadi, A. (2017). *Desain Koridor Jalan Nusantara sebagai Pusat Wisata Kota Makassar*. (Publication No. 14473) [Doctoral dissertation, Fakultas Sains dan Teknologi]. Universitas Islam Negeri Alauddin Makassar. http://repositori.uin-alauddin.ac.id/14473/1/AHMAD%20RIYADI_60100110008.pdf

⁹ Syahril, A. (2018, May 4). Nusantara, Ikasi atau Lokalisasi Prostitusi? *Infosulsel*. <https://infosulsel.com/2018/05/nusantara-lokasi-atau-lokalisasi-prostitusi/html>

¹⁰ Dinas Kebudayaan dan Kepariwisataaan (2018). *Rencana Kerja (RENJA) Tahun 2018 Dinas Kebudayaan dan Kepariwisataaan Provinsi Sulawesi Selatan*. <http://disbudpar.sulselprov.go.id/uploads/info/RENJA2018.pdf>

¹¹ *ibid*.

¹² Indriani, V. R. (2017, December 8). Realisasi Pendapatan Izin Minuman Beralkohol Meningkatkan. *Sindonews Makassar*. <https://makassar.sindonews.com/berita/2188/2/realisasi-pendapatan-izin-minuman-beralkohol-meningkat>

¹³ Maharani, I. (2016, April 5). Inilah Daftar THM Di Jl Nusantara Dan Pemiliknya. *Tribun Makassar*. <https://makassar.tribunnews.com/2016/04/05/inilah-daftar-thm-di-jl-nusantara-dan-pemiliknya>

¹⁴ Hatta, H., & Negara, P. H. A. (2016). *Penegakan Hukum Perizinan Terhadap Usaha Karaoke di Kota Makassar (Berdasarkan Peraturan Daerah No. 05 Tahun 2011 Tentang Tanda Daftar Usaha Pariwisata)*. (Publication No. 77627384) [Skripsi: Prodi Administrasi Negara, Fakultas Hukum] Universitas Hasanuddin, Makassar. p.103

place for business, allowing visitors to freely visit prostitution establishments without being considered a taboo in society.

In the end, the Jalan Nusantara case showed a new theme in the label of the prostitution business to be fully ensnared from a legal perspective, even though the massage parlor, pub, karaoke, and bar business violated Law No. "Trafficking in persons is the act of recruiting, transporting, harboring, sending, transferring or receiving a person using the threat of force, use of force, of abduction, of confinement, of fraud, of deception, of abuse of power or a position of vulnerability, of entrapment of money or of giving payments or benefits, to obtain consent. from a person who holds a vehicle over another person, whether carried out within a country or between countries, for exploitation or causing people to be exploited".¹⁵

In 2011, the number of commercial sex workers in the city of Makassar reached 1,222 and, until now, there is no recent data showing how significant the increase in this number has been over the last ten years.¹⁶ These commercial sex workers are migrants from various other cities in Indonesia, namely Manado, Balikpapan, Bulukumba, and so on. As a result of a large number of commercial sex workers, various problems arise from the spread of STIs and HIV/AIDS, high crime rates, and social unrest in the community.¹⁷

This transmission is through interactions between customers and commercial sex workers, so that it becomes an unbroken chain to the community outside Jalan Nusantara, Makassar City. The latest data presented by the South Sulawesi Provincial Health Office until June 2019 was 430 people.¹⁸ Meanwhile, data compilation from 2005-2017 has reached 6,760 cases. This sexually transmitted disease is transmitted mostly through "free sex" partners from undercover prostitution practices that have begun to spread to all parties.¹⁹. Not only limited to places where it is legal to sell alcoholic beverages, such as bars, pubs, karaoke, massage parlors, and hotels. The spread of HIV/AIDS has begun to affect schoolchildren, college students, masseurs, SPGs, housewives, mistresses, etc.²⁰

The crime rate is also shown by online prostitution activities involving 15 young people in the city of Makassar. It is not uncommon to find sharp objects in prostitution locations and, of

¹⁵ Law of The Republic Indonesia Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. State Gazette of the Republic Indonesia, Number 58 of 2007. Supplement to the Gazette of The Republic of Indonesia, Number 4720.

¹⁶ Zainuddin, A. (2011). *Problematika Dakwah Terhadap Pekerja Seks Komersial (PSK) di Kota Makassar* (Publication No. 843) [Doctoral dissertation, Dakwah dan Komunikasi Islam, Program Pascasarjana UIN]. Universitas Islam Negeri Alauddin, Makassar. <http://repositori.uin-alauddin.ac.id/843/1/Arman%20zainuddin.pdf>

¹⁷ Aprianti, R. (2020). *Rehabilitasi Wanita Tuna Susila di Dinas Sosial Mattirodeceng Kecamatan Biringkanaya Kota Makassar (studi tentang peran Manajemen Dakwah)*. (Publication No. 17495) [Doctoral dissertation, Program Pascasarjana UIN] Universitas Islam Negeri Alauddin Makassar. <http://repositori.uin-alauddin.ac.id/17495/>

¹⁸ Hidayat, M. (2014). *Tinjauan Sosiologi Hukum Terhadap Kegiatan Prostitusi di Kota Makassar* (Publication No. 77623283) [Skripsi, Fakultas Hukum, Bagian Hukum Masyarakat dan Pembangunan] Universitas Hasanuddin, Makassar. <https://core.ac.uk/download/pdf/77623283.pdf>

¹⁹ Rauf, D. A., Suryoputro, A., & Shaluhiah, Z. (2018). Analisis Hubungan Persepsi Manfaat Yang Dirasakan Terhadap Konsistensi Penggunaan Kondom Pada Waria Pekerja Seks Dalam Pencegahan HIV AIDS di Kota Makassar. *Al-sihah: The Public Health Science Journal*, 10(2). DOI: <https://doi.org/10.24252/as.v10i2.6051>

²⁰ Riskiyani, S. (2018). Potensi dan Kendala Kelembagaan dalam Pelaksanaan Program Penanggulangan HIV-AIDS di Kota Makassar. *Emik*, 1(1), 68-86.

course, it is not uncommon for people who live in areas adjacent to prostitution locations to report their concerns to community stakeholders.²¹ There are not too many scientific studies that seek to uncover prostitution activities on Nusantara Street, Makassar City. Some of these studies generally examine the dynamics of social attitudes and sexual health problems due to customer disobedience and inconsistency among commercial sex workers in using condoms.²²

The *pleno Jure* journal, published by Kopertis region IX of the Ministry of Education and Culture, is another type of research that raises studies on the crime of prostitution in Makassar in general, such as the causal factors, forms of prostitution, and government efforts at rehabilitation. night under the guise of prostitution on Nusantara street.²³ Another form of research was conducted by Nur Magfirah et al, which examines factors related to HIV/AIDS risk behavior in ABK in Makassar Port. The results of this study indicate that there is a relationship between attitudes, encouragement of FSW, and condom use with HIV/AIDS behavior in ABK. In the port area of Soekarno Hatta in Makassar. The suggestion from this research is that the government closes localization on Nusantara road so that the crew no longer uses their services which are located close to the port of Makassar city.²⁴

For this reason, this study aims to provide information about elevated social phenomena and realities on Nusantara Street, Makassar City, regarding the relationship between commercial sex workers (PSK) and night entertainment venues (THM). Then, in light of the legislation, examine the government's perspective on dealing with this.

METHOD

The method used in this research is in-depth interviews, observation and literature review. In-depth interviews were conducted with commercial sex workers on Jalan Nusantara. The target population specializes in commercial sex workers on Nusantara Street in three locations, namely pubs, bars, and Karaoke, with as many as three people. The other target population is three business people. This empirical and legal research approach is used to gather facts and reality in the field. The research instrument uses unstructured interview questions to see other realities that may arise other than the intended goals of the researcher in this study. Observations were made in the area of Nusantara Street and in several nightclubs (THM). At the end of the study, the researchers also used literature to review other information along with the laws and regulations used in this study.

²¹ Tim Detikcom. (2021) Gempar 15 Muda-Mudi Ditangkap Prostitusi Online Di Hotel Makassar. *Detiknews*. https://news.detik.com/berita/d-5487498/gempar-15-muda-mudi-ditangkap-prostitusi-online-di-hotel-makassar?utm_source=copy_url&utm_campaign=detikcomsocmed&utm_medium=btn&utm_content=news

²² Sari, J. B. L. K. G., Baru, M., & Indonesia, S. S. Dynamics of Social Behavior of Using Condoms in Brothel at Jalan Nusantara, Makassar City (Sociology of Health and Illness Review). *IOSR Journal Of Humanities And Social Science*. 23(3), 33-39.

²³ Syaparuddin, S. (2018). Studi Tentang Tindak Pidana Pelacuran Di Kota Makassar. *Pleno Jure*, 7(1), 9-23.

²⁴ Syaparuddin, S. (2018). *ibid*.

ANALYSIS AND DISCUSSION

The analysis and discussion on the Legality of Prostitution Behind the Nightlife on Jalan Nusantara, Makassar City contains a description of the results of the study using an observation approach, in-depth interviews, and literature review. For this reason, in the analysis and discussion section, the researcher elaborates on providing information in raising social reality about a case study of the relationship between commercial sex workers and nightclubs (THM) on Nusantara Street, looking at the phenomenon of pimps, customers, and commercial sex workers in the legal system. Indonesia as well as a comparison of the perspective of the government and local regulations governing localization in the city of Makassar.

A. The Relationship between Commercial Sex Workers and Night Entertainment Business Actors at Nusantara Street

The strategy of cooperation or partnership is a business strategy activity used by two or more parties within a certain period of time to gain profit on the principle of mutual benefit. According to John E. Roemer 2017, the elements of cooperation involve several aspects such as "agreements between two or more people, the desired activity together and the goals to be achieved in it, both financial and non-financial rights."²⁵ Based on the theory of cooperation above, the case study on Jalan Nusantara itself has three elements of cooperation that have been carried out by Commercial Sex Workers and Liquor Business Actors in the long term.²⁶

This cooperation system is carried out without a written agreement on paper, but by word of mouth. Based on the results of interviews conducted with commercial sex workers who come from various areas, such as Manado and Java, they deliberately look for work on Nusantara Street. The profession carried out by Commercial Sex Workers varies depending on the agreement with the business owner, namely; karaoke guides (PK), hostesses and Commercial Sex Workers (PSK) themselves. The business actor then provides a room or partition measuring 4 x 5 in addition to running a low-end karaoke business and liquor trading. Profit-sharing is carried out by business actors by cutting the PK rate of Rp. 50,000 on the total payment received by PK of Rp. 250,000, a value that is considered very cheap when you see double commercial workers starting from inviting visitors to karaoke places, accompanying visitors to find and songs, being a waiter for alcoholic beverages while providing plus-plus services.^{27,28}

The liquor sales business, which is equipped with low-end karaoke, has also become the most popular place for prostitution on Jalan Nusantara. Business actors provide open karaoke

²⁵ Roemer, J. E. (2017). *A theory of cooperation with an application to market socialism*. Mimeo: Yale University.

²⁶ Royan, F. M., Sawitri, D., & Riyadi, S. (2021). The Effect of Multi Channel Retailing, Cooperation Synergy and Accounting Information Systems on Business Development Strategies that Impact on Business Performance. *Journal of Asian Multicultural Research for Economy and Management Study*, 2(3), 69-78. DOI: <https://doi.org/10.47616/jamrems.v2i3.135>

²⁷ Roe-Sepowitz, D., Bontrager Ryon, S., Hickle, K., Gallagher, J. M., & Hedberg, E. C. (2016). Invisible offenders: Estimating online sex customers. *Journal of Human Trafficking*, 2(4), 272-280. DOI: <https://doi.org/10.1080/23322705.2015.1107711>

²⁸ Hidayat, R. (2018). Kajian Situasi dan Kondisi Anak Korban Pariwisata Seks di Lingkungan Wisata Kota Makassar. *Jurnal Politikom Indonesiana*, 3(2), 20-36. DOI: <https://doi.org/10.35706/jpi.v3i2.1652>

screens with free singing services in the lobby and are offered to visitors. Commercial sex workers disguised as waitresses will seek out and invite customers to visit the nightclub. The total number of women working as commercial sex workers is also diverse, as large liquor business establishments are interspersed with large karaokes that seat eight people and small places that seat seven to five people.²⁹ Meanwhile, if visitors just want to have fun karaoke without having sex with commercial sex workers, visitors can hire a waiter to guide the singing and accompany drinking liquor at a cost of IDR 50,000 without the additional services provided by business actors. The average number of visitors per day ranges between 54 and 60, depending on the business services and entertainment options available.³⁰

In general, visitors will prefer karaoke compared to pubs/bars because the location of this prostitution is more visited by the lower middle class. This is based on the price given by the manager, which is very affordable. This is also what causes the Nusantara road area to be different from other places of prostitution in Indonesia. The following are various types of covert prostitution on Nusantara Street, which are presented in the following table:

Table 1. Types of disguised prostitution on Nusantara Street

No.	Place	Liaison	Sistem	Tarif
1	Hotel	Owner	. Managed by pimps to connect women with customers, if the price is agreed upon, then the pimp will get a profit of 20% of the price.	IDR 750.000 – millions rupiahs.
2	Karaoke	Owner	. The women display themselves sitting in a large room and the customer can choose the woman directly	IDR 50,000/hour only for karaoke. If the plus-plus service is IDR. 250,000/hour
3	Cafes/ Roadside scattered in front of the Nusantara Street	Owner	. After an agreement is reached with the customer, the sex worker is then escorted to a hotel near the Nusantara road area by a 'special motorcycle taxi driver' and escorted back to the roadside after completion. Each woman has one motorcycle taxi driver.	IDR 300.000- 800.000.
4	Bar / Pub	Owner	. Customers can choose the woman provided by the pimp in the bar. Customers can negotiate directly with the woman who was booked in advance.	IDR 220,000 / 4 hours to accompany a drink. Get a special service of IDR 400,000-800,000 excluding hotel costs borne by the customer.
5	Massage parlors	Owner	Sex service providers for a short time with bed facilities, free contraceptives with various brands, AC for washing vital organs, two towels and a piece of soap in a massage room.	IDR 60,000-IDR 75,000/hour for massage rates, while special rates are IDR 250,000 - 500,000.

Source : News Compiation from *Tribun News*, 2013-2018

²⁹ Pebrianti, I. (2015). Tinjauan Kriminologis Terhadap Praktik Prostitusi DI Kota Makassar (2010-2014). (Publication No. 77624146) [Skripsi Fakultas Hukum, Bagian Hukum Pidana] Universitas Hasanuddin. <https://core.ac.uk/download/pdf/77624146.pdf>

³⁰ Partisipan 3, personal communication, 23 Desember 2019.

Business competition on Nusantara Street can be said to be very high because of the similarity of the types of businesses and the large number of nightclubs available on Nusantara Street, from large to small. According to the Makassar City News, there are about 31 new permits for Night Entertainment Places (THM) issued by the Makassar One-Stop Integrated Service and Investment Service (DPM-PTSP).³¹ For this reason, night entertainment providers (THM) always strive to promote their places of business properly, one of which is by working with commercial sex workers. The promotion process was carried out by word of mouth from sex worker providers, business owners who also act as cashiers (names not mentioned), then to bidders, and finally to the general public and visitors. However, visitors to nightclubs tend to choose entertainment venues provided with liquor and a large number of women in one particular business location, which is conveyed by word of mouth.

Furthermore, there is no marketing strategy carried out by commercial sex workers other than by looking attractive. Commercial sex workers mostly offer to work for THM owners, but it is possible that THM owners also ask for women's stock from pimp networks in several other big cities because business actors sometimes run out of stock for female sex service providers who want to change professions. In addition, to support this strategy of physical appearance, female commercial sex workers take a psychological approach to their interlocutors by having pleasant conversations so that they visit THM Nusantara more often.³²

Wisma where commercial sex workers live is also generally provided by business actors. Meanwhile, the prostitution place under the guise of THM generally consists of three floors with the first floor being a public karaoke room, the second floor being a room with ten partitions, and the third floor being the business owner/boss room. Its strategic location on the main protocol road of Makassar city and right in front of the central port of visitors who will come and go from Makassar city also makes tourists immediately see the liquor business under the guise of karaoke which makes it a location that has not been eroded by decades.

The unstructured system in one area on Jalan Nusantara allows women to be invited out of the prostitution area according to the customer's agreement and the customer can determine the amount, method, age, and price agreement outside the price in the localization area. An area that is not regulated as a location for prostitution makes handling both in terms of public order and health difficulties, the lack of investigations by law enforcement officers such as the Civil Service Police Unit and the Police makes women openly able to make transactions on the protocol road along 3 km or so. in the alleys of Nusantara Street. The connotation of a tourist destination area located in the city center enlivens the cooperation of sex workers with business locations, as well as the ambiguity of permits issued by local governments as business licenses for night

³¹ Ronalyw. (2018, September 3). 31 Izin Usaha Baru Di Nusantara Sudah Diterbitkan. *Berita Kota Makassar*. <https://beritakotamakassar.com/berita/2018/09/03/31-izin-usaha-baru-nusantara-sudah-diterbitkan/>

³² Partisipan 1, personal communication, 20 Desember 2019

entertainment and alcoholic beverage trades making the legal covert prostitution business on Jalan Nusantara increasingly valid.

B. Pimps, Customers and Commercial Sex Workers in the Indonesian Legislation System

The problem of Commercial Sex Workers itself has actually been regulated in the laws and regulations in Indonesia, one of which is Article 296 which reads "Anyone who intentionally connects or facilitates obscene acts by others, and makes it a search or habit, is threatened with imprisonment for a maximum of one year. years and four months" and also "whoever as a pimp (*souteneur*) takes advantage of female prostitution, is threatened with a maximum imprisonment of one year" however, in this article the category is more on pimps or the subject of prostitution business operators, not on customers or users and commercial sex workers as regulated in articles 281 to 303 of the Criminal Code.³³

On the other hand, there is one provision of criminal law from article 284 of the Criminal Code regarding "Adultery", but it does not apply if the sexual act is based on mutual liking with full awareness. In the case of prostitution on Jalan Nusantara itself, the business owners are guilty in terms of criminal law for violating Article 296. The business owners intentionally cooperate with commercial sex workers to promote their place of business and the alcohol trade.³⁴

Furthermore, there is no legal stipulation that regulates criminal entrapment for commercial sex workers and users of commercial sex services so that the facts that occur in Indonesia are that commercial sex workers are only given rehabilitation after raids by the Civil Service Police Unit Praja and then will be taken to the "rehabilitation center for women commercial sex workers" to train the formation of self-concept. One example in the city of Makassar is the women's social service center in Mattiro Decceng Sudiang Makassar, however, until now it has not had a significant impact on the condition of commercial sex workers and they even tend to not care and return to their workplaces.

In response to this, various efforts have been made until 2020 to increase the comfort of clients (CSWs) to feel at home in training at the Mattidecceng rehabilitation center in Makassar. The da'wah management functions for women with disabilities aim to be able to assist in the management of the place as well as efforts to approach psychologically at the location. The religious guidance provided is expected to be able to provide self-understanding and the environment, however, this rehabilitation center has also experienced funding constraints since the UPTD PPSKW Social Office Mattirodecceng is no longer under the auspices of the Ministry of Social Affairs so that capital funding assistance, sports facilities, and skills assistance are not working properly.

³³ Buana, A. P. (2017). Tindak Pidana Prostitusi Berkedok Bisnis Panti Pijat Di Kota Makassar. 1-15. DOI: <https://doi.org/10.17605/OSF.IO/AXGWC>

³⁴ Abdurrahman. M., N. (2014, June 20). Mengintip Praktik Prostitusi Tersembunyi Di Makassar. *Detiknews*. https://news.detik.com/berita/d-2614328/mengintip-praktik-prostitusi-tersembunyi-di-makassar?utm_source=copy_url&utm_campaign=detikcomsocmed&utm_medium=btn&utm_content=news

So far, prostitution has only become a social problem that has no definite solution because it still occurs secretly or openly.³⁵ For this reason, national criminal law reform and can then be adopted in the form of a regional regulation is the main mission in tackling corrupt practices.³⁶ So far, the individuals involved in the activity of buying and selling sex services cannot be strictly prosecuted by criminal law, only pimps or place providers can be prosecuted by the authorities. Criminal efforts to create an effective law against prostitution should also be given to users of prostitution services. Furthermore, the rehabilitation center as initiated by the local government in the form of job training, providing working capital can productively produce definite changes for commercial sex workers who want to change their profession..

C. Comparison of Government Perspectives and Regional Regulations Concerning Localization in Makassar City

The issue of localization in Indonesia has never been raised on the agenda of national government regulation to produce outputs in the form of national regulations that bind the Market and Civil Society. The city of Makassar itself does not yet have a regional regulation that regulates localization as has the Surabaya City Government since 1999 regarding Regional Regulation Number 7 "prohibition of using buildings/places for immoral acts and luring into immoral acts" which is also used by Mrs. Risma as mayor Surabaya at that time to displace the Dolly area. This is because the location of Jalan Nusantara cannot be categorized as a localization area. After all, it doubles as an object or tourist spot in the city of Makassar. This is evidenced by the absence of efforts by the Makassar City Regional House of Representatives to revoke regional regulation Number 4 of 2014 concerning "Supervision and Control of the Procurement, Circulation, and Sales of Alcoholic Drinks so that Makassar City is free from alcoholic beverages" liquor in nightclubs (THM) is increasingly legalizing the phenomenon of nightlife and the activities of commercial sex workers in it.³⁷

In contrast to the case with the city of Tangerang, which made regional regulations for limiting alcoholic beverages from a Draft Regional Regulation into a Regional Regulation on the Prohibition of the Distribution and Sales of Alcoholic Beverages as well as a Regional Regulation on the Prohibition of Prostitution which was later enacted by the Ministry of Home Affairs in 2005 which was subsequently determined by the Ministry of Home Affairs. With the approval of seven factions in the Tangerang City Regional Representative Council.³⁸ This reality further strengthens that there is a linear relationship between nightlife venues (THM) and the alcoholic beverage trade

³⁵ Scoular, J. (2010). What's law got to do with it? How and why law matters in the regulation of sex work. *Journal of law and society*, 37(1), 12-39. DOI: <https://doi.org/10.1111/j.1467-6478.2010.00493.x>

³⁶ Anindia, I. A., & Sularto, R. B. (2019). Kebijakan Hukum Pidana Dalam Upaya Penanggulangan Prostitusi Sebagai Pembaharuan Hukum Pidana. *Jurnal Pembangunan Hukum Indonesia*, 1(1), 18-30. DOI: <https://doi.org/10.14710/jphi.v1i1.18-30>

³⁷ Pangeran. (2020, September 11). (DPRD Makassar Hentikan Pembahasan Revisi Perda Minol. *Newsurban*. <https://newsurban.id/2020/09/11/dprd-makassar-hentikan-pembahasan-revisi-perda-minol/>

³⁸ Azhari, M. (2017). *Strategi komunikasi Pemda Kota Tangerang dalam mengimplementasikan perda miras dan pelacuran No 7 Dan 8 Tahun 2005*. (Publication No. 41542) [Bachelor's thesis, Fakultas Dakwah dan Ilmu Komunikasi]. UIN Syarif Hidayatullah, Jakarta. <https://repository.uinik.ac.id/dspace/handle/123456789/41542>

with the presence of commercial sex workers not only in the city of Tangerang but also in other cities in Indonesia.³⁹ Reflecting on the two big cities in Indonesia, this should be a new step for the city of Makassar as the third-largest city in Indonesia to avoid moral actions and damage the young generation of the Indonesian nation.⁴⁰

In reality, the practice of prostitution on Nusantara street is not as real and clear as the localization of prostitution in other cities such as Bandung which has the Saritem localization area, Yogyakarta which is identical to the localization of Pasar Kembang, Malvinas Bekasi, Hotel Alexis Jakarta and Dolly alley which was recently closed by the Mayor of Surabaya.⁴¹ The only thing that is in common is the "system" or the rules of practice, and health provision (e.g. health checks that are carried out once a week, anti-pregnancy injections, immune injections)⁴².

Then in terms of differences, the prostitution place on Nusantara Street and the prostitution place in Dolly is very different, where the Dolly area before being closed by the Mayor of Surabaya displayed female commercial sex workers in a glass window so that customers could see and point directly along the alley. There was no doubt that business people at that time jointly built 800 guesthouses to be turned into a prostitution business complete with dangdut cafes and massage parlors around it. As a result, brokers and parking attendants are also interested in making money from the utilization of the localization with profits that are mutually dependent on each other. Unlike the localization on Nusantara road in Makassar City, it is not as clear and structured as what happened in the Dolly area⁴³. We can estimate the number of visitors to Dolly's prostitution sites in Surabaya, which can reach 9000 people per day, while the number of visitors to prostitution sites on Nusantara Street cannot be tracked due to the mingling with the immediate residential area and the varied functions of buildings in one area, for example, offices, expedition, and travel.⁴⁴

In 2015 the Makassar city government once scheduled an overhaul of the Nusantara road to becoming the largest culinary tourism center in Southeast Asia and will convert the function of a night entertainment venue (THM) following its permit function along 3 km in front of Losari beach. The design of this change is expected to have a positive effect not only in terms of economy but also the smoothness of the transportation system in tourist attraction areas (narrowing of roads, prevention of slowdowns and congestion, and other disturbances to patterns

³⁹ Sinaga, N. F. (2018). *Implementasi Peraturan Daerah Nomor 8 Tahun 2005 Tentang Pelarangan Pelacuran Di Kota Tangerang Di Tingkat Penyidikan Dihadungkan Dengan Kitab Undang-Undang Hukum Acara Pidana* (Publication No. 35841) [Skripsi, Fakultas Hukum] Universitas Pasundan, p.25

⁴⁰ Bako, R. S. H. (2019). *Politik Hukum Pengaturan Minuman Beralkohol Di Indonesia*. Pusat Penelitian Badan Keahlian DPR RI. Jakarta. p.12

⁴¹ Santoso, T. (2017). Pornografi Dan Hukum Pidana. *Jurnal Hukum & Pembangunan*, 26(6), 513-522.

⁴² Maharani. I. (2012, November 26) 7 Pelanggan Semalam, Tarif Rp 500 Ribu. *Tribun Timur*. <https://makassar.tribunnews.com/2012/11/26/pelacur-nusantara-7-pelanggan-semalam-tarif-rp-500-ribu>

⁴³ Retnaningsih, H. (2014). Dampak Sosial Penutupan Lokalisasi Dolly. *Info Singkat Kesejahteraan Sosial*, 6(13). Hartini (Setjen DPR RI) Retnaningsih, 'Dampak Sosial Penutupan Lokalisasi Dolly', *Info Singkat Kesejahteraan Sosial*, VI.13 (2014), 9–12 http://berkas.dpr.go.id/pengkajian/files/info_singkat/Info_Singkat-VI-13-I-P3DI-Juli-2014-10.pdf

⁴⁴ Riyadi. A. (2017) *Loc.Cit.*, p.2

of origin and movement) and anticipation of environmental pollution, however, until 2020 this has not shown real implementation.⁴⁵

One of the major obstacles found by the Makassar city government, among others, was the refusal by business actors and commercial sex workers which was shown by varied opinions regarding this issue.⁴⁶ In addition to obstacles, one of the challenges that will be faced by the local government is continuous supervision, this means that if the Makassar city government has adopted the design, both human and financial resources are needed to periodically evaluate all night entertainment venues (THM) on Nusantara Street. so that there is no longer one of the entertainment venues that provide booths for the practice of prostitution⁴⁷.

The Makassar city government itself needs to carry out regular inspections so that the commercial sex worker rehabilitation program can be carried out effectively. The raids that are generally carried out at this time are raids on alcoholic beverages which also capture commercial sex workers, but the Civil Service Police Unit only conducts identity checks (population administration technical) so that business actors who employ commercial sex workers from outside the city (non-resident Makassar) immediately report to the local village.⁴⁸ In general, this kind of inspection or sweeping consists of three types, namely; take action against violations of population administration, violations of business licenses to drink alcohol, and operational permits. Only one type of raid that has become the most serious concern of the Makassar city government is a business license that is not in accordance with its designation, such as cafes, karaoke and discotheques on Nusantara Street and other places that do not fit the designation used as undercover prostitution sites such as the following places: Royal Club on Pengayoman Street, Cafe Noyu Eat and Drink, as well as Publiq Dine and Wine.⁴⁹

Conclusion

The existence of commercial sex workers and nightclubs (THM) in the Jalan Nusantara area has a symbiotic relationship of mutualism in terms of obtaining financial benefits in the long term. The cooperation used applies to a profit-sharing system but is not limited to administrative matters between managers and commercial sex workers, but through word of mouth agreements. As for the legal system in Indonesia, customers of commercial sex workers, in essence, do not yet have strong criminal sanctions in terms of legislation. This criminal sanction is only focused

⁴⁵ Surya, B., Idris, M., & Lasmana, L. (2019). PUSAT KULINER JALAN NUSANTARA KOTA MAKASSAR. *Jurnal Inovasi dan Pelayanan Publik Makassar*, 1(1), 24-36.

⁴⁶ Emba., M. (2019, March 16). Soal Rencana Kawasan Kuliner, Ladies THM Jalan Nusantara Makassar Beri Tanggapan Beragam. *Tribun Makassar*. <https://makassar.tribunnews.com/2019/03/16/soal-rencana-kawasan-kuliner-ladies-thm-jalan-nusantara-makassar-beri-tanggapan-beragam?page=2>

⁴⁷ Surya, B., Idris, M., & Lasmana, L. (2019) *Op.Cit.*, p. 32

⁴⁸ Ilmi, R. Y. (2021). *Implementasi Peraturan Pengelolaan Rumah Kost Di Kota Makassar*. (Publication No. 3706) [Skripsi, FISIP] Universitas Hasanuddin, Makassar. p.9 <http://repository.unhas.ac.id/id/eprint/3706/>

⁴⁹ Polo. A. (2019, December 25). Tim Buser Satpol PP Kota Makassar, Menyita Sejumlah Minuman Beralkohol Di Toko Alvira Jalan Batu Putih. *Gemanews*. <https://gemanews.id/2019/12/25/tim-buser-satpol-pp-kota-makassar-menyita-sejumlah-minuman-beralkohol-di-toko-alvira-jalan-batu-putih/>

on pimps listed in Article 296 of the Criminal Code. Because it is difficult to detect prostitution in the tourist attraction area in front of Losari beach, which is framed by the permit for night entertainment venues (THM), the Makassar city government does not yet have a strong local regulation to regulate localization on Nusantara Street. In the future, to minimize problems such as the spread of the HIV/AIDS virus, social unrest, and crime rates, local governments must be responsible for carrying out criminal law reforms, controlling according to the original function of business licensing so that there are no more prostitution booths, and optimizing the rehabilitation center at the Mattirodecceng Social Service in Makassar.

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