CHAPTER 1

INTRODUCTION

1.1 BACKGROUND

Indonesia is a country that has very beneficial advantages, and it is not owned by other countries seen from the people, who already have an understanding of the democratic system, starting from the country's independence of Indonesia. For example, when Indonesia wants to gain the independence for Indonesian people, the hero and the military gather to discuss to make decisions for Indonesia's independence for the advancement of this beloved country, the Republic of Indonesia (NKRI). However, in 1945, there were still the improvements that had to be organized by Indonesia from its governance system and its democratic system. Then, the essence of democracy is the government that comes from the people, by the people, and for the people. Meanwhile, to support the democratic political system in Indonesia, one of the main pillars is through elections. Elections are held with the aim of electing people's representatives at both the central and the regional government levels and to form a government that is democratic, strong, and receives popular support in order to realize national goals as mandated by the opening of the 1945 Constitution of the Republic of Indonesia. The general election was held by the Indonesian state in the context of realizing people's sovereignty and the application of the democratic principles, or values, as well as increasing the political awareness of the people to participate actively in the general election for the realization of the ideals of the democratic Indonesian society.

According to several studies, Indonesia is a democratic secular state, but with a strong Islamic influence. Indonesia is the 3rd largest democracy in the world. Since this country was founded, there have been a lot of political debates about the basic ideology of the Indonesian

state. A number of conservative Islamic groups (including a number of political parties) argue that Indonesia should become an Islamic state. However, the application of Islam in Indonesia at this time has a diverse character because each region has its own history, influenced by unique and different causes. From the end of the 19th century to present, Indonesia wholly has more uniform general histories because the colonizers (and continued by Indonesian nationalist leaders) established national foundations in their different territories. This unification process also makes Islam in Indonesia with a slow process increasingly lose its diversity. However, this can be seen as a logical development in the process of Islamization in this country. In Islam, there are democratic principles that have been implemented by the Indonesian state because the population of Islam in Indonesia is the 3rd largest in the world. It is undeniable that there are democratic principles in Indonesia that are in line with Islamic principles.

According to Efrinaldi (2013), Islam has great potential to support democracy and human rights. There are at least five democratic principles in Islam. First, the governance is based on justice; justice does not only mean equality before the law, but also social and economic justice. The principle of justice has been transformed into the Preamble to the 1945 Constitution, that is through the second principle, fair and civilized humanity, the fifth principle, and social justice for all Indonesian people. The purpose of this precept is to accord human beings with the dignity of being gods. Therefore, any policy made by the executive, legislative, and judiciary fields must not violate the second precept of Pancasila. Second, the principle of **Shura** and deliberation becomes the main reference in the political system. Political leaders are free, in a general election. Deliberation is an activity to exchange ideas, or suggestions for making decisions together in order to advance and achieve shared goals. Third, there is the principle of "*Musawah*" meaning equality. Islam does not teach to discriminate

about ethnic, gender, social background, class, and others. Islamic communities coexist peacefully with other religions. Fourth, there are freedom of thought, opinion, freedom of religion, the right to live in freedom and security, the right to get education and work education and so on. Fifth, there is accountability (the accountability of leaders to the people. People who choose them and they can shoulder their trust and trust of the people.

Those are the principles contained in Islam and democracy in Indonesia, seen from the above principles the stronger the relationship between democracy and Islam in Indonesia. As explained, in Islam, there are concepts of justice *(Al-Adl),* consultation *(Shura),* deliberation *(Negotiation),*and equality *(Musyawarah)* which are not only compatible with democracy; in fact many similarities can be another picture.

Indonesia is a unitary state in the form of republic which in its administration, is divided into several categories, for example provinces, districts and cities. The city also has local governments to regulate and manage the needs, or matters that are in accordance with the principle of autonomy and assistance tasks. The government issues a new law on regional government, namely the Law number 1 of 1957 concerning the Principles of Regional Government which discusses the form of government structure, including the regional government that has the right to regulate and manage its own household (Regional Autonomy). The arrangement of degrees from top to bottom as much as three levels. Moreover, the regions are given the widest possible autonomy rights to regulate and manage their regional households by adopting a real autonomy system (Djohan, 2007).

After the enactment of the Regional Autonomy of the Law number 32 of 2004 concerning Regional Government in Indonesia, the authority of the central government was delegated to regional governments to regulate, and manage their own regional affairs, or also

to be called the decentralization of power. Every change in the system of government, and regional management produced by each region must have differences in each related to the development, potential, and main problems of the region.

Regional Autonomy is an authority delegated to the regions to regulate and manage their own regions. Regional autonomy requires a regulation can guide residents of the area. The local regulation (Perda) is a local regulation prepared by the DPRD which is agreed with the Regional Head (governor / regent / mayor). It aims to be a supervisor in the course of government administration. Regarding the local regulations, this research discusses the evaluation of a local regulation (local regulation in Bantul Regency, Yogyakarta Special Region). This research focuses on the evaluation after 12 years of stipulation of Local Regulation (Perda) No. 5 of 2007 concerning the prohibition of prostitution in Bantul Regency, about how to measure success in implementing the Perda.

On May 1, 2007, precisely, the local regulation number 5 of 2007 concerning the prohibition of prostitution was determined by the DPRD with a mutual agreement with the Regional Head. The purpose of this local regulation is to create order in society through the legal certainty, specifically by prohibiting prostitution in all regions, especially Bantul Regency (in accordance with local regulation Number 5 of 2007 article 2). The objective of this local regulation is expected to be able to realize the motto from Bantul Regency. The motto of Bantul Regency is Projotamasari. Projotamasari is an acronym for Productive-Professional, Ijoroyo-royo*(thrives and develops with fresh green leaves full of shade)*, orderly, safe, healthy, and beautiful *(asri).*

By its definition in the 1945 Constitution and the Criminal Code (KUHP), prostitution is a criminal act. As criminal offenses related to prostitution contained in the Article 296 of the

KUHP which threatens with imprisonment to anyone whose work, or habit is intentionally making, or facilitating obscene acts by another person by a third person. Then, the Article 506 of the KUHP regulates crimes against pimps who take advantage of prostitution. According to the Article 284 of the Indonesian KUHP, if the settlement occurs, then the only person who can complain about the crime is that only the husband, or wife is polluted. One of the 3 articles of the KUHPdiscusses brothel owners, pimps, and what could be said to be adultery if one of the perpetrators is married. Therefore, the local regulationNo.5 of 2007 concerning Prohibition of Prostitution in Bantul District has a broader scope and includes all people who commit immoral acts or, for example, committing adultery (a woman and a man who engage in sex outside of marriage).

The local regulation Number 5 of 2007 concerning Prohibition of Prostitution in Bantul Regency is included in the category of Sharia local regulations. Sharia local regulations, or more commonly called Sharia Regulationsis a local regulation that has a religious nuance because there are Islamic Sharia values. Many Indonesian regulations have Sharia nuances in several regions, provinces and districts/cities depending on their location and leaders. The local regulation No. 5 of 2007 concerning the prohibition of prostitution is the only local regulation in the Special Region of Yogyakarta (DIY), which is in Bantul Regency and is classified as a Sharia local regulation because based on Islamic views, the act of prostitution is strictly prohibited. The act of prostitution is considered as an activity that demeans women in the view of Islam as well as damaging the moral norms of society that results in damage to the nation's morals. Even, the implementation of Sharia Regulations must be based on laws and regulations in force in Indonesia.

The enactment of PerdaNumber 5 of 2007 concerning the prohibition of prostitution in Bantul Regency has drawn various reactions from the elements of society, including starting from stakeholders, local communities, PKBI DIY, LBH APIK, SAPDA, IHAP and other institutions, or organizations concerned with women and human rights issues. There are the differences of opinion underlying the implementation of the regulation. The institution of government and the society in Bantul regency argue that they agree with the implementation of the regulation. Someof them argue that they agree with the Perda, and the others refuse based on their respective reasons. The reason of agreeing with the implementation of the regulation is that the act of prostitution is an activity that is contrary to religious norms. Whereas, those who reject the existence of the local regulation are because the local regulation is discriminatory against women and is considered only used as a political tool to attract sympathy from the public.

Bantul Regency is famous for its southern coast region and tourist attractions. This Bantul Regency also has its own attraction for prostitutes in Parangkusumo Beach, Parangtritis Beach, and Samas Beach. After the promulgation of Perda Number 5 of 2007 concerning the prohibition of prostitution, a number of places were located in the southern part of the Region carried out by the authorities. Based on Samhani (2018), at that time, this regulation was enacted by the government, Satpol PP and community members/cities worked together to implement it by building mosques and landfills (TPS) in brothels. The efforts were able to make prostitutes/CSWs leave the Samas beach area. The research also found that the regulation is unsuccessful measured by 4 indicated. *First*, in the implementation of this Perda, it has been ineffective because it has been running for so long (2007-present), and there has been no change at all to the contents of the Perda. *Second,* at the time of the examination, a very fatal

error was made by the municipal police because there was an incident in 2018 where an arrest was made against the youth of the area, and some stalls, or lodgings were fined without any legal procedures. *Third*, in Samas Beach, there are still prostitution activities due to the lack of action, and supervision from the municipal police so that this activity occurs again. *Fourth*, Parangkusumo Beach prostitution continues to occur because every Tuesday *Kliwon,* and Friday *Kliwon,* there are religious tourism activities which invite many tourists to come, and they involve in this activity, so this place is crowded, and strategic for prostitutes engaging in prostitution.

For these reasons, an in-depth evaluation is needed to find out the implementation of this regulation. Evaluation can be seen from several aspects, such as evaluating the contents of the overall regulation, socializing the implementation of the regulation, and providing relevant solutions related to the enactment of the regulation.

From the description of the implementation of the local regulation No. 5 of 2007 concerning prohibition of prostitution in Bantul Regency, the research examines the existing Perda how the evaluation of the local regulation is as if the regulation was proceeding without government monitoring. Therefore, it is interesting to know what the driving factors are through determining the failure of the local Regulation Number 5 of 2007 concerning about prohibition of prostitution in Bantul Regency.

1.2 PROBLEM FORMULATION

Based on the background above, it can be inferred that there was the issue of the failure from the implementation of the Local Regulation number 5 of 2007 concerning the prohibition of prostitution in Bantul Regency. Thus, it is very interesting to know the driving factors of the

failure of the Local Regulation Number 5 of 2007 concerning the prohibition of prostitution in Bantul Regency.

1.3 RESEARCH OBJECTIVES

The purposes of this study are to find out the driving factors of the failures, and explain the evaluation of the local Regulation Number 5 of 2007 concerning Prohibition of Prostitution in Bantul Regency.

1.4 RESEARCH BENEFITS

This study is expected to give the following benefits.

1.4.1 Theoretical Benefits

This study is expected to add knowledge, and information to the implications of a regulation in which these regulations should provide benefits to the community, and those who make the regulations themselves. It provides learning for all elements of society, and government.

1.4.2 Practical Benefits

This study is expected to be used as a reference for supporting further research where it can be developed in a broader scope for the public interest, and makes a positive contribution to the surrounding community. Moreover, it can be used as a reference in the effectiveness of a local Regulation.

1.5 LITERATURE REVIEW

The previous studies become the reference for supporting this recent study which the previous studies can be useful to add information to the research being carried out, and the research on local regulations governing prostitution is not the first research conducted. The

related studies have done a lot of research on destruction, but this research has a difference from the other previous studies.

The previous studies can also be useful to find out the advantages, and disadvantages of them, and at the same time, find the differences between the previous studies, and this recent study. Furthermore, the previous research will be divided into 4 groups of Sharia regulations based on the theory proposed by Muntoha. The four categories are in the form of sharia regulations related morality, fashion clothing, religious skills, and collection of social funds, and zakat.

The first previous research related to the theme of Morality is about Prostitution, and Asusila's actions. There are 21 themed studies on regulations regarding prostitution, liquor, and research in the month of Ramadhan conducted by several researchers. The research by Amalia (2017), discusses the legal counselling by the law number 21 of 2000 concerning the prohibition of prostitution for high school / vocational / MA students in efforts to tackle prosthetic practices in Cianjur Regency. The result was in the form of counselling conducted by the government to students in Cianjur regency, the counselling gets a good response, and high enthusiasm in receiving material. The government overcomes this problem in two ways, namely the way of punishment is done by applying criminal law, or the non-penal way is more inclined towards prevention.

The other previous research was conducted by Idawan (2012), focuseson alcoholic beverage contained in Perda Number 7 of 1953 in the city of Yogyakarta based on the perspective of MaqasidAsy-shari'ah. This research explains that there are 5 aspects according to maqashidAsy-shari'ah, namely descent, soul, reason, religion, and property. Maintaining religion in the prohibition of liquor is a primary requirement because alcoholic

drinks are absolutely *haram* regardless of the levels. Preservation of reason classified as primary needs because reason is a counterweight to human life.

Another previous study was conducted byLestari & Efendi (2018), who explains the critical review of the Governor Regulation no. in 2018 concerning the implementation of the jinayah procedural law. This research explains that the Governor of Aceh said about the Jinayah event which was done not from the JinayahQanun, but it was exist because of investment reasons for the area. This is because the implementation of caning punishment has been contested by outsiders, so the existence of these regulations is considered to be contrary to the regulatory system in Indonesia.

Another previous study was conducted byNoorhidayah (2014), focuses on the effectiveness of Local Regulation No. 23 of 2014 concerning the control of liquor distribution in the City of Palangka Raya. The research finding has not been effective because it has not been able to regulate the circulation of alcohol; this Sharia regulation is also without academic regulations. The law enforcers are also considered weak on legal awareness, making it difficult for Sharia regulations to be applied in society.

In contrast to the subsequent research, Yahya (2018),conducted a study focusing on the prohibition of liquor distribution in the local regulation of Gresik Regency number 15 of 2002 in the perspective of *Shafi'i* thinking. This study explains that there are 2 regulations applied in criminal law cases. The first regulation is the *Shariah* rules articles 8, and 9 for those who produce, distribute, offer, and trade liquor, including in the *Ta'zir* legal category, namely immoral acts that do not have penalties, and *kafarah*. The second regulation is that criminal law in article 12 which for drinkers who is threatened with

imprisonment for a maximum of three months, or a four million fine. However, the article 12 is not in accordance with Islamic law, and cannot be carried out.

Another previous study was conducted bySa'ada (2016), on the reviewed of the KUHP, jinayahfiqh on adultery, and its derivatives in the 2009 Aceh Qanun on jinayat law. The results of the study described the contents of the Qanunjinayat, and the punishment received for violating these regulations. Qanun regulations contain restrictions on khalwat, adultery, maisir, and khamr. As for qanun violators in the form of zian, they will be subjected to caning, whereby the number of whips depend on the mistakes made by the violator.

Nasrullah and Rosadi (2017) focuses on the criticism of Islamic law over criminal sanctions for prostitution perpetrators in regulations area. Their research discusses the contradiction between Islamic local regulations with KUHP (Criminal Code concerning parties who facilitate immoral acts by other parties as livelihood (Article 296), trafficking in women (Article 297), homelessness (Article 505), and life of female sex workers (Article 506). There were no articles in the Penal Code that ensnared commercial section workers (CSWs), and users of CSW services). KUHP(Criminal Code) does not provide legal sanctions for prostitutes, and users; it only prohibits in terms of facilitating immoral acts by other parties. In Islamic criminal law (Qanun regulations), prostitution is considered as a crime, and the perpetrators are equated with adultery so that they are subjected to caning, or stoning.

Meanwhile, the research conducted by Hidayatullah, Sarong & Ali (2017),focuses on the effectiveness of the application of penalties against perpetrators of Maisir in Qanun no. 6 of 2014 concerning prohibitions for the public to consume alcoholic beverages. This

study explains that the mechanism of applying penalties against perpetrators of criminal acts (Decision Number 06 / JN / 2016 / MS BNA, and Decision Number 08 / JN / 2016 / MSBNA) in Banda Aceh jurisdiction has been running based on the rules, the process of investigation, investigation, prosecution, and decisions carried out in accordance with the provisions in force in the *qanunjinayat*.

Another previous study was conducted byGayo (2017), with a focused on the legal aspects of implementing Jinayat law. This research explains that since the QanunJinayat in Aceh was implemented, it has affected the lack of sharia violations in people's lives. The law enforcers in Aceh are the Sharia Court, Wilayatul Hisbah, the police, the Islamic Sharia Service, and the Aceh Traditional Council. The legitimacy of the enactment of this jinayatqanun is in accordance with national law, namely the 1945 Constitution article 18 in which Aceh has regional features.

Another previous study was conducted byBerutu (2017), focuses on "Aceh Qanun number 14 of 2003 concerning Seclusion in the view of fiqh, and the Criminal Code (KUHP)". This study explains that QanunNo.14 Year 2003 is considered to be the complete law of the Criminal Code because all this time khalwat actions that occur within the community cannot be dealt with, because khalwat case (*mesum*) in the KUHP, people can find in Chapter XIV Book II on Crimes, and Chapter VI Book III on Violations Khalwat in the view of the KUHP is known as immoral violations. In Article 281 of the KUHP, it is threatened with a maximum imprisonment of two years and eight months, or a maximum fine of four thousand and five hundred rupiahs. The Article 284 of the Criminal Code, threatened with imprisonment for a maximum of nine months) only acts against immoral acts which are carried out openly, and disturbs the peace of the community.

Another previous study was conducted byTarawiyah (2011), that focuses on local regulation No. 4 of 2005 concerning the prohibition of activities during the month of Ramadan on interfaith relations in the city of Banjarmasin. This study showed that the Sharia regulations do not have a major influence on the relationship between religious communities in the city of Banjarmasin. Meanwhile, the conflict in control is that there are still many Satpol PPs who carry out their duties in an anarchic way to close places that are open during the month of Ramadan. In addition, the law made in the city of Banjarmasin is still considered to be insufficient because it does not involve the whole society, so this regulation is considered not to have a positive impact when applied.

Whereas, the research conducted by Ramli (2014) discusses the Regulation Number 18 of 2004 concerning the prohibition of prostitution in Pamekasan Regency. The results of this study in the form of the regulation have been applied throughout all levels of society without exception. This regulation is based on the JinayahFiqh review, which means promoting community welfare, and the government's efforts to keep the community away from all kinds of impacts resulting from prostitution.

Furthermore, the research conducted by Akbar (2017), focuses on the implementation of local regulation No. 8 of 2005 concerning the supervision of the sale of alcoholic drinks in Parigi Regency. This study explains that there are four indicators that influence the implementation of sharia regulations, namely communication, resources, disposition, and bureaucratic structure. The aspect of communication has been going well, but the apparatus still needs consistency in disseminating information on the local regulation. Furthermore, in terms of resources the quantity of the enforcement apparatus has been fulfilled, in the aspects and positions of the bureaucratic structure there is still a

need for motivation for implementers to have a commitment to carry out supervisory duties in accordance with standard operating procedures.

Another previous study was conducted byRahmatiah (2016),that focuses on the effectiveness of the application of alcohol control in Makassar. The results of this study are that the factors that cause a person to drink liquor can come from family, residence, friends, and the effects of globalization. This monitoring process is in collaboration with the designated team as explained in the liquor regulation in Makassar City.

Danna (2014) founded in her research that prostitution existed because of the influence of World War I and II which caused legal prostitution in 7 countries and illegal in 16 countries. The focus of this research is on existing regulations in the European Union, such as the Netherlands as a country that allows prostitution. The Dutch government considers that acts of prostitution can reduce the transmission of sexually transmitted diseases, reduce crime among perpetrators and users of prostitution and eliminate pre-reproductive prostitution.

Shaver (1985) explains that in Canada acts of prostitution are never considered to be criminal acts, where in Canada, there are many regulations that discuss criminal acts, and explain the activities that should not be carried out. This study also discusses the Canadian government which allows prostitution as work, but they regulate the dangers that are likely to occur due to prostitution.

Another previous study was conducted byKarandikar (2010),that focuses on being a pimp for male clients of violence against female sex workers. This study uses a ground theory approach. This research was conducted in Mumbai, India. This research refers to a client who seduces sex workers to be her partner, and is promised to get out of their world

(prostitution),but when these sex workers want to go with their clients, who promised was not possible, they were forced to become sex workers by their partners because economic factors. The violence obtained by CSWs are such as physical, and emotional violence, isolation (separate, and not related to family / confinement), and final coercion.

Jung (2017) focuses more on the effects of applying a prohibition against sex trafficking to sexually transmitted infections in female sex workers in South Korea. The study used a comparative methodology from previous studies in 2008, and 2014 to determine health, working conditions, the effects of actions on the prohibition of sexual trafficking, and to prevent HIV / AIDS. The Act on Prohibition of Sexual Trafficking (PST) act on prostitution (19) turned out to have a better effect in 2014 based on the data, sex workers, and communicable diseases decreased compared to 2008. This means that the regulation was successful from several aspects that made this CSW finally leave that job.

Buehler (2013) examined Subnational Islamization through the Secular Party Comparing Sharia Politics in Two Provinces of Indonesia. This study explains the early history of Sharia politics that emerged through secular parties in two provinces in Indonesia, West Java, and South Sulawesi Province. This study explains that there are several provinces that Islamist groups are a central component of the life of sub-national associations, and therefore, local people in their efforts to build a basis for exercising power, and Islamic groups are able to influence the policy agenda.

Seals (2015) discusses workers' rights, and health protection for prostitutes: Comparison of the Netherlands, Germany, and Nevada. The prostitution in the Netherlands, Germany, and Nevada (3 countries) is legal, and has been registered as permanent employment. In the Netherlands, and Germany, health is still the same, and

there has been no improvement because they (CSWs / pimps) do not want to register, and pay taxes. The program in Nevada is more protective, safeguarding, and arguably has benefited prostitutesbecause his identity, and health are maintained.

Another previous study was conducted byZaman (2011), focused on Pakistan: Sharia and the State. This research focuses on Pakistan and sharia countries. In Pakistan, there are many conflicts among the government, ulama and the regulations themselves. Ulama has the power to maintain the position of Islam to oppose the government in legal reform on the grounds it violates Sharia. However, as have been seen, the type of Islamic radicalism that is now in Pakistan does not only threaten the government, civil society, and the ulama. Such unexpected challenges may be an incentive for cleric, moderate Islamists, the state to join and be anchored in thinking about Sharia, and in public life.

Another previous study was conducted byLubeck (2011), discusses Nigeria: Mapping the Sharia Restorationist Movement. The research method used is a qualitative research. The result of this study is that the application of sharia law echoed in Northern Nigeria by Islamic civil society groups was successful so that the twelve northernmost legislative states have implemented the sharia criminal law. In the other words, the sharia movement has changed people's lives, especially in cities, increased security, public order along the lines of Islam, and sparked an interesting debate in the Muslim public sphere about the proper application of law.

Furthermore, there are 3 studies on the theme of Sharia regulations related to fashion. Wibowo (2007) focuses on Solok District which the Regulation Number 6 of 2002 concerns on Muslim, and Muslim attire in the perspective of Indonesian constitutional law. This research explains that there are still many regions that implement local regulations

that have sharia nuance, but are not in accordance with Indonesian constitutional law, thus it causes discrimination, and violating human rights. To reduce these impacts, it must use 2 steps, namely: 1) Preventive step is a step, which can be done that is selecting all local regulations. 2) A repressive step which is a step in the form of an action can be carried out, namely the Minister of Home Affairs cancelling the regulations that are contrary to the public interest.

Another previous study was conducted byHarahap (2018), focuses on the impact of implementing local regulations on the use of Muslim clothing in the District of Padang Sidempuan Tenggara. This research explains that there is an appeal for the community to use Muslim, and Muslim clothing, but basically 63% of the surrounding community is dressed Islamically on the basis of their own desires, and the rest choose to wear Muslim clothing from the basis of the rules that have been formed. This has a positive impact on the community to dress, so that many people have used Muslim, and Muslim clothing since this regulation was implemented.

Shakona, Backman, Backman, Norman, Luo and Duffy (2015),conducted the study discussing in the understanding the traveling behavior of Muslims in the United. The methodology used is grounded theory; semi-structured interviews are as the instrument to gain data using English, and conducted at the mosque in the Clemson area, South Carolina. Muslims must determine several aspects before traveling in this study. Judging from the place to be visited while on vacation because Muslims have some rules regarding food, shelter, places of worship, and others. Muslims must also consider when they must travel, or take a vacation to a place that is in accordance with Islamic regulations. There are a

number of big agendas in Islam such as the month of Ramadan, Eid al-Fitr, and Eid al-Adha

The other research that will be explained is about Sharia regulations related to the mode of religious skills. There are several studies that discuss the regulation on religious skills. The research conducted by Hayadin (2013), focuses on the suitability of the contents of the local regulation of the Banjar District Number 04 of 2004 concerning reading, and writing of the Qur'an with the national curriculum of Islamic education. This study explains that the contents of this Sharia local regulation are in line with, and in line with the Minister of National Education's regulations regarding the national education curriculum to provide students with religious understanding, skills, and in their application emphasize educational institutions as regulatory implementing units. This study also states that not all public policies that sharia are categorized as problematic regulations, are in contact with central policies, or violate human rights.

Another previous study was conducted byBasri, Usman, & Rahman (2013), focuses on "Implementation of government policies regarding local regulations on literacy in the city of Makassar". This study uses two research methods, namely descriptive qualitative, and quantitative. The result of the study is that the local regulations on reading, and writing Al-Quran have given new enthusiasm for young people to be able to read, and write the Qur'an. This is evidenced from the 92% people stated strongly agree, and the need for understanding the Qur'an through learning to read and write the Qur'an. Therefore, it is expected that the existence of these regulations will be able to realize the young generation of *quran*. Meanwhile, Tarrawiyah (2011), discusses the prohibition of activities that should not be carried out during the month of Ramadan in Banjarmasin.

The next research theme is in the form of zakat. The study was conducted by Bariyah (2018), focuses on the study of local regulations on the management of zakat in Indonesia. This study examines a number of zakat regulations from several regions, including Aceh, Riau, Banten, and West Java. The results showed that in the form of the Governor of Aceh, Riau, West Java, and Banten, the regulations on zakat are in accordance with local laws because they have clear objectives, structured institutions,clear, and open contents. In accordance with the first precepts. The benefits of zakat as a form of improving the welfare of society, and overcoming poverty.

Another previous study was conducted byTahir and Triantini (2015), discusses the integration of zakat, and tax in Indonesia in this legal positive, and legal review. This study explains that the concept of integration of tax, and zakat as a form of new enthusiasm. Tax integration is very important to be pursued because zakat growth is increasing marked by the increasing number of Amil Zakat Agencies, and the number of alms acquisition from year to year. With significant growth, zakat can be an economic, social tool for people, and their position is as important as state income tax.

In contrast to the previous study above, the research conducted by Nababan (2018), focuses on the legalization of zakat regulations in the perspective of legislation theory. The results revealed that there is no article that delegates the authority to regulate zakat to the regional government. Thus, the regional government is deemed not authorized to make a local regulation on zakat because it is considered to conflict with other regulations. Then, the zakat regulation must be cancelled according to the prevailing mechanism. This research explains that there is a debate about the meaning of sharia regulations, supported

by the existence of human political interests, sharia regulations as a legal product, and as a tool to form the image carried out by regional leaders.

To visualize previous studies easily, the researcher have made the table to classify studies in accordance with the theory of Mutoha which are classified in 4 categories of Sharia local regulations (Perda), namely Sharia local regulations related to morality, Sharia local regulations related to fashion clothing, local regulations Sharia related to religious skills, and sharia local regulations related to collection of social funds, and zakat. The table is presented as follows:

Table 1.1

Taxonomy Literature Review

No	Type	Author	Summaries
1	Sharia law related to morality	Amalia, M. (2017), Idawan, I.D. (2012). Lestari & Efendi (2018), Noorhidayah (2014),Yahya (2018), Sa'ada(2016), Nasrullah &Rosadi (2017), Hidayatullah, Sarong & Ali (2017), Gayo (2017), Berutu (2017), Tarawiyah (2011), Ramli (2014), Akbar (2017), Rahmatiah (2016), Anggraini (2011), Danna (2014), Karandikar (2010), Jung (2017), Buehler (2013), Seals (2015), Zaman (2011), Lubeck (2011), Hefner (2011)	This study discusses the issue of morality, which from the study discusses related prostitution, Qanun alcoholic drinks, and sharia local regulations, regarding the prohibition of activities in the month of Ramadan there are several studies that discuss criminal sentences such as caning. However, there are differences from the above studies related to the implementation of caning
2	Sharia regulations related to fashion	Wibowo, A. (2007), Harah (2018), Shakona, Backman,Backman, Norman,Luo, Duffy (2015)	This research shows the results if sharia regulations are regulations that violate human rights in the form of the right to be free from discriminatory behaviour. Whereas, Harahap (2018) discusses the effectiveness of the implementation of the local regulation on dressing.

3	Sharia regulations related to religious skills	Hayadin (2013), Basri, Usman, & Rahman (2013), Tarrawiyah (2011)	This research shows the results if the sharia local regulations are not policies that violate human rights, or even interfere with other central regulations. Meanwhile, Basri, Usman, and Rahman (2013) discuss the formalization of the Islamic government system, especially regarding BTA Local Regulations in Makassar City. Meanwhile, Tarrawiyah (2011) discusses the prohibition of activities that should not be carried out during the month of Ramadan in Banjarmasin.
4	Sharia regulations related to collection of social funds or zakat	Bariyah, N.O.N. (2018), Tahir&Triantini(2015), Nababan (2018),	The findings in this study indicate that all regulations regarding zakat have the same goals, vision, and mission as the zakat management law, the concept of integrating zakat, and tax management, and discussing the legitimacy in applying Islamic law comprehensively. This transformative step must be encouraged by the policy of the formation of the Director General of Taxes, and Zakat which functions as a regulator, supervisor, and at the same time determining the policies on tax, and zakat management in Indonesia. Meanwhile, according to Nababan (2018), local regulations related to zakat must be canceled in accordance with the applicable mechanism.

This recent research is different from the previous research. The researcher focuses on evaluating of Local Regulation (Perda) Number 5 of 2007 concerning Prohibition of Prostitution in Bantul Regency.

The implementation of the Local Regulation (Perda) Number 5 of 2007 concerning Prohibition of Prostitution in Bantul Regency is a regulation that has generated a lot of controversy from various elements of society. There are people who support the enactment of these regulations because they perceived that prostitution will damage the morale of the community, and some are rejected for the reason of local regulations that is discriminatory against women. In addition, these local regulations are included in the category of local regulations nuanced Sharia, or commonly referred to as local regulations (Perda) Sharia, and are the only Sharia regulations imposed in the Special Region of Yogyakarta (DIY).

1.6 THEORITICAL FRAMEWORK

A theoretical framework is useful as a basis for conceptualizing the points to solve, and highlight problems. As for providing clarity in this study, the researcher puts forward several theoretical frameworks related to the research which will be explained below.

1.6.1 Policy Evaluation
a. Definition of Evaluation

Evaluation can be used to assess the success of public policies oriented towards policy goals, and targets. The policy evaluation stage is an important stage in the public policy process. Evaluation can be interpreted as an interpretation (*appraisal*), giving a number (*Rating*), and assessment (*Assessment*), the word that state the effort to analyse the results of the policy in terms of unit values (Dunn, 2003, p. 608-610). According to Anderson as cited Paskarina, (2007, p.8), policy evaluation emphasizes the estimation or measurement of a policy, including material, implementation, achievement of objectives, and the impact of the policy, even evaluation can also be used to identify factors that influence the success or failure of a policy, so the results of the assessment can be used as material for decision making whether the policy will be continued, changed, strengthened or ended (Paskarina, 2007).

Based on the opinions of several experts, it can be concluded that policy evaluation is an action taken to find out the size, identification, and value of all stages of public policy.

b. Nature of Evaluation

Policy evaluation is related to the overall performance of the policy, especially in the process of implementing public policies. Policy evaluation has several characteristics that distinguish it from other policy analysis methods. Some characteristics of policies that distinguish them according to (Dunn, 2003, p. 608-609):

1. Value Focus

"Evaluation, as contrasted with monitoring, focuses on judgments regarding the desirability or value of policies, and program"

Evaluation is different from monitoring where evaluation is focused on assessing the needs or values of policies, and programs. Evaluation is an effort that aims to find out the benefits of policies or social programs that have been formed. The accuracy of the goals and objectives of the policy can be questioned, and accounted for and includes procedures for evaluating the goals, and objectives themselves.

2. Fact-value Interdependence

"Evaluations depend as much on "facts" as it does on "values". To claim that a particular policy or program has attained a high (or low) level of performance requires not only that policy outcomes are valuable to some individual, group, or society as a whole, but it also requires that policy outcomes are actually a consequence of actions undertaken to resolve a particular problem"

Evaluation relies on facts, and values to state that a policy or program's performance has achieved success or failure. This is supported by the actual policy results, and as a result of all activities carried out to solve a problem.

3. Present and Past Orientation

   "Evaluative claims, as contrasted with advocative claims produced through recommendation, are oriented toward present, and past outcomes, rather than future ones"

   Evaluation differs from advocacy, which refers to the present, and past results, not to the results of the future. Evaluation is retrospective after an action (ex post). Evaluation is also prospective in that an action (ex ante) is made.

4. *Value Duality*

   "The values underlying evaluative claims have a dual quality, because they may be regarded as ends, and means".

   Evaluation has a double quality claim because it has a basic value that is considered as an objective and method. Evaluation can be considered intrinsic (necessary for itself) or extrinsic (required for other purposes). Values are often organized into levels that describe the relative importance and interdependence of policy goals and objectives.

c. Evaluation Function

Evaluation has the main function in a policy analysis that is in the implementation of a program. If the evaluation is carried out correctly it will

produce good benefits. According to (Dunn, 2003, p. 609-611), the main functions of evaluation in policy analysis are that:

1. Evaluation provides reliable and proven information about a policy that is carried out.

2. Evaluation can classify and provide criticism of policy goals and targets. Evaluation can also verify alternative sources of value and the foundation used.

3. Evaluation can be a method of analysing a policy, for example evaluation can show the goals and targets that need to be explained or reviewed, can also reinforce new policy alternatives or policy updates.

Besides that,Dunn (2014) and Wibawa et al. (2003) cited in Nugroho (2003)also explains that there are four functions of public policy evaluation, namely:

1. *Explanation*. Evaluation can be represented as the reality of program implementation and the pattern of relationships between expectations and reality. With this evaluation, the evaluator can find out the condition of the problem, and the actors involved in the success or failure of a policy.

2. *Compliance*. Evaluation can find out whether the actions taken are in accordance with the standards in the procedures set by the policy.

3. *Audit*. Evaluation can find out the results achieved are right on target or experience obstacles.

4. *Calculation*. Evaluation can take into account what the consequences of a policy in terms of socio-economic.

d. Policy Evaluation Indicator

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 of policy evaluation, namely Effectiveness, Efficiency, Adequacy, Equality, Responsiveness, and Appropriateness. The six indicators of policy evaluation according to Dunn are explained again by (Winarno, 2002) as follows:

1. Effectivity

    The word effectiveness means that the success of the goals has been achieved. Effectiveness is also always associated with the relationship between expected results, and reality results. It can be concluded that the achievement of the objectives of the implementation of activities if it can overcome the problem, it can be said that the policy is successful, but if a policy cannot overcome the problem, then the policy has failed. The effectiveness of a policy cannot be seen in the short term.

2. Efficiency

    Efficiency is related to the amount of effort done to achieve a certain level of effectiveness, generally measured in terms of costs. If the objectives of public policy cost more than the results of the policy, then it can be said that the policy is inefficient.

3. Adequacy

Adequacy in a public policy is measured by how far the level of effectiveness can meet the needs of value or opportunity in a problem. This means that before a policy is passed, an analysis of the suitability of the method with the objectives to be achieved must be carried out.

4. Equality

Flattening has the meaning of justice given or obtained from public policy. 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

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. Responsiveness is an illustration of the four previous indicators of policy evaluation in the form of support or rejection of a policy.

6. Appropriateness

Accuracy refers to the value or price of program objectives, and the assumptions underlying these goals. This indicator is associated with substantive rationality because it involves the goal, not the method, or

instrument used to achieve that goal. Accuracy also refers to the value

or price of a policy objective for statements that underlie that goal.

In brief, the policy evaluation indicators according to Dunn

(2014), can be described in the following table:

Table 1.2

Policy Evaluation Criteria

Kind of Criteria	Question	Illustration
Effectiveness	Have the desired results been achieved?	Service unit
Efficiency	How many efforts are needed to achieve the desired results?	Unit costs Net benefits Cost-benefit ratio
Adequacy	How far do the desired results solve the problem?	Fixed costs (type I problems) Fixed effectiveness (type II problems)
Equality	Are costs and benefits distributed evenly to certain groups?	Pareto Criteria Caldor-Hicks Criteria Rawls Criteria
Responsiveness	Does the policy result satisfy the needs, preferences or values of certain groups?	Consistency with citizen surveys
Appropriateness	Are the desired results (goals) really useful or valuable?	Public programs must be equitable and efficient

Source: *William N. Dunn, 2014.*

Based on the explanation above, the policy evaluation in this study is an assessment of the policy that has been carried out by the Government by evaluating the policy using 6 indicators, namely effectiveness, efficiency, adequacy, Equality, responsiveness, and accuracy in the policy in terms of the community's response as the policy target. The policy evaluation explained by William Dunn states that evaluation can be aimed at providing information on the past, present, and future. Besides that, policy evaluation can illustrate that certain policies or programs have met the desired value or target for all levels of society to overcome problems in society. Therefore, this study uses William Dunn framework because it is considered as the most appropriate way to evaluate the implementation of policies in Indonesia.

1.6.2 Sharia law
   a. Islam Sharia in Indonesia

Islamic law has existed in Indonesia since the days of the kingdom and empire. The sultans and kings in the archipelago tried to popularize Islamic law at that time. This was an important phase in the history of Islamic law. A long before the arrival of the Dutch, Islamic law was implemented, and became a way of life for the Muslim community in Indonesia. The Netherlands tried to limit the application of Islamic law in Indonesia by infiltrating thought and politics. This is a strategy to weaken Islamic law in Indonesia. (Al-Barbasy, 2018,p.57 - 65).

There are several reasons for Islamic groups in Indonesia to demand that Indonesia makes Islamic law the basis of the state. First, it makes the basis of the Islamic state something that was promised during the campaign. Secondly,

constituents are used as a place to express the basis and aspirations of political parties. Third, the constituents are used as a da'wah forum as a place to convey the nature of Islam relating to politics, society, and the state. (Al-Barbasy, 2018,p.73).

The reform era in 1999 became a new round of the emergence of demands for democratization in all fields which included legislation. With the enactment of Law No. 10 of 2004 concerning the formation of legislation is expected to be a reference to the creation of an orderly formation that starts from the planning process to the enactment. This regulation regulates related to the local regulations that provide opportunities for regions to regulate their own regional autonomy. In the provision of article 12 of Law No. 10/2004, it states *"material content of regional legislation is all material content in the context of the implementation of regional autonomy and co-administration tasks, and accommodating the special conditions of the region as well as further elaboration of higher legislative regulations".* After the enactment of this regulation, many local regulations have emerged nuances of Islamic law and local wisdom that is thick with the localistic value of the region.

After the New Order era, when entering the Reformation era, there was a change in the political sphere that provided space for people to express their aspirations. In this case, the reform era provides an opportunity for Muslim elites in the regions to give something new in politics. The political elite provides an alternative to implement Islamic Sharia in the application of Sharia regulations. In democracy, this is considered valid because democracy can be interpreted as a political system in which all citizens have the same rights and obligations. The

citizens have freedom in terms of speaking and expressing opinions. Sharia law is a product of the democratic political process. The application of sharia as outlined in sharia regulations always arises from the religion of the majority community in the area. Sharia regulations are a consequence of the existence of the democratic system. Sharia regulations are made within the framework of the Unitary Republic of Indonesia (NKRI) with the ideology of Pancasila. As for groups that are against the Shari'a Law, they provide a lawsuit, and opposition to the idea of making the regulation on the grounds that the Sharia Law is considered to be in conflict with democracy and straddling human rights. These groups fail to understand the meaning of democracy.

b. **Sharia Regulations Relating to the Constitution**

There are two models of the relationship between Religion and the State in terms of Muhammad (2016.) cited in Na'imah&Mardhiah (2016), namely integralist relations and mutualistic symbiotic relationships. integralist relationship is a totality relationship model in which religion and state cannot be separated in this model. In this model, the state and religion are considered two inseparable institutions, and the state is considered a political institution as well as a religious institution. Whereas, a mutualistic symbiotic relationship is a model that if the state and religion are two things needing each other. This model religion must be carried out properly, and to do this, there must be an institution called the state. The state cannot walk alone without religion because if it runs without religion, then a state will be chaos.

According to Wahid (2015) cited in Rachman(2015, p.130-134), Muslims bring the community to sharia; if sharia has not met the requirements, then it must be levelled. Nevertheless, the state does not have to make various formal rules with sharia nuances. Sharia must be applied by the community itself, not by the country. In a country that has a heterogeneous society, the state must not force sharia to be implemented. A sharia-based regulation can be applied in a province, district or municipality, but if it is related to the contents of the 1945 Constitution, the regulation must be replaced and replace.

The explanation is related to Rachman (2015, p.1671), which raises the issue of secularization and Islamic currents in Indonesia. The current secularization and Islamization in Indonesia produce a formula, namely modern secularism or religious secularism. Indonesia is not a religious state because it is not created as a basis for state religion and is not a secular state for the country also plans on department of religion, religious schools funded by the state. Therefore, Indonesia does not adhere to secular understanding (the state between religion and state), but the basic principle of Pancasila as an ideal state is clearly the first formula "The almighty divinity". Divinity is a public treaty that requires Indonesia to be based on diving values. In relation to religious values, this illustrates the life of the community which emphasizes religious values, ethics, and religious values, not as formal forms of religion or symbolic forms of religion.

Mistakes, that occur, compile to equate the political structure of society and state politics. In Gaya Al-Daulah Al-Isamiyah's work, Al-Maududiishinted at two goals (Al-Gayat) relating to the state, namely gayat Al-Ijabiyah and gayatsilbiyah.

Gayat Al-Ijabiyah means avoiding everything released by God in the scriptures while silatgayat means preventing, protecting freedom and maintaining the existence of the state. The things that must be considered about countries that discuss institutions that deal with the opinions ofMuslims will discuss the general intended political system that must be upheld based on Sharia principles regarding security, safety, and welfare of the people, without religion and religion (Mth, 2006:187).

Some decisions came after the rise of local regulations nuanced Islamic sharia. This debate raises the pros and cons of the Islamic Sharia Law (PSI), which is a matter of religion. First, it develops among followers of religions who have the characteristics that surround them with individuals and socially. Second, the factor of religious content becomes a topic that needs attention and is the concern of the whole nation. Religion becomes the highest priority or ultimatum that must be fought for and agreed with all efforts (Permata, 2000). In this case, the Sharia licensing is resolved by a very sharp problem in terms of state administration. If it is seen from its position, the status of local regulations is a legal product that has a position far below the country's laws.

In essence, the substance of the Sharia-nuanced Local Regulations has many variations, where from each region, the population of the majority of Muslims makes a sharia-based regulation to bring order to the people. This is inseparable from the pros and cons of the enactment of sharia-nuanced regulations, but there are several factors that must be considered in making these regulations, namely; prioritizing justice, not in conflict with the provisions of human rights and

obligations stated in the Act, based on people's sovereignty which means that the making of regulations is approved by the DPRD, the Governors' Regents / Mayors, and beneficial to society, especially in the field of order and security.

c. Sharia Local Regulation Classification

There are three (3) categories of types of Shari'a regulations according to Hadi (2014), first, they are related to community morality, such as regulations on prostitution and prostitution as well as prohibition on alcoholic drinks. Second, they are related to fashion or fashion such as having to wear the hijab and other clothing provisions. Such regulations are clearly identified as sharia regulations because they are very Islamic. Third, the rules govern religious skills and requirements such as reading the Koran, zakat, infaq (meaning to give a little or more money) and shadaqah. This type of regulation is also clearly identified as a sharia regulation.

Muntoha (2010) statesthat in general, sharia-based local regulations are divided into 4 categories. First, local regulations are related to the issue of morality of society in general; the examples of local regulations are related to adultery and prostitution. Second, local regulations are related to fashion/ clothing, such as the need to wear the hijab and clothing rules in certain places. Third, local regulations are related to religious skills and the necessity to be able to read Al-Qur'an writing and the need to study in Madrasah Diniyah, such AS Al-Qur'an writing skills as a prerequisite for promotion of civil servants, marriage, and public service. Fourth, local regulations are related to collection of social funds though local regulations on zakat, shodaqah, and infaq (Syafingi, 2012).

1.6.3 Public Policy

According toSyafie (1999,p.18), public is interpreted as a society, namely the relationship of a community with other communities (public relations), public service (public service) public opinion, and others. The understanding of the public is a number of people or a group of people who have the values of thoughts, hopes, feelings, attitudes and actions that are right and good based on the norm values they have it.

According to Nugroho (2003,p.51), Public Policy is a way to achieve the shared goals that have been dreamed of. The road is a state of society that occurs in the early days, the transition and towards the dreamed community. Meanwhile, the ideal of Indonesia itself is to achieve a just and prosperous society based on the Pancasila and the 1945 Constitution. Hence, public policy is a means and infrastructure to achieve a goal that has been aspired to the Indonesian nation.

Public policy is a tool used by the government to achieve the goals that have been aspired by the Indonesian people. Public policy is also used as a management of the achievement of national goals. Nugroho (2003,p.52) concludes that:

a. Public policy is easy to understandbecause public policy is everything done for national purposes.

b. Public policy is easy to measure because its size is fairly clear, namely the extent to which progress has been achieved in achieving the ideals of the Indonesian nation.

Public policy according to Nugroho (2006), has levels and can be grouped into three groups as follows:

a. Public policies that are macro, general or basic, namely: the 1945 Constitution, Laws / Perpu, Government Regulations, Presidential Regulations, and Local Regulations.

b. Public policies, that are Macroin nature or called an implementation explanation, are: Ministerial Regulation, Ministerial Circular, Governor's Regulation, Regents' Regulations, and Mayor's Regulations. The policy can also be in the form of a Joint Decree or SKB between Ministers, Governors and Regents and Mayors.

c. Micro public policies are policies that regulate the implementation or the implementation of the above policies. The form of the policy is a regulation issued by public officials under the Minister, Governor, Regent and Mayor.

Picture 1.1 Hierarchy Indonesia Law

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┌─────────────────────────────┐
│          UUD 1495           │
└─────────────────────────────┘
               ↕
┌─────────────────────────────┐
│      PROVISION OF THE MPR    │
└─────────────────────────────┘
               ↕
┌─────────────────────────────┐
│          UU/PERPU           │
└─────────────────────────────┘
               ↕
┌─────────────────────────────┐
│     GOVERNMENT REGULATION   │
└─────────────────────────────┘
               ↕
┌─────────────────────────────┐
│      PRESIDENTIAL DECREE     │
└─────────────────────────────┘
               ↕
┌─────────────────────────────┐
│  LOCAL REGULATION (PROVINCE) │
└─────────────────────────────┘
               ↕
┌─────────────────────────────┐
│   LOCAL REGULATION (REGION)  │
└─────────────────────────────┘
```
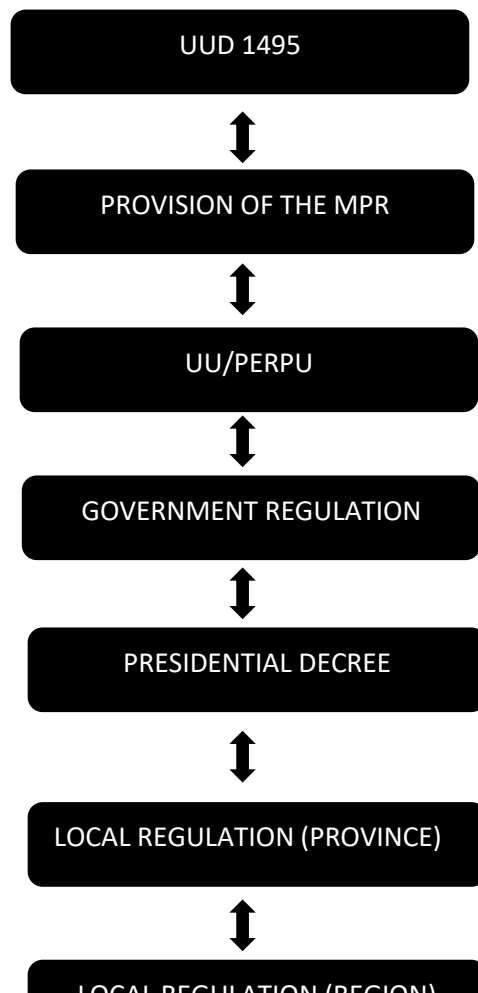
Based on the hierarchy or position described above, it can be concluded that the position of the 1945 Constitution, Laws/Perpu, Government Regulations, Presidential Regulations, and Local Regulations have higher and stronger levels compared to the others. This is because based on their nature, they are basic regulations and the others are regulations that are as explanatory to the implementation of policies (Arifin, 2011,p.49).

Dunn (2003, p.20) says that public policy is a series of choices that are interconnected and made by an institution or official related to government duties, such as land, energy, security, education, health, crime, welfare and so forth. Abdullah and Muhammad(2017), said that it provides understanding in public policy as a result of the formulation of government. In this case, public policy is better understood as what is done and shaped by the government compared to the outcome process that is formed. Regarding further public policy. Abdul and Muhammad (2017), states that public policy is more a conscious action oriented towards achieving goals rather than as a behaviour/action that is carried out randomly and incidentally. Public policy consists essentially of actions which are interrelated and have certain patterns that lead to the achievement of certain objectives made by the government, and are not independent decisions. Public policy regards activities /actions that are intentionally made consciously and measurably by the government in certain fields. Public policy may be positive in meaning is a guideline for

government action that must be taken in dealing with a particular problem, or is negative in the sense that it is the decision of a government official not to do something.

The concept of a policy said by Winarno (2007, p.18), is considered more effective because it is more focused on what is actually done and not what is actually proposed. Besides that, this concept also distinguishes which policies and which decisions in it contained a sense of choice among the various alternatives that exist. According to Erwan and Dyah (2015, p.64), when viewed from an instrumental perspective, public policy is a tool to achieve a goal related to government efforts in realizing values related to publicity. For the values of the publicity, it will come in various forms as a policy objective. However, generally, public policy is a tool to: 1) realize the values that are prioritized by society such as equality, fairness and openness, 2) overcome all problems faced by the community, such as crime, unemployment, poverty and also poor public services. 3) take advantage of new opportunities that exist for a better life for the community, such as encouraging investment, increasing exports and also servicing innovation. 4) protect the public from private practices that can be detrimental, such as interference permits, route licenses and also the establishment of consumer protection laws.

According to Nugroho (2003), Public policy is a way to achieve the shared goals that are aspired.The ideals of the Indonesian people are when people get justice and prosperity that is based on the Pancasila & the 1945 Constitution, and then public policy is a suggestion to get that goal. Therefore, a public policy also surely will be written a rule that must be obeyed by the community to get what has become a common goal. Meanwhile, according to Dye (2008), public policy is an action that has been chosen by the government to be done or not to be done. Moreover, an action that has been chosen by the government

must have a clear goal, and is not merely for a desire without a goal. All the rules that have been made by the government will also become a State policy.

While public policy based on the various opinions of the scholars above, the conclusion can be drawn that a policy is an action or activity intentionally carried out or not carried out by a person, group or government in which there is an element of the decision to attempt to choose between various alternatives as well as there is to achieve a purpose and also a certain goal.

1.6.4 Prostitution

Prostitution is an act that performs husband and wife relationships alternately with non-spouses and is carried out in certain places with the aim of getting money (Dewi, 2012, p.3). Meanwhile, according to Koentjoro (2004, p.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, p.4).

a. Types of Prostitution

Claiming to Asyari(1986, p.12), prostitution has type that can be seen according to its activities whether the protection activities are registered or organized, and which are not organized.

➤ Registered Prostitution

Prostitution is whose the perpetrators have been overseen by the deputy control department of the police in cooperation with the social and health sector. Usually, this prostitution is localized in a certain area. Usually, the

occupants routinely always get an examination from the health department, and will also routinely get an injection as a public safety measure.

➢ Unregistered Prostitution

Prostitution is that the perpetrators carry out these activities illegally, and are carried out either individually or in a group. Their actions are disorganized, and the place is uncertain.

Meanwhile, Surtees (2004) cited in Rusyidi and Nurwati (2018, p.3) explains that there are two types of prostitution in Indonesia divided into two groups, namely: Traditional (general) type and non-traditional type.

➢ Traditional Type

In this type, it involves prostitution activities, the majority of which are carried out in the localization area,and is carried out by women with the aim of earning money. The point is that in this group, it requires money as a transaction tool that is used.

➢ Non-Traditional Type

In this type of prostitution, it is generally carried out by people with middle and upper classes and students in large cities. Usually, the practice of prostitution is carried out by student or professionals who have found permanent employment. Unlike the traditional type, the factor of this type of prostitution is the desire to experiment and adventure. In addition to money, in this type, the perpetrators of prostitution also accept other goods

as a means of their transactions. Usually, these items are in thefromof mobile phones, perfume, luxury/ expensive items, entrance tickets to prestigious club, and so on.

Different from the traditional type, the perpetrators in the localization placecan usually be found in spas, karaoke, malls, hotels, and so on. However, along with the development of technology, this type can also be found though social media or the internet. The perpetrators usually display sensual photos, and there are contacts that can be contacted by the users of these services.

a. Type of Prostitutes

Prakash (2013, p.32-33)argues that there are different types of prostitutes commonly in modern society.

➢ The Call Girls: means women who are independent in running their business. Usually, they live expensive residents with high living costs and live in big cities, and for transactions, they need at least twenty dollars per sexual contact.

➢ The Streetwalker: means commercial sex workers who offer services directly on the streets.

➢ Bar Prostitutes: mean commercial sex workers who run their businesses and offer them at nightclubs, because most of them are barmaids.

➢ Brothel Prostitutes: mean commercial sex workers who have their own place in offering and running their business.

➢ Camp Followers: mean commercial sex workers who operate in places where there are soldiers and other soldiers stationed, and who serve the sexual needs of that male.

➢ Child Prostitutes: mean commercial sex workers whose jobs are underage.

Rusyidi andNurwati (2018, p.5)state that there are different types of prostitution in Indonesia based on different entry methods.

➢ *Bonded Entry*

This type is a binding type, meaning that the perpetrators undergo the work which usually occurs because a parent, partner, or guardian of the women who has received an advance from a pimp. This type usually occurs in poor rural areas.

➢ Involuntary Entry

This type is that the perpetrators of this prostitution undergo this profession because of a coercion or threat. The perpetrators can be called victims because these victims are sex workers which generally occurs for a reason, such as kidnapping of fraud that occurs in cases of human trafficking for the purpose of sexual exploitation.

➢ Voluntary Entry

This type is where the perpetrators of the prostheses undergo this profession of their own volition.

b) Factors Causing Prostitution

Koentjoro, (2004, p.23) state that there are three main motives that cause the occurrence of prostitution. The main motives are:

➢   Psychological motives.

This motive occurs because of psychological factors that give satisfaction to sex workers. Generally, this motive is mostly carried out by people with the Oedipus Conflict, where the conflict is a conflict where the sex worker has a deep love for a loved one on her life.

➢   Economic Motives

This motive is that generally makes a factor that usually occurs in society. Economic motives here are meant when someone expects money in return.

➢   Situational Motives

This motive occurs because of a situation that results in sex workers, finally deciding to undertake this work. Usually, this happens because of a traumatic or sexual experience by them. The example is that many sex workers decide to go into this profession because they have lost their virginity before marriage or pregnancy outside marriage.

Meanwhile, claiming to Rusyidi andNurwati (2018, p.2-3), the factors of the occurrence of prostitution can be grouped into three group namely Supply, Demand, and Catalyst.

➢   *Supply Factors*

The supply factors usually occur because of factors that encourage why the perpetrators decide to become sex workers. There are three sources, namely Individual, Relational and structural. In individual factors, the perpetrators generally decide to become sex workers because there are aspects of socio-pyscho-education where they have painful trauma, lack of self-confidence, low levels of education and skills, wrong assessment of existing norms, or sexual behaviour disorders (Baker.,Dalla.,Williamson, 2010). Relational factorsoccur because of the influence in the environment around them. Generally, this happens because of a friendship environment, a failure in relationships, or conflict with family. Meanwhile, structural factors occur because of economic pressures that appear in their families, difficulty in finding work, the position of girls in a family, or because they are supported by a tradition or culture (Koentjoto K., 1996).

➢ *Demand Factor*

This factor generally occurs due to high demand for sexual services.

➢ *Structural Factor*

This factor occurs because of aspects that facilitate the development of sexual services. One of these aspects is when prostitution is not only a quick way to get money, but for them, their profession can provide high profits, so it is to improve economic status and meet their needs (Worcester, 2003). Other aspects contained in structural factors are the failure of the government to provide social services and protection, the absence or lack of law enforcement to prevent of overcome prostitution, and the interests (Lim, 1998).

1.7 CONCEPTUAL DEFINITION

Conceptual definition is a way to explain the limitations between one concept to another so that there is no misunderstanding. Therefore, in this stage, the conceptual definitions of this research are:

1. **Evaluation**

   Evaluation is an attempt to assess the extent to which the success of public policy is oriented towards policy goals and targets.

2. **Public Policy**

   Public Policy is a rule that is used to achieve the goals of society that has been aspired.

3. **Syariah Law (Perda)**

   Sharia Local Regulation (Perda) is a regulation that specifically has Islamic shades.

4. **Prostitution**

   Prostitution is an action of two people (a man and a woman) who do something like a married couple that there is a transaction of getting services and giving money and has been agreed by both parties.

1.8 OPERATIONAL DEFINITION

In this study, the operational definitions used are six policy evaluation criteria according toDunn (2014) to find the driving factor of failure of local regulation (Perda) number 5 of 2007 concerning the prostitution prohibition in Bantul regency, the Special Region of Yogyakarta. The six policy evaluation criteria are:

Table 1.3

Operational Definition

Variable	Indicator	Parameter
Evaluation	Effectiveness	• The desired results are in accordance with the goals and objectives (data).
	Efficiency	• The ratio of costs incurred in accordance with the results of the policy.
	Adequacy	• Availability of human resources and facilities to solve problems.
	Equality	• The policy applies to all communities without exception based on religion, race, etc.
	Responsiveness	• Satisfaction of community groups / Ormas / Academics with policies • Community control systems are represented by CSOs / academics over policies.
	Appropriateness	• Policies are useful for the good of society.

Source: Created by the author.

1.9 RESEARCH METHODS

The research method is a tool used by researchers to obtain research data. This research method is divided into several parts including the type of research, research data sources, data analysis units, data collection techniques, and data analysis techniques. This research method also aims to answer the research questions.

1.9.1 Type of research

This type of research used is descriptive qualitative method. Qualitative research itself is a research method used to produce a descriptive data in the form of words written or oral from people, behaviours, or objects that can be observed (Meolong, 2007: 4). The type of qualitative research according to Salim (2001, p.5) is a descriptive research which is carried out through the analysis process. This descriptive qualitative research is intended to explain in a description of the object of research in written form. This descriptive qualitative research aims at solving an

existing problem in the current period where the research data collected will then be compiled, analysed and explained in detail (Arikunto, 2002: 136).

Then, one of type of research design under descriptive qualitative research is a case study approach, and this research uses the approach. Case studies are part of a qualitative method that seeks to explore a particular case in more profound way by involving the collection of various sources of information. Creswell (2007), as cited in Raco, (2010,p.49) defines a case study as an exploration of systems related to boundary cases or (bounded systems) or several cases as a whole and is accompanied by data mining (data mining) and involves information related to research. Case studies are in-depth research models for specific individuals and units over a certain period of time. What is intended as a limitation is the limitation of time and place in the case under investigation. This research uses a case study to look deeply into what are the driving factors by determining the failure of local regulation number 5 of 2007 concerning the prohibition of prostitution in Bantul.

1.9.2 Data Sources

Data is a source of information used in research. According to Arikunto (2002, p.107), the two types of data used in a study are:

1) Primary data sources

   Primary data are the data obtained directly by observation in the field or research location. Primary data can be obtained through interviews or distribution of questionnaires from researchers to speakers who were examined.

2) Secondary data sources

Secondary data sources are the data obtained through a theory that has a relationship with research. Secondary data were found through books, online media, magazines, journals, newspapers and other written media. Secondary data is also used to strengthen information found in a study.

1.9.3 Research Object

The object of this study focused on the PerdaNumber 5 of 2007 concerning the Prostitution Prohibition in Bantul Regency.

1.9.4 Data Collection Techniques

According to Yusuf (2014, p.3720), in a qualitative approach, a researcher is an instrument in research. A success of a study depends on the ability of a researcher to appreciate the social situation that is the focus of a study. A researcher must be able to conduct interviews with research subjects, observe social situations in real / real contexts, and take pictures of phenomena, signs and symbols that occur, as well as record dialogs that occur. The data collection techniques used in this study are:

a. Interview

According to Yusuf (2014,p.372), interview is a process of interaction between the interviewer and the source of information or the person being interviewed through direct communication between them. The interview can also be interpreted as a face-to-face conversation between interviewee and interviewee, where the interviewer asked directly about an object of research that has been previously designed. Some informants who were interviewed to complete the data in this study are institutions such as the Social Service and the Office of Child and Women's Protection, the Tourism Office, the

Parangtritis Tourism Awareness Group (Pokdarwis), Satpol PP, Chairperson of the hamlet and the surrounding community.

b. Documentation

Documentation based on Herdiansyah (2010, p.143), is a data collection technique by collecting theories relevant to research. The documentation used in this study can be in the form of photos, government documents, regulations, policies, notes, transcripts, books, print media, newspapers, magazines related to the Local Regulation No. 5 of 2007 concerning the prohibition of prostitution in Bantul district.

Based on the explanation above, there are two data collection techniques used in the study, namely interviews and documentation. The use of both techniques is intended to obtain more detailed information on the driving factors by determining the failure of the local regulation number 5 of 2007 concerning the prohibition of prostitution in Bantul. In 2016 up to early 2020 (March), a number of 289 CSWs and couples were caught by the municipal police during operations or raids. This data is taken from the document Recapitulation of the results of operations of justices and non-justices conducted by Satpol PP every 3 months (quarterly).

1.9.5 Data Analysis Techniques

Data analysis technique is an important stage in a study because it can provide an explanation of the analysis of data or information obtained in the research process. Data analysis technique based on Meolong (2007,p.103), is a process of data analysis by organizing and sorting data into basic categories and description units so that themes and working hypotheses can be found and formulated as suggested from the data obtained.

In analysing data, several ways are needed so that the data can become a form of descriptive analysis. Data analysis techniques went through several processes such as grouping, data translation, to obtain conclusions from the process of translation of the data. The data analysis techniques used are in accordance with the theory put forward by Sugiyono(2009, p.246) which states that the data analysis process consists of several components including:

a. Data collection

      Data collection techniqueobtained by observation, interviews, distribution of questionnaires or questionnaires, literature study, and documentation. This study collected the data by doing observation, interviews, and documentation. Then, the researcher summarized and selected the data that focuses on the driving factors of Perda No. 5 of2007 which is concerning to the prostitution prohibition in Bantul regency.

b. Data reduction

      Data reduction is the process of choosing the main points and focusing on problems in research. Data reduction alone makes it easier for the researcher to analyse the data that has been collected. This process continues throughout the data collection process. To reduce the appropriate data, the focus of this study is only related to Perda No. 5 or 2007 concerning the prostitution prohibition in Bantul regency.

c. Data Presentation

      Presentation of data is a technique used to arrange information systematically so that it is easily understood. In qualitative research, the

presentation of data can be in the form of narrative, graph or chart. The presentation

of data is also used to unify the data information that has been obtained and then

described descriptively to obtain the appropriate results from the research process.

d. Withdrawal of Conclusions

Conclusion is the final stage in the analysis of research data. This section is

used to obtain by looking at the results of data redundancy referring to the

formulation of the problem and the objectives to be achieved. Conclusions drawn

in this study were conducted to formulate the results related to the driving factors

of Perda No. 5 or 2007 concerning the prostitution prohibition in Bantul regency.

1.10 STUCTURE OF THE RESEARCH

To get ease in the discussion, the researcher makes a systematic writing plan as follows:

CHAPTER 1 : Introduction.

This chapter consists of the background of the problem, the formulation

of the problem, research objectives, research benefits, literature review,

conceptual definitions, operational definitions, research methods and systematic

writing

CHAPTER II : Descriptions of Research Objects.

This chapter describes the object of research on Perda No. 5 of 2007

concerning Prohibition of Prostitution in Bantul Regency.

CHAPTER III: Discussion.

This chapter presents the driving factors of Perda No. 5 of2007 concerning the prostitution prohibition in Bantul regency.

CHAPTER IV: Closing.

This chapter contains conclusions and recommendations about the driving factors of Perda No. 5 of 2007 concerning the prostitution prohibition in Bantul regency.