

## Double-Track Sanction Ambiguity: Administrative and Penal Enforcement Against Women Under South Sulawesi Regional Regulations

Salma<sup>1\*</sup>, Alfi Syukri Rama<sup>1</sup>, Ade Saputra<sup>2</sup>

<sup>1</sup>Universitas Islam Negeri Imam Bonjol Padang, Indonesia

<sup>2</sup>Universitas Andalas, Indonesia

Corresponding Author: salma@uinib.ac.id

|| Received: 27-06-2025 | Revised: 24-04-2026 || Accepted: 04-05-2026

**Abstract:** Each region in Indonesia is trying to establish sanctions in regional regulations such as criminal sanctions and administrative sanctions in the form of social rehabilitation for people who violate decency norms such as adultery, behaving as same-sex couples in public facilities, or engaging in prostitute activities. The purpose of this research is to investigate rehabilitation regulations as criminal or administrative sanctions, to map the situation and conditions of rehabilitation centers, and to analyze the implementation process. This field research used primary data from social institutions, including leaders, officers, social workers, and the women under rehabilitation. The data were then analyzed using a legal approach and Islamic law. The research results show that statutory social rehabilitation regulations do not differentiate between sanctions for men and women, but rather appear to be interconnected and integrated with one another. However, deviations from rehabilitation regulations targeting women occur at the regional/governor regulations level. Mapping of the location of administrative sanctions imposed by regional regulations on female perpetrators at PPSKW Mattiro Deceng in South Sulawesi reveals the same features and substance as correctional institutions. Administrative sanctions placed by regional regulations on women at PPSKW Mattiro Deceng, South Sulawesi, including coaching and correction of convicts in women's prisons.

**Keywords:** Administrative sanctions; Social rehabilitation; Regional regulations; Gender discrimination; Double-track system; 'Uqubah

### Introduction

Indonesia, with a Muslim majority, cannot escape the world of prostitution. Commercial sex workers in this country continue to be an increasingly worrying social phenomenon, spread across various regions and provinces (Lee, 2024). Based on the 2025 Village Potential Data from the Central Statistics Agency, it is known that prostitution practices operate not only in official red-light districts but are also easily found in various public areas. The estimated number of commercial sex workers in Indonesia in 2019 reached approximately 230,000. This number does not include men or transgender women. Of that number, only 56,000 are estimated to operate in government-designated red-light districts. This means that a much larger number engage in prostitution outside red-light districts. Many factors contribute to why people choose to become commercial sex workers. This is not only due to structural factors such as poverty, inadequate education, lack of employment opportunities, and lack of personal religious morality. Furthermore, inadequate legal provisions also contribute to the proliferation of this practice. The law often targets the most vulnerable groups (women) and does not address the purchaser/user groups of services, so the government prioritizes carrying out rehabilitation for them rather than punishing them with criminal penalties.

Indonesia is a country with a majority Muslim population. Prostitution and all matters related to it are prohibited by both the religious prohibitions in force in Indonesia and prohibitions in laws and regulations (Analiansyah & Abubakar, 2021; Lee, 2025), both prohibitions in laws including articles 296,

506 and 284 of the Criminal Code, article 4 paragraph 2, articles 33 and 34 of Law Number 44 of 2008 concerning Pornography, Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, Article 27 paragraph (1) of the Law on Information and Electronic Transactions as well as prohibitions in Regional Regulations that are spread across almost all provinces in Indonesia. From the perspective of Indonesian customs and culture, perpetrators of adultery and prostitution are given a bad label (Mujtahid et al., 2025). However, law enforcement against various violations of the prohibition on prostitution faces many obstacles (Muchlis & Sa'adah, 2025) and challenges. Efforts to implement it often face protests and rejection (Affan & Awaludin, 2023) and sometimes differ from one another (Aksa et al., 2023), even though the purpose of implementing the regulation on the prohibition of prostitution is to educate and improve society (Nurliza et al., 2022). For example, the implementation of Islamic law in Aceh, especially the prohibition of adultery and prostitution, is not free from these various problems (Salam et al., 2025). Some consider gender bias in its formulation and implementation (Anggriani et al., 2025), resulting in slow progress (Roslaili et al., 2021). In fact, to be able to implement this law (especially *hudud/jinayat*), political will and state power are needed (Rozi, 2016).

South Sulawesi is one of the Indonesian provinces facing the reality of prostitution. In Makassar City and several other areas in the province, prostitution has become a serious concern for the local government (Imran et al., 2025; Ridwan et al., 2026). Public Order Agency (*Satuan Polisi Pamong Praja*) officers carry out their duties to discipline the community regarding social ills, including commercial sex workers, in various suspected areas. Disciplined sex workers are then handed over to the Social Services Agency for counseling at the Mattiro Deceng Women's Social Service Center (PPSKW) (Mufidah et al., 2022). There, sex workers undergo a rehabilitation process consisting of social counseling, mental health development, and job skills training to provide viable alternative livelihoods. This rehabilitative approach demonstrates the local government's efforts to balance public order enforcement with social protection, while simultaneously mitigating public health risks and restoring the social function of individuals involved in prostitution.

This article is situated at the intersection of punishment theory, feminist legal studies, and Islamic criminal law discourse. It engages with debates on the double-track system by examining how administrative sanctions, particularly rehabilitation, operate alongside penal measures. It also draws on feminist legal scholarship to analyze how such enforcement produces gendered outcomes. In addition, the study contributes to Islamic criminal law (*fiqh jinayah*) discourse by interrogating the role of rehabilitation within contemporary moral governance (Laksana et al., 2026). This article addresses three research questions: how are administrative and penal sanctions configured in regional regulations, how are they implemented in practice, and how do they affect women. The novelty of this study lies in demonstrating how administrative rehabilitation functions as a quasi-penal sanction that generates gendered inequality.

## Literature Review

Punishment, in its original sense, is a sort of vengeance set by the rule maker (*Shari'*) to deter someone from doing behaviors that are prohibited. As a result, the punishment serves as a deterrent (preventive) before the act is committed and as a lesson (educational) afterward, ensuring that the convicted offender does not repeat his actions and that others do not commit similar acts (Bahnasi, 1961). Punishment involves both short-term and long-term objectives (Maculan & Gil Gil, 2020). The short-term purpose of punishment is to cause the perpetrator suffering so that he does not repeat the same crime and so that others can learn from this circumstance. The *shara'* or rules dictate in this instance that pain is a punishment for the perpetrator to prevent harm and destruction, and attempts to erase this destruction are proportional to the emergence of goodness and benefit of life for society as a whole (Zahrah, 1994). Islamic jurists classify punishment into three categories based on these criteria. First, there is *hudud*, which is the penalty decreed by The God (Allah) and the Prophet (peace be upon Him). There are at least five *hudud* punishments and a maximum of eight, namely punishments for people who commit adultery, accuse others of adultery, steal, rob, consume *khamar* (alcohol), commit rebellion, leave Islam, and commit murder or persecution (al-Hassun, 2001). The second type of punishment is *ta'zir*, which includes all immoral deeds

(sins) that do not include punishment/*hudud* and *kaffarah*. Third, *kaffarah*, or acts of worship employed as penalties, such as fasting, liberating slaves, feeding the needy, and providing them with clothing.

The description above illustrates punishment in the context of Islamic criminal law. In the *ta'zir* section, however, the study of Islamic criminal law can be a very broad object that can be developed in all areas of life because aspects of crime in the human environment are generally universal (Anwar et al., 2025; Muslimin et al., 2024). These punishments have several dimensions. First, it is expected that the administration of punishment in this world will remove the perpetrator's sins in the afterlife, which is known as *jawabir*. This indicates that this punishment in the world becomes atonement for his faults in the afterlife. Second, the implementation of punishment in the world can offer the perpetrator both learning and pain for the wrong things they have performed. The abolition of his sins in the afterlife is unimportant since the nature of punishment (*al-'uqubah*) is a deterrent. This dimension is referred to as *zawajir* (al-Zuhaili, 1997; Putra & Ahyani, 2022). Third, Allah has confirmed every sin committed in the world will be punished. When a perpetrator is punished in this life, there is no certainty that his sins will be forgiven unless the perpetrator repents (Danial, 2023; Ramdlany et al., 2026).

Similarly, in Indonesia, the concept of punishment is still based on the Criminal Code (KUHP) inherited from the Dutch colonialists (Ariyanti & Supani, 2024). There are three sorts of sanctions or punishments: criminal sanctions, civil sanctions, and administrative sanctions. In recent advancements, another type of sanction, namely action, has been identified and developed. Action punishment is dominated by a preventive function. Practically, giving action punishment still has a suffering effect on criminals (Mashdurohatun et al., 2026). According to Remmelink, action punishment is realized as treatment imposed by the judge as part of a sentence in addition to or as a substitute for punishment in the form of forced placement in a treatment center (Remmelink, 2003). In practice, the distinction between criminal and action punishments is sometimes blurred, even though the two have fundamental conceptual differences. Criminal sanctions stem from the underlying premise of "Why is this punishment held?" so that these sanctions are reactive. Meanwhile, action sanctions begin with "What is the purpose of this punishment?" As a result, the action sanctions are anticipatory in nature (Nasyi'ah et al., 2025; Sholehuddin, 2007). One of the forms of action sanction is rehabilitation (Arief, 2008). Experts view rehabilitation as a healing endeavor when the punishment has lost its role of defending society from people who breach the law so that people are transferred to a rehabilitation facility where they are "locked up" indefinitely on the basis of social changes. It would not be incorrect if Frankel stated that rehabilitation sanctions are sentences with many uncertainties (indeterminate sentences) (Frankel, 1973). This administrative sanction is part of the punishment in several provinces, regencies, and cities in Indonesia.

Regional participation in the formulation of criminal and administrative sanctions in regional rules is a comprehensive component of community protection efforts, but it must still pay attention to and consider the aims of punishment as regulated in higher regulations (Perbawati, 2007; Riady et al., 2025). Even though administrative sanctions are less severe than criminal sanctions, they nonetheless necessitate suffering for violators. However, various criminal laws contradict each other in regional regulations and the Criminal Code (Butt, 2023). These contradictions can be found in several regional regulations that regulate morality, including the prohibition of prostitution in Regional Regulation Number 5 of 2002 in Cirebon Regency, Regional Regulation Number 6 of 2003 in Medan, Regional Regulation Number 2 of 2004 in Palembang, Regional Regulation Number 13 of 2002 in the Province of South Sumatra (Rosadi & Nashrulloh, 2018). The inconsistency arises in the determination of the party/officer with the authority to manage the situation, the provisions for arrests and cases of wrongful arrest, and the application of sanctions that are not in conformity with the provisions of the law above (Arik Persona, 2015; Saimima et al., 2025).

Regional rules in the form of regional regulations pertaining to social issues such as prostitution can be found in numerous locations throughout Indonesia. According to the attachment to the Minister of Social Affairs Regulation Number 8 of 2012, a prostitute is someone who does sexual intercourse with the same or opposite sex repeatedly and alternately outside of a legal marriage for monetary, material, or service rewards. Based on the Regulation of the Minister of Social Affairs, several criteria must be met to classify someone as a prostitute. First, selling oneself in public areas, such as brothels, and in secret settings

such as dimly lit spaces, hotels, malls, and discotheques. Second, receive money, material, or service compensation. South Sulawesi has regional legislation concerning prostitutes that includes administrative sanctions in the form of rehabilitation.

The provisions governing the implementation of social rehabilitation are governed by Law Number 11 of 2009 concerning Social Welfare and its implementing regulations. According to the Social Welfare Law, social rehabilitation is a process of re-functionalization and development that allows a person to perform his social functions normally in society. Social rehabilitation aims to fix and develop the capacities of people who have experienced social dysfunction in order for them to perform their social functions. The goal of this recovery and development is to restore physical, mental, and social functioning, as well as to provide and improve skills. Although it is not specified in the Social Welfare Law that social rehabilitation is an administrative sanction, it is a component of the implementation of social welfare that is emphasized for individuals who have a life that is not humanly worthy and have social issues. Referring to Government Regulation Number 39 of 2012 concerning the Implementation of Social Welfare, it is explained that social rehabilitation is aimed at someone who is experiencing conditions of poverty, neglect, disability, remoteness, social disability and behavioral deviations, as well as those who need special protection which includes, physically disabled, mentally disabled, physically and mentally disabled, prostitutes, homeless people, beggars, former sufferers of chronic diseases, ex-convicts, former narcotics addicts, ex-psychotics, users of psychotropic substances with addiction syndrome, people with HIV/AIDS, victims of violence, victims of disasters, victims of trafficking in persons, neglected children, and children with special needs.

Based on the aforementioned background, this research focuses on the ambiguity of administrative sanctions in the form of rehabilitation for commercial sex workers (perpetrators of sexual transactions) at PPSKW Mattiro Deceng in South Sulawesi. This research is separated into three sections. The first is the mapping of the location of the PPSKW, both outside and inside of the house. The second section deals with the implementation of sanctions, which takes at least 6 months, and the third section is devoted to the discussion and analysis of research results.

## Method

This research adopts a qualitative socio-legal case study design to examine the implementation of administrative and penal sanctions within regional regulatory frameworks. The Social Rehabilitation Center for Women (PPSKW Mattiro Deceng) in South Sulawesi was selected as the research site due to its central role in implementing rehabilitation policies under regional regulations, making it a relevant locus for analyzing sanction ambiguity in practice. Data were collected from multiple sources, including semi-structured interviews with institutional leaders, staff members, social workers, counselors, and women undergoing rehabilitation; two focus group discussions (FGDs), direct observations of institutional practices and analysis of a document corpus consisting of regional regulations, governor regulations, institutional standard operating procedures, and rehabilitation records over the past two years. The legal approach is operationalized through statutory analysis, examination of the hierarchy of norms, and doctrinal mapping of administrative and penal sanction regimes. The Islamic law approach is applied by analyzing relevant concepts within *fiqh al-jinayah*, particularly the classification of sanctions, the role of *ta'zir*, and considerations of *maqāṣid al-sharī'a*. To ensure validity, the study employs triangulation across interviews, observations, and documents, as well as member checking and peer debriefing. Ethical considerations were addressed by obtaining informed consent from participants, ensuring confidentiality, and safeguarding the rights of women involved in the rehabilitation process.

## Results

### Social Rehabilitation Regulations for Women

The problems of prostitutes in South Sulawesi are regulated in the Regional Regulation of the Province of South Sulawesi Number 9 of 2007 concerning the Prevention and Elimination of Trafficking of Women and Children which is revoked by the Regional Regulation of the Province of South Sulawesi Number 2 of 2023 concerning the Prevention and Handling of Victims of Trafficking in Persons (hereinafter

referred to as the Regional Regulation on the Prevention and Handling of Victims of Trafficking in Persons) and the Regional Regulation of the South Sulawesi Province Number 2 of 2021 concerning the Implementation of Public Peace and Order and Public Protection (hereinafter referred to as the Regional Regulation of Trantibum). Human trafficking is defined in Article 1 Point 6 of the Regional Regulations for the Prevention and Handling of Victims of Human Trafficking as the act of recruiting, transporting, harboring, sending, transferring, or receiving someone with the threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or position vulnerability, debt bondage or providing payments or benefits to obtain the consent of the person who has control over another person, whether carried out within countries or between countries, for exploitation or resulting in people being exploited. Sexual exploitation is one of the exploitation actions in question. Therefore, in accordance with Article 8 of this regional regulation, the Regional Government of South Sulawesi provides integrated treatment to victims of human trafficking, which comprises handling, protection, social rehabilitation, and social reintegration. This regional regulation states that social rehabilitation is not a kind of administrative sanction but rather a form of treatment provided by the regional government to victims of human trafficking. According to Article 13, the integrated handling of human trafficking victims is carried out by Regional Apparatus, which has obligations and functions in the domains of women's empowerment and child protection, social, education, health, community empowerment, and public peace and order.

This differs from the Regional Regulation of Trantibum; the rules on prostitutes are found in Article 15 letter d. According to Article 15 letter d, it is unlawful for anybody to do acts in public that offend principles and norms of decency. The word "anyone" in the article indicates that this norm applies to both men and women. It suggests that both men and women who engage in commercial sex may be subject to the provisions of this article. One of the goals of handling disturbances of peace and public order is to preserve and establish peace and social order. As stated in Article 20 of the Regional Regulations of Trantibum, the handling of disturbances of peace and order is carried out through prevention, supervision, control, and guidance by Satpol PP (Public Order Agency) or Regional Apparatuses in related fields, or a combination of both parties. This Regional Regulation of Trantibum does not use the term rehabilitation as an administrative sanction but rather as guidance. Violators of the Regulations, particularly those concerning moral norms, will be coached by the competent regional apparatus.

The institution that carries out social rehabilitation for prostitutes in South Sulawesi is *Pusat Pelayanan Sosial Karya Wanita* (PPSKW) Mattiro Deceng in accordance with Governor Regulation Number 12 of 2018 concerning the Organization and Work Procedure of the UPT PPSKW Mattiro Deceng at the Social Affairs Office of South Sulawesi Province (hereinafter called Pergub OTK PPSKW Mattiro Deceng). According to Article 4 paragraph (1), the Head of PPSKW Mattiro Deceng is responsible for assisting the Head of the Social Affairs Office of South Sulawesi Province in carrying out resocialization service activities for prostitutes such as rehabilitation, protection, care, outreach, education, development, and further guidance. The difference between the Regional Regulations for the Prevention and Handling of Victims of Human Trafficking, as well as the Regional Regulations of Trantibum and Pergub OTK PPSKW Mattiro Deceng, is obvious. When regional regulation enforcers control commercial sex offenders, both male and female, there will be discrimination in imposing administrative sanctions against the perpetrators. Female perpetrators are taken to PPSKW Mattiro Deceng for rehabilitation, while male perpetrators are not because the facility is only for the rehabilitation of female commercial sex workers. As a result, male sex workers caught during the raid are typically released because regional law enforcement officers lack a sufficient legal foundation for enforcing sanctions on them.

### **Mapping of the Location of Women's Rehabilitation Center**

*Pusat Pelayanan Sosial Karya Wanita Mattiro Deceng* (henceforth PPSKW Mattiro Deceng) is a Technical Implementation Unit for the Social Affairs Office of South Sulawesi Province and is located on Jalan Daeng Ramang Number 16 Sudiang Raya, Biringkanaya District, Makassar City, South Sulawesi. Mattiro Deceng is a combination of the words *mattiro* and *deceng*. *Mattiro* means to see, look at, or go towards. It is derived from the basic word *tiro*, which means see, look at, or go towards. Meanwhile, *deceng* means good, positive, or praiseworthy. So philosophically, the meaning of PPSKW Mattiro Deceng is to

examine more deeply by looking at the goodness of beneficiaries (those undergoing rehabilitation) who will become better people in the future as a result of many terrible occurrences in the past. PPSKW is a social rehabilitation center for women who engage in sexual transactions (female sex workers), with the mission of providing social rehabilitation services such as physical, mental, and social development, skill training and resocialization, and ongoing development so that they can participate in social life.

Efforts to provide social services and rehabilitation to people with social problems who are homeless in South Sulawesi began with a project to provide support and guidance for the homeless in 1979/1980 by the Regional Office of the South Sulawesi Department of Social Affairs with a social institution system located at Wisma Kare in Ujung Pandang. Based on the Decree of the Minister of Social Affairs No.22/HUK/1994, *Panti Sosial Karya Wanita* (PSKW) Mattiro Deceng was renamed *Pusat Pelayanan Sosial Karya Wanita* (PPSKW) Mattiro Deceng, which is under and responsible to the Social Affairs Office of South Sulawesi Province. PPSKW Mattiro Deceng is located on a land area of 10,929 M<sup>2</sup> with a building area of 4546 M<sup>2</sup>. The area is enclosed by a 5-meter-high wall fence with barbed wire 1 meter above it.

The PPSKW Mattiro Deceng has a number of facilities, including the PPSKW head's office, guest house, house of worship (musholla), official residence, kitchen room, education room, polyclinic, skills room, dining room, consultation room, warehouse, guard post, spring bed, cupboards, guest chairs, tables, plastic chairs, and computers. Each room has an iron door with a padlock. This is done so that the beneficiaries do not leave the building except for particular times when they are allowed to, such as family visiting hours, being sick or doing mutual assistance, and taking food. This is also one of the anticipatory measures to prevent beneficiaries from fleeing the location. PPSKW Mattiro Deceng can accommodate 100 people per year. The perpetrators of sexual transactions who are fostered at PPSKW Mattiro Deceng are called beneficiaries. PPSKW Mattiro Deceng has numerous eligibility conditions for beneficiaries. *First*, beneficiaries must be spiritually healthy (not suffering from mental disorders). *Second*, beneficiaries are free of chronic infectious diseases such as HIV/AIDS, tuberculosis, and others. *Third*, sexual transaction perpetrators are referred by the Police, Regency/City Social Affairs Office, and Regency/City Satpol PP or other related agencies. *Fourth*, the results of referrals for activities in public areas that breach decency principles and norms are based on the Trantibum Regional Regulations. *Fifth*, between the ages of 18 and 55. *Sixth*, based on the findings of an examination by PPSKW Mattiro Deceng, the beneficiary candidate is not pregnant. *Seventh*, do not have student status. *Eighth*, be willing to participate in the entire program during rehabilitation.

Based on a document study at PPSKW Mattiro Deceng, there were 100 beneficiaries at PPSKW Mattiro Deceng in 2021. A total of 65 people were young women under 30 years old. The youngest beneficiary was 17 years old and the oldest was 56 years old. There were 88 Muslim beneficiaries, 11 Christians, and 1 person whose religion was unknown. Judging from educational background, 3 of the beneficiaries had a bachelor's degree, 46 people had a high school education, 24 people had a junior high school degree, and 22 people had an elementary school education. Based on marital status, 43 beneficiaries were single, 43 were widows, and 14 were married. PPSKW Mattiro Deceng had 60 beneficiaries in 2022, 57 of whom were Muslims and three others were Christians. A total of 48 beneficiaries were still under 30 years old. The youngest beneficiary was 16 years old and the oldest was 48 years old. In 2022, the beneficiaries' educational levels were as follows: 13 were elementary school graduates, 34 were middle school graduates, 12 were high school graduates, and 1 person held a bachelor's degree. There were 26 unmarried beneficiaries, 16 married people, and 18 widows.

### **Implementation of Rehabilitation for Women**

PPSKW Mattiro Deceng stated that the PPSKW is an institution under the Social Affairs Office that is passive in enforcing regulations. PPSKW conducts coaching activities by referring to the Standard Operating Procedures established by the institution above. The main regulation for PPSKW at the regional level is Governor Regulation Number 12 of 2018 concerning the Organization and Work Procedures of UPT PPSKW Mattiro Deceng. This Governor's Regulation is then supplemented by South Sulawesi Provincial Regulation Number 2 of 2021 concerning the Implementation of Public Peace and Order and Community Protection. In this regional regulation, social violations in the form of social peace and order

are explained in Article 15 letter d, which states that everyone is prohibited from committing acts in public places that violate the principles and norms of decency. The handling of violations of Article 15 letter d is carried out by the Satpol PP of South Sulawesi through coaching, prosecution, prevention, and control as regulated in Article 19 paragraph (1).

PPSKW Mattiro Deceng accepts women who have violated regional regulations from various elements, including regency/city-level social services in South Sulawesi, the Police, and Satpol PP. PPSKW Mattiro Deceng follows a number of procedures for accepting beneficiaries. First, assessing their status by age group. PPSKW Mattiro Deceng only accepts female offenders over the age of 17 years (Fauziyah, personal communication, 14 July 2023). Those under the age of 17 are returned to women and child protection institutions for follow-up. Officials have difficulty in detecting the age of beneficiaries because many do not have an Identity Card or Family Card and they tend to falsify and conceal their identity. As a result, social workers must double-check the data with other institutions (Anugrawati, personal communication, 14 July 2023). The second step is assessing the status of social violations in line with the provisions of regional regulations that define activities in public places that violate moral values and standards. In this case, they are women who work as commercial sex workers or women who engage in sexual transactions. Social workers strictly examine the women transported to PPSKW Mattiro Deceng to ensure that they are indeed commercial sex workers. These women are not always honest about their work. Therefore, social workers are trained to disclose their employment status including questioning them about their virginity and challenging them to be investigated if they lie about the answers to the social worker's queries (Ahmad, personal communication, 14 July 2023). Social workers need to confirm the employment status of the beneficiaries because not all of the women sent to PPSKW Mattiro Deceng work as commercial sex workers. Those who are not proven to be commercial sex workers are returned to their families.

The third step is assessing the beneficiaries' disease status. Almost all of the beneficiaries received by PPSKW are at risk of sexual diseases as a result of their work. Beneficiaries generally have HIV/AIDS, syphilis, gonorrhoea, tuberculosis, and other infectious diseases, as previously mentioned. If a social worker detects and confirms the beneficiary's disease, their domicile is separated from individuals who have not been diagnosed as suffering from certain sexual diseases. Previous data show that of the 100 beneficiaries in 2021, several of them suffered from HIV/AIDS or tuberculosis, and one died after being fostered for several days and returned to his family (Suharyono, personal communication, 14 July 2023). The fourth is assessing changes in sexual orientation. The commercial sex workers sent to PPSKW Mattiro Deceng range in age. The older the beneficiaries, the longer they have been in the commercial sex industry and have served a large number of men. PPSKW Mattiro Deceng social worker said that many of them had reached the point of being bored interacting sexually with men, so they preferred to channel their sexual tension with other women they liked. According to social workers at PPSKW Mattiro Deceng, this is a difficult situation because many beneficiaries are living in one house and in one, two, or three rooms. Beneficiaries can readily exploit this condition to channel their new sexual inclination. The social worker could not detect these changes at the beginning of the assessment but these symptoms are discovered after the beneficiaries start to undergo coaching at PPSKW (Anugrawati, personal communication, 14 July 2023).

The fifth is the assessment of illegal drugs. Social workers at PPSKW Mattiro Deceng meticulously examine the bodies of the beneficiaries to ensure that illegal drugs are not hidden in their clothing. Among the items that are taken and stored are each beneficiary's cell phone and bank account books. The social worker said that the assessment of ownership of valuables is done to prevent beneficiaries from engaging in various transactions within the PPSKW or planning to escape from the PPSKW (Yulia, personal communication, 14 July 2023). Beneficiaries can only use cell phones for 30 minutes and must be accompanied by a social worker. Following the completion of the assessment, individuals are assigned to housing based on their respective classifications. They tend to try to escape in a variety of ways throughout the initial stages of coaching and placement at PPSKW Mattiro Deceng. Five beneficiaries escaped from PPSKW Mattiro Deceng in 2021 by breaking into the attic and jumping over the fence. Many of them escaped by using each other's shoulders as a ladder to vault over fences and barbed wire. This joint

cooperation is referred to as a *dengek-dengek* escape by social workers (Fitri, personal communication, 14 July 2023).

Essentially, efforts to flee PPSKW cannot be separated from the assistance of particular parties outside of PPSKW. However, social workers do not readily accept every message from officials to remove the beneficiaries, unless there are compelling reasons to do so, such as disease. Another approach is for pimps to make regular visits to the beneficiaries, delivering them their daily necessities and food. Each visit implies that the beneficiaries are in debt, so when the coaching period is completed, they return to work as prostitutes to repay the debt. This suggests that the rehabilitation program has failed. It is almost guaranteed that any person who escapes will sustain injuries. Beneficiaries had broken/displaced leg bones as a result of the most recent escape (Fauziyah, 2023). When beneficiaries flee and return to commercial sex work, social workers have no choice but to accept their return when they are caught in police or Satpol PP raids. There must be recurring beneficiaries in every coaching. The beneficiaries are classified into: S1 for beneficiaries who receive coaching for the first time, S2 for those who have received coaching programs twice, and S3 for those who have been coached three times at PPSKW Mattiro Deceng (Saparudin, personal communication, 14 July 2023).

## Discussion

### Social Rehabilitation for Commercial Sex Workers According to Islamic Law

Sexual relations between men and women are regulated by Islamic law, which includes both permitted and prohibited sexual relations in the Quran and Sunnah. Sexual relations that are prohibited are also explained in the Qur'an and Sunnah. Many types of sexual relations are prohibited by The God (Allah) and His Messenger, and these forbidden sexual relations are part of the criminal provisions, also known as *jinayah* or *jarimah*. *Jarimah* refers to *Shari'a*-mandated prohibitions that are threatened with certain punishments, including both *hadd* and *ta'zir* punishment (Al-Mawardi, 2010; Rosman et al., 2025). Based on this understanding, sexual relations that are included in *jarimah/jinayah* are as follows: adultery (*hadd al-zina*), which is regulated among others in QS. an-Nur (24): 2; accusing other people of committing adultery (*hadd al-qadzif*), which is regulated among others in QS. an-Nur (24): 4; same-sex sexual relations between men (*liwath*) and between women (*sahhaq/musahaqah*) as regulated among others in QS. al-A'raf (7): 80; as well as having sexual intercourse with corpses and having sexual relations with animals as regulated in the hadiths of the Prophet (peace be upon Him).

*Jarimah* of adultery is one type of *hudud*, and those who commit it face severe consequences (Supardin & Syatar, 2021). There are at least 5 (five) types of punishment that have been determined by the *Shari'a* for people who commit adultery. First, the punishment is stoning (*al-rajm*) if the perpetrators are married people and then they commit adultery. The provisions for stoning are explained in the hadith of the Prophet Muhammad, including the hadith narrated by Abu Hurairah and Zaid ibn Khalid (Abu Daud, 1987). Second, the punishment of scourging (*al-jihad*) is given to single men and women who commit adultery. These provisions are regulated in QS. an-Nur (24): 2 and is also explained in many hadiths of Rasulullah (peace be upon Him), including those narrated by Imam Bukhari (*Sahih Al-Bukhari*, 2009). Third, insult or reproach with the worst reproach (*al-izaiyah*) if the person committing adultery is a man. This provision is regulated in QS. an-Nisa` (4): 16. Fourth, the perpetrator is put under house arrest (*al-imsak fi al-buyut*) until the end of her life for the woman who commits adultery. This provision is regulated in QS. an-Nisa` (4): 15. The fifth punishment is imprisonment (*an-nafyu*) for 1 (one) year. This provision is regulated in several hadiths including the hadith narrated from 'Ubadah ibn Shamit (Imam Muslim, 2005).

Meanwhile, in other parts of Indonesia, prohibited sexual relations are also governed by regional regulations. Administrative sanctions include social rehabilitation in social institutions for a set period of time, such as six months at PPSKW Mattiro Deceng in South Sulawesi. Even though this regional regulation only mentions administrative sanctions through rehabilitation for a limited time, coaching prostitutes is substantively equivalent to serving a one-year sentence, as narrated in the hadith from 'Ubadah above, because they are hindered and isolated from the community outside except for meetings and brief visits. Even though they reside in a house, their existence with limited ability to leave the house

makes them feel like they are under house imprisonment (*al-imsak fi al-buyuth*), as Allah explains in QS. an-Nisa' (4): 15.

### **Social Rehabilitation for Female Commercial Sex Workers According to State Law**

There are two types of new concepts of punishment (sanctions) included in the Criminal Code (KUHP), namely criminal punishment and action punishment. First, criminal punishment consists of principal punishment, imprisonment, cover-up punishment, supervision punishment, fine punishment, and social work punishment. The second type of punishment is action punishment, which is divided into two parts. The first part is for people who are unable to be responsible, and the action is imposed without punishment, such as treatment in a mental hospital and submission to the government or a particular party. The second part is for individuals who are capable of being responsible, and it is applied in conjunction with criminal punishments such as revocation of licenses, confiscation of profits from illicit activity, as well as rehabilitation and treatment in an institution (Arief, 2008). Based on this provision, rehabilitation is included in the action punishment.

The description from previous research shows several important points. First, women who are targeted for rehabilitation for violating regional regulations include those who are involved in prostitution, both as sex workers and as managers (pimps, smugglers, and/or jockeys). In fact, preventing prostitution in Indonesia necessitates a suitable legal policy that does not solely punish one party. So far, under present rules, only pimps or persons who provide the facility can be charged; users or consumers are not penalized at all, while also receiving the advantage. Even though there are regional regulations that regulate the prohibition of prostitution, not all regions have these rules. Law enforcement against prostitution practices through regional regulations is only territorial so it often leads to discrimination, injustice, and legal uncertainty because each region has a different legal culture. Apart from women who engage in prostitution, users or consumers should face punishment as well because prostitution will continue to exist as long as there are customers. Customers who are involved in prostitution take advantage of the bodies of commercial sex workers as well. Furthermore, the punishment meted out to all parties engaging in prostitution is an embodiment of upholding just and civilized human principles, which assert that persons are not a commodity that can be exchanged and hence deserve equal respect and treatment (Anindia & Sularto, 2019).

Second, regional regulations, both governor's regulations and regional regulations at the provincial/regency/city level which govern rehabilitation centers for women who commit sexual transactions, refer to higher regulations. Researchers found that the main regulation for establishing these rehabilitation centers is the Social Welfare Law. According to Article 1 paragraph (8), social rehabilitation is a re-functionalization and development process that allows a person to carry out their social functions appropriately in the community. There is no special rehabilitation for women in the scope of social disabilities and deviant behavior in this law. This is different from Law Number 35 of 2009 concerning Narcotics which also regulates rehabilitation. In paragraph (2), judges are required to consider articles 54-55, which regulate rehabilitation before deciding on a sentence. Paragraph (3) of this law requires narcotics abusers to undergo social rehabilitation and medical rehabilitation (Kuba, 2023). The law targets both male and female users, regardless of gender, although there are those who suggest that it is sufficient for drug users to be subject to action sanctions in the form of rehabilitation (Laksana et al., 2026; Rahmanto, 2017).

In addition to the Narcotics Law, rehabilitation is also part of the sanctions for perpetrators of sexual crimes against children (pedophilia) which are regulated in Government Regulation Number 70 of 2020 concerning Procedures for Carrying out Chemical Castration, Installation of Electronic Detection Equipment, Rehabilitation, and Announcement of the Perpetrator's Identity Sexual Violence Against Children (Hasanah & Soponyono, 2018). Provisions regarding rehabilitation are regulated starting from Article 18 to Article 20. In article 18 paragraph (1) it is stated that there are three types of rehabilitation for perpetrators who have been chemically castrated, namely social rehabilitation, psychiatric rehabilitation, and medical rehabilitation. In paragraph (3) it is stated that rehabilitation is carried out on the orders of the prosecutor (executor prosecutor). Rehabilitation is provided no later than three months following the sentence for chemical castration, and it is carried out for three months and can then be extended for a

maximum of three months as specified in Article 19 paragraphs (1-3). The principal point in implementing social rehabilitation after chemical castration is the provision in Article 20 paragraph (2) that social rehabilitation is regulated by a ministerial regulation that handles government affairs in the social sector.

The fact that regulations apply two sides of punishment in the form of rehabilitation stems from regulations made by the state. Rehabilitation on the one hand is not seen as a punishment in the Social Welfare Law, but it is in the Narcotics Law and Government Regulations regarding Chemical Castration Actions, even though it is classified as an action sanction. Based on this, rehabilitation is incorporated into criminal punishment, namely action punishment. The application of these two concepts of punishment is known as the double-track system. The practice of social rehabilitation in PPSKW Mattiro Deceng shows this double-track system mechanism, even though nomenclature changes continue to be made, the practical substance remains the same. The mention of the phrase female perpetrators of sexual transactions to be rehabilitated does not appear in the law but it is found in regional regulations, especially regional regulations that directly regulate social institutions.

Third, the fact shows social rehabilitation as a kind of punishment because there are parallels between the practice of social rehabilitation and the rehabilitation of female inmates in correctional institutions (Azwar & Abdurrahman, 2022). Punishment, in general and in Islamic law, attempts to deliver suffering (misery) on the one hand and learning on the other. Giving pain as a punishment is intended to make the perpetrator aware of the suffering/misery caused by his acts on others. At the same time, the offender learns an important lesson that every terrible act has logical consequences. Other people can also be prevented from committing the same bad deeds after seeing and witnessing the implementation of punishment on the perpetrators. In the end, goodness is manifested in society. Although the goal of this rehabilitation appears to be noble, its implementation reveals numerous flaws, including a very restricted budget, a spontaneous raid, and imbalanced targeting (Sudarmo, 2019).

Other characteristics, however, distinguish women rehabilitated in social institutions from women confined in correctional institutions. The fundamental distinction between police and Satpol PP activities is the follow-up of filing. The police filing or Inspection Minutes (BAP) will be followed by an interrogation and investigation process and when complete it will continue with the prosecution and trial process in court and culminate in a judge's decision to punish or acquit the perpetrator. If the judge decides on a prison sentence, then the convict is transferred to a correctional institution to serve his sentence pursuant to the definitive (clear) time determined by the judge. They will serve their sentence in a penitentiary as well as coaching or rehabilitation to help them reintegrate into society. The follow-up filing (Inspection Minutes) regarding the results of a raid by Satpol PP, particularly for women sex workers, differs from the follow-up filing by the police. After filing, these women are sent to the Social Affairs Office and if the male commercial sex workers are caught, they are freed. This situation shows that there are no clear regulations to handle male users of prostitution services, both at the law level and the regulations below it, up to regional regulations. Rahmawati, 2020). In criminal law, judges can impose criminal sanctions in the form of at least one day in prison. Meanwhile, women who engage in sexual transactions are rehabilitated in prison-like settings for a longer period of time without facing legal proceedings. This demonstrates that rehabilitation for women who commit sexual transactions in social institutions is a sort of double-track system of punishment, or ambiguity in sanctions (Sulistyawati et al., 2020).

Fourth, officials at social institutions consider them as victims of human trafficking but regulations treat them as people serving a sentence (Sevrina, 2020). During discussions and interviews with social workers at PPSKW Mattiro Deceng, the researchers found that they carry out coaching wholeheartedly because they have high moral reasons. The social workers argued that the presence of beneficiaries in PPSKW is not intended to punish them but rather to guard, protect, and prevent them from engaging in sexual transactions that would ruin their lives and future. Therefore, they are trained, educated, and reshaped so that they become useful people for society when they leave. Restrictions on their movement need to be done to prevent the desires and efforts of the people who employ them to remove them from social institutions. These commercial sex workers are important things for pimps, jockeys, and bosses, so when they are caught in raids and then rehabilitated in an institution for a lengthy time, it means they lose their source of income.

Commercial sex workers undertaking rehabilitation, on the other hand, have a different perspective. They stated that the rehabilitation center is a frightening place for them. They feel imprisoned, locked up, and isolated so they hope to be released soon and return to working as commercial sex workers for money. This means that economic issues and the difficulties of finding a job are the primary reasons they work as prostitutes to meet the needs of living and family. They claim that being a commercial sex worker is a necessary job regardless of how they feel when having sexual intercourse with consumers (Pujhana et al., 2022), and how pimps, bosses, and jockeys exploit them. Their bodies are the only assets they can sell when there are lack of employment (Sofyan, 2019). Social institutions, for them, are prisons that take away their earning source to support their family.

Fifth, from a regulatory and economic aspect, the rehabilitation of female commercial sex workers has no substantial influence. In 2019, the Indonesian government declared Indonesia free from prostitution (Pramestiwari et al., 2020). However, according to CNBC Indonesia's research result, the number of commercial sex workers and consumers or buyers continues to grow, particularly during COVID-19, with transactions totalling 91 trillion. Even though the two elements of the seller and the buyer in sexual transaction activities cannot be separated, the seller is seen as a party that needs to be resolved by being punished or rehabilitated, and the buyer is not a party that plays a role in the transaction so that they are not within the reach of the law. According to economic principles, buyers or consumers will always be there under whatever conditions, however, sellers are not. To minimize or eliminate buyers, economic principles demand that the seller be reduced or removed from the buying and selling chain. When the seller is not there, the buyer will likewise be absent. From an economic standpoint, it is understandable why regulations, in this case regional regulations, only target female commercial sex workers as sellers to be given administrative sanctions by being rehabilitated, while buyers are ignored because they are just consumers like the rest of the economic chain. This viewpoint, however, does not apply to other purchasing and selling activities, such as narcotics transactions. In this crime, there are also sellers and buyers, both men and women. They are punished, even with action punishment in the form of social rehabilitation regardless of their interests as sellers or buyers. Social rehabilitation as an administrative punishment for female commercial sex workers (sellers) and social rehabilitation as a criminal sanction for narcotics users (buyers) demonstrate the ambiguity of sanctions for women.

## Conclusion

This study demonstrates that the implementation of regional regulations in South Sulawesi produces a form of double-track sanction ambiguity, in which administrative measures of social rehabilitation are intertwined with penal characteristics. Although the formal regulatory framework appears gender-neutral, deviations at the gubernatorial level result in the selective application of rehabilitation measures targeting women. Empirical findings from PPSKW Mattiro Deceng further reveal that rehabilitation practices closely resemble correctional institutions, thereby blurring the boundary between welfare-oriented intervention and punitive detention. This study has several limitations. It is based on a single rehabilitation center, reflects a specific regional regulatory context, relies on one dominant policy regime, and is limited in its engagement with male subjects.

The findings carry important implications for improving regional regulatory drafting, strengthening coordination with criminal justice actors, enhancing protection for potential victims of trafficking, and ensuring gender equality in the enforcement of moral regulations. Future research should explore comparative studies across provinces, examine the regulation of clients or users in prostitution-related offences, and assess the long-term outcomes of rehabilitation programs through longitudinal approaches.

## Acknowledgement

The researchers would like to thank the campus, resource persons in Makassar, and all parties for their valuable assistance in this research.

## Conflict of Interest

There is no conflict of interest in the publication of this article.

## References

- Abu Daud, I. (1987). *Sunan Abi Daud Jilid IV*. Maktabah Dahlan.
- Affan, Moh. H., & Awaludin, A. (2023). The Concept of 'Humanity' in the Perspective of Maqāṣid Al-Sharī'ah. *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 8(1). <https://doi.org/10.22515/alakhkam.v8i1.5895>
- Aksa, F. N., Saifullah, T., & Al Farabi. (2023). The Implementation of Qanun Jinayat in Aceh. *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 8(1), 16–33. <https://doi.org/10.22515/alakhkam.v8i1.5896>
- al-Hassun, A. A. (2001). *Al-'Uqubat al-Mukhtalaf 'alaiha fi Jaraim al-Hudud*. Dar al-Nafais.
- al-Zuhaili, W. (1997). *Al-Fiqh al-Islami wa Adillatuhu*: VII. Dar al-Fikr.
- Al-Mawardi. (2010). *Al-Ahkam al-Sulthaniyah*. Dar al-Fikr.
- Analiansyah, A., & Abubakar, A. (2021). Children Handling Procedure in Islamic Criminal Offense in Aceh. *AHKAM: Jurnal Ilmu Syariah*, 21(1), 111–140. <https://doi.org/10.15408/ajis.v21i1.20869>
- Anggriani, J., Abdullah, A., Cahyawati, D. P., Dahlan, A., & Fahriani, I. (2025). Guaranteeing Women's Freedom under the Constitution: Gender Analysis of Qânûn Practices in Aceh. *De Jure: Jurnal Hukum Dan Syar'iah*, 17(2), 458–478. <https://doi.org/10.18860/j-fsh.v17i2.32394>
- 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. <https://doi.org/10.14710/jphi.v1i1.18-30>
- Anwar, S., Ramli, M. A., & Nuruddien, M. (2025). Autonomy and Islamic Criminal Law Enforcement in Creating Social Order in Aceh Region. *De Jure: Jurnal Hukum Dan Syar'iah*, 17(2), 438–457. <https://doi.org/10.18860/j-fsh.v17i2.32771>
- Arief, B. N. (2008). *Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*. Kencana Prenada Media Group.
- Arik Persona, K. P. (2015). Konstruksi Sanksi Administratif Peraturan Daerah Provinsi Bali Nomor 2 Tahun 2012. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 4(4). <https://doi.org/10.24843/JMHU.2015.v04.i04.p12>
- Ariyanti, V. & Supani. (2024). Examining Muslims' Aspirations in Drafting the New Criminal Code: Analyzing Criminal Law Policy in Indonesia from a Maslaha Perspective. *Al-Manahij: Jurnal Kajian Hukum Islam*, 37–58. <https://doi.org/10.24090/mnh.v18i1.8280>
- Azwar, B., & Abdurrahman, A. (2022). Peningkatan Resiliensi Diri Warga Binaan Dengan konseling. *Consilium: Berkala Kajian Konseling dan Ilmu Keagamaan*, 9(2), 63. <https://doi.org/10.37064/consilium.v9i2.14020>
- Bahnasi, A. fathi. (1961). *Al-'Uqubah fi al-Fiqh al-Islami Dirasatan Fiqhiyyatan Mutajarratan*. Maktabah Dar al-'Urubah.
- Butt, S. (2023). Indonesia's new Criminal Code: Indigenising and democratising Indonesian criminal law? *Griffith Law Review*, 32(2), 190–214. <https://doi.org/10.1080/10383441.2023.2243772>
- Danial, D. (2023). Criminalization in Islamic Penal Code: A Study of Principles, Criminalization Methods, and Declining Variations. *Jurnal Ilmiah Peuradeun*, 11(3), 1005–1026. <https://doi.org/10.26811/peuradeun.v11i3.1058>
- Frankel, M. E. (1973). *Criminal Sentences; Law Without Order*. Hill & Wang.
- Hasanah, N. H., & Soponyono, E. (2018). Kebijakan Hukum Pidana Sanksi Kebiri Kimia dalam Perspektif HAM dan Hukum Pidana Indonesia. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 7(3), 305. <https://doi.org/10.24843/JMHU.2018.v07.i03.p03>
- Imam Muslim. (2005). *Sahih Muslim*. Dar al-Hadits.

- Imran, M., Bailusy, U. S. F., Hastira, M. F., Astuti, W., & Mujiburrahman. (2025). Rereading Nightlife Policy: From Social Regulation to the Reality of Prostitution. *Palita: Journal of Social Religion Research*, 10(2), 135–151. <https://doi.org/10.24256/pal.v10i2.8035>
- Kuba, S. (2023). Penahanan Tersangka/Terdakwa Pengguna Narkotika Oleh Aparat Penegak Hukum Dalam Perspektif Tujuan Penegakan Hukum. *KRTHA BHAYANGKARA*, 17(1), 141–156. <https://doi.org/10.31599/krtha.v17i1.2110>
- Laksana, A. W., Musofiana, I., Hadiyanto, A., Osman, A. K., & Hassan, A. R. (2026). Rehabilitative Sentencing for Narcotics Addicts within the Framework of National Law and Maqasid Syari'ah. *El-Mashlahah*, 16(1), 1–22. <https://doi.org/10.23971/el-mashlahah.v15i2.10409>
- Lee, W. H. (2024). Reclaiming the “good women” identity: A case study of Surabaya’s Muslim sex workers negotiating Islam and sex work. *Asian Journal of Social Science*, 52(2), 92–99. <https://doi.org/10.1016/j.ajss.2024.04.002>
- Lee, W. H. (2025). Contested Meaning of Sex Work: The Working Realities of Muslim Sex Workers Under Government Policies Banning Sex Work in Surabaya, Indonesia. *Sexuality Research and Social Policy*. <https://doi.org/10.1007/s13178-025-01229-x>
- Maculan, E., & Gil Gil, A. (2020). The Rationale and Purposes of Criminal Law and Punishment in Transitional Contexts. *Oxford Journal of Legal Studies*, 40(1), 132–157. <https://doi.org/10.1093/ojls/gqz033>
- Mashdurohatun, A., Harahsheh, E. A. A. M., Datuiding, M. I., Syambas, A. H., & Wibowo, P. A. (2026). Contemporary Reassessment of Punishment in Islamic Sharia and Secular Law: A Comparative Study of Justice and Penal Philosophy. *MILRev: Metro Islamic Law Review*, 5(1), 80–100. <https://doi.org/10.32332/milrev.v5i1.11887>
- Muchlis, A., & Sa'adah, N. (2025). Reconstructing The Legal Protection Of Indonesian Migrant Workers Facing The Death Penalty Under Saudi Arabia’s Jināyāt System. *Syariah: Jurnal Hukum Dan Pemikiran*, 25(2), 230–256. <https://doi.org/10.18592/sjhp.v25i1.18269>
- Mufidah, N., Susanti, G., & Iva, M. I. N. (2022). Performance Accountability in Mattiro Deceng Technical Implementation Unit of Women’s Social Service Center (UPT PPSKW) in Makassar. In D. Mutiarin, A. Nurmandi, A. K. Paksi, & Z. Rafique (Eds), *Proceedings of the International Conference on Sustainable Innovation on Humanities, Education, and Social Sciences (ICOSI-HESS 2022)* (pp. 580–589). Atlantis Press SARL. [https://doi.org/10.2991/978-2-494069-65-7\\_48](https://doi.org/10.2991/978-2-494069-65-7_48)
- Mujtahid, M., Sodikin, A., & Ichwan, Moch. N. (2025). Social Labeling, Power, and Deviancy Amplification: Community Stigmatization of Migrant Residents in Adultery Cases in Banda Aceh. *Journal of Islamic Law*, 6(2), 265–285. <https://doi.org/10.24260/jil.v6i2.3754>
- Muslimin, Jm., Shodiq, S., Kamarusdiana, & Almutairi, T. H. M. (2024). Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 53–77. <https://doi.org/10.19105/al-lhkam.v19i1.8731>
- Nasyi'ah, I., Saifullah, S., Roibin, R., & Adityo, R. D. (2025). Penal Sanctions for Psychological Domestic Violence under Utilitarianism Theory: A New Sentencing Paradigm in the 2023 Indonesian Criminal Code. *El-Ussrah: Jurnal Hukum Keluarga*, 8(1), 593–617. <https://doi.org/10.22373/3km2wr98>
- Nurliza, I., Abbas, S., & Juninawan, Z. (2022). The Formulation Of Criminal Sanctions For Drinking Liquor (Khamr) Under Qanun Jinayah In Aceh. *Syariah: Jurnal Hukum Dan Pemikiran*, 22(2), 194–201. <https://doi.org/10.18592/sjhp.v22i2.4953>
- Perbawati, C. (2007). Penerapan Kebijakan Sanksi Pidana Dalam Peraturan Daerah Sebagai Upaya Penanggulangan Kejahatan. *Fiat Justisia Jurnal Ilmu Hukum*, 1(1), 19–23.
- Pramestiwari, M. D., Astuti, R. S., & Priyadi, B. P. (2020). Paradoks Penutupan Sunan Kuning. *PERSPEKTIF*, 9(1), 87–99. <https://doi.org/10.31289/perspektif.v9i1.3114>
- Pujhana, I. K. W., Tobing, D. H., & Lestari, M. D. (2022). Intimasi pada perempuan pekerja seks (PPS): Uang, perasaan, dan komitmen. *Jurnal Psikologi Ulayat*, 9(2), 281–304. <https://doi.org/10.24854/jpu542>

- Putra, H. M., & Ahyani, H. (2022). Internalization in Islamic Law Progressive in Criminal Law Changes in Indonesia. *Jurnal Ilmiah Al-Syir'ah*, 20(1), 68. <https://doi.org/10.30984/jis.v20i1.1861>
- Rahmanto, T. Y. (2017). Kepastian Hukum Bagi Pengguna Penyalahgunaan Narkotika: Studi Kasus Di Provinsi Jawa Timur. *Jurnal Penelitian Hukum De Jure*, 17(2), 265. <https://doi.org/10.30641/dejure.2017.V17.265-282>
- Rahmawati, W. H. (2020). Pertanggungjawaban Pidana Pengguna Jasa Prostitusi Online. *Media Iuris*, 3(3), 367. <https://doi.org/10.20473/mi.v3i3.23047>
- Ramdiany, A. A., Musadad, A., Syafaq, H., Al-Khalidi, M. A. A., & Asouli, S. (2026). Integrating Fiqhiyyah Legal Maxims and Positive Law Principles in the Formation of Indonesia's New National Criminal Code. *Nusantara: Journal of Law Studies*, 5(1), 453-484. <https://doi.org/10.66325/nusantaralaw.v5i1.156>
- Remmelink, J. (2003). *Hukum Pidana*. Gramedia.
- Riady, R., Febrian, F., Nashriana, N., & Yusuf, M. (2025). Reformulating the Reversal of the Burden of Proof in Corruption Cases: Integrating Positive Law and Islamic Legal Principles. *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 25(2), 514-528. <https://doi.org/10.19109/nurani.v25i2.30483>
- Ridwan, R., Razak, F. S. H., Suhardi, U. U., Nasiruddin, N., Aminuddin, A., & Salam, A. M. I. (2026). Social Construction Analysis of the Phenomenon of Prostitution in Makassar City. *Journal of Public Representative and Society Provision*, 6(2), 524-533. <https://doi.org/10.55885/jprsp.v6i2.739>
- Rosadi, A., & Nashrulloh, N. (2018). Kritik Hukum Islam Atas Sanksi Pidana Pelaku Prostitusi dalam Peraturan Daerah. *Al-'Adalah*, 14(1), 47. <https://doi.org/10.24042/adalah.v14i1.2135>
- Roslaili, Y., Suparwany, S., & Ahmad Nadzri, A. B. (2021). Why the Growth of Qanun Jinayah in Aceh was Slowly? An Analysis Using Structural Functionalism Theory. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 21(2), 182-193. <https://doi.org/10.30631/al-risalah.v21i2.928>
- Rosman, E., Elfiani, E., Azizah, H., & Yufriadi, F. (2025). Tulou As A Customary Criminal Sanction in Mentawai: Convergensi of Customary and Islamic Law for Social Reconciliation. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 9(3), 1518-1546. <https://doi.org/10.22373/sjhk.v9.i3.30100>
- Rozi, A. B. (2016). PENERAPAN SYARI'AH DI NEGARA MODERN (Analisis Ijtihad Pemikiran Abdullahi Ahmed An-Na'im). *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 10(2), 359-392. <https://doi.org/10.19105/al-lhkam.v10i2.734>
- Sahih al-Bukhari: IV*. (2009). Dar al-Kutub al-Ilmiah.
- Saimima, J. M., Laturette, A. I., Titahelu, J. A. S., & Akyuwen, R. J. (2025). LAYERED HYBRID MODEL IN CRIMINAL RESOLUTION: Integrating Epkeret and State Law Under Legal Pluralism in Indonesia. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 26(1), 1-15. <https://doi.org/10.30631/alrisalah.v26i1.2180>
- Salam, A. J., Djawas, M., Nurdin, A., Suganda, D., & Sumardi. (2025). The Urgency of Ammending Jinayat Qanun in Eradicating Cyber Sexual Crime in Aceh, Indonesia. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(2), 603-631. <https://doi.org/10.19105/al-lhkam.v19i2.15118>
- Sevrina, G. I. (2020). Kebijakan Kriminalisasi Praktik Prostitusi di Indonesia. *Law and Justice*, 5(1), 17-29. <https://doi.org/10.23917/laj.v5i1.9216>
- Sholehuddin. (2007). *Sistem Sanksi Dalam hukum Pidana Ide Dasar Double Track System & Implementasinya*. Raja Grafindo Persada.
- Sofyan, M. A. (2019). Islam Dan Marginalisasi Perempuan: Kuasa Perempuan Di Balik Prostitusi Warung Pantura. *Kodifikasia*, 13(2), 283. <https://doi.org/10.21154/kodifikasia.v13i2.1831>
- Sudarmo, S.-. (2019). Community Governance of Prostitution: Social Rehabilitation for Sex Workers through Social Capital. *Jurnal Borneo Administrator*, 15(2), 117-136. <https://doi.org/10.24258/jba.v15i2.446>

- Sulistiyawati, S., Setiawan, I., & Hermanto, B. (2020). Implementasi Model Double Track System: Sanksi Pidana dan Tindakan sebagai Sistem Pemidanaan terhadap Pelaku Tindak Pidana Penyalahgunaan Narkotika di Lembaga Pemasarakatan Kelas II A Kabupaten Langkat. *JURNAL MERCATORIA*, 13(1), 95–105. <https://doi.org/10.31289/mercatoria.v13i1.3530>
- Supardin, S., & Syatar, A. (2021). Adultery Criminalization Spirit in Islamic Criminal Law: Alternatives in Indonesia's Positive Legal System Reform. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 5(2), 913. <https://doi.org/10.22373/sjhk.v5i2.9353>
- Zahrah, A. (1994). *Al-Jarimah wa al-'Uqubah fi al-Fiqh al-Islami*. Dar al-Fikr.