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Constitutional Rights of Woman Commercial Sex Workers in Bending Sari Pekalongan

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ABSTRACT

This paper analyzes the fulfillment of the constitutional rights of women commercial sex workers and the responsibility of the State in fulfilling the constitutional rights of women commercial sex workers in Bendan Sari, Pekalongan City. This empirical juridical research uses a qualitative approach. Collecting data using observation, interviews and literature study. The analysis uses an interactive model. The results show that the constitutional rights of women commercial sex workers in Bending Sari have not been fully fulfilled. For example, the right to a decent life, the right to health care and the right not to be discriminated against. This is due to the local government's rejection of their existence as Commercial Sex Workers, so they do not get the space and opportunity to fight for their rights. The responsibility of the state, in this case is the Pekalongan City government to fulfill the constitutional rights of Women Commercial Sex Workers in Bendan Sari carried out by prevention and guidance to them through social services by providing training and business capital. The aim is that the female commercial sex workers who have been trained have the skills and willingness not to return to work as sex workers, so that they can continue to live a better, decent and healthy life. In addition, to protect the rights of citizens, in this case the community in the vicinity of the Bendan Sari prostitution area.

Keywords: *Commercial Sex Workers, Constitutional Rights, Welfare State, Women*

ABSTRAK

Tulisan ini menganalisis pemenuhan hak konstitusional perempuan pekerja seks komersial dan tanggung jawab Negara dalam pemenuhan hak konstitusional perempuan pekerja seks komersial di Bendan Sari Kota Pekalongan. Penelitian yuridis empiris ini menggunakan pendekatan kualitatif. Pengumpulan data menggunakan observasi, wawancara dan studi kepustakaan. Analisis menggunakan model interaktif. Hasil penelitian menunjukkan bahwa hak konstitusional perempuan pekerja seks komersial di Bending Sari belum sepenuhnya terpenuhi.

Misalnya, hak atas kehidupan yang layak, hak atas perawatan kesehatan, dan hak untuk tidak didiskriminasi. Hal ini disebabkan oleh penolakan pemerintah daerah terhadap keberadaan mereka sebagai Pekerja Seks Komersial, sehingga mereka tidak mendapatkan ruang dan kesempatan untuk memperjuangkan hak-haknya. Tanggung jawab negara dalam hal ini adalah Pemerintah Kota Pekalongan untuk memenuhi hak konstitusional Perempuan Pekerja Seks Komersial di Benda Sari yang dilakukan dengan pencegahan dan pembinaan kepada mereka melalui pelayanan sosial dengan memberikan pelatihan dan modal usaha. Tujuannya agar perempuan pekerja seks komersial yang telah dilatih memiliki keterampilan dan kemauan untuk tidak kembali bekerja sebagai pekerja seks, sehingga dapat terus menjalani kehidupan yang lebih baik, layak dan sehat. Selain itu, untuk melindungi hak-hak warga negara, dalam hal ini masyarakat di sekitar kawasan prostitusi Benda Sari.

Kata kunci: Hak Konstitusional, Pekerja Seks Komersial, Negara Kesejahteraan, Perempuan

Introduction

The State has an obligation in providing protection and fulfilling the rights of its citizens in the form of recognition of human rights based on Pancasila as a philosophy of national and state life to be philosophical the drafting of the 1945 Constitution and the 1945 Constitution has affirmed that Indonesia as a state of law. The concept of State law requires the constitution and laws to ensure the protection of human rights, a free judiciary and the principle of legality (Paper 1 paragraph 3 of the 1945 Constitution). The opening of the Constitution of the Republic of Indonesia in 1945 mentioned that it became the state's goal to provide protection of the entire nation and spill Indonesian blood, such as the right to life, the right to be treated equally to obtain certainty and legal justice. Everyone is entitled to a decent job, and livelihood for humanity is a right enshrined in Paper 27 paragraph (2) of the 1945 Constitution. Rights guaranteed in the 1945 Constitution. It can be interpreted in this regard that the State guarantees a decent and good life for all its citizens, and all rights mandated and guaranteed by the State as constitutional rights.

After Indonesia ratified the United Nations convention on eliminating all forms of discrimination against women, followed up by Law No. 7 of 1984, Indonesia has the right to implement the principles contained in the women's convention by creating

certainty and law enforcement. Described in Paper 11 of the Convention of Women contains provisions concerning: the right to the same spell as men, freedom of choice in employment, promotion, and training; equal wages for work of equal value; women's right to social security; the right to guarantee occupational health and safety; women's right not to be stopped from work and to still get benefits due to marriage, pregnancy, the right to menstrual leave and the right to social services so that women can combine family obligations to earn a living wage (Doortje D. Turangan, 2009).

The right of women is the human right to be given welfare that upholds human dignity and protects the dignity of every citizen without exception, both men and women, towards a just and prosperous society, both material and spiritual (Triannah Sofiani, 2015). Women's rights apply to all human beings of the female sex, including those who become prostitutes or also called women commercial sex workers (PSK). Immorality is interpreted as a less civilized act because of the sexual relationship in surrender to many men for sexual gratification, to get services or money from their customers. Women commercial sex workers in social life in Indonesia are considered women who lose their decency or can be interpreted as women who deviate from society's behaviour. This form of deviation is an act that ignores norms and behaviour that does not comply with existing regulations in society (Mashuri, 2008: 27).

Female commercial sex workers should not lose their right to be respected, protected, and fulfilled by the State. Social and cultural economic rights are non-justiciable where fulfilment is not carried out immediately but gradually (progressive realization) (Triannah Sofiani, 2015). It also applies to female commercial sex workers in Bandan Sari. Bandan Sari area was once a swamp owned by PT. KAI Pekalongan City. The formation of this village began in 1966 a resident built a house, slowly in 1968 already established nine houses. All the people living in Bandan Sari are nomads. From there formed Bandan Sari village, at first this village was the same as other villages that are clean from prostitution activities. But in about 1971 there was a woman who got lost from her hometown in West Java, she lived in a train car not far from this village area. Because she felt sorry for the woman, whose condition did not have a place to

live a resident told her to stay in her house temporarily. With many unemployed citizens not a few began to build rooms, dimly lit stalls, selling liquor and gambling. Bendan Sari began to be filled with house buildings both from outside the city and native people of Pekalongan area. The condition of this village is what causes bendan sari area known to pekalongan residents as 'Bending Sari'. The condition of residents who do not care about the surrounding environment causes many female commercial sex workers from other regions to come to Bending Sari. However, not all citizens do business that night, and very few citizens work outside the night business. Unfortunately, they do not dare to rebuke other citizens because they are both migrating and living on the government land and they can be expelled any time (interview with Mr. Warso, villagers). Bendan Sari is very close to the location of the government, even the road or alley to the localization is facing the West Pekalongan Police and adjacent to Kodim 0710 / Pekalongan Koramil 01 / West Pekalongan.

Prostitution activities in Bending Sari are included in prostitution. Transactions in sari bending are conducted personally and through pimping. Most of the pimps are the owners of rooms or rooms rented for prostitution. At the location of "Bending Sari" there are approximately 10 houses out of 33 houses used for prostitution activities. While the house is rented only for the residence of PSK, there are six houses and is prohibited from doing prostitution activities there. Some PSK under the guise of being a stall seller. According to KS exposure, one of the pimps in bending Sari the number of commercial sex workers who settled in Bending Sari approximately 22 female commercial sex workers and commercial sex workers who came and rented rooms amounted to uncertain. Not all women commercial sex workers in Bendan sari have electronic ID cards, because they do not have a permanent home. But there have been many women commercial sex workers who have become residents of bendan sari.

There have been several previous researches on constitutional rights issues, such as the discussion of the constitutional rights of women workers within the framework of the State of Welfare Law in Indonesia by Triannah Sofiani (Sofiani, T 2015),

which focuses more on the constitutional rights of women workers who must be guaranteed the constitutional right to justice for citizens. The results of the research show that the constitutional rights of women workers, among others: the right to work and a decent livelihood for humanity; the right to recognition, guarantee, protection, and legal certainty; the right to work and be rewarded and treated fairly and properly in a working relationship; the right to freedom of worship; the right to freedom of association, assembly, and expression; social security and health rights; the right not to be enslaved and; The right not to be treated in a discriminatory manner. Another paper written by Bisariyadi focused on hidden constitutional rights, the results of the research showed that the determination of implied rights, namely the right to legal aid and the right to presumption of innocence, as a constitutional right is an effort to provide certainty to the protection of citizens' rights within the framework of the State of law (Bisariyadi, 2018). There is also previous research by Meirina Fajarwati that discusses legal efforts to protect the constitutional rights of citizens through the constitutional court. The study results show that no effort can be made through judicial mechanisms for parties whose constitutional rights are violated by a policy issued by the government or a ruling from the judiciary. Some countries have found a solution to overcome this problem by including constitutional complaints into the authority of the Constitutional Court, such as Germany, South Africa, South Korea, Hungary, and Russia. To be in line with the state system of law adopted, Indonesia needs to adopt the provisions of constitutional complaints to protect the constitutional rights of citizens who are violated due to the enactment of a government policy and court ruling (Meirina F., 2016). The difference between this paper and the previous papers is that it focuses on the constitutional rights of commercial sex workers or women commercial sex workers in Bending Sari Village. This paper analyzes the constitutional rights obtained by woman commercial sex workers in Bending Sari and the accountability of the State in fulfilling the constitutional rights to women commercial sex workers in Bending Sari.

Research Method

This empirical juridical research uses a qualitative approach. Data collection techniques using observation, interviews and literature study. Interviews with informants were selected purposively and developed with a snow ball. The key informants are commercial sex workers in Bendan Sari. Crosscheck the data with the Satpol PP, Social Service and the Bendan Sari community. The analysis uses an interactive model. (Ibrahim, 2012: 392).

Result and Discussion

Fulfillment of the constitutional rights of women commercial sex workers in Bending Sari.

Constitutional rights and other rights contained in the Law are interpreted differently for example Jimly Asshidiqie distinguishes between rights adopted in the 1945 Constitution as constitutional rights while rights that are regulated in more detail and operationally in the laws and regulations as rights and not included in constitutional rights (Jimly Asshiddiqie, 2007: 1-2). In the material testing laws and regulations also look different from the scope of authority. For example, in the case of the test of the Law against the testing of the Basic Law which is the authority of the Constitutional Court, the applicant must prove the loss of his constitutional rights.

Prostitution is one of the a very difficult form of crime to deal with and this type of crime much supported by economic factors in community life, where in society itself gets fulfillment of needs human. This desire that arises is the result of biological desire simple human. According to feminists, prostitution is not a job normal, because based on research during work with victims of violence against women, especially sexual violence, they admit similarities between the experiences of women who prostituted with rape victims, as should be separate emotions from their bodies to survive, and suffer the symptoms of shock post-traumatic and negative feelings about the body themselves and themselves (Jeffreys, 2009).

This view presents a contradiction between the urge to earn money fulfillment

of Pedila's own needs until an act of exploitation that sacrifices they. In the end Pedila is no longer the perpetrator in prostitution, but instead is a victim prostitution. As a victim, prostitution threatens Pedila in the physical, social, and psychological areas (Lestari, 2016). Prostitution causes multiple traumatic for Pedila, of which 71% physical violence, 63% rape, 89% dislike prostitution but don't powerless to leave, 75% homeless, and 68% affected by Post Traumatic Stress Disorder (PTSD) (Nanik, 2012). Prostitution is a problem fundamental structural problems that occur in society because it is still understood as a moral issues. This moral perception without realized will lead to an attitude of blame Pedila which ends up making Pedila even more oppressed (Pisani, 2008). So far, prostitution in Indonesia is seen as from a patriarchal perspective, where women as Pedila has always been an object and accusation source of problems in the practice of prostitution. Pedila was morally punished as a sinner, even punished by the state as the perpetrator criminal. Meanwhile, service users or consumers prostitution is considered reasonable to buy services prostitution. That's why the practice of prostitution will continue exists as long as there are still many users or consumers prostitution services. As with economic theory, that is The theory of supply and demand, that without there will be no automatic request offer. Lowering the "demand" will prostitution services can be done by criminalize service users or consumers prostitution.

Apart from prostitutes, the parties involved in toying is the consumer, pimps, and intermediaries. Consumer are parties who use sexual services to obtain sexual satisfaction from a sex worker by giving unbalanced amount of material. Pimp is someone who gets material gain from sexual transactions through partial or partial involvement fully in holding, facilitate, and control the management interior, including providing a place for sexual transactions, supervising implementation and or, provide eat and shelter, or make decisions on the mobilization of sex workers. Meanwhile, intermediaries can act as scalpers or recruiters who get imbalance by playing a role in connecting between consumers with sex workers or with pimps who manage the practice of prostitution. Intermediaries may also get imbalance from

pimp/manager toying with involvement in finding, recruiting, persuade, or bring women to used as sex workers in prostitution sites.

Prostitution has many forms that grows and develops according to development of time. There is prostitution that practice can be easily identified, as in the brothel/localization, dimly lit area (traffic lane distance far away) or among street prostitutes who wandering in open places for peddle himself. There is also practice disguised prostitution that is not easy identified because the perpetrators disguised themselves carry out non-prostitution activities.

The loading of human rights in the constitution of a state has the importance in order to create confusion between the implementation of power in order and protecting the basic rights of citizens to be one of the functions of the constitution as a guardian of fundamental rights (Sri Soemantri, 1992: 74). All citizens are the holders of supreme sovereignty, therefore the government as the holder of power but cannot act arbitrarily against its citizens. The people as holders of sovereignty have a guarantee of protection of their basic rights while the government that exercises power must be clearly recorded the authority it has. Of the rights stated in the Constitution of the Republic of Indonesia in 1945, not concretely human rights are covered in it (Bisariyadi, 2018: 513). The Constitution of the Republic of Indonesia of 1945 recognizes and respects the human rights of every individual residing on the territory of the Republic of Indonesia. Indonesians, whether they are Indonesian citizens or not, are treated as human beings who have basic rights and are universally recognized. The principle of human rights applies also to every Indonesian Citizen, and is granted a guarantee of constitutional rights through the Indonesian Constitution of 1945. Human rights enshrined in the constitution are referred to as constitutional rights, but human rights are not all enshrined in legislation. Every Constitutional Right must be a human right (Bisariyadi, 2018: 513). Certain rights categorized as constitutional rights of citizens, among others:

- a. Certain human rights that only apply as constitutional rights for Indonesian citizens only:

- 1) Paper 28D paragraph (3) of the Indonesian Constitution of 1945, "Every Citizen is entitled to equal opportunity in government";
- 2) Paper 27 paragraph (2), "Every Citizen is entitled to a decent job and livelihood for humanity;
- 3) Paper 27 paragraph (3) reads, "Every Citizen has the right and obligation to participate in the defense of the state";
- 4) Paper 30 paragraph (1), "Every Citizen has the right and obligation to participate in the defense and security efforts of the state";
- 5) Paper 31 paragraph (1), "Every Citizen is entitled to an education". These provisions specifically apply to Indonesian citizens, not to everyone who is in Indonesia.

The implementation of the Basic Law on Human Rights mentioned above has not been optimally obtained by women commercial sex workers. In Paper 27 paragraph (2) states that every citizen is entitled to a decent job and livelihood, in the impact of this right has not been obtained by women commercial sex workers or former women commercial sex workers in Bendan Sari. Someone who has been a female commercial sex worker has difficulty getting good treatment from the surrounding environment, even former female commercial sex workers find it difficult to find a new job in an effort to avoid deviations from the norm. Rejection from the surrounding community and looked at one eye, and not even if they get harassment when applying for jobs because they are considered women who do not deserve to be respected (rs interview, women commercial sex workers).

- b. Certain human rights that although applicable to everyone, but in certain cases, apply to Indonesian citizens with certain priorities. Examples:
 - 1) Paper 28D paragraph (2) of the Constitution of the Republic of Indonesia of 1945 "Everyone has the right to work.....". However, countries can limit the right of foreigners to work in Indonesia.

- 2) Paper 28E paragraph (3) "Everyone is entitled to freedom of association, assembly, and opinion". Although this provision is universal, its implementation of foreigners and Indonesian citizens is not equalized by their rights. Foreigners have no right to interfere in Indonesia's internal affairs;
- 3) Pasal 28 H ayat (2), "Setiap orang berhak untuk mendapat kemudahan dan perlakuan khusus untuk memperoleh kesempatan dan manfaat yang sama guna mencapai persamaan dan keadilan".
- 4) The right of citizens to occupy positions through election procedures (elected officials) either directly or not by the people, such as the President and Vice President, Governor and Deputy Governor, Regent, Mayor and other position;
- 5) The right of citizens to be appointed in certain positions, such as TNI, Police, prosecutors, civil servants, as well as structural and functional positions in the staffing environment through elections, which only apply and can only be occupied by Indonesian citizens themselves in accordance with the provisions of Paper 27 paragraph (1) "*All citizens are at the same time as in law and government and shall uphold the law and government with no exception*", and Paper 28 D paragraph (3), "*Every citizen shall have the same opportunity in government*".

In the implementation of Paper 28 H paragraph (2), it has not been perfectly obtained by women in Bendan Sari has not received a good response from the community and family. The local government also often refuses former WTS to make ID cards. The Constitution of the Republic of Indonesia of 1945 also regulates the constitutional obligations of every citizen, among others: (a) human rights obligations and; (b) the obligations of citizens. If distinguished again between human rights and obligations with constitutional rights and obligations, then these obligations are distinguished, among others: (a) human obligations; (b) the human obligations of citizens and; (c) the constitutional obligations of citizens.

The constitutional rights of citizens, including human rights and citizens' rights guaranteed by the Constitution of the Republic of Indonesia of 1945 apply to every Indonesian citizen, without exception. This is seen from its formulation, using the phrases "every person", "all citizens", "every citizen", or "every citizen", which indicates that every individual citizen owns constitutional rights without distinction, ethnicity, religion, political belief, or gender.

There is still a problem in Indonesia regarding the problem of discrimination and injustice from the explanation above. The problem of discrimination still occurs for various reasons, ranging from economic to political reasons that can be done by individuals, institutions and discrimination committed by the government or state. Based on the principle of equal opportunity (every human being should be given equal rights and opportunities) one must get fair treatment without respect to gender, race, respect and trust, politics, physical conditions, employment, economic status or anything else with this is the implementation of human rights.

Efforts to eliminate forms of discrimination must be made in a strong commitment and consistency from various parties in the context of the occurrence of discrimination because it is related to the perspective and social structure. All forms of discrimination must be minimized because discrimination results in the inclusion of one's emotions, accumulative groups that will explode with various kinds of behaviours (Doortje. D, 2009: 16).

According to H.A. Masyhur Efendi in his book entitled *Dimensi-Dimensi HAM*, to support efforts to eliminate discrimination in various forms, there must be development goals that must be achieved by operationalizing laws and regulations that do not contain discrimination to every citizen, institution/instant in government, or private institutions/business world consistently and transparency. With the coordinated and inspired implementation of laws and regulations that do not stand out certain interests in order to reduce the discriminatory treatment of citizens and the creation of an apparatus and system of public service that is fair and acceptable to every citizen (H.A. Masyhur Efendi, 1994: 61).

The need to improve the enforcement of state law to protect the civil and political rights of the people. It is a threat to every citizen experiencing discrimination and criminality, especially a threat to minority groups and citizens, including ex-women commercial sex workers.

The state's responsibility on fulfilling the constitutional rights of women commercial sex workers in Bending Sari.

Human rights are the rights attached to every human being from birth to death. Therefore, the State shall provide legal protection and certainty to guarantee every right of its citizens. The responsible state of guaranteeing and providing protection to citizens is a fundamental principle in law that stems from sovereignty and equal rights. The obligation of a State to be responsible is born when there is a violation of an obligation to do something or not to do something either by a treaty or a custom based on international law or the national law of the State itself (Muhammad Jailani, 2011: 84).

The protection of human rights in Indonesia is concretely included in the 1945 Constitution Paper 28 I paragraph (4), which expressly states that the protection, promotion, enforcement and fulfilment of human rights is the responsibility of the State, especially the government. Affirmed in Law No. 39 of 1999 on Human Rights means that Human Rights or abbreviated as Human Rights is a set of rights attached to the nature and existence of man as a creature of God and Must be respected, upheld and protected by the State, law, Government and everyone for the honour and protection of human dignity (Paper 1 paragraph (1) of Law No. 39 of 1999 on Human Rights). Prohibition by law on the occurrence of discrimination based on gender in every aspect of social, political, economic, cultural and legal life means that all things stipulated in this Human Rights Act are shown to everyone, this means that the greeting of this Human Rights Law is shown to all people of all classes and genders (Dede Kania, 2015: 719). The Law on Human Rights also affirms Paper 71 which explains that the Government is obliged and responsible to respect, protect, enforce

and promote human rights stipulated in this law, other laws and regulations on human rights accepted by the State of the Republic of Indonesia. The main responsibility of the State in the promotion and protection of human rights cannot be reduced for any reason including political, economic reasons and culture (Sugeng Bahagijo and Asmara Nababab, 1999: viii).

So far, Indonesia has ratified approximately ten international instruments related to the human rights of 25 (twenty-five) that have been accepted by the international community in its country, namely: the International Convention on the Political Right of Women in 1952. and the International Convention on the Elimination of All Forms Of Discrimination Against Women (CEDAW) in 1984. The principle of State obligation, according to CEDAW by guarantees women's rights through law and human rights protection policies in women who cover policies in the realm of public law and into the realm of private law (Rifa' and Rahayu, 2021: 266).

States must protect, promote, fulfil and take responsibility for the human rights of their citizens, among others (State Obligations and Responsibilities in Upholding Human Rights - Knows Zone, accessed 04 November 2021):

1. The Obligation to respect human rights

It is the primary duty of states and governments to guarantee human rights is the obligation to respect human rights. Respect for human rights can be interpreted as that a State must refrain from anything that violates the integrity of the individual or violates his freedom.

2. The obligation to protect human rights

Obligation to protect means that States shall take the necessary measures and policies to prevent human rights violations committed by individuals or groups that could potentially violate integrity, freedom of action or other human rights.

3. The obligation to fulfil of human rights

States in carrying out their obligations to fulfil human rights shall take positive action to facilitate the fulfilment of basic human rights. Exemplified by one

of the civil and political rights is the right to vote and be elected. This right is meaningless if the State does nothing to implement it. Formally, states' obligations to fulfil human rights also involve international law by adopting international laws or instruments into national law or by ratifying international conferences relating to human rights to strengthen international protection.

4. Obligation to promote, develop and improve (the obligation to promote) human rights

In this obligation requires states to raise awareness of the basic rights they have until they provide understanding to the public about its enforcement mechanisms. These measures should be active in advocating to encourage and support the advancement of human rights.

The obligations and responsibilities of the State in providing protection, enforcement, fulfillment and certainty of human rights are carried out by the organs of government of the State which are generally divided into legislative power, executive power and judicial power.

As a form of state accountability in guaranteeing the Constitutional Rights of a citizen through the Pekalongan City Regional Government provides legal protection to the community without exception, including women commercial sex workers and former women commercial sex workers in Bendan Sari Pekalongan City based on pekalongan city government policy on public order contained in Regional Regulation No. 5 of 2013 In ordering pekalongan city with a firm implementation and must be helped by public awareness and concern through the efforts to combat prostitution in Bendan Sari conducted by pekalongan city police to prevent the re-emergence of prostitution activities in Bending sari. The operation of immorality is carried out 2 (two) times a week, outside the pekat operation with Satpol PP. After routine operations, construction and counselling. Pekalongan City Police conducted a joint evaluation with the relevant agencies. Such as Pekat Operation (Community Disease) conducted with Satpol PP. In

addition to the countermeasures of pekalongan city police, they participated in enforcing the applicable law according to its authority. Prostitution is also included in the minor criminal acts in the Criminal Code and in Regional Regulation No. 5 of 2014 on Public Order (interview to Bripka Slamet Widodo, S.H).

Government efforts in improving the lives of women commercial sex workers or former women commercial sex workers who netted in community disease raids carried out by Satpol PP Pekalongan city have been provided by the construction of social services based on government policy through the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 08 of 2012 on Guidelines for Data Collection and Management of Data on People with Social Welfare Problems and the potential and resources of social welfare. Social Services must first determine PMKS (People with Social Welfare Problems). People with Social Welfare Problems which are hereinafter referred to as PMKS are individuals, families, groups, and/or societies that due to an obstacle, difficulty, or disturbance, cannot carry out their social functions, so that they cannot be fulfilled their needs both physically, spiritually, and socially adequately and reasonably. PMKS (People with Social Welfare Problems) is divided into 27 sections by the Ministry of Social Affairs, and one of them is prostitution.

The potential and source of social welfare, referred to as PSKS now, are individuals, families, groups, and communities that can maintain, create, support, and strengthen the implementation of social welfare. PSKS Officer (Potential Source of Social Welfare) is a person who deals with PMKS (People with Social Welfare Problems), PSKS consists of volunteers, escorts, and social service civil servants. According to Mr Heri Leksono, volunteers are people who help with social service work voluntarily without being rewarded, and escorts are people who help social services by their skills by being paid and not tied to work with social services. Women Prone to Socioeconomics are further abbreviated PRSE is one part of PMKS. Socio-economic vulnerable women are married, unmarried or widowed adult

women and do not have enough income to meet basic daily needs. As for the criteria as follows:

- 1) Women aged 18 (eighteen) years to 59 (fifty-nine) years;
- 2) The wife left by the husband without clarity;
- 3) Become the main breadwinner of the family; and
- 4) Earning less or insufficient for decent living needs.

With the existence of PRSE (Perempuan Rawan Sosial Ekonomi) in Pekalongan City is feared to lead to prostitution. Therefore, through the Social Service, the Pekalongan City Government seeks to prevent the emergence of prostitution activities in Pekalongan with sewing training activities, cooking training, and beauty training (Living room). This activity is done once a year. After the PMKS training was conducted participants were directed to follow the UEP (Usaha Ekonomi Produktif) consisting of several KUBE (Kelompok Usaha Bersama Ekonomi). From UEP (Productive Economic Efforts) this they can get capital assistance. But, unfortunately, many PRSE (Perempuan Rawan Sosial Ekonomi), after participating in training, do not continue these activities.

70% (seventy percent) of PRSE (Socio-Economic Vulnerable Women) members who participated in training after obtaining facilities to support PRSE (Women Prone to Socioeconomic). PMKS (People with Social Welfare Problems) activities in the form of sewing training, and the participants got the help of tools in the form of a sewing machine. After the MONEV (monitoring and evaluation) 80% (eighty per cent) of the participants sell sewing machines. The flow of PMKS (Persons with Social Welfare Problems) activities carried out by the Social Service based on the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 08 of 2012 concerning Guidelines for Data Collection and Management of Data on Persons with Social Welfare Problems and Potential and Social Welfare Resources Provided rehabilitation and training to be able to return to a clean and healthy environment. However, it is often unfortunate that it has

not received a good response when the community and even her family can accept a female commercial sex worker who was once fostered. So that the job as a Commercial Sex Worker is again pursued to continue and provide for his life (interview with Mr. Heri Ieksono, Social Service).

The state is obliged to fulfil all the basic rights of society which it cannot achieve on its own. In the context of women's workers, the State is obliged to regulate wages, provide protection, social security and other rights guarantees, fairly under the constitutional rights as stipulated in the Constitution of the Republic of Indonesia of 1945.

Conclusion

Fulfilment of constitutional rights for women commercial sex workers in Bendan Sari is still not optimally, because of the rejection from the Society and the government of Pekalongan city. The constitutional rights of women commercial sex workers that have not been fulfilled, among others: the right to work and a decent livelihood for humanity; the right to recognition, guarantee, protection, and legal certainty; the right to work and be rewarded and treated fairly and worthy in working relationships; social security and health rights; and; The right not to be treated in a discriminatory manner.

The responsibility of the state in this case is the Pekalongan City Government, to fulfill the constitutional rights of Women Commercial Sex Workers in Bending Sari, strictly carry out "Operation Concentration" or Operation Inherent Control as regulated in Regional Regulation Number 5 of 2014 concerning Public Order with Immoral Behavior which is carried out 2 (two) times in one week. In addition, efforts to prevent prostitution activities in Bendan Sari were also carried out by the Pekalongan police and the Civil Service Police Unit. The aim is to reduce and stop prostitution in the region. Guidance is also provided by the Social Service of the Pekalongan City Government with the aim that former female commercial sex workers have the will to not return to work as sex workers and can continue to live a better,

decent and healthy life. life in a healthier state. In addition to this, efforts are also made to protect the rights of other citizens living in the environment around the Bending Sari area.

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