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Street Level Bureaucrats, Ambiguity of the Individual in Public Service: A Study of Prostitution Policy Implementation in Jember District

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Abstract: This study aims to explain the process of prostitution policy implementation. The policy is banning of prostitution, but it can not achieve the goal of eliminating many pimps and prostitutes in many exist brothels. This study used qualitative methods to analyze individuals, who have experiences in the implementation of the policy. The results are street-level bureaucrats have implemented policy by modifying policy and public service reducing. Their behavior due to the encouragement of the corrupt behavior of the bureaucrats individually, the high load of the policy targets, the human tolerance for the policy dissents, the involvement of the superior bureaucrats, and the lack of public control. All of them causes the existention of illegal brothels and prostitution. That policy deviations make conflict more widespread in community. It is an adverse effect that is harvested by the bureaucracy as a whole, because of inconsistency in policy implementation. Enjoy the policy lapses in many years, through the provision of tribute and receive the political support from prostitution community. All of that make ambiguous, 'harvest' the conflict or 'harvest' the bribes.

Keywords: street-level bureaucrats, policy modification and service reductions, prostitution policy, individual ambiguous

I. Introduction

A ban on prostitution and support the implementation of the prostitution prohibition, morally approved, but so far, the National Government in Indonesia has not ratified it in the form of a formal policy. It can be proved by the difference of the approach between National Government policy and the Local Government regulation. For example, there are thirteen districts of East Java¹ have regulation to prohibit the prostitution. The national law only forbids to be a pimp. That articles are number 296 and 506 of KUHP² (Book of the Criminal Law). These local regulations are considered can be complement of National Law, that does not have an article to ban on the prostitution activities. This condition gives consequence of policy implementing in the field. In the fact, many implementation problems come arrive in. The same problem is too hard in eliminating the illegal prostitution and illegal brothels.

In Jember District, many illegal prostitutes in illegal brothels active (see the Table 1), when the anti-prostitution policy is implemented.³ The main issue is ineffectiveness of the policy, that is supported by a pimps networking⁴, social reproduction of prostitution is systematic.⁵ On the other hand, it also supported by the reality of many prostitutes and pimps to the empowerment programs for changing their bad job. They never want to access the programs⁶. Other research states, that the punishments can not deter prostitutes back to the brothels⁷. Usually, they never feel sorry, because of being a prostitute is a God of destiny, and He loves every human being, including a prostitute.⁸

TABLE 1: ILLEGAL BROTHELS, PIMPS AND PROSTITUTES IN JEMBER DISTRICT

Name / Designation of Illegal Brothels (Illegal Prostitution Localization)	Estimated Total Number of Pimps And Prostitutes (varies according to time of people have a lot of money, for example during the rice harvest or orange, marine fishes)
1. Besini Puger Kulon brothel in Puger Region	1. Pimps = 93; prostitutes = 70-100; rooms = 450
2. East Tanjungrejo brothel in Wuluhan Region	2. pimp = 4; each 4-5 prostitutes
3. West Tanjungrejo brothel in Wuluhan Region	3. pimp = 3; each 4-5 prostitutes
4. Gang Siji (usually called GS) brothel in Umbulsari Region	4. pimp = 10; each 3-4 prostitutes
5. Muko Selogiri (two local) brothels in Umbulsari Region	5. Pimps = 3; each 3-4 prostitutes
6. Mrs. Bahrul brothels in Cangkring village (two locations)	6. Pimp = 1, 3-4 prostitutes
7. Mom Tris brothels in Gludengan Wuluhan Region	7. Pimp = 1, 3-4 prostitutes
8. Mrs. Sudat brothel Sumberejo Wuluhan Region	8. Pimps = 6, each 4-5 prostitutes
9. Klopo-klopoan Village brothels in Lojejer Wuluhan Region	9. Pimps = 5; each 3-4 prostitutes
10. Jambe Arum (three brothels) in Kasihan Region	10. Pimps = 3; each 3-4 prostitutes
11. Pulo Gantol brothels in Wonorejo Kencong Region	11. Pimps = 10; each 3-4 prostitutes
12. Mrs. Sum Pontang Village in Ambulu Region	12. Pimp = 1; 3-4 prostitutes
13. Blatter Village in Ambulu Region	13. Pimp = 1; 3-4 prostitutes
14. Mr. Jetem, Mrs. Bina, Mom IS in Sumbersari Region	14. Pimps = 3; each 6-7 prostitutes
15. Coastal homes at Wau Ulo Ambulu Region	15. Pimps = 4; each 3-4 prostitutes
16. Mrs. Temon Hamlet in Kradjan Lojejer Wuluhan Region	16. Pimp = 1; 3-4 prostitutes
17. Brotel surround the Senior High School in Tanggul Region	17. Pimp = 1; 3-4 prostitutes
18. Around the Square Jember	18. Hang out in coffee shops 3-4 prostitutes
19. Along Container in Rambupuji Region	19. Hang out in coffee shops 3-4 prostitutes
20. Along the way Home Warehouse in Pakusari Region	20. Hang out in coffee shops 3-4 prostitutes

Source: Research observation 2013-2012, Policy Data 2013, Radar Jember News Paper 8-15-2011⁹ and 9-30-2011¹⁰

II. Street Level Bureaucrats Theory

The public policy implementation theory is growing attention to the role of bureaucrats in the field Lipsky, 1971; Whetterly and Lipsky, 1976 quoted in Thoha¹¹; Winarno,¹² Wahab 2008¹³, rather than just attention to the role of structure in controlling and commanding to achieve policy implementation goal Lewis A. Gunn 1978; Christopher Hood, 1976; Andrew Dunsire 1978a; Martin Robertson, 1978b quoted in Wayne Parsons¹⁴.

Street-level bureaucrats are considered to have more role because through the understanding in the field, they can take the decision on implementing the policy. Thus, through the wisdom of the policy, the implementation can be directed. Implementing the policy, street-level bureaucrats experienced a dilemma because he felt, he had to overcome his limitations as an individual on the one hand, on the other hand he carried the burden and responsibility as the policy implementers must adhere to the rules of the organization.¹⁵

They were doing service allocation mechanism to the public (copying mechanism) which modified and reduced the service that harm the public. It was all driven by the level of available resources, policy targets are formulated too high, conflicts with groups of community, the problematic of supervisor control, bureaucrats' altruism eroded by the system and the lack of public participation.¹⁶ This view is relevant to policy implementation in the areas of police,¹⁷ education personnel,¹⁸ the executive officer of the authors in the case of judicial office¹⁹, social worker housing officers escort the poor, health personnel²⁰. Street-level bureaucrats with this role are the implementers of the policies in the area, who can determine the success or the failure of the policy.

Another important position of street-level bureaucrats, they are in the middle position between the citizens and the state. Country hope there is a balance between the public service and the reasonable load for public spending, while citizens expect a fair treatment and an effective government. They are considered to have a high relative position, because they have a discretion and a relative autonomy from the organizational authority.²¹ Thus, street-level bureaucrats are the real policymakers, what they do is the policy expression on the field.²² Even though it can create a contradiction when their wisdom is contrary to organizational guidelines. So, the street-level bureaucrats who deem themselves as the executors are unable to provide responsive and appropriate services. Though it happens, due to constraints on resources are inadequate, increasing demand for services, the purpose of which is confusing, and the clients are not willing to accept/not willing to be impacted by.²³ All of this, contribute to the problem on providing the social services, and become a dilemma for the street-level bureaucrats themselves.²⁴

Another problem is the reality of organizational controls relating to the elusive accountability²⁵, which is considered to cause the client receives a negative impact. Thus, the street-level bureaucrats who have the altruistic nature (altruism), their sense will be lost on their self-motivation (his altruistic motivation fade)²⁶. However, as the record of John Mollenkopf (1980),²⁷ although human motives brought in public service, most of the street-level bureaucrats stated that they could not do more servicing than they do, as mentioned by Michael Lipsky (1980) with his 'copying mechanism' concept. Because actually, all of these are believed to be a best thing they could do, of course, with all of their limitations. They summarize and restrict the services by implementing routine activities, waiting at the 'end of line', thinking negatively while offending, and serve better in certain groups more than other.²⁸ All of them cause the negative client thinking. Clients think, the street level bureaucrats are representing the government. They should serve well, but they reduce the service instead. The anger and resentment are increasing widespread to cause the emergence of the conflict.²⁹

Observing on the reality of street-level bureaucrats, Lipsky (1980) proposes two ways to reduce the tension and the dissatisfaction of clients and make street-level bureaucrats more accountable, they are increasing client participation in decision-making institutions and trying to find a new professional bureaucrats who has the skill, commitment, and professionalism to show.³⁰

III. Street-Level Bureaucrats, Policy Modification And Public Service Reduction For Illegal Prostitution In Jember District

The fact that the policy is implemented with full of modification and reduction is real. Prostitution prohibition policy is a policy that is understood as a means of coercion to suppress the growth and the adverse effects of prostitution even the highest obsession that policy is eliminating prostitution. The major role in the implementation of the policy with all of the highest goals are in the hands of the street-level bureaucrats. What is done by the bureaucrats in the field, how the process is and what the factors are which underlying the implementation? The following are the descriptions.

III.1. The Facts of Policy Modification and Public Services Reduction

Street-level bureaucrats understand that he should abolish prostitution, by closing illegal brothels and arresting pimps and prostitutes who still do the prostitution. In fact, they state that it is fine whether it is done with no intrusive security. As stated by a police officer in the district, that was interviewed on.

"I was a policeman who foster the people here, I said to the prostitutes and pimps, they must perform as well as a possible prostitution, serving customers who come with friendly, unless, customers will run amok, and this gives a rise to a criminal actions. We know, all of the localization of prostitution in general is a hotbed of criminal.

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Not much different, the street-level bureaucrats who are said as 'Satpol PP' Districts state that in order to implement the Jember District Regulation, number 14/2001 and also a decree number 188/2007 about the Prohibition of Prostitution, it requires a cooperation with the public as the party who reported the incident. If there were no reports from the public, the municipal policeman will be silent despite knowing in the areas, there are still a lot of illegal existing brothels.³²

The modification on prostitutes raiding, the pimps and also the closure of the brothel, all of them are implemented with the regular raids, but they are done without arresting and closing brothels activity. The similar statement was also stated by the street-level bureaucrats in Jember Health Office who stated that, although it has been held an approach to 100% of the number of all of the prostitutes, it might be unknown that there are a large number of the prostitutes who are infected HIV/AIDS in illegal brothels. Beside that, all they do is providing street drug or assisting secretly in illegal brothels, where they live.³³

The fact of the other policy modifications are carried out by the police and judges. While the policemen arrest prostitutes to whom will be sentenced, as usual, they will apply Light weight Crime article (*Tipiring*), where the penalty is just a small amount of fine money (approximately Rp. 10,000,- to 20,000,-) with the public order violation as the indictment, or the violation of the obligation on owning the identity cards. It is a modified form of the commutation of the indictment sentence, commutation of the punishment sentence. In this case, the prostitutes or even the street-level bureaucrats are able to alleviate their work themselves, as street-level bureaucrats are very difficult to prove the act of prostitution or sex trafficking acts (paid sex/prostitution), as called for in the Local Government Regulation, for instance. It is similar with the penalties for pimps who can actually hit the physical imprisonment for a year or even sentenced to 15 years in prison if they employ children as the prostitutes (trafficking). All will be difficult to prove, when they come to prostitution. Including ownership of a brothel.³⁴

III.2. Receive a 'Bribe'

The police said that combatting prostitution means raiding brothel with its legal processing. Moreover, awarding the perpetrator, institutionally, is not the responsibility of the police. The informant in 'Sabhara' Unit³⁵ stated that the funds to find the perpetrators were prostituting themselves with shutting down of brothels. The funds that is received by the institution from the National Government considered too small. The fund that was received was not enough, because, they are not only used it for the eradication of prostitution, but also for any kind of social ills (drugs, gambling, liquor, etc.). Moreover, the fund used by the police is less. The police are just required to perform resuscitation on prostitutes.

Police also said, in comparison with the funds which are given to the Civil Service Police Unit (called the 'Satpol PP', employees of the Local Government serves enforcing regulations), the police funding is smaller, because 'Satpol PP' are considered to the special burden on prostitution, as demanded District Regulations. But, 'Satpol PP' themselves also feel that it is not sufficient whether the funds should be used continuously for a large raid, because it involves many stakeholders (involving police, army, etc.). So the 'Satpol PP' to combat prostitution through routine patrol activities, which hit capacity under joint raid (*Satpol PP* stayed in district).³⁶

Lack on the resource is faced by police and 'Satpol PP', was also experienced by street-level bureaucrats in the institution of District Social Office. This Department has no budget on organizing and training some activities for prostitutes and pimps because there is no more considerable on prostitution, as mentioning on rules prohibiting prostitution (informant of the District Social Office, interview on 04-01-2013). Exactly, the same as street-level bureaucrats in the District Health Office, who can not prevent the spread of the infectious diseases of HIV/AIDS among prostitutes, because prostitution policy number 14/2001 has been declared to ban on prostitution (the Commission on HIV/AIDS is called KPA informant).³⁷

So, what have been done by street-level bureaucrats, especially the policeman and the 'Satpol PP'? The facts on the ground indicate that the condition is the reason for lack of resources, so that their work can be understood, if more and more illegal brothels. But, it is an actually happening whether they receive tribute / 'bribe' from the pimps and prostitutes behind to keep illegal brothels they have. Look at the statement quoted below.

"Routine contribution that I paid every Wednesday Rp. 30,000. In addition, I also paid the same amount on Sunday. 'Mammi' also paid for pimp. We paid to the safety coordinator to keep from getting caught when we were got raid."³⁸

This is called the corrupt behavior of the street-level bureaucrat that led to protected (informally) illegal brothels. And, this is a form of modification and reduction policies, from having to shut down brothels and arrest prostitutes/pimps, to protecting informal as it gets 'bribes'.

III.3. Tolerate to illegal Prostitution

Tolerance on prostitution and illegal brothels, is the modification and the service reduction of prostitution prohibiting policy. It has persisted continuously and been known by the supervisor of the street-level bureaucrats. What is the cause, they tolerate to the illegal prostitution? Besides giving tribute / 'bribe' factors, the bureaucrats also feels sorry/pity to the pimps and prostitutes. The facts are able to give the overview that is become one of the following quote.

"We understand how difficult, our officers are on curbing the illegal prostitution in this region, we feel there is a lack of power to do that, beside that, there are many other tasks which more important than prostitution issue. Prostitution is not an extra ordinary events. On the other hand we also have to protect prostitutes and pimps not to be the subject on mass rioting (killed), that is done by the citizens. Nevertheless, we can not give them full of freedom, as giving them the flexibility to stay, for instance (granted their demands for land titling, where the pimps set up a brothel, which stands on Government County land). All are about the illegal prostitution. We have already known about that. But we still have a sense of humanity."³⁹

III.4. Burdened to Uphold Institution Good Image

Reduction of service and modification on prohibiting prostitution is also supported by the reality of the data, that is related to conviction whether the prostitutionable to be eliminated or not. The Confidence of the street-level bureaucrats on the goals of the policy are important to be explored, especially to understand, what they are doing when the real policy target is too high to be reached.

Generally, they realize that they pursue the wishful thinking, to achieve the policy target, it is eliminating prostitution. The empirical data becomes the material of lengthy public discussion among the community leaders in Jember. In this case, at least, there are two extreme opinions, the first is there rejecting opinion, and the second is the support opinion, as illustrated in the following passage. Both are agree that it is difficult to reach the highest target.

"It is a falsehood public if the government policies are targeted to eliminate the prostitution from the district. Prostitution and other immoral activities will only be reduced. According to our belief, in this world there are satans that always tempt human in order to do something bad and devil. The problem show the actors in the localization was able to be accomplished."⁴⁰

So, through the difficult target to achieve, the street-level bureaucrats feel that all parties will be understood if the prostitution and any other illegal brothels are still emerging. Unserious working attitude is considered to be normal and reasonable. Including to the cut of services. Like the opinion of a tough-minded public figures below.

"If we are willing to work hard what is impossible in this world, including to eliminating the practices of prostitution. As I know, that the government is less serious, even they have received the benefits of the hotel, café and brothels, so they let the immoral acts walk in its way."⁴¹

The public disagreement related to policy makes street-level bureaucrats put the target on a safe way and moderate position by modifying. The position of a policy modification with a reduction mechanism of services in eradicate prostitution is safely performed by 'hiding' behind the 'belief' of the moderate of the loss of the prostitution. Indeed, what kind of the targets that have to be achieved by street-level bureaucrats and the bureaucratic institutions in general to enact prohibiting prostitution policy? The image of the state apparatus is the real target of the policy. As quoted from the opinion of the left extreme figure as following.

"Formerly, we supported this leader, because of his promise to eradicate vice inconsistent in this district. Thus, in the process of local elections we urged the Ummah under our control and boarding school friends to vote. If it turns out the implementation on the ground is not serious now, to close places of vice, such as cafes, hotels, cafes and dimly lit brothel for instance, then I assume the government is difficult as it used to be either."⁴²

The statements reflect how the policy is enacted for the sake of the importance of a positive image of the government and the elite. Thus, the targets should be made as good as possible although it is difficult to be implemented by street-level bureaucrats in the field implementers. In line with the statement of top leader who states that the policy targets should be formulated so the achievements of high policy is not 'too low'. (Top leader informant interviewed on.

"Like a school kid who was given a target value of 10, that has to be achieved, when the child is getting 7, it is good then. Imagine, if it is given a target of 7 then how could be achieved by the child, whether the value of 6 is considered good?"⁴³

The parables which are used above makes it clear that the policy targets placed in the sky, to the political image display bureaucrats at the public eyes, so the implementation of the policy at any time will be difficult to achieve. Thus logically, in order to achieve the high targets, in a state of limited resources, street-level bureaucrats make policy modifications and perform service reduction policy. For the purposes of a positive image that is still maintained, then the service is still being done, especially if it has been pressed by the demands of the public.

III.5. Widening Conflict: 'Attack' from the Comply Groups

Services performed to meet the demands of the moral groups, while deactivation curbs prostitution in order to meet the interests of the immoral. This reality, done on the basis of each goal, then wanted to achieve a positive image, performed well for the purpose of reducing conflict with moral group. In which, the street-level bureaucrats also perform immoral damping conflict to the group before, by using the way of tolerating the existence of the illegal brothels. It can be said that the street-level bureaucrats in order to resolve the conflict in public policy implement it with the modification and reduction policies. As has been said by an informant of municipal police ('*Satpol PP*').

"As the leading implementers, we are the '*Satpol PP*' must be able to face public, so the people want to stick the policy of the Local Government. We always try to reduce conflicts with the people, but we hope very much that other agencies (local government unit) also carry out their respective duties, so we are not always in conflict with all levels of the society."⁴⁴

The statement of complaints suggests that '*Satpol PP*'/municipal police was spearhead when there is a conflict with the public. These figures corroborate the analysis that the officials on the ground try to minimize the conflict with groups which were being the target of the policy. This institution has to deal with many conflicts, in the early stages, they are associated with prostitutes. In order to reduce this conflict, the bureaucrats implement service reductions which is curbing prostitution and modify (let/pretend not to know) the existence of the prostitution. The next stage, the conflict will roll to the moral groups who modify and reduce the policing services/eradication on prostitution, that is not conformed with the policy on banning the prostitution. So, the conflict is spreadly widen here.

III.6. Dissident Group Suppress the Public Control

Reduction of public services and policy modifications made by bureaucrats that have been implementing in the field was able to continue until a long time. From 2001, through the regulation, number 14/2001, there is no ban on prostitution in Jember, even the regional regulation, number 16/1957, has also been set up, but there are still a lot of brothels that are wildly appears, and have been known by the general public, as if a brothel is OK to stand in this district. Why does this happen? Is it true that all of these are happened because of lack of the public control? Is there a relationship between the low of the public participation in public service reduction and the street-level bureaucrats behavior in the field? The data of this study illustrates several things, which shows the lack of the attention to the public policy on banning prostitution. One informant stated his opinion of the immediate environment.

"I feel that the localization has no relationship to me. If find a living by opening a small diner, the buyer does not depend on the prostitutes or their visitors. So, if the localization is closed or allowed to stay there, I do not care and do not want to interfere. You know, the localization of the encircled by high walls, prostitutes and all the needs of visitors sold on it. They will not eat in my shop, they are rich, they never want to eat food as Isell."⁴⁵

Another factor that makes people apathetic, is fear, and avoid conflict with the defenders of pimps and prostitutes. The defenders are the people surrounding there, who have the benefit (financially) from the existence of prostitution. Defenders of the guards was the parker and security guards, and thugs surrounding villages. Usually they issued a harsh and frightening threat. So, the local community feels that there is no need to express any opinion on the existence of prostitution that should have been enclosed. Like a quote from the informant of this study.

"The threat that was posed to the board of Muhammadiyah branch makes it difficult for me to instruct strongly to voice the banning of the prostitution. Physical threat and the kidnapping of family can be very serious."⁴⁶

These data strengthen argument that the policy on banning prostitution experiences the strong pressure in front of the prostitutes. So, it forces or even volunteers the policy implementers to informally disregard the existence of the prostitution. This omission is compared to the reduction of prostitution raid service and modifying the prohibition policy.

IV. Conclusion

The high risk in the field led to policy compromise. It can be a modification of policies or reduction of public services. All have been done safely by the street-level bureaucrats. Actually, it will never be continued, even years, if their supervisors did not know. Without a benefit motive background, both the political access and the financial one which are equally agreed by their superiors, the policy modification and reduction of public services will never be performed.

This research gives some criticisms on using the concept of dilemma, relating with many aspects of the modification and reduction of the policy implementation (see Figure 1). The dilemma concept which is used to sense to what is undergone by the street-level bureaucrats, in which they are on the intersection road between the resource constraints and the rules that must be adhered to (Michael Lipsky, 1980). The facts that happen on prostitution policy implementation, the street-level bureaucrats do 'the copying mechanism' (modification of the policies and public service reduction) is done intentionally when there is any informal interest. That is related to financial and political interests (voting and imaging).

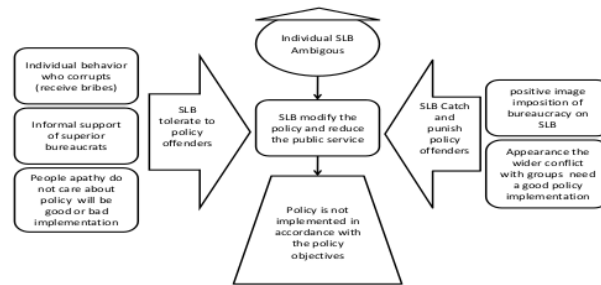


Figure 1: Individual Ambiguity of SBL in Public Services

SBL: Street Level Bureaucrats

The dilemma concept is suitable to be used when the street-level bureaucrats have the pity feeling on human suffering (they assumed the prostitutes and pimps are the people who are the unfortunate man in the world), at the same time, they had to enforce the government rules (closing brothels and arresting/punishing the prostitutes and pimps). Is it the 'reluctant', they let the illegal brothel to be existed? They protect brothels because they given bribes. So, does it mean that the individual dilemma exist on individual of street level bureaucrats? It should be called the ambiguity.⁴⁷

The ambiguous of street level bureaucrats caused by reasonable doubt about where the steps to be taken. Continue to make modifications-reduction with motivation to obtain bribes/bribes and get the political access, and then face an attack from order group increasingly critical, or, stop doing the modification-reduction, then receive the political support of the order group (Islamic groups) and get a positive image, but do not accept bribes. Which one should be done. This is the ambiguity that be reflected implicitly in the process of policy implementation. They want to achieve both aspects, through modification-reduction policy to satisfy all parsons and be remained good image by all groups. It seems so.

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 [32]. interviewed on 03-13-2013
 [33]. interviewed on 03-26-2013
 [34]. interviewed with police at the district level on 03-13-2013 and an interview with a judge in the District Court, on 04-13-2013
 [35]. interviewed on 04-03-2013
 [36]. interviewed on 03-13-2013
 [37]. interview on 03-26-2013
 [38]. pimps and prostitutes informants, interview on 03-13-2013
 [39]. The top leader informant in Jember interviewed on 06-10-2013
 [40]. A religious informant of Nahdatul Ulama (NU) organization, interviewed on 04-18-2013
 [41]. A religious organization informant, LPAI (Lajnah Pembela Ahlq Islam), interviewed on 04-01-2013
 [42]. A religious organization informant, LPAI (Lajnah Pembela Ahlq Islam), interviewed on 04-01-2013
 [43]. 06-10-2013
 [44]. (interviewed on 04-14-2013)
 [45]. A mother's diner owner, interviewed on 03-13-2013
 [46]. religious organization in Jember interviewed on 04-18-2013

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- [47]. Ambiguity mean significantly more than one (so that sometimes raises doubt, vagueness, uncertainty, and so on), ambiguous, equivocal. While the meaning of the dilemma is a situation that requires people make a choice between two equally likely equally unpleasant or unprofitable, a situation that is difficult and confusing (KKBI- Kamus Besar Bahasa Indonesia/Indonesian Dictionary)

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