

FROM FEMINIST DEBATES TO FEMINIST POLICY: TOWARD A POLYMORPHOUS DISCOURSE IN PROSTITUTION REGULATION

DOS DEBATES FEMINISTAS À POLÍTICA FEMINISTA: RUMO A UM DISCURSO POLIMÓRFICO NA REGULAMENTAÇÃO DA PROSTITUIÇÃO

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ABSTRACT: Prostitution is a complex and multifaceted phenomenon that necessitates diverse approaches. Feminist debates have resulted in two dominant discourses - empowerment and oppression - which significantly shape prostitution policies and models. This study critiques these discourses by emphasizing their limitations and explores an alternative perspective that acknowledges the complexity of prostitution. The findings suggest that existing prostitution policies tend to be overly simplistic and fail to address the diverse experiences of WIPs. A uniform policy model cannot be effectively applied across all prostitution settings. Accordingly, the study introduces the concept of a “polymorphous discourse,” advocating for a balanced and adaptive policy framework. This includes a hybrid policy model that combines decriminalization for voluntary prostitution with health and social welfare regulations while applying partial criminalization to forced prostitution. The study also highlights the importance of including WIPs in policymaking processes, recognizing them as experts of their own experiences. Effective prostitution policies must be adaptable, grounded in scientific research, and able to adjust to the realities of WIPs. A polymorphous discourse – one that reflects the dynamics of law, social reality, and feminist perspectives – is necessary to avoid unintended consequences. Including WIPs voices in policy development ensures that the resulting policies are reflective of and responsive to their lived experiences. Policymakers should develop prostitution policies that differentiate between voluntary and forced prostitution, prioritizing decriminalization of voluntary prostitution. Moreover, social support structures, such as health and welfare services, should be integrated to protect WIPs. Including WIPs in policy discussions at both the local and national levels is crucial for creating effective, equitable, and socially just prostitution policies.

KEYWORDS: Prostitution, Prostitution Policy, Policy Discourse, Policy Reform, Women Involved in Prostitution (WIPs).

RESUMO: A prostituição é um fenômeno complexo e multifacetado que exige abordagens diversas. Os debates feministas resultaram em dois discursos dominantes — empoderamento e opressão — que moldam significativamente as

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políticas e os modelos de regulamentação da prostituição. Este estudo critica tais discursos ao destacar suas limitações e explora uma perspectiva alternativa que reconhece a complexidade da prostituição. Os resultados indicam que as políticas atuais tendem a ser excessivamente simplistas e não conseguem contemplar as experiências diversas das mulheres envolvidas na prostituição (MEPs). Um modelo político uniforme não pode ser aplicado de forma eficaz a todos os contextos de prostituição. Assim, o estudo propõe o conceito de um “discurso polimórfico”, defendendo um arcabouço político equilibrado e adaptável. Isso inclui um modelo híbrido que combina a descriminalização da prostituição voluntária com regulamentações de saúde e assistência social, ao mesmo tempo em que aplica criminalização parcial à prostituição forçada. O estudo também enfatiza a importância da inclusão das MEPs nos processos de formulação de políticas, reconhecendo-as como especialistas em suas próprias experiências. Políticas eficazes sobre prostituição devem ser adaptáveis, baseadas em evidências científicas e sensíveis às realidades vividas pelas MEPs. Um discurso polimórfico — que reflita as dinâmicas do direito, da realidade social e das perspectivas feministas — é necessário para evitar consequências não intencionais. A inclusão das vozes das MEPs no desenvolvimento de políticas assegura que as políticas resultantes sejam representativas e responsivas às suas vivências. Os formuladores de políticas devem desenvolver distinções claras entre prostituição voluntária e forçada, priorizando a descriminalização da prostituição voluntária. Ademais, estruturas de apoio social, como serviços de saúde e bem-estar, devem ser integradas para proteger as MEPs. A participação das MEPs nos debates políticos, tanto em níveis locais quanto nacionais, é fundamental para a criação de políticas de prostituição eficazes, equitativas e socialmente justas.

PALAVRAS-CHAVE: Prostituição, Política de Prostituição, Discurso Político, Reforma de Políticas, Mulheres Envolvidas na Prostituição (MEPs).

1 INTRODUCTION

Prostitution is a complex phenomenon that continues to challenge our understanding of morality, culture, and institutions (DEVESA *et al.*, 2023). Some feminist perspectives, particularly those aligned with radical feminism, argue that ‘prostitution is the oldest oppression,’ Framing it as both sexual exploitation and manifestation of gender-based inequality. Within this framework, women are perceived as being subordinated and used to engage in sex according to men’s terms. The belief that prostitution is harmful to women is a fundamental aspect of feminist organizing in the 20th century (FLANIGAN; WATSON, 2019). Prostitution continues to disproportionately affect women from lower social classes, reflecting the persistent consequences of structural inequalities. By understanding the origins and historical

development of prostitution, one can see the organic connection between these changes and the complex issues surrounding prostitution policy.

Wagenaar (2017) argues a major shortcoming in current prostitution policies – their failure to adequately address the issue of human trafficking. Human trafficking, a pervasive and severe problem often linked to prostitution, involves individual being coerced or forced into sexual exploitation. Criminalizing prostitution, rather than offering protection, may in fact worsen the situation by driving it underground and increasing barriers to support and justice for those affected. Moreover, current prostitution policies also fail to recognize the agency and rights of WIPs. These individuals are frequently stigmatized, marginalized, and subjected to discrimination, harassment, and violence. The lack of recognition of their lived realities results in policies that not only fail to address these issues, but may even perpetuate them.

Another issue of current prostitution policies is the assumption that prostitution is a singular, homogenous experience. In reality, prostitution occurs in diverse forms – ranging from street-based WIPs – each of which entails distinct risks and regulatory needs. A one-size-fits-all policy is thus insufficient and counterproductive.

At this point, it is clear that prostitution is a complex issue with many underlying factors contributing to its existence. One of the most significant factors is the social structure of society, as prostitution is often viewed as a “victim” of this structure (WICAKSONO *et al.*, 2020). In many societies, poverty, lack of access to education, and limited employment opportunities disproportionately affect women and girls, leaving them vulnerable to exploitation and human trafficking. For some, prostitution becomes a means of survival (TRUE, 2012). Additionally, experiences of domestic violence and abuse further contribute to women’s entry into prostitution.

The association of prostitution predominantly with women has led to significant divisions within feminism regarding the appropriate regulatory approaches to prostitution. The structuralist perspective or radical feminists interprets prostitution as inherently exploitative, connecting for the criminalization of third parties, such as pimps and clients, and framing WIPs as victims of patriarchal oppression who require protection. Conversely, the individualist perspective regards prostitution as a valid option for women. Their stance advocates emphasize the need for decriminalization and potentially legalization, perceiving prostitution as a fundamental right, and equal

protection comparable to other professions. The WIPs movement, supported by liberal feminists, promotes the rights of WIPs and aims for the acknowledgment of their contributions (SHAMIR, 2019). To advance the discussion beyond the ongoing debate, this study draws upon the “middle ground” framework as articulated by Prabha Kotiswaran, Rajeswari Sunder Rajan, and Hila Shamir.

The author intentionally employs the term ‘women involved in prostitution (WIPs)’ instead of alternatives like “sex worker,” “prostitute,” or “prostituted woman.” These terms offer a neutral, inclusive lens through which explore prostitution as social reality, gender construction, and legal dynamics.

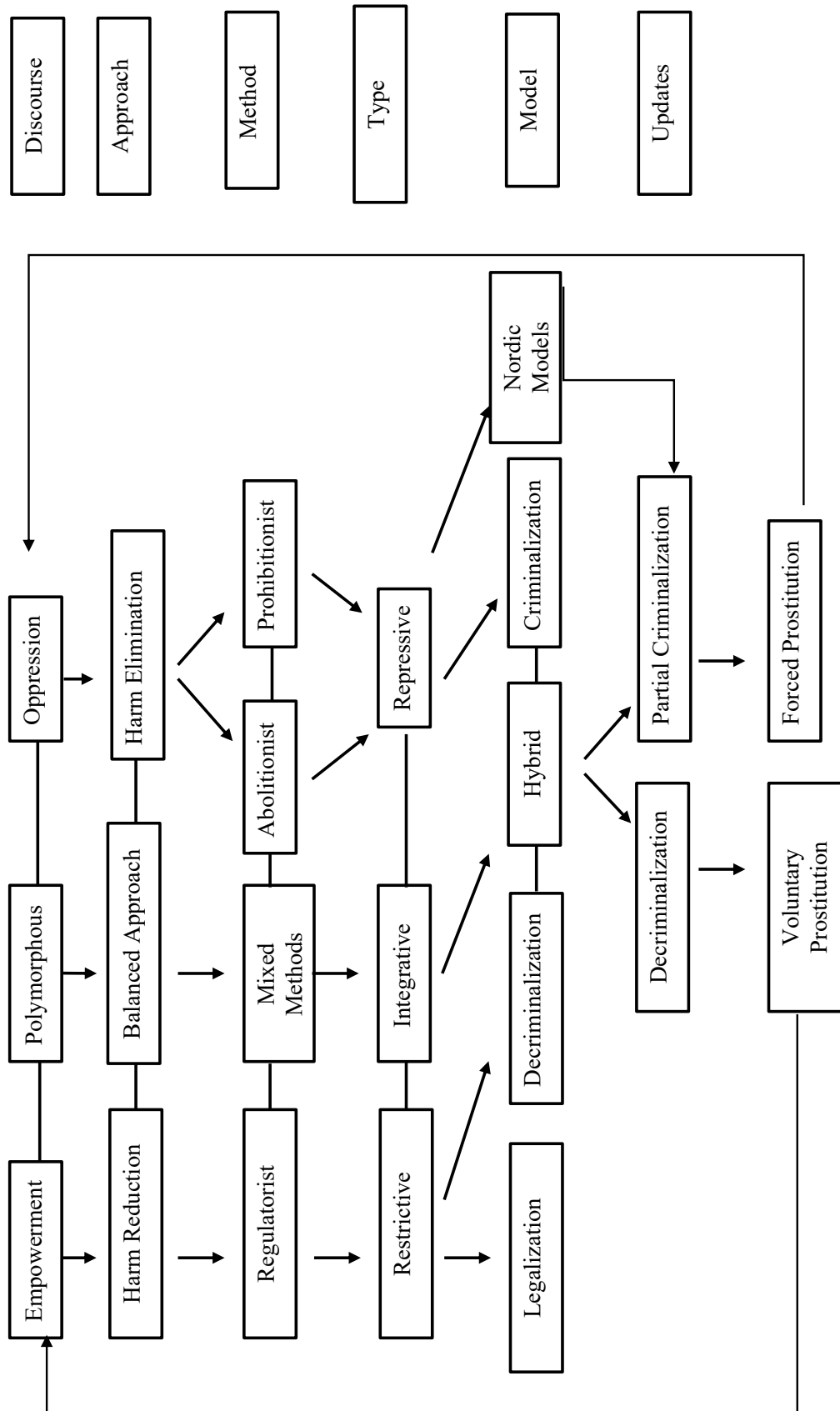
References to WIPs options are insufficient because of the decisive working conditions. In other words, if prostitution is forced, compulsory work, exploitative work, or discriminatory work, the voluntary nature will not protect this practice from challenges. In the process, critics of prostitution often misconstrue WIPs advocacy as rooted in liberal theories of property with fundamental beliefs about individual autonomy, choice, and free consent. In criticizing prostitution, middle-way feminists contend with this paradox: they aim to dismantle the exploitative system of prostitution while simultaneously supporting empowerment and WIPs’ rights. This leads to nuanced position – one that supports WIPs’ rights, but not the institution of prostitution itself, advocating empowerment while resisting commodification (KOTISWARAN, 2011).

Middle-ground feminists are not like abolitionists or radical feminists who adopt an experimental attitude toward the reform of prostitution laws, envisioning a transformed system rather than outright abolition. Middle-ground feminists like Rajeswari Sunder Rajan (2003), for example, called for the decriminalization of prostitution alongside policies that empower WIPs, aiming for a structural transformation of industry rather than its elimination. On the contrary, radical feminists will not approve of any aspect of prostitution and the empowerment of WIPs in their scheme.

The feminist debate on prostitution has also resulted in a variety of discourses regarding prostitution policies. Currently, two dominant and competing frameworks – the empowerment discourse and the oppression discourse – shape the direction of approaches, methods, categories, and models of prostitution policies. Nevertheless,

the objective of this investigation does not aim to advocate for either perspective. Instead, it endeavors to investigate an alternative viewpoint that is predicated on the notion that prostitution is a multifaceted phenomenon, as opposed to a monolithic one. To that end, this investigation commences by dissecting the two dominant and competing discourses, emphasizing their respective deficiencies, as well as the deficiencies of the prostitution policies, types, methods, and models that are derived from each discourse (refer to Figure 1).

Figure 1 : Prostitution Policy Design in the Future



2 PROSTITUTION POLICY DISCOURSE: EMPOWERMENT VERSUS OPPRESSION

The term “discourse” as employed in this article is derived from a development of Ronald Weitzer’s (2012) work entitled “*Legalizing Prostitution: From Illicit Vice to Lawful Business*.” In that book, Weitzer calls it a “paradigm,” this paper diverges from that terminology, particularly due to its grounding in Foucault’s concept. Paradigms and discourse are crucial concepts in understanding how knowledge is formed and disseminated in the scientific and social realms (GUPTA, 1982). According to Thomas Kuhn (1970), paradigm refers to a theoretical framework accepted by the scientific community to understand and explain the world. This paradigm guides how scientists ask questions, conduct experiments, and interpret their results. Paradigms may persist until they are disrupted by revolutionary shift in thought, such as Einstein’s theory of relativity replaced Newtonian physics. Paradigms are more specific to science and the changes that occur within it.

On the other hand, discourse, as conceptualized by Michel Foucault (1972), encompasses more than language. It includes the institutionalized rules, norms, and practices that govern who has the authority to speak, what can be said, and how truth is determined in a social context. For example, discourse on prostitution governs how we understand its negative forms, often reinforcing the authority of governments to regulate human bodies and behavior. In this context, discourse is part of a paradigm. However, both paradigms and discourses are intersubjective understandings that condition individual actions and social outcomes in the international system no less than anywhere else. They do not have a formal existence resembling organizations, constitutions, laws, and treaties. However, they are nevertheless effective in coordinating the behavior of large numbers of actors, and this is especially true in decentralized political systems, such as the international system, where formal sources of order are weak (DRYZEK, 2008).

Understanding the discursive foundations of prostitution policies are essential to developing legal aspects that are responsive and not only legal considerations, but also broader social and cultural factors. In this context, Table 1 presents a comparison between two dominant discourses in current prostitution policy – empowerment and

oppression – and outlines their divergent policy implications regarding the role and position of prostitution in society.

Table 1: Current Policy Discourse Prostitution

Discourse	Idea	Principle	The Role of Prostitution	Position	Guide
Empowerment	Prostitution is a job that involves human agency.	They are rejecting the traditional view of prostitution as a form of male domination over women. Money is used as a form of power to acknowledge weakness, not a sign of strength.	Prostitution increases a person's social status. Engaging in prostitution is not only seen as a way to meet economic needs, but also as an effort to improve the quality of life and social status.	WIPs is an individual who is free to choose.	Prostitution policies should be aimed at empowering WIPs to improve their ability to take control of their working conditions.
Oppression	Prostitution is exploitation and violence, which creates and reinforces gender inequality.	Prostitution as a form of male domination over women.	Prostitution perpetuates patriarchy and exploitation by men against women. It refers more to paid rape.	WIPs is a victim.	The policy of prostitution must be aimed at ending prostitution.

Source: Author's Analysis Results

2.1 The Empowerment Discourse

As shown in Table 1, the key elements of the empowerment perspective—such as the rejection of traditional views of prostitution as male domination and the promotion of WIP's freedom of choice—are clearly reflected in the proposed policy implications. Table 1 offers a comparative analysis of these discourses and their respective policy frameworks, illustrating how the empowerment perspective informs the shaping of prostitution policies that focus on autonomy, social justice, and the enhancement of individual agency.

Empowerment, in this context, emphasizes changing power relations to increase autonomy, especially for marginalized or disadvantaged populations.

Autonomy, self-determination, and decision-making are essential to personal and social evolution. This discourse views empowerment as a theoretical framework that recognizes the need for individuals to influence decisions that affect their lives, organizations, and communities. This method is likewise value-driven. In many circumstances, the empowerment rhetoric emphasizes power redistribution, social justice, and equity. The psychological, social, and institutional aspects of empowerment—including decision-making skills, resource availability, and meaningful participation—are often discussed. It also stresses the need to remove structural hurdles like inequality, racism, and marginalization that prevent people and communities from reaching their full potential (ZIMMERMAN, 2000).

In the context of prostitution policy, the empowerment discourse highlights that prostitution can be recognized as a form of labor involving meaningful agency to empower WIPs. This discourse argues that nothing is inherent in prostitution that will prevent it from being organized for common benefit as in other economic transactions (WEITZER, 2012).

WIPs can gain professional expertise, business acumen, expertise in customer relationships, valuable interpersonal skills, and knowledge of how to take control of a situation. Many WIPs report engaging in prostitution not solely out of economic necessity, but also due to the autonomy it affords in managing their sexual interactions. Wendy Chapkis (1986) described the empowerment version as ‘radical sex,’ wherein WIPs and other perceived sexual criminals embrace a vision of sex that transcends the boundaries of love, commitment, and conventions and presents a powerful symbolic challenge to restrictive views of female perfection and conventional sexuality.

In other cases, this empowerment discourse becomes more visible when switching from mainstream heterosexual prostitution to alternative genres or markets. Research on gay, lesbian, and transgender prostitution highlights how these jobs not only reinforce the identities of their workers (and customers), but also able to convey a broader statement about the legitimacy and value of these marginalized populations. These forms of prostitution challenge heterosexual culture and offer alternative narratives of sexual agency and self-affirmation.

Pornography has historically helped reinforce gay identities and is currently valued in the gay community. Joe A. Thomas (2010) emphasized the positive impact

of witnessing one's own sexual identity—often rejected and stigmatized by mainstream society—portrayed and validated through visual representation. He noted that gay pornography is one of the few spaces where gay sexuality is depicted in a positive and affirming manner.

Similarly, feminist- oriented research on the pornography industry produced by and for women found that female producers are often motivated by higher goals than their peers in the mainstream pornography industry. Instead of making a profit, many of these female artists are driven by feminist goals, WIPs activism, and a desire to create material that challenges male-directed sexual norms (WEITZER, 2012).

In each of the above cases, evidence can be seen of how prostitution can be accepted and used for personal validation or as part of a larger identity politics that redefines or reverses the conventional meanings associated with shameful wrongdoing. To emphasize, the discourse of empowerment is rarely presented in an absolute term within academic research. Rather than framing prostitution as inherently empowering, the researchers identified specific individuals or populations who experienced positive outcomes from their participation in prostitution or exposure to it.

2.2 The Oppression Discourse

As outlined in Table 1, the oppression discourse underscores the idea that the abolition of prostitution is necessary, viewing it as an expression of gendered exploitation that cannot be reformed or regulated without reinforcing the very structures of oppression it seeks to eliminate.

The oppression paradigm views WIPs as a direct reflection of patriarchal society's faults and female power disparities, according to Weitzer (2012). This worldview holds that WIPs are seen as victims of exploitation, enslavement, and violence against women are inherent and cannot be eliminated, regardless of time, place, or sexual commerce. It portrays sex work as oppressive and rooted in patriarchal values and gender inequality. Several academics and anti-prostitution activists adopted this discourse of oppression, which is rooted in a branch of radical feminist thought. It differs from the religious group's rejection of commercial sex, focusing on the threat it poses to marriage, family, and societal morality. It argues that prostitution

is not only a product of structural inequality, but also a mechanism by which inequality is reproduced. This is because women will not sell sex if they have the same socio-economic opportunities as men. However, prostitution is not only rooted in inequality because symbolically and instrumentally, prostitution also perpetuates inequality.

Carole Pateman (2018) articulates the symbolic harm inherent in prostitution, arguing that the widespread display of women's bodies—whether through representations or in physical form—is central to the sex industry and serves as a continual reminder that men exercise the patriarchal right of access to women's bodies. She contends that when women's bodies are commodified and sold in the capitalist marketplace, the law of male sex-right is publicly affirmed, and men are socially recognized as the sexual masters of women. According to Pateman, this dynamic lies at the core of what is fundamentally wrong with prostitution.

This view holds that prostitution reduces women to objects of sexual consumption, reinforcing the notion that men have the right to buy erotic entertainment from women, thus reinforcing women's subordination to men. Adherents of the oppressive discourse argue that this fundamental damage will continue regardless of how prostitution, pornography, and stripping are regulated. Therefore, legalizing these practices to remedy them will not change the gender inequalities inherent in prostitution. They are instrumentally reflected in the argument that exploitation, oppression, and violence are inherent in prostitution and cannot be eliminated, transcending historical periods, national contexts, and types of prostitution. As adherents of the oppressive discourse often say, prostitution is violence, reflects its core belief that only acceptable solution, that is the complete eradication of sex work in all its forms categorically (WEITZER, 2012).

3 HARM ELIMINATION VS HARM REDUCTION: A MODERN DEBATE IN PROSTITUTION POLICY

3.1 Harm Elimination

Harm elimination (hazard elimination) was implemented in Sweden from 1998 to 1999, rooted in a radical feminist vision that conceptualizes prostitution as a form of

violence against women. This perspective frames prostitution not as a legitimate form of labor but as an inherently exploitative institution that perpetuates gender-based violence and symbolizes as a societal norm in which commodification and sacrifice of women's bodies are tolerated (SCOULAR, 2010).

The view that prostitution can be provided in humane conditions, entirely consensual, controlled by workers, free from discrimination and violence, and not more exploitative than the average job is a myth (VANWESENBEECK, 2017). Long ago, writes U.S. Congressman Maloney emphasized that earlier optimistic assumption about legalization – namely that it would enhance the lives of WIPs, eliminate prostitution in areas that were still illegal, and eliminate organized crime – have proven to be unfounded. As Moran & Farley (2019) argue, these assumptions resemble fairy tales more than viable policy outcomes.

3.2 Harm Reduction

Michael L. Rekart (2005) notes that sex work and injection drug use rank among the most perilous activities worldwide. Harm reduction strategies, such as needle exchange programs and condom distribution, have demonstrably reduced HIV spread and improved health outcomes among at-risk populations. Since drug users might participate in sex work to pay for drugs, drug-user harm reduction includes condom promotion and sex workers could use them to cope with psychological, emotional, and physical stress. Safe-sex campaigns and social marketing of condoms are based on harm-reduction principles with the process of harm reduction is not new to the study of sex work. Harm reduction and risk-reduction strategies have been adopted by health authorities, sex worker organizations, and sex workers themselves”.

Harm reduction has evolved, starting from initial identification in the 1980s, when it emerged as a pragmatic alternative to abstinence-only approaches for individuals with substance use disorders. At that time, it was realized that expecting complete abstinence was unrealistic goal for many individuals. Instead, many were inclined toward reducing harm without fully discontinuing substance use (LESLIE, 2008).. There is convincing evidence from the adult literature that risk reduction approaches significantly reduce morbidity and mortality associated with risky health

behaviors. For example, regions that implemented needle exchange programs show an average annual decrease in HIV prevalence compared to regions that have not introduced needle exchange programs.

Access to and use of methadone treatment programs are closely correlated to a reduction in mortality, both from natural causes and overdoses, suggesting that these programs have an impact on overall social and medical health. More recently, supervised injection facilities –successfully implemented in Switzerland, the Netherlands, and Vancouver, British Columbia – have been recognized as a vital extension of the harm reduction continuum. Health workers are essential in many of these harm-reduction initiatives (LESLIE, 2008).

Hazard reduction is widely used to describe actions promoting health and safety in WIPs communities. The approach developed with drug users has been implemented in cooperation with WIPs, with little discussion of this approach and the need to modify or clarify tactics. In the most basic interpretation, the use of harm reduction approaches can help protect the lives and health of WIPs in the same way that drug users have benefited from impact reduction in drug use. Despite these differences, the approach maintains its core function: to reduce immediate risks and safeguard individual well-being (ABEL, 2010).

Many healthcare providers seeking to mitigate HIV and STIs among WIPs often adopt harm reduction strategies that engage WIPs without moral judgment or a firm stance on the legal status of prostitution. The harm reduction approach allows these organizations to design their work as an effort to help individuals live safer lives without taking a stance on whether prostitution should be criminalized or decriminalized. Until recently, this neutrality has allowed many organizations to deliver services effectively while avoiding entanglement in the contentious legal and moral debates surrounding WIPs. However, the increasing polarization of public discourse on prostitution has made this position more difficult to maintain. Critics argue that harm reduction may inadvertently legitimize a practice they view as a fundamental violation of human rights. Moreover, entrenched moral narratives around sexuality, gender norms, and “appropriate” behavior for women are often mobilized to undermine harm reduction efforts (SAUNDERS, 2006).

4 THREE METHODS TO PROSTITUTION POLICY: PROHIBITIONIST, ABOLITIONIST, AND REGULATORY MODELS

Amy G. Mazur (2004) explained that there are three methods in the prostitution policy, namely the prohibitionist, abolitionist, and regulations. These can be seen as follows:

4.1 Prohibitionist Methods

Brijesh Singh (2023) defines prohibitionist as the act or practice of forbidding something by law; more particularly, the term refers to the banning of the manufacture, storage, transportation, sale, possession, and consumption of alcoholic beverages.

The prohibition involves criminalizing the exchange of sexual services in exchange for payment. The behavior of all parties involved in prostitution, such as WIPs, brothel owners, and clients, is considered punishable. Therefore, in order to eradicate prostitution, it is often used as an entirely prohibited crime. This is the case in the United States, except for 11 territories in Nevada. Proponents of prohibition argue that by criminalizing prostitution, society has combated corruption, encouraged moral behavior, and closed opportunities to exploit people who might have fallen into prostitution sexually (BRENTS; HAUSBECK, 2005).

4.2 Abolitionist Methods

Abolitionist (abolition) movement initially emerged as a campaign against the transatlantic slave trade and slavery. As William Mulligan (2023) argues “The rise of abolitionist thought in the late eighteenth-century North Atlantic drew upon diverse sources, including natural rights, evangelical concerns about sin and national virtue, and arguments about the greater efficiency of free labor. Crises—such as the impact of the French Revolution on Haiti—provided the occasion for the fusion of these long-standing and diverse intellectual traditions into an abolitionist agenda. For example, Brown has shown how the American Revolution and loss of colonies created a new context for anti-slavery ideas in Britain.”

The leader of the abolitionist movement was Josephine Butler, a passionate public speaker and prolific researcher. Butler and other abolitionists argue that men bore primary responsibility for the existence of prostitution, framing it as the result of unrestrained male sexual desire. They argue that no woman can be said actually to approve of prostitution and that the institution itself symbolized structural gendered violence. Feminist abolitionist campaigners thus forged broad alliances with labor organizations, religious institutions, and moral reform groups to campaign against the sex trade (DOEZEMA, 2002).

Eventually, the abolitionist campaign was defeated by the social and religious purity campaign because the emotional problems of white slavery managed to bring public attention to the top. In other European countries, as well as the United States, feminists initiated or were involved in the push to abolish white prostitution and slavery, although their initiatives were eventually subsumed by more repressive moralist agendas. These movements, aligned with religious and social purity organizations, took a paradoxical stance toward WIP: while expressing sympathy for perceived “innocent victims,” they simultaneously imposed harsh moral judgments on those who transgressed societal norms and fell into a life of shame (RODRIGUEZ, 2011).

4.3 Regulations Methods

In the regulations, prostitution is considered an inseparable part of society and thus aim to control its negative externalities through formal legal structure. Although prostitution is not regarded as a legitimate profession under such regimes, it is accepted as a social reality. The regulatory method accepts that prostitution exists and tries to control it through strict legal regulation to protect society from its effects (POST; BROUWER; VOLS, 2019). However, they disapprove of prostitution and, therefore, do not consider it a legitimate occupation. As in Belgium, while brothel management invites sexual acts to be carried out in public places, and advertising of sexual services is officially criminalized. However, these phenomena are tolerated in many cities, leading to a de facto legalization of prostitution (BOELS, 2015).

Utilizing rational scientific arguments for disapproval of moral use, regulators argue that state regulation is the only way to control venereal diseases. According to

the method of arrangement, WIPs may be allowed to work in regulated establishments – either high – end brothel or a lower class – tier venues – provided they are single and of legal age. This tolerant company (*maisons de tolérance*) is managed by women who keep a list of women and monitor activities in the bedroom to prevent depravity. WIPs is controlled by being registered at the Police Station. These registered women (*filles inscrites*) or subjugated women (*filles soumises*) are forced to undergo a medical examination at their own expense in order to achieve the goal of prophylactic regulation in order to prevent the symptoms of syphilophobia in Europe. If they are found to be infected, they are admitted to prison hospitals, such as Saint-Lazare in Paris. The police des mœurs track down unregistered WIPs (*insoumises*); they are arrested, imprisoned, and registered (DUNNE, 1994).

5 PROSTITUTION CONTROL STRATEGIES: REPRESSIVE, RESTRICTIVE, AND INTEGRATIVE POLICY TYPES

5.1 Repressive Type

This type of repressive policy is based on the moral premise that the sale and purchase of sexual services are detrimental to society and individuals. This model assumes that prostitution inherently undermines the dignity and safety of all women, not just those directly involved in the sex trade (ÖSTERGREN, 2017).

In this type of repressive policy, criminal law is used to prevent or prohibit the involvement of third parties as well as prohibit the sale and purchase of sexual services. These policies are often accompanied by public awareness campaigns that frame prostitution as morally and legally unacceptable. WIPs can be encouraged to exit the sector or offered rehabilitation programs, that may also be offered for those who buy sex. The dominant discourse is the massive condemnation of prostitution because prostitution is not considered a legitimate job and WIPs cannot form or join a trade union. Income from prostitution, because it is illegal, is not readily subject to tax laws. Therefore, WIPs will not be able to cut business expenses, use their income to contribute to social security or health insurance funds, and not benefit from social or health insurance (ÖSTERGREN, 2017).

5.2 Restrictive Type

Under this type of restrictive policy, criminal law is aimed primarily at third parties, such as pimps, brothel owners, advertisers, rental brokers, and so on, while enforcing specific administrative rules on those who sell and buy sex. Therefore, it may also be prohibited to offer or solicit sexual services (asking) or to drive slowly in a mobile WIPs street environment (curb crawling). In addition, WIPs can be forced to register and undergo mandatory medical examinations. In some cases, immigration laws are used to limit or exclude foreign nationals from engaging in sex work under the same legal protections as citizens (ÖSTERGREN, 2017).

Despite these restrictions, the model allows for certain reduction measures, such as exit programs between authorities and WIPs. Although WIPs may be consulted, they are not treated as equal stakeholders. Under this restrictive policy, the sex industry may function legally or semi-legally, but operates under more restrictive conditions than other service sectors. In addition, WIPs will only have partial access to labor rights and benefits (ÖSTERGREN, 2017).

5.3 Integrative Type

The integrative type is based on a comprehensive analysis of commercial sex. The main objective is to incorporate the sex work sector into societal, legal, and institutional frameworks, thereby safeguarding WIPs from potential harm. This includes autonomy over job conditions, client selection, working hours, and income management. Although this model does not suggest that commercial sex is considered morally “good,” it affirms that all citizens, including WIPs, deserve legal and social protection. Under the integrative type, selling sex is classified as a service occupation, contingent upon the involvement of consenting adults. Acts that occur without consent, including forced sexual encounters or the exploitation of minors in commercial sexual situations, are subject to criminal prosecution (ÖSTERGREN, 2017).

This category applies to labor, administrative, and commercial laws to sex work similarly to other service sectors, with additional regulations designed to safeguard WIPs as a unique occupational group. These encompass actions like contracts that

establish formal agreements between parties and laws that protect the interests of the wider community, including restrictions on advertising. The legislation should be non-discriminatory, ensuring that the same regulations applicable to other commercial sectors are equally enforced in the WIPs sector. This encompasses regulations regarding foreign workers, the issuance of work permits, and the management of social insurance. By formally integrating the sex industry into national legal regulations, the model ensures that contractual obligations are binding and WIPs enjoy the same rights and responsibilities as other workers (ÖSTERGREN, 2017).

6 PROSTITUTION POLICY MODELS AROUND THE WORLD: CRIMINALIZATION, DECRIMINALIZATION, LEGALIZATION AND THE NORDIC MODEL

Since the late 1990s, several countries have engaged extensive debates regarding the most appropriate policy frameworks to govern prostitution. Western countries, such as the United Kingdom, France, Canada, and Brazil have discussed making substantial reforms to the legal treatment of WIPs, particularly with respect to criminal law. These policy model may have been intensified by changes in the prostitution market and concerns about how the internet and globalization are making state-based policies less critical. Prostitution as a political topic is fraught with conflict, especially among feminists. In many countries, the fierce debate revolves around whether prostitution is something that sellers can choose or whether all prostitution should be seen as forced. This is strongly linked to broader feminist debates about agency, violence, and prostitution. The incorporation of debates about prostitution and concerns about human trafficking in recent decades has also complicated the issue (SKILBREI, 2019). The following will explain the four models of prostitution policy that exist in the world today:

6.1 Criminalization Model

The criminalization model remains one of the most recognizable by the public because it is the second most common model at the international level (after the legalization model). Rooted in moral and condemnation, rejection of prostitution, which

led to the imposition of illegal status to eradicate this practice. One of the simple arguments in favor of the criminalization policy model is that this makes prostitution come to an end. This should ideally reduce the number of WIPs, pimps, and smugglers who provide these services, thereby reducing human trafficking and prostitution overall (NATALIS; PURWANTI; ASMARA, 2023).

Proponents of this model believe that prostitution is fundamentally incompatible with human dignity and should be eradicated through punitive legislation. By criminalizing both buyers and sellers, this approach aims to diminish market viability, discourage exploitative networks (e.g., traffickers and pimps), and limit market size of sex work. However, the criminalization model also has significant weaknesses, as shown by various studies, which are centered on its inability to reduce incidents of violence and coercion. The evidence also points to the tendency of criminalization regimes to increase the level of violence experienced by WIPs, especially when compared to other policy models. Another problem with implementing criminalization policies is the conflict of relations between WIPs and law enforcement officials. WIPs are victims of much higher rates of violence, abuse, and crime than the general population, yet remain unable to seek protection from law enforcement due to their criminalized status. This imbalance of power fosters impunity for perpetrators and deepens distrust between WIPs and authorities (JOULAEI *et al.*, 2021).

Opponents of the criminalization model claim that the criminalization of prostitution opens up the possibility of violence and abuse. In addition, as reported by several states in the United States, fear of punishment and legal consequences keeps the possibility of violence unreported. Violence against WIPs is associated with the use or absence of condoms and increases the risk of STDs and HIV. In addition, this model reinforces the stigmatization of prostitution and makes WIPs groups more marginalized (JOULAEI *et al.*, 2021).

6.2 Decriminalization Model

Decriminalization refers to the legislative process through which certain behaviors, previously classified as criminal sanctions, are redefined as non-criminal, although not necessarily legal or encouraged. For instance, several countries have

decriminalized marijuana, which removes criminal penalties for use or possession under a certain amount. It remains illegal, but the punishment given will not be criminal, such as arrest or detention. Instead, violators may still be subject to administrative fines or required to undergo drug-related treatment/education (SVRAKIC, D. M. *et al.*, 2012).

There are two primary forms of decriminalization: full and partial (JOULAEI *et al.*, 2021). Full decriminalization entails the complete removal of criminal penalties, reclassifying the act under administrative law. On the other hand, partial decriminalization involves eliminating imprisonment as a possible punishment for an offense while retaining other forms of state control, including fines or restrictions (NATAPOFF, 2015). At the same time, partial decriminalization involves a complex combination of altered enforcement patterns, adjudication, punishment, classification, and side consequences

Decriminalization also occurs through institutions other than the state legislature. Several cities in the U.S. have passed regulations decriminalizing marijuana, although the item remains illegal under state law. State police and local police can effectively release offenders (NATAPOFF, 2015). In the context of prostitution, the policy model of decriminalization being anything involved in prostitution does not fall under a criminal law jurisdiction. This model is widely supported by WIPs organizations and human right advocates, as it emphasizes harm reduction, labor rights, and public health. Countries that have adopted full or partial decriminalization include New Zealand, parts of Europe and Asia, and some jurisdictions in Australia (SUMMERFIELD; CROFTS, 2008).

In June 2003, New Zealand became the first country to decriminalize WIPs by passing the Prostitution Reform Act 2003 (PRA), which made it the first country to fully decriminalize WIPs at the national level (FRASER; CHISHOLM; PIERSE, 2023). In the 1990s, the push to decriminalize increased. Spearheaded by the New Zealand Prostitutes Collective (NZPC), the PRA sought to uphold the human rights of WIPs, protect them from exploitation, improve occupational health and safety, and safeguard minors from commercial exploitation. The purpose of the Prostitution Reform Bill is to decriminalize such activities and make prostitution subject to special provisions in addition to the laws and controls governing other businesses. This goal is not intended to equate the promotion of prostitution with an acceptable career option but to allow

WIPs to have access to the same protections as other workers. The Bill, when introduced, has objectives that state: protecting WIPs human rights and exploitation, promoting the welfare and safety of WIPs work, creating an environment that supports public health, and protecting children from prostitution-related exploitation (ABEL *et al.*, 2010).

Decriminalizing the act of prostitution raises questions about individual freedom and privacy, as well as equal treatment under the law (SHRAGE, 2022) due to the presence of evidence indicating certain drawbacks of this model, particularly questioning the principle of equality for women as it transitions from HIV prevention and protection for WIPs to advocating for the decriminalization of clients, pimps, and brothel owners.

6.3 Legalization Model

Kenneth W. Abbott *et al.* (2000) defines legalization as the adoption of institutional characteristics involving obligation, precision, and delegation. “Obligation” refers to the binding nature of rules or commitments that actors, including states, are required to follow.

In the context of prostitution, legalization entails formal state regulation of WIPs and prostitution-related businesses under standard legal framework, such as labor laws, occupational health, and the obligation to pay taxes. Independent WIPs are treated as freelancers or consultants, while brothels are subject to safety standards that guarantee a safe working environment (DITMORE, 2006).

Although the terms “legalization” and “decriminalization” are often used interchangeably, they refer to distinct policy approaches. When LGBTQIA+ rights defenders urging for the decriminalization of sex between gay men, they mean that the state should no longer be involved in regulating such intimate behavior as a whole. For examples, regulations may include business licenses, worker registration, geo-restrictions (such as zones in designated red-light districts or prohibitions near schools, churches, etc.), health requirements (e.g., mandatory condom use, periodic HIV and STD testing), age restrictions, and other regulations for workers, managers, and customers. In extreme cases, such as Daulatdia City in Bangladesh, prostitution is

permitted without formal regulation, leaving WIPs vulnerable to exploitation and abuse by brothels, and violence from customers (SEABROOK, 2001).

Weitzer (2012) identifies two types of legalization policy models in development: *de jure* and *de facto*. *De jure* legalization refers to a situation where an activity or practice of prostitution is officially recognized and legalized by applicable laws or regulations. The government explicitly authorizes and regulates the activity, grants it legal status, and establishes a legal framework governing all related aspects. *De jure* legalization also creates a formal legal basis for the activity, with unequivocal rules regarding the rights and obligations of the parties involved. There are at least some forms of regulation by the government that are officially intended for prostitution with harm reduction as the primary purpose. For example, in Germany, there is a *Prostitutionsgesetz–ProstG*, enacted since Januari 1, 2002, which legalizes and regulates prostitution to improve the legal and social situation of WIPs (LASKOWSKI, 2002).

In contrast, *de facto* legalization refers to situations when prostitution remains officially illegal but is tolerated and regulated in practice. In this context, the activity can continue under certain limitations and rules as long as it does not disrupt public order and adheres to the regulations set by the authorities. *De facto* legalization does not change the formal legal status of the activity, but creates a form of tolerance or regulation at a practical level. This model has been observed in regions, such as Western Australia, Belgium (e.g., Antwerp and Brussels), and previously in Germany and Netherlands prior to full legislation (BRUIJN; HEUVELHOF; KOOPMANS, 2007).

Legalizing WIPs prompts an examination of the extent and nature of government intervention in organized market activities, particularly concerning goods and services that are often deemed controversial (SHRAGE, 2022). The legalization model presents a notable drawback, as it correlates with an increase in reported cases of human trafficking. Legalized prostitution systems frequently mandate health checks exclusively for workers in the industry, while male clients are not subject to the exact requirements. Consequently, the oversight of WIPs does not provide complete protection against HIV/AIDS or STDs.

6.4 Nordic Model

The conceptualization of prostitution as gender-based violence led Sweden to implement broad interventions for women. According to Kajsa Wahlberg, Sweden is different from the Netherlands, which does not separate prostitution from human trafficking. Sweden was the first country to asymmetrically decriminalize individuals who are exploited in prostitution (especially women and children) while, on the other hand, criminalizing the purchase, pimp, and owner of brothels (MCMENZIE; COOK; LAING, 2019). The Nordic model criminalizes those who have the power to demand prostitution transactions, buyers with money, or pimps/brothel owners who make profits. According to Mathieson *et al.*, (2015), assert the Nordic model is not a form of decriminalization model, but rather a distinct criminal justice approach.

The Nordic model also promotes gender inequality. Indeed, many WIPs have the same concerns regarding gender inequality. However, considering this is irrelevant to the way they operate in the workplace. Men dominate the interaction between clients and service providers, but they do not always reflect the client's or service provider's personal life. Outside of her job, a service provider at the age of 21 can, of course, be more flexible with the dynamics of power in her personal sex life. However, the service provider does not feel the need to incorporate this dynamic into her work life because it is just a job. Therefore, the Nordic model ignoring WIPs faces violence from law enforcement and not just from clients, managers, or pimps. Law enforcement officers practically are often found abusing their positions to harass and attack WIPs. A proponent of the Nordic model may argue that law enforcement practices, which has actually been implemented incorrectly. Again, reform of law enforcement practices will only address the problem temporarily when the underlying problem, such as racist and classist law enforcement practices, is never touched.

In most countries today, legal text promoting rights for WIPs exist alongside deeply punitive enforcement practices. In Sweden, for example, the Sex Purchase Law is inconsistently enforced, and its delicacy is disputed. In addition, an evaluation of Germany's laws in 2007 found that all the objectives had not been achieved and that the law was underutilized (SKILBREI, 2019).

Since the late 1980s, certain countries – particularly in Europe and, to a lesser extent, the United States – have witnessed a paradigm shift in prostitution policy, with increased focus on “demand” as a core issue. This shift has catalyzed policy debates and led to the implementation of new measures aimed at criminalizing buyers will encourage underground prostitution or regulating client behavior through administrative mechanisms. However, the “end-demand” model of prostitution policy presents several notable limitations. Criminalizing clients may drive prostitution further underground, thereby heightening the risk violence against WIPs, increasing unsafe sex practices carried out by prostitutes, a philosophical/theoretical framework. Moreover, this model is rooted in philosophical and theoretical framework that presumes engagement in WIPs is inherently coercive, thus denying the possibility of agency, autonomy, and empowerment among WIPs. Crucially, it also fails to incorporate the lived experiences of WIPs themselves (SKILBREI, 2019).

In many contexts, the attention of the police and other control mechanisms remains focused on WIPs, with less focus on buyers or third parties. Izugbara (2012), for instance, described how in Kenya – where WIPs itself is not technically illegal – WIPs are nonetheless treated as criminals, reinforcing societal stigmas and undermining the efforts of organizations that aim to support them.

In the context of legalization, prostitution through labor laws or other special laws is often carried out to make the markets and transactions there more transparent and thus make it easier to detect violence and abuse. Goodyear & Weitzer (2011) concluded that legalization does not make prostitution the same as other types of work, it has led to improvements in working conditions and safety in some settings. Nonetheless, the legalization policy model also perpetuates several issues, such as stigmatization and unequal working conditions. Therefore, the positive effects of a prostitution policy in one place cannot be automatically transferred to another, meaning that the policy may not have the same effect in different socio-political and cultural contexts.

Based on the weaknesses of all these prostitution policy models, in terms of social reality, gender, and legal dynamics, there is a pressing need or demand to find an alternative policy model. Such an alternative may involve a novel approach or the integration of elements from models, but should fundamentally be guided by the four

principles of prostitution policy model as explained by Marcia Neave (1988). The first principle emphasizes that the leading cause of prostitution is women's economic and sexual inequality. Therefore, prostitution will continue to exist until women can control their sexuality and men stop thinking that they are entitled to sexual satisfaction at all costs. In the short term, it is necessary to abandon the idea that prostitution is inevitable and start adopting policies that expand employment options for women because inequality is a significant cause of prostitution, and many women who become WIPs often have no other job options due to poor education, limited job skills, homelessness, and caregiving responsibilities.

The second principle calls for repeal the criminal law that punishes acts of prostitution and related activities. Criminal sanctions should be reserved solely for protecting adult WIPs from coercion and fraud, as well as preventing sexual exploitation of minors. In this context, policies that punish prostitution-related activities are often more detrimental than beneficial, as reflected in the almost inevitable relationship between the abuse of authority carried out by the police in the context of the criminalization of prostitution. Hence, laws prohibiting activities, such as "living from prostitution" should be repealed unless violence or coercion is involved. The third principle emphasize that laws affecting prostitution should be designed to empower WIPs by granting them greater control over their working conditions and the practical ability to resist coercion from employers and clients. The revocation of criminal penalties will make it easier for WIPs to seek help from the police if their employers or clients threaten them.

The fourth principle addresses public concerns regarding the visibility and perceived aspects of prostitution. Social policy towards prostitution should not be based on hypocrisy. If there is a request for sexual services, then the reason behind the request should be addressed rather than pretending that it does not exist. Therefore, reducing disruptive behavior around prostitution business locations can be done without relying on traditional criminal sanctions for brothel maintenance.

7 POLYMORPHIC DISCOURSE: A FEMINIST REIMAGINING OF PROSTITUTION BEYOND OPPRESSION AND EMPOWERMENT

Through the feminist analysis of the middle ground above, it can be concluded that both oppression and empowerment are considered to be one-dimensional and essentialist discourses. Although exploitation and empowerment are inevitably present in prostitution, the substantial variation across time periods, geographical locations, and sectors suggests that it cannot be adequately captured by either framework alone. Alternatively, the author conceptualizes prostitution as a polymorphic discourse, identifying a collection of work arrangements, power relationships, and participants' experiences.

Polymorphus, derived from the Greek '*poly*,' means many, and '*morphe*' means shape, indicating that prostitution can take several forms (LEONARD, 2020). For example, in everyday life, polymorphism concerns someone named John, who may simultaneously be a student, a citizen, a child, and an employee. In this sense, the same person can exhibit various characteristics in different situations. Similarly, prostitution manifests differently depending on situational cultural, and structural contexts. Unlike two discourses – typically characterized by binary views of victimization or empowerment – the polymorphic discourse is attuned to the complexities and structural conditions that make up prostitution along a continuum of agency and dependence. The implications of the policy are clear: rather than generalizing prostitution, it can identify structural arrangements with adverse and supportive effects associated with more positive outcomes. Polymorphic discourse is likely superior to a simple monolithic understanding. This discourse requires a massive rethinking of the general understanding of prostitution, a review of the factors typically associated with prostitution (e.g., violence, disease, drug addiction, organized crime, and trafficking), and careful documentation of how prostitution emerged in a variety of geographic settings and across different sectors of commerce because the complexity of the polymorphic discourse cannot be interpreted in flashbacks votes, its discourse rarely appears in the media, popular culture, political debates, or public discourse. As a result, simplistic myths of prostitution have come to dominate conventional wisdom (WEITZER, 2012).

Many historical studies of prostitution in Indonesia have effectively captures the hierarchical structures within the profession and the ways in which these have evolved over time. This diversity of history and change provides abundant evidence against the

extraordinary claims about the intrinsic nature of commercial sex. Structured prostitution continues to persist today, a WIPs exhibit a wide range of motivations for entry into the industry. These include varying degrees risk of violence, dependence or exploitation by third parties, experience with authorities, public visibility, number and type of clients, relationships with co-workers, and impact on surrounding communities. Factors such as age, appearance, and ethnicity also play a role in this hierarchy, shaping the purchasing power of workers. Location is also a key variable with an essential difference between prostitution committed on the streets, inside a hotel or residence after the initial contact has been made elsewhere (e.g., in bars, karaoke clubs, restaurants, casinos), and in places where initial contact and sex occur in the same place (e.g., brothels, massage parlors, saunas, hair salons, etc.) (LOVERING, 2021).

The highest class the author meets is called a “keep girl” – a woman who may not self-identify as WIPs. This keeps a girl is usually challenging to identify because she rarely openly asks for a specific payment. The client may never realize that he or she is involved in a relationship with a WIPs. The typical motive is dating, Friends with Benefits (FWB), or informal marriage. WIPs is given special facilities (such as money, goods, etc.), and the client gets sexual services. This incident often occurs in urban centers, such as Jakarta, known as “upper-class WIPs.” Another feature is that they tend not to change clients often because the prostitution lasts only until the disguised relationship ends.

As a rule, the degree to which a woman begins to work in prostitution determines her position in the profession in general throughout most of her career as a WIPs. Moving between levels of the hierarchy typically requires access to new networks, skills, and strategies, as well as meeting certain standards of health and attractiveness—qualities that many street-based WIPs may not possess. If there is a transfer, it is usually lateral, such as from street prostitution to downward-class prostitution, from massage parlors to escort agencies, or from escort agencies to independent prostitution. Sometimes, upper- or middle-level WIPs whose life circumstances change (e.g., due to aging or drug addiction) can no longer work in that stratum and tend to turn to the streets (WEITZER, 2009).

Transition between indoor and outdoor prostitution are uncommon. Indoor

workers, WIPs are not likely to consider street work as an option. Likewise, switching from street work to work as an escort or in a brothel is rare. Most street WIPs lack the education and skills necessary for indoor work because they require prolonged social interaction with clients; many will be rejected based on appearance by indoor operators, and many street prostitutes will not like to work indoors, which they may find overly restrictive due to managerial oversight or because such environments lack the spontaneity and autonomy associated with street work (WEITZER, 2009).

Besides some types of WIPs outlined above, some WIPs cannot be classified into a specific category because they generally operate in secret in various locations, causing difficult to identify and label. Within this group, the boundaries between the practice of prostitution and casual sexual intercourse are often not clearly defined. However, the nature of their activities may be ambiguous; this group is rated as one of the most vulnerable groups among WIPs, even exceeding the risks faced by street WIPs. Several factors, such as their unclear status, lack of oversight, and operations carried out in secret make them more vulnerable to exploitation and violence.

A variety of factors influence individual's motivation for purchasing sexual services. Some people buy sex opportunistically when they meet WIPs in a bar or on the street, while others plan the encounter ahead of time based on one or more of the following reasons – some want to take physical or emotional control over others – they target WIPs as they are more accessible and vulnerable than ordinary people and are less likely to report victimization to the police. Others struggle to find partners for conventional romantic relationships or feel sexually dissatisfied within their current partnerships. Some seek to fulfill sexual fantasies, such as engaging with partners who meet particular physical appearance (e.g., physique, ethnicity), who are willing to engage in a desired activity (such as role-playing or sadomasochism), or who can provide instruction in new sexual techniques. Some clients are motivated by a desire to explore alternative sexual orientation (e.g., heterosexual men seeking experiences with homosexual men or transgender providers, or heterosexual women interested in lesbian experiences). For others, the appeal lies in the perceived thrill, | or playful (clients in online chat rooms refer to themselves as 'mongers'). Additional motivations include a desire to avoid the emotional entanglements or long-term commitments typically associated with conventional relationships. Some clients seek limited emotional connection, preferring a kind of quasi-romantic relationship in addition to or in lieu of sex (WEITZER, 2012).

The polymorphic discourse contrasts sharply with the other two discourses, which are too simple and monolithic. By acknowledging and describing sociologically the diversity in the world of prostitution, which includes the empowerment of some workers, the oppression experienced by other workers, and shades of gray in between, polymorphous offers a more affluent and more sophisticated frame of mind than the other two.

Table 2: Shift in Policy Discourse Prostitution

DISCOURSE	IDEA	PRINCIPLE	THE ROLE OF PROSTITUTION	POSITION	GUIDE
Empowerment	Prostitution is a job that involves human agency.	They are rejecting the traditional view of prostitution as a form of male domination over women. Money is used as a form of power to acknowledge weakness, not a sign of strength.	Prostitution increases a person's social status. Engaging in prostitution is not only considered as a way to meet economic needs, but also as an effort to improve the quality of life and social status.	WIPs is an individual who is free to choose.	Prostitution policies should be aimed at empowering WIPs to improve their ability to take control of their working conditions.
Polymorphous	Prostitution is a complex phenomenon.	Open: Prostitution, on the one hand, can be a woman's independent choice. However, in certain circumstances, it can be a form of exploitation.	Prostitution can increase a person's social status. However, it can perpetuate patriarchy.	WIPs can be an independent individual. However, in one condition, it can be a victim.	Prostitution policies must be based on the complexity of prostitution.
Oppression	Prostitution is exploitation and violence, which creates and reinforces gender inequality.	Prostitution as a form of male domination over women.	Prostitution perpetuates patriarchy and exploitation by men against women. Prostitution refers more to paid rape.	WIPs is a victim.	The policy of prostitution must be aimed at ending prostitution.

Source: Author's Analysis Results

Table 2 highlights the distinctiveness of the polymorphic discourse in contrast to the empowerment and oppression discourses, which tend to be oversimplified and one-dimensional. The polymorphic perspective recognizes the complexity and diversity of experiences within the context of prostitution, moving beyond the binary of empowerment versus victimization. It acknowledges that prostitution can be both empowering and exploitative, depending on the individual's unique circumstances.

This discourse conceptualizes prostitution as a multifaceted phenomenon. For some individuals, it may serve as a source of empowerment through financial independence, improved social status, or control over one's own body and labor. Conversely, for many others, it may constitute a form of exploitation, often marked by coercion and perpetuation of gender-based inequalities, which trap individuals in cycles of violence or economic disadvantage.

The key strength of this discourse lies in its capacity to incorporate nuanced and context-sensitive understandings of the experiences of sex workers. It challenges oversimplified categorizations by recognizing women in prostitution (WIPs) as capable agents in some contexts, while also remaining attentive to situations in which they may experience coercion or abuse. Rather than viewing prostitution through a singular or static lens, the polymorphic approach advocates for interpreting it as a continuum of diverse experiences.

Furthermore, Table 2 further emphasizes that the polymorphic discourse calls for policies that reflect the diversity within the sex work industry, which advocates for policies that are both complex and flexible. Such policies should aim to protect the rights of individuals who choose to engage in WIPs voluntarily, while also offering robust safeguards for those subjected to coercion or trafficking. This approach emphasizes the importance of ensuring legal recognition, enforcing health and safety regulations, upholding labor rights, and empowering workers to assert control over their working conditions. Proposed measures include access to social services, protection from discrimination, and the autonomy to negotiate working conditions. For those who have been victimized, the polymorphic discourse supports policies that provide essential services, rehabilitation, and criminal justice measures to address the exploitation and trafficking aspects of prostitution. These policies would ensure access

to shelter, healthcare, and legal support for individuals seeking to escape coercion and violence within the industry.

Finally, the polymorphic discourse critically engages with both the oppression and empowerment narratives. It critiques the oppression discourse for its tendency to advocate the complete abolition of prostitution by focusing solely on its exploitative elements and neglecting the potential for agency and empowerment in certain situations. Similarly, it critiques the empowerment discourse for overlooking the inherent risks and structural inequalities within prostitution, sometimes romanticizing it as a legitimate form of self-determined labor. This nuanced perspective recognizes that, while prostitution may empower some individuals, it can also reinforce gender inequality and exploitation for others.

Emerging from this discourse is the “balanced approach” (balance between harm elimination and harm reduction), which seeks to mediate between the goals of harm elimination and harm reduction. This approach recognizes that the total elimination of the adverse effects of prostitution is not always possible, and therefore, efforts are directed toward minimizing and mitigating the negative impacts, which involves a balanced approach incorporating preventive measures to eliminate hazards wherever possible while implementing strategies to reduce the severity or consequences of hazards that cannot be eliminated.

In areas such as public health, social services, or environmental management, this approach recognizes the importance of different strategies to address the complexity of hazards, aiming to combine prevention and mitigation to create more effective and sustainable impacts. To operationalize this model, it is important to differentiate between forced prostitution and voluntary prostitution. This separation is an affirmative action or a temporary particular action. Affirmative action must be understood as an attempt to abolish the prostitution system while empowering WIPs and achieve the former through the second. Thus, the separation between forced prostitution and voluntary prostitution can provide a clear space to determine the appropriate and contextual approach. For instance, victims of trafficking or child prostitution require targeted harm elimination measures rather than harm reduction, while voluntary adult sex work cannot be entirely abolished without producing new

harms.

The Human Rights Standards for the Treatment of Trafficked Persons, as outlined by the Global Alliance Against Traffic in Women (GAATW), provide the most comprehensive guidelines for distinguishing between forced and voluntary prostitution. These include ensuring trafficked person received temporary residence regardless of their role in legal proceedings, the opportunity to safe accommodation and education, the right to permanent resident hen return may expose them to harm strong protection during legal processes, decriminalization of offenses committed during trafficking (e.g., use of forged documents or prostitution), recognition of their agency, and an evaluation of their rights grounded in human rights standards rather than sentiment or pity.

This polymorphic discourse eventually informs the development of integrative prostitution policy based on a comprehensive and multifaceted understanding of prostitution. Its primary objective is to integrate the prostitution sector into social, legal, and institutional frameworks to protect those who engage in sex work. While acknowledging in WIPs are often exposed to vulnerability and exploitation. This approach also recognizes that some WIPs exercise autonomy over their working conditions and derive satisfaction from aspects, such as job content, working hours, clientele, and earnings. However, this does not equate to a moral endorsement of prostitution. Rather, it rests on the principle that all citizens—including WIPs—are entitled to state protection, and that sex work may be considered tolerable so long as it occurs between consenting adults.

Non-consensual sex acts in the context of commercial sex (or sex with minors) are prosecuted under ordinary criminal law. Within the integrative policy type, administrative law is applied to prostitution, but with specific laws designed to protect WIPs as a category of employment, this includes ensuring a contract that not only regulates the agreement between the parties, but also laws ensuring the interests of the surrounding community, such as some advertising restrictions. In addition, laws and regulations must not be discriminatory because the same rules that apply to other commercial sectors also apply to the prostitution sector, for example, regarding foreign workers, work permits, and social services. Therefore, the prostitution sector is regulated by law, making contracts between the parties legal and legally binding to

ensure that the WIPs work rights and obligations are done by other work sectors (ÖSTERGREN, 2017).

Due to the stigma and often closed nature of the work, WIPs may remain susceptible to be vulnerable. Accordingly, the integrative type ideally has specific laws that protect WIPs from exploitation, such as the right to refuse and withdraw consent at any time and laws for coercing others to provide sexual services. Because of the negative societal perception of prostitution and the marginalization WIPs often endure – including harassment from both clients and authorities – this model incorporates public education initiatives to counter this stigmatization. A code of conduct is also prepared for the relevant authorities, and a special liaison between the police and the WIPs. Therefore, besides administrative law, there is a clear framework for authorities at the local level that has been designed together with the sector. Jobs that focus on health and hazard prevention are also well-developed and explicitly based on the needs of the workgroup. In contrast to the other two types of policies, under the integrative policy type, it is possible and encouraged for WIPs, clients, and intermediaries to collaborate with each other and authorities to prevent and report crimes. It is also possible to develop and integrate self-regulation, such as codes of ethics and ethical standards for a strong WIPs rights organization .

The discussion concludes with a proposal for a hybrid prostitution policy. From a structuralist perspective, such a policy may appear hypocritical—failing to fulfill the state's obligation to protect women from violence through the full abolition of prostitution. In fact, from an individualist point of view, this is a symbolically problematic approach as it marginalizes WIPs and prevents them from being fully socially and economically integrated. The hybrid model created sends two policy messages symbolic stance of abolition through the partial criminalization of forced prostitution, and a practical message of tolerance via the partial decriminalization of voluntary sex work (SHAMIR, 2019).

Several configurations of the hybrid model are possible. These include 1) criminalization in statutory law but discretionary decriminalization a law in action (discretion); 2) incorporating both criminalization and decriminalization incorporated into law in the books and law in action. The first hybrid policy model can refer to Israel,

where legislation criminalizes clients and property owners involved in prostitution, yet the practice is widely tolerated and institutionally acknowledged. However, prostitution in Israel is primarily seen in practice with a certain level of institutional recognition and is in a broad tolerance zone from the authorities, which was analyzed through the perspective of Israel's version of the law in action, abolitionism transforms into what appears to be an unrecognizable regime in the language of dichotomized feminist discourse.

Indeed, one disadvantage of hybridity (such as Israel's) is that the empty core will be filled by the discretion of street-level bureaucrats when applied in Indonesia. The police, social workers, prosecutors, and court judges are the ones who provide significant input in the decision to apply the rule or not, whether to examine a particular situation as encompassing aggravating the circumstances or not. Therefore, this model entails increasing the power of bureaucrats and satisfies feminist criticism of bureaucracy as a site of hierarchy and domination. The hybrid model implicitly favors decision-makers with the most situational knowledge—those operating at the ground level. This carries risks if public officials are corrupt or biased; however, such vulnerabilities are not unique to the hybrid model but apply to any regulatory framework. Ultimately, the responsibility of safeguarding WIPs' rights lies with the WIPs themselves, who must be empowered to advocate for their protection and recognition. The author views this model as a promising pathway toward fostering transformative collaboration (SHAMIR, 2019).

This model includes an innate tendency towards decision-makers with the most information about the situation. Of course, if the police (or any other public agency) are corrupt, racist, chauvinist, or criminal, then this will be reversed. Nonetheless, this is not unique to the hybrid model as corrupt street-level bureaucrats will influence any policy. Whatever system is proposed, in the end, WIPs must protect itself, stand up, and advance its rights. The author argues that this system is promising because it initiates a new collaboration method with a profound transformational effect (SHAMIR, 2019).

In order to overcome the shortcomings in Israeli hybrid system, the author prefers the second hybrid model, which includes partial criminalization and

decriminalization in both aspects of law in the books and law in action. This model aims to provide legal certainty to WIPs or the general public. In addition, the move aims to limit the discretion of law enforcement, including the police and others, in the hope of avoiding abuse of authority. It is essential to consider that the legal culture among law enforcement tends to be discriminatory. Without safeguards, such unchecked discretion may perpetuate harm against WIPs.

8 CONCLUSION

The results of this research highlight the complexity of prostitution-related issues, demonstrating that no single policy model can be uniformly applied across all contexts. Effective prostitution policy must be adaptive, context-sensitive, and grounded in the lived experiences of WIPs. To avoid unintended and harmful outcomes, such policy must be based on rigorous research and scientific analysis.

Policies that lack scientific backing may result in unintended consequences that do not align with the realities on the ground. Before taking drastic steps, such as abolition of prostitution, it is important to fully understand the social dynamics and impacts on society deeply. The proposed prostitution policy reform includes a polymorphous discourse with a 'balanced approach' policy method, a 'mixed methods' policy approach, an integrative policy type, as well as a hybrid policy model. This polymorphous discourse reflects the dynamics of law, discourse, social reality, and gender, especially in relation to mid-range feminist perspectives that focus on strategic layers. The hybrid policy model must also combine decriminalization for voluntary prostitution with the use of health and social welfare regulations, while maintaining partial criminalization to address forced prostitution.

It is important to note that the separation of forced prostitution from voluntary prostitution must be temporary and requires further investigation. Ultimately, prostitution policy should be developed in conjunction with empowerment strategies and must recognize WIPs as experts in their own lives. Their meaningful participation in shaping policies and legal frameworks—both locally and nationally—is essential to ensure protection, inclusion, and justice.

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Recebido em (Received in): 12/04/2025.
Aceito em (Approved in): 15/08/2025.



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