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POLITICS AND THE MEDIA IN TWENTY-FIRST CENTURY INDONESIA

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Krishna Sen is Executive Dean, Faculty of Arts, Humanities and Social Sciences at the University of Western Australia, Perth and Fellow of The Australian Academy of the Humanities. Her most recent publications include (as co-editor) *Political Regimes and the Media in Asia* and (co-authored with David T. Hill) *The Internet in Indonesia's New Democracy* (both published by Routledge).

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MEDIA STUDIES / POLITICS / SOUTHEAST ASIAN STUDIES

TWENTY-FIRST CENTURY INDONESIA

Krishna Sen and David T. Hill



POLITICS AND THE MEDIA IN TWENTY-FIRST CENTURY INDONESIA

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Edited by Krishna Sen and David T. Hill

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Krishna Sen and David T. Hill
Fremantle
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10 Media and morality

Pornography post Suharto

Jennifer Lindsay

In 2006, public debate on pornography erupted in Indonesia. The debate centred on the drafting by a parliamentary committee of anti-pornography legislation that proposed to extend control of pornography beyond the media into the realm of public behaviour. The draft then passed from view, and when the public thought it had been shelved, in September 2008 a revised version re-emerged with stronger support from political parties in parliament, and despite renewed protest was endorsed by the House of Representatives on 30 October 2008.

While discussion about what constitutes pornography and what mechanisms there should be for its regulation have existed since the founding of the Indonesian republic (and before), in the post-Suharto era, the issue of pornography re-emerged with a vengeance, foregrounding conflicting views about the role of national legislation affecting media, behaviour and the arts.

My discussion of this issue focuses on the manifestation of the debate in 2006 and 2008, and in particular the shift of pornography from a media issue to a question primarily of public morality and behaviour. I propose that this shift can be seen as a reaction to changes from New Order authoritarianism, with the relaxing of systems of media control at a national level juxtaposed with a new public authoritarianism of moral policing at a community level, spearheaded by right-wing political Islam and facilitated by post-New Order political structures of regional autonomy.

To present these developments, I retrace some history of Indonesia's anti-pornography legislation, paying attention to the ideology driving it, the mechanisms for implementing it, and particularly to the conceptualization of pornography itself. I note changes over time, with regulations designed for the media becoming progressively more specific in determining what constitutes pornography (as proscriptive regulation) compared to the broader criminal code that describes pornography in terms of its effect on people, thus allowing for changing community standards.

In the post-Suharto period, I will argue, the perception of pornography increasingly slips between media and behaviour. In the 2006 debate and its re-emergence in 2008, pornography was treated not as a media issue, but as a wider issue of public morality with the impulse to regulate this proscriptively *as though* it were media. I argue that this marks the end of an earlier clearer separation of the worlds

of media and behaviour, and movement towards a more blurred Baudrillardian mediatized reality, a blurring which in this case is particularly promoted by the Islamic religious right.

Laws on pornography and regulatory frameworks

The Criminal Code

Pornography and its control are nothing new in Indonesia. Since colonial times, pornography has been prosecuted under the criminal code which dates from the late nineteenth century.¹ Known in Indonesian as *Kitab Undang-undang Hukum Pidana*, or more usually by the acronym KUHP, the Dutch criminal code was taken over by the Republic of Indonesia. In 1963, the lengthy process of its revision was begun. A draft text was completed in 1993 but this has since undergone continual revisions and is still under revision (2008). The following discussion refers to the wording of the official KUHP in force as it stood in 2006.

The criminal laws on pornography, as the criminal code itself, were adopted by the new Republic and remained unchanged. While the language has changed (from Dutch to Indonesian) and the sentences for infringements have altered, the actual wording for what constitutes pornography has remained the same, namely material that '*melanggar kesusilaan*', '*melanggar rasa susila*' or '*melanggar kesopanan*'. The Dutch phrase that this translates is '*aanstotelijk voor de eerbaarheid*' (article 282) and '*openbare schennis der eerbaarheid*' (article 281) which dates from the original Dutch text of 1886² and in English approximates 'offence to modesty', or 'blatant offence to modesty'. Interpretations and decisions about what offends are left to the courts to decide. The criminal law thus defines pornography in terms of its *effect* on the perceiver/s, not in terms of objective or absolute identifiable acts, things or works. The same wording is used for the law on indecency, article 281 of the Criminal Law, namely that it is a criminal act for anyone to '*melanggar kesusilaan*' in public.³

The criminal laws that cover pornography are found in articles 282 and 283, immediately following the aforementioned article 281 on indecency. While the article on indecency applies to people themselves as agents of offence, the articles on pornography stipulate that media – namely writing, pictures or objects (*benda*) – are the source of offence. People make pornography, sell it, distribute it and buy it. Pornography (although, notably, this word itself never appears) is clearly a media issue.

Article 282 states that it is a criminal offence to broadcast, show or display in public; to produce, to import, to distribute, to export, to store, to proffer or assist others to obtain; writing, pictures or things that '*melanggar kesusilaan*'. It distinguishes between those who do the aforementioned with intent and full knowledge of contents (a heavier sentence) and those who merely suspect the contents, and gives the heaviest sentence of all to those who do the aforementioned consistently and/or as a source of income.⁴

Article 283 is concerned with underage access to pornography, but this is listed together with access to birth control devices and devices for abortion. It states that it is a criminal offence to offer, give permanently or temporarily, to hand over or show or read aloud, writing, pictures or things that '*melanggar kesusilaan*', as well as devices for birth control or to procure abortion, to underage persons (under 17 years of age). Again, a distinction is made between those doing the aforementioned with full knowledge of the contents, and those who merely 'suspect' (*menduga*) that the material is offensive.

Other articles in the criminal code that might refer to pornography include articles 532 and 533. Article 532 says that it is an offence to sing songs or give speeches in public, or to create writing or pictures, that '*melanggar kesusilaan*' in any place visible from the public thoroughfare. Unlike articles 282 and 283, the wording here names people as *creators* of pornographic material – the singers of the songs, the speakers of the speeches, the writers of the books and the drawers of the pictures. The offence, though, is the public, visible (and presumably live) doing of this.

Article 533 concerns access to youth. The offence is to blatantly show or display in public, writing with titles or covers or contents clearly legible, or pictures or things, which can arouse the lust of youth (*membangkitkan nafsu remaja*); or to read aloud the contents of writing that can arouse the lust of youth, or to give (temporarily or permanently), proffer or assist youth to obtain such material, or to proffer for sale such material in front of underage persons (below 17 years of age). Unlike the previous article, this one concerns dealers and distributors. However, unlike all other articles, this one stipulates the effect of the offensive material in specifically sexual terms. It does not merely offend a sense of morality; it arouses youthful lust.

In summary, a few points can be made about the Criminal Code. Significantly the term 'pornography' is not used. Second, material is described in terms of its effect, not its contents. Apart from one article referring to youth, this effect is described in general terms of offending a sense of morality, which is the same term used for the law on indecency. Only one article, which refers specifically to youth, links pornographic material and sexual behaviour, namely the article that groups pornography with devices for birth control and abortion. Overall, the laws prioritize for prosecution those people who distribute and produce pornography, and pornography is clearly a media concern. One article refers to performance (singing of songs, speaking of speeches and drawing of pictures) in public spaces. The wording of this article seems to apply particularly to medicine sellers and hawkers of sex aids.⁵

Media laws

Other than the Criminal Code, pornography in Indonesia is also covered in laws, regulations and guidelines relating to the press, broadcasting and film.⁶ However, unlike the Criminal Code, these media laws and regulations were not inherited from colonial times, but have been drawn up since independence, and undergone

changes. These changes, from the 1950s through to the present, can be categorized as follows: changes to cover developments in media technology; changes in methods of prosecution and control; increased specificity in defining pornography; more explicit linking of morality with religion; and changes in the anti-pornography discourse driving the regulation.

Technology

Regulations, laws and guidelines to control pornography are reactive, as the distribution and creation of pornography change with developments in media technology and run ahead of attempts to control them. It is not surprising then that, during the Sukarno period, regulations and prosecutions centred on printed material and film, and during the New Order, videos and DVDs became a new focus. Since the fall of the New Order, broadcasting, mobile phones and the Internet have become prime areas of concern. Rapid developments in media technology, with the constant appearance of new forms and systems that defy existing media controls, fuel the anxiety for regulation.

Pornography control and prosecution mechanisms

The method of prosecution of the media for pornography offences has also changed. During the pre-New Order period, pornography cases were prosecuted according to the criminal law and punished with fines, with prosecutions made against the media owners and editors.⁷ In the early New Order period, pornography cases involving the press were still taken to court and prosecuted under the criminal code. However, the sentence for offences was no longer a fine, but the withdrawal of publishing licences.⁸ Very soon, though, there was no need for the courts at all. From 1972, the powerful Department of Information acted independently of the legal process by either threatening to withdraw, or withdrawing publishing licences as punishment for pornography offences, as it did for the publication of politically critical material.⁹ This strategy also targeted media owners and editors. Since the fall of the New Order and the dismantling of the Department of Information, the licence-withdrawal control mechanism has disappeared, and press cases (for pornography, defamation, etc) now again fall under the criminal law. The fact that Indonesia's legal system is inefficient and riddled with corruption is one of many factors motivating the recent anti-pornography drive.

Film has had a slightly different trajectory regarding pornography in Indonesia because films are controlled through censorship procedure before their distribution, unlike print material which is censored after transgression. Concerns for pornography in film have focused on the establishment of mechanisms and clear guidelines for censorship, which, like the criminal code, has a long history in Indonesia. The first film censor body was set up in the Indies in 1916 in four cities; Batavia, Surabaya, Semarang and Medan. In 1925, this localized censorship was replaced with a single centralized Film Censorship Commission in Batavia, which in 1940 became an autonomous body answerable to the Department of Internal

Affairs. During the Japanese occupation, the censorship commission came under the control of the Department of Propaganda which controlled everything related with media. Early in the Indonesian republic's history, a national body for film censorship was established. This was followed by a Censor Committee formed in 1953 under the auspices of the Department of Education, Training and Culture (*Pendidikan, Pengajaran dan Kebudayaan* or PP&K) comprising 33 people, 24 of whom were government representatives and nine of whom represented political parties.¹⁰

In 1964, the Censor Committee was moved to the Department of Information, and in 1965 was renamed the Board of Film Censorship.¹¹ Early in the Suharto regime, the Censor Board was reshaped and brought under tight government control.¹² Selection of board members based on political party representation was abolished and board membership steadily increased over the years, always with heavy representation from security agencies.¹³ By 1990, Board membership stood at 45, of which the six leadership positions were held *ex officio* by the Department of Information and the Department of Education and Culture. Ten positions were held by 'independent' figures (including intellectuals and artists), 19 by other government representatives (with a heavy loading from security) and the remaining ten *ex officio* by representatives of social organizations, including religious groups. The Indonesian Council of Ulama (*Majelis Ulama Indonesia*, MUI) was one of the religious groups represented in this figure of ten, which also included the Committee of Church Representatives.¹⁴

After the 1992 Film Bill was passed, the Censor Board (named the *Lembaga Sensor Filem*) became semi-autonomous. The composition of the Board remained basically the same, however, both then and following the fall of Suharto in 1998 and the dismantling of the Department of Information in 1999. The Censor Board Membership has stayed at 45 until the present, with the current (2005–8) Board of 45 consisting of 16 *ex officio* government positions and representatives of government organizations, nine representatives of community organizations and religious groups, and 20 non-government individuals, of whom seven are retired staff of the former Department of Information.¹⁵ Proposed changes are now in store with the passing of a new Film Bill in September 2009. The Bill (which is being challenged by the film community who see it as threatening restriction and government control over the thriving post-*reformasi* independent film industry)¹⁶ stipulates that the membership of the Censor Board will now be set at 17, consisting of 12 'community elements' and five 'government elements'.¹⁷ The clause that particularly alarms the film industry is the provision for the Censor Board to form 'branches' at the provincial level, which is seen as a dangerous move towards the implementation of censorship similar to the anti-pornography regulations issued as bylaws (*peraturan daerah* or *perda*), discussed in detail later.¹⁸

Broadcasting sits between film and the press for regulation relating to pornography. During the Sukarno period and through much of the New Order, the state had a monopoly on national radio and television. Private radio, which developed in the 1970s, was limited in frequency and controlled through a licence procedure, and private television began only in the early 1990s.¹⁹ As the Department

of Information had direct control over the state broadcasters (*Radio Republik Indonesia* and *Televisi Republik Indonesia*), regulations for pornography in broadcasting were not so urgent. Since 1998, however, broadcasting has been at the forefront of the debate about pornography. This is because there has been a boom in private television, and because much of the material considered offensive by the supporters of the pornography bill (so-called 'erotic' dancing for instance) is broadcast on television, which is far more pervasive as a medium reaching into people's homes across the archipelago than either film or print.

Legally, prosecution for the criminal pornography infringements in broadcasting can also be made through the criminal code (targeting media owners). The 2002 Broadcasting Bill (UU 32/2002), which was finalized in the early post-Suharto period, has only a brief mention of pornography grouped with other criminal activities such as drug-taking and gambling. The Bill merely prohibits the broadcasting of material that 'manifests elements of violence, pornography (the term used is *cabul*), gambling, misuse of narcotics and prohibited drugs'.²⁰

Defining pornography

Media regulations relating to pornography in Indonesia have become increasingly specific in their definition of the term. It is as though as media becomes increasingly impossible to control because of the speed of developments in technology, the urge to keep things in control turns to the actual definition of pornography itself.

Pornography in the media emerged as a matter for regulation early in Suharto's New Order.²¹ In June 1968, a meeting about pornography in the press – the Indonesian title was '*Pornografi dalam Pers*' (note that pornography is now named as such) – was organized by the journalism department at Moestopo University in Jakarta, and attended, among others, by officials from the Journalists' Association, the Department of Information and the Attorney General's office.²² A working definition of pornography was produced which described pornography as media – 'writing, pictures, photos and sculpture' – which can 'arouse sexuality beyond social norms'.²³ Notably, this early New Order definition explicitly linked morality and religion, saying these things 'offend morality and religious moral sensibilities'.²⁴

In 1973, the newly-formed *Direktorat Bina Pers* (Directorate for the Development of the Press) in the Department of Information issued guidelines for the press on pornography. These guidelines were the most specific description to date of what was considered to constitute offensive material, and listed: nudity, display of female breasts, sex, masturbation, homosexuality, sodomy, intercourse, any attitude or discussion promoting free love, any contact with genitals whether naked or not, the touching of buttocks, breasts, sexual arousal, showing female or male genital arousal and other things that arouse lust; sadism, masochism and horror 'tending towards the pornographic'; any writing or pictures that might cause someone to be embarrassed or disgusted or which offend moral sensibilities according to prevalent community standards.²⁵

The Directorate for Film appears to have drawn on these press guidelines when, following the passing of the Film Bill in 1992, it issued revised guidelines for the Censor Board. These guidelines stipulated that films would be cut for nudity, close-up shots of genitals, thighs, breasts or buttocks, whether clothed or unclothed; same-sex or between-sex erotic kissing; scenes, movements or sounds of sexual intercourse or that give the impression of intercourse; masturbation and homosexual or heterosexual oral sex; and finally, scenes that could 'create an unethical impression'.²⁶

In the post-Suharto era, broadcasting guidelines on pornography have become more like those for film. As mentioned previously, the Broadcasting Bill of 2002 gave little attention to pornography. In 2004, however, the newly-formed nine-member Broadcasting Commission (*Komisi Penyiaran Indonesia, KPI*) issued explicit guidelines on what constitutes pornography, which were more detailed than anything ever produced for film censorship, and the most detailed anywhere for any media to date. Section 3 has an entire section on '*Kesopanan, Kepantasan dan Kesusilaan*' (decency, propriety and morality) on what is prohibited for broadcast, and what is permissible for broadcast under special circumstances. Prohibitions include: nudity, 'still or moving'; pictures of any body parts that usually arouse lust, such as thighs, buttocks, breasts and genitals; kissing; intercourse real or simulated; sounds of or conversation or activity leading towards sex; sex between animals; sex between people and animals; programmes endorsing sex outside of marriage; rape; forced sex; programmes endorsing rape; songs and videos with explicit sexual lyrics; or dances that according to common sense could be categorized as sensual, manifesting sex, arousing sexual desire or conveying the impression of sexual intercourse; programmes that can be interpreted as degrading women as sex objects; broadcasts with children or teenagers as sex objects, including scenes with children and youth scantily dressed, or whose movement can be associated with sexual allure; and masturbation, real or implied. Special circumstances, namely within restricted broadcast hours between 10 p.m. and 4 a.m., allow the broadcast of talk shows about sex, if they are presented in a scientific and polite manner, and with no explicit public phone-ins; programmes that discuss sexual deviancy (paedophilia; sex between children or underage youths; incest; bestiality; sex with violence; group sex; sex aids), provided that such behaviour is not condoned; programmes about sex workers, provided that this behaviour is not condoned and the face and identity of the sex workers is obscured; programmes about homosexuality and lesbianism provided this is not condoned or promoted as something normal to be accepted by society. Finally, again within the restricted broadcasting hours, works of art such as sculptures or paintings revealing nudity can be shown as long as they do not exploit the sexual allure of that nudity.²⁷

Anti-pornography discourse.

Along with changes in media technology and increased specificity in definition of what constitutes pornography, there have also been changes in the discourse of anti-pornography itself. In the Sukarno period, anti-pornography discourse was

couched as the protection of revolutionary spirit and national identity against foreign influence and depravity; during the New Order it was maintenance of national identity and public order; and post Suharto, the discourse has shifted squarely to morality and religion.

Concern about controls for pornography, then called '*cabul*', emerged early in the Indonesian republic. The 1951 national Cultural Congress already debated issues of film import and censorship.²⁸ The two issues were linked, for in the 1950s and early 1960s, '*cabul*', was seen as a threat imported from outside, namely 'the West'. The offending female bodies in posters and pictures, and those doing the kissing onscreen were western.²⁹ Lewd pictures, erotic films and sexually-explicit texts, along with youth fashion, rock music and dance were seen to be part of western degeneracy popularized by western (American) films.

Indonesia was not alone in this concern about encroaching western depravity. In Singapore, for instance, a large public meeting in mid 1956 demanded a government clampdown on pornography.³⁰ However, whereas in Singapore the call was driven by religious authorities, in Indonesia the most vocal critics of western degeneracy and obscenity ('*cabul*') at this time were those on the far left of the political spectrum, namely the Communist Party and those associated with it. While Muslim organizations in Indonesia also called for tighter control of moral standards, it was the Left that drove the campaign against depravity as part of its attack on western imperialism and anti-revolutionary subversion, employing this rhetoric in the campaign to stop the import of all American films. For instance, the Secretary General of the Indonesian Communist Party, D.N. Aidit in 1964 attacked American films as 'decadent, pornographic ('*cabul*'), spreading bestial instincts, anti-democratic attitudes, racial discrimination, delinquency, gangsterism, unkempt hair and Beatle(s) hair styles, and all kinds of other efforts to separate the People from revolutionary traditions and the revolutionary struggle.'³¹

The point of conceptual commonality between the Left, with its revolutionary, anti-imperialist campaign against western decadence, and the non-Left – particularly Muslim groups – was concern for the dignity of national identity, referred to as '*kepribadian nasional*' or '*kepribadian bangsa*'. The discourse of 'national identity' also allowed anti-pornography campaigns to cross periodically into other areas of life, such as dress, popular culture and prostitution. Sukarno railed against western-style dancing ('*dansa-dansi*') and rock music (which he dubbed '*musik ngik ngak ngok*'), and in the early 1960s police hounded young men with long hair or wearing crotch-hugging trousers. This did not radically alter with the change of regime in 1966. The New Order, alarmed at the uninhibited public behaviour and sexual permissiveness of the young generation, translated the earlier discourse of revolutionary values into '1945 values', with the army held up as the paragon of discipline and '*kepribadian bangsa*' for the youth to emulate.³² During the New Order, there were periodic campaigns against prostitution (for instance in 1971, 1984 and 1994),³³ and sporadic police intervention to maintain decorum in public entertainment, particularly when that entertainment was linked to nationally-significant celebrations or venues. In 1987, for instance, at Brebes, in Central Java, police gave *dangdut* singers from the group KK Demak performing at the

17 August fair a warning for wearing hot pants and tank tops considered to be 'inappropriate to the culture of our nation'.³⁴

When the Suharto regime assumed power in 1966, the relaxed media climate led to an initial flourishing of what was considered to be pornography both in the distribution of foreign imports (particularly videos), and in local production (particularly films).³⁵ Following a rash of Indonesian films in the 1970s and 1980s with erotic themes and semi nudity, often thinly disguised as retellings of local legend, the Censorship Board tightened its controls, and in 1977 drew up guidelines for censorship which were further refined in 1981.³⁶ Significantly, the threat to moral standards was now no longer seen to be coming only from outside but it was recognized that pornography was being produced at home. Significantly too, censorship concerns were not merely a matter of control of sex and violence, but were primarily a matter of public order and national security. The Film Censor Board's duty statement drawn up following the passing of the 1992 Film Bill directly linked the protection of morality to the protection of 'public order' in true New Order discourse.³⁷

During the New Order, the Muslim religious community became increasingly vocal in demanding more stringent measures against pornography. In 1988, it was the Indonesian Council of Ulama (*Majelis Ulama Indonesia* or MUI) that led the protest against the film *Pembalasan Ratu Laut Selatan* (Revenge of the Queen of the South Seas), starring a scantily-clad Yurike Prastica, and succeeded in having the film recalled by the Censor Board.³⁸ In 1994, the MUI again made representations about the proliferation of film pornography. The Minister of Information, Harmoko, instructed the Censor Board to clean things up and threatened to close national film production, if sex and pornography continued to be exploited in film. The Minister of Religion, Armizi Taher, also requested the Censor Board to be more rigorous in its policing and asked the ulama to be less 'emotional' about pornography in film.³⁹

However, while during the New Order religion and morality became increasingly linked in anti-pornography discourse, the New and pre-New Order regimes actually shared more similarity in their ideological stance against pornography than either of them does with the post-Suharto period, where religion, in the name of Islam, has come to the fore to monopolize the moral high ground and has emerged as the political force driving the call for changes in legislation. It is to the post-Suharto period and the anti-pornography bill that we now turn.

Post Suharto: new freedoms, new controls and the anti-pornography drive

When Suharto resigned in May 1998, journalists with activist experience were those most prepared to rally colleagues and make demands for structural change. The new Press Bill was passed during the Habibie presidency, and the entrenched Department of Information was dismantled in October 1999 when Abdurrahman Wahid, just installed as President replacing Habibie, announced his new Cabinet. Mechanisms for issuing the hated Publishing Licences (SIUPP) suddenly

vanished, the Censor Board had no home, and there was a boom in new private television and radio stations, and magazines. From mid 1998, even though many New Order media regulations were not officially rescinded, people quickly acted as though they had, aware that the monitoring mechanisms were no longer functioning. With the end of media control by the Department of Information, the Criminal Code was again used to prosecute pornography.

Inevitably, the press pushed limits in its competition for readership. In reaction to the boom in smutty tabloids, the Minister of Women's Affairs during the Habibie Presidency, Tutty Allawiyah, in 1999 waved a bunch of tabloids in Parliament and demanded action, calling for anti-pornography legislation.⁴⁰ In the same year, the police summoned editors of four Jakarta tabloids and one daily, *Popular*, *Liberty*, *Matra*, *POP* and *Objektif* accusing them of offending KUHP 282 clause 3. The infringement that caught most public attention at the time was *Popular's* semi-nude photo of the celebrity Sophia Latjuba. In response to this summons, and taking the initiative to promote responsible journalism, the Journalists' Association (*Persatuan Wartawan Indonesia* or PWI) together with the Bandung newspaper *Pikiran Rakyat* hosted a two-day seminar in July 1999 to discuss pornography, media ethics and a proposed system of guidelines to be managed by the media itself. It was at this stage that the Indonesian Council of Ulama (MUI) entered the negotiations, for the MUI participated at this conference, and a recommendation was made that the MUI conduct follow-up research on the effects of pornography on society.⁴¹

While the press was the initial focus of anti-pornography discussion in 1999, broadcasting, VCDs and live performance soon became the real battleground. After a few months of uncertainty as to whether the New Order controls had really gone, broadcasting also tested the waters, and Indonesian television serials, *sinetron*, became more daring in depicting risqué scenes.⁴² Around the same time, local VCD production came to light, with six locally-produced explicit pornographic films made public between 2000 and June 2003.⁴³ Meanwhile, raunchy dancing, epitomized by the popular female *dangdut* artist Inul with her skin-tight pants and pelvic 'drilling', and now frequently broadcast on television, attracted the ire (and envy) of her older male rival, Rhoma Irama, the former unchallenged 'king of *dangdut*', now gone pious, who in the name of Islam led the call for a ban to both media broadcast *and* live performance of Inul and her ilk.

The period immediately after May 1998 was characterized by a combination of vague media controls, a weak legal system and technological developments – particularly the explosion of VCD – which together were conducive to the propagation of pornography. From 1999 to 2005, the anti-pornography lobby proceeded in two directions. On the one hand, the process begun in 1999 by the Minister of Women's Affairs to draft anti-pornography legislation continued, and by 2002, during Megawati's presidency, a first draft had been completed which focused on mechanisms for control of pornography in the media. The Press Council also drafted guidelines for a division of responsibility between the Council and the police to control pornography in the print media; with the Press Council to handle

affairs when pornography was clearly a breach of journalistic standards and ethics, and other cases to be reported directly to the police.⁴⁴

Meanwhile, however, the voice from the MUI and Islam was gaining strength, campaigning not only against media pornography, but also 'indecent' dress, lewdness and 'erotic behaviour' in general. In 2001, the MUI issued a fatwa (number 287) outlawing all things that 'arouse lust', including paintings, pictures, writings, sound, advertisements and speech, whether mediated or unmediated, as *haram*.⁴⁵ Anti-pornography discourse was no longer in terms of national identity, national security or development – but had become explicitly religious.

The MUI campaign attracted political allies. On 6 March 2002, the then Coordinating Minister for People's Welfare, Jusuf Kalla, met with the MUI and 70 mass organizations and called for a 'war against pornography'.⁴⁶ The MUI began to draft its own text of an anti-pornography bill.⁴⁷ The 2002 draft text that had been prepared by a special committee in DPR since 1999 was quietly shelved, and in 2003 a new parliamentary committee was formed.

Decentralized authoritarianism

The introduction of regional autonomy in Indonesia in 2001 brought a new element into the 'war' against pornography. Local authorities at a municipal and district (*kabupaten*) level began to introduce *sharia*-related bylaws (*peraturan daerah* or *perda*), including anti-vice regulations (*perda maksiat*) to regulate prostitution, gambling, the sale of alcohol and pornography. Almost half the regional regulations in force in Indonesia in 2007 fell into this category of 'morality' regulations.⁴⁸

Since 1998, media controls also have become steadily more subject to community demand and intervention. Calls for film censorship are more community-driven, and the Censor Board, rather than being the undisputed central authority issuing edicts as it was during earlier eras, is now increasingly in the defensive position as a target of protest with its decisions challenged or ignored at the local level.⁴⁹ These protests and challenges are made in the name of morality. In 2007, community groups in Makassar (including *Warga Peduli Moral Sulsel* or Citizens Concerned for South Sulawesi Morality) achieved a local ban on the film *Maaf, Saya Menghamili Istri Anda* (Sorry, I got your wife pregnant). The MUI became more vocal in calling for censorship of particular films, and in 2004 succeeded in getting the film *Buruan Cium Gue* (Kiss me Quick), which had already been passed by the Censor Board, recalled from national distribution.⁵⁰

Anti-pornography drive

The fall of the Suharto regime ushered in a period of creative and artistic freedom, much as the early New Order period had done in the early 1970s. With relaxed or inoperative controls over media and the arts, explorations led to new anxieties and clashes.

In the field of literature, young women writers published sensational novels

that were sexually explicit and were criticized as being at worst disgusting and at best deliberately provocative. In 2003, a long-brewing clash between *dangdut* stars Inul and Rhoma Irama became more heated, with Rhoma Irama calling for a boycott of Inul's performances and television appearances, thus giving moral support to thugs acting in the name of Islam who started sabotaging her public performances and succeeded in intimidating sponsors who cancelled their bookings. Inul sought support from other artists and even former president Abdurrahman Wahid. Visual arts were also a target for intimidation. In 2005, an artwork by Agus Suwage and Davy Linggar titled 'Pinkswing Park' featuring nudes of soap opera actress Anjasmara and the model Isabel Yahya was exhibited in Jakarta at the Mandiri Bank Museum. The Islamic Defenders' Front (FPI), by now confident of political backing through the anti-pornography campaign, publicly raided the exhibit, forced its closure and demanded (and got) an apology from the organizers.⁵¹ Meanwhile, in late 2005, plans for publication of an Indonesian edition of *Playboy* magazine were also meeting with violent opposition.⁵²

In this heated climate, in late 2005 the new draft of the anti-pornography bill, drawn up by the MUI but submitted in parliament by the Islamic-based Justice and Prosperity Party (PKS), became public when 'experts' were called in to comment on it before the Parliamentary committee. The new draft was titled the Anti Pornography and Pornoaction Bill (*Undang-Undang Anti Pornografi dan Pornoaksi*, soon known by the acronym UU APP). When the text of this draft became public in early 2006, debate erupted as people realized the drafting process had been hijacked by Islamic parties and groups, and that the proposed bill was no longer a matter of media regulation of pornography (for which there was wide community support), but an attempt to use the pornography issue to implement *sharia*-influenced law to control public morality, dress and behaviour.

The 2002 Anti Pornography Bill Draft: Defining media

A comparison of the 2002, 2006 and 2008 drafts of the Bill is revealing in tracing the conceptualization of pornography. The changes in wording, the addition of sections dealing with live performance and behaviour, and confusion between pornography as a media matter or a wider matter of general morality, indicate a grappling with the interrelationship of mediated and non-mediated worlds in the desire to control both.

The 2002 draft was called the Anti Pornography Bill, and contained a total of 36 articles, of which only one clause of one article defined pornography, and did so specifically referring to media:

'Pornografi adalah substansi dalam media atau alat komunikasi yang dibuat untuk menyampaikan gagasan-gagasan tentang seks dengan cara mengeksploitasi seks, kecabulan, dan/atau erotica.' (Pornography is substance in the media or in communication devices which is made to convey ideas about sex by exploiting sex, obscenity, and/or erotica.)

The focus of this draft was the updating of what is defined as media rather than what is defined as pornography. Article 1, which includes the aforementioned

definition of pornography as clause 1, has six clauses defining what is included as media (including print, audio and visual electronic, mobile telephone, Internet, intranet, advertisements, public service announcements, videos, VCDs, computers and personal computer disks).

However, one significant change in the 2002 draft in comparison with all existing legislation was that prosecution for pornography was extended beyond producers and distributors to those who use pornography and to those knowingly depicted in it. This was the first clear step towards extending prosecution to the likes of *dangdut* star Inul for televised or live performances deemed pornographic. Further, one clause of the draft referred to works of art; prohibiting the production, distribution or modelling in works of art that 'contain pornographic elements' shown in public places that are not arts venues. This clause could be used against art exhibitions in any venue not exclusively and specifically approved as an art gallery, or live performances for weddings, in public squares for 17 August celebrations, or for election campaigns. The bulk of the Bill, however, namely 14 of the draft's 36 articles, covered the establishment of an independent national body, the National Pornography Board (*Badan Pornografi Nasional*), to investigate infringements that would still be prosecuted under existing regulations. This was dropped in later revisions. Overall, this draft was relatively moderate, focusing on developments in media technology and still referring to the Criminal Code as final arbiter.

The 2006 Anti Pornography and Pornoaction Bill draft: Defining porn

The 2006 draft, the frame of which had been drawn up by the MUI, was a very different document, however. First, the bill was now named the Anti Pornography and Pornoaction Bill (UU APP). The addition of the new oddly named 'pornoaction' category indicates two things: the conceptual wrestling with pornography as a media issue or as a wider moral one of public behaviour; and the aim to ensure that live performance was also liable for prosecution as pornography. While 'pornoaksi' is conceived in the draft as the creation, circulation and consumption of recorded or transmitted material, 'pornoaksi' is conceived as the live enactment of pornography, in definitions that cross between behaviour and staged performance.

The February 2006 draft of the Anti Pornography and Pornoaction Bill contained 93 articles, of which 20 dealt with pornography and six with pornoaction. The initial definition of pornography repeated the definition of the aforementioned 2002 draft, but now added a definition of pornoaction as follows: 'Pornoaksi adalah perbuatan mengeksploitasi seksual, kecabulan, dan/atau erotika di muka umum'. (Pornoaction is action that exploits sexual[ity], obscenity and/or erotica in public.) The draft listed for prosecution the creation, dissemination, purchase, financing and facilitating of, and appearance as actor or model in pornography, as did the 2002 draft, but went further to specify what pornography is, namely material

that exploits the attraction of certain sensual parts of the adult body; nudity; the attraction of bodies or parts of the body of people performing erotic dance or moving erotically; kissing; masturbation; heterosexual acts; homosexual acts; necrophilia; bestiality; orgies; sex shows; children masturbating; children having sex and children having sex with adults.

Prohibitions of 'pornoaction' were listed as: revealing 'certain sensual parts of the body'; nudity in public; kissing in public; erotic dancing or erotic movement in public; masturbation or simulating masturbation in public (including ordering children to do the same); having sex or performing sex-simulated movements in public (and ordering children to do the same); holding sex shows and sex parties, including those with children; watching sex shows and sex parties; and the funding, sponsoring, or provision of space or equipment for 'pornoaction', sex orgies or sex shows.

The May 2006 revision of the February draft eliminated some of the more blatant interventions into public behaviour in the name of controlling pornography (such as prosecution of kissing in public) to which there had been widespread reaction.⁵³ The new draft continued the impulse to give a specific definition to pornography and pornoaction, but added the language of the Criminal Code, in terms of pornography's effect: 'Pornography consists of human works that deliberately exploit sexual objects by displaying them in public and offending the community's sense of morality.'⁵⁴ However, 'Pornoaction is action that deliberately exploits sexual objects carried out in public and which offends the community's sense of morality and diminishes human dignity and values.'⁵⁵ Notably, the May 2006 revision eliminated the word 'media' entirely from its definitions. Pornography has clearly become a matter of public behaviour and morality.

From media to virtual media

The text of the February 2006 draft UU APP reflects a combination of the 2002 KPI media guidelines on pornography and the 1992 guidelines for the Film Censor Board discussed earlier. However, these have been adopted and applied to both pornography and 'pornoaction'. In other words, restrictions drawn up for media censorship are now applied to behaviour. Performance – both staged and unstaged – is treated *as though* it is media. Non-mediatized behaviour and performance is interpreted in terms of media, as enacted pornography. And proceeding from this perception, behaviour, like media, is seen as something that can be specified, regulated and controlled.

Much of the Indonesian writing around the pornography issue at the time illustrates this tendency to define 'reality' or 'liveness' in media terms, as a Baudrillardian loop,⁵⁶ enveloping the virtual and actual. Pornography of the live event or behaviour is defined in terms of what it is *not* (not media). For instance, Djubaedah takes the example of striptease arguing that 'in my view, striptease that is performed live, or without communication media, can be called pornoaction. However if that striptease is presented via communication media, then it can be categorized as pornography.'⁵⁷

Another of the many books that emerged in Indonesia at the time of the debate also reveals the grappling with terminology to capture everything as pornography, and then define it in media terms. Burhan Bungin, in his book titled *Pornomedia*, has a whole chapter on suggested terminology for different categories, including 'pornografi', 'pornoteks' (textual porn), 'pornosuaras' (audio porn) 'pornoaksi' (pornoaction) and 'pornomedia' (pornomedia), and distinguishes 'pornoaksi' from the others by its liveness.⁵⁸

We are certainly a long way here from the criminal code with its reluctance to define pornography itself, or from specifications of pornography during New Order times that were designed as proscriptive regulations for the media. What we see in the 2006 drafts of the Anti Pornography and Pornoaction Bill as well as much of the discussion around them, is that pornography is no longer seen as merely a restricted matter of *graphos*, but *all* activity is reinterpreted as enacted *graphos*. 'Pornoaction' is the realization of action known from the media, perceived in media terms, and defined in terms of media.

2008

After the heated debate of early 2006, things went quiet on the anti-pornography front, and most people thought the bill had been abandoned. Then in September 2008, during the Muslim fasting month and six months before the 2009 national elections as major political parties began serious jostling for minor party support, the issue suddenly re-emerged with the announcement that the revised draft was now complete and would be submitted for parliamentary approval as a 'Ramadan gift' to the people of Indonesia. The special parliamentary committee in charge of drafting the bill claimed now to have the political support of all the major political parties to vote in the bill, with only the Indonesian Democratic Party of Struggle (PDI-P) and the Prosperous Peace Party (PDS) rejecting it. The same committee claimed to have taken all the 2006 criticisms of the bill into account and produced a bill acceptable to Indonesian society at large.

Reaction showed otherwise. Demonstrations followed in Bali, Papua, Manado, Bandung, Yogyakarta, Solo, Semarang and Surabaya. Critics pointed out that the bill was motivated by political concerns of pre-2009 election inter-party trading of influence; that the drafting procedure was legally flawed, and moreover that little of substance had changed in the bill itself.⁵⁹

Indeed, the definition of pornography in this revision, now titled the Bill on Pornography (*Undang-undang Tentang Pornografi*) showed little change. Far from teasing apart pornography as a media issue from intervention into public behaviour, as earlier protests had demanded, the new definition collapsed both in a single definition:

'Pornography consists of drawings, sketches, illustrations, photos, writing, sounds, moving pictures, animations, cartoons, conversations, body movement or other forms of messages via communication media and/or public performance, which contain indecency or sexual exploitation which offend moral norms in society.'⁶⁰

The detailed listing of what constituted pornography in earlier drafts is summarized in the final text as: 'sexual intercourse, including deviant sexual intercourse: sexual violence; masturbation; nudity or appearance resembling nudity; genitalia.'

The final text of the bill contains 45 clauses in eight sections. As before, it targets producers, providers, distributors and users, as well as those who appear as actors in pornography and live performers. A new emphasis in the 2008 draft is the policing of pornography in the private realm, extending criminal behaviour to those who own or store any pornographic material in their homes. It also extends a provision that first appeared in May 2006, giving the community a policing role in reporting cases of production, distribution, ownership or use of pornography. One further new emphasis, which attracted no comment in Indonesian media coverage, is the inclusion of a new definition, namely that of government with national government (governors, regents, mayors and local government apparatus) appears in clauses binding the government to implement the law. This in effect legislates against regional governments (at provincial or district levels) implementing their own local counter regulations that might contradict or weaken the impact and reach of the bill.

After its endorsement by the House of Representatives on October 30, the pornography bill was passed to the President for his signature in order for it to become law. There still remained the opportunity to then challenge the bill under a process of judicial review, and indeed this process began in early 2009 with the Constitutional Court hearing objections to the bill.⁶¹ Some are not waiting for such legalities, however. Just three days after the bill's endorsement, police in Jakarta were reported to have arrested 'erotic dancers' performing in public, with the arrest made 'in accordance with the new pornography laws'.⁶²

Conclusion

Drafting of the anti-pornography bill took almost a decade. Its definition of pornography owes much to the media laws and guidelines from both the New Order and post-New Order, but its conceptualization of pornography from the beginning through to the final wording of the bill endorsed by the House of Representatives on 30 October 2008 continually widened to include media, performance and behaviour, and regulate all in the name of morality. This became more explicit in each successive draft. The basic premise of the bill is that all activity related to eroticism and sex is pornography unless proven as an exception. Pornography is not seen as an exception to sexuality, but rather the conceptualization is the other way around. All the world is porn, and all men and women its players. Life is permeated with sex that needs to be regulated and controlled. Just like media.

The driving force moving pornography from a media issue to a broad issue of public and private morality is the post-New Order power of political Islam. The implementation of *syaria*-influenced regulations on morality at regional and local levels is one example of this, as is the political influence of groups like

the Indonesian Council of Ulama, the MUI. The clout of Islamic-based parties in parliament in their power to strike deals with other political parties is another. Tellingly, the House of Representatives endorsed the text of the Pornography Bill, with only two of the ten factions rejecting it, just one day after another bill was passed, the Presidential Election Bill, which set the minimum support a party or coalition of parties must win to nominate a presidential candidate at 20 per cent of House seats or 25 per cent of popular votes. With their eyes firmly on the 2009 general and presidential elections, the major political parties and their minor coalition partners needed the support of the Islamic-based parties.

The political power of Islam in Indonesia, which has steadily increased since the fall of Suharto, has allowed for the intrusion of religion into the conceptualization of pornography and regulation, and it is no coincidence that this intrusion has occurred with regulation that was initially concerned with media. With the anti-pornography bill, the proscriptive role of religion in determining clear rules of behaviour, of determining guidelines of right and wrong, found a match in the proscriptive role of media regulation, which establishes clear guidelines about what can and cannot be shown, to whom, where, when and under what conditions.

It must be said that of course the media itself is part of the process of turning behaviour, performance, ritual or culture into matters of 'public morality'. Media turns the live interactive face-to-face world into mediatized reality by bringing Inul and her sexy dancing, for instance, into people's living rooms across the archipelago. The local social negotiations of acceptance of dress, movement or images of the live situation are altered, and borders of private and public become blurred or redefined. The concept of 'pornoaction' can also be seen as an expression of the permeability of the live and mediatized worlds, of seeing action as realized media.

Notes

- 1 Alex Rachim dates the original Criminal Code in Holland as 1886, and its application to the Indies in 1912 (A. A. Rachim (ed.) *Pornografi Dalam Pers Indonesia. Sebuah Orientasi*, Jakarta: Dewan Pers, 1977, p. 43). Razak says the Criminal Code dates from 1870, and it was applied to the Indies in 1915 with virtually no revision or addition (A. Razak and G. Subagio (eds), *Debat Besar Pornografi*, Bandung: Harian Umum Pikiran Rakyat Bandung and Dewan Kehormatan Persatuan Wartawan Indonesia, 2000, p. 129).
- 2 Rachim, *Pornografi Dalam Pers Indonesia*, pp. 39, 42, 44.
- 3 L. Muntaqo, *Porno. Definisi & Kontroversi*, Yogyakarta: Jagad Pustaka, 2006, p. 69.
- 4 See the full text of articles 281, 282, 283, 532 and 533 in Muntaqo, *Porno, Definisi & Kontroversi*, pp. 70–76.
- 5 See T. Lesmana, *Pornografi dalam media massa*, Jakarta: PT Penebar Swadaya, 1995, p. 16 for examples of how it has been used for such prosecution. For examples of concern in the 1950s about advertisements for 'obat-obatan', presumably aphrodisiacs, see the communist newspaper *Harian Rakyat*, 26 August 1954, p. II, ('Awat iklan cabul'), also 2 September 1954 p. III and 4 September p. II.
- 6 Apart from the Criminal Law, other than the press and broadcasting bills discussed here, another more recent bill that can also apply to pornography is the 2002 Child Protection Act (*Undang-undang Nomor 23 Tahun 2002 tentang Perlindungan Anak*).

- 7 Lesmana, *Pornografi dalam media massa*, pp. 13–16 discusses 16 cases brought to court between 1954 and 1963. Of these, 12 were for texts in newspapers or magazines, one for a picture in a magazine, one for a book, one for a picture in a newspaper and one case was against a person selling sex tonics in a public area. In all cases (except the sex-tonic seller), the prosecutions were made against the owners and editors of the media.
- 8 For instance, in 1967 nine magazines and newspapers in Jakarta and Bandung were prosecuted and had their publishing licences withdrawn (Lesmana, *Pornografi dalam media massa*, p. 12 and Rachim, *Pornografi Dalam Pers Indonesia*, p. 89).
- 9 See Lesmana, *Pornografi dalam media massa*, p. 12.
- 10 A list of names of Censor Committee members is given in *Abadi*, 2 February 1953. See further V. Kusuma and I. Haryanto, 'Sensor Film di Indonesia' in I. Haryanto (ed.) *Ketika Sensor Tak Mati-Mati*, Jakarta: Yayasan Kalam, 2007, pp. 104–36, specifically p. 111. This article gives a survey of film censorship in Indonesia and I have drawn on it for more recent information. Riyanto cites 1951 as the official date of the formation of the Censor Committee, based on PP Number 23, 1951, when the committee was moved from the administrative umbrella of the Department of Internal Affairs to the Department of Education, Teaching, and Culture (G. N. Riyanto, *Peranan Badan Sensor Film Dalam Penegakan Hukum. Suatu Tinjauan Sosiologi Hukum*, Skripsi Sarjana Hukum, Fakultas Hukum, Universitas Indonesia, Jakarta, 1991, p. 45). On the history of the film censor board, see further Lembaga Sensor Film, *Paradigma Baru Lembaga Sensor Film Sebagai Garda Budaya Bangsa*, Jakarta: Lembaga Sensor Film, 2005, Chapter 2.
- 11 The instruction was PP no. 1, 1964. The change of name to *Badan Sensor Film* (BSF) occurred in 1965, SK MENPEN No. 64/SK/M/1965 (Riyanto, *Peranan Badan Sensor Film*, p. 45).
- 12 In 1968, based on SK MENPEN No 44/SK/M/68 (Riyanto, *Peranan Badan Sensor Film*, p. 45).
- 13 See further K. Sen, *Indonesian Cinema: Framing the New Order*, London: Zed Books, 1994, pp. 67–69.
- 14 See Riyanto, *Peranan Badan Sensor Film*, pp. 71–74. The BSF's total 45 members were as follows: the six leaders were all government appointees, *ex officio*, namely; Ketua – Direktorat Radio, Film dan Televisi; Wakil Ketua I – Direktorat Jendral Kebudayaan; Wakil Ketua II – Departemen Penerangan; Ketua Pelaksana Harian – Departemen Penerangan; Wakil Pelaksana Harian – Direktorat Jendral Kebudayaan; Sekretariat – Departemen Penerangan. The remaining 39 members included ten non government experts (described as intellectuals, cultural figures, experts and prominent social figures), and the remaining 29 included 19 representatives from government organizations, plus ten representatives from community organizations including MUI (Majelis Ulama Indonesia), PPGI, KWI (Komite Wali Gereja), KNPI (Komite Nasional Pemuda Indonesia), KOWANI (Kongres Wanita Indonesia), PGRI (Persatuan Guru Republik Indonesia), Pramuka, Angkatan 45, PWI (Persatuan Wartawan Indonesia) and KNPI (Komite Nasional Pemuda Indonesia).
- 15 The 2009–12 Board (the second board appointed by President Susilo Bambang Yudoyono) has a membership of 45 as follows: Government *ex officio* and government organizations 17, made up of Departemen Pendidikan Nasional 1; Departemen Agama 1; Departemen Dalam Negeri 1; Departemen Hukum dan Hak Asasi Manusia 1; Kantor Menteri Negara Pemberdayaan Perempuan 1; Markas Besar Tentara Nasional Indonesia, 1; Markas Besar Kepolisian Republik Indonesia, 1; Badan Reserse Kriminal Markas Besar Kepolisian Republik Indonesia 1; Badan Intelijen Strategis 1; Kejaksaan Agung 1; Badan Intelijen Negara 1; Departemen Komunikasi dan Informatika 1; Departemen Luar Negeri 1; Kantor Menteri Koordinator Kesejahteraan Rakyat 1; kantor Menteri Negara Pemuda & Olahraga 1; Departemen Kebudayaan dan Pariwisata 1; Departemen Pertahanan 1; Community organizations and religious groups 10, made up of Majelis Ulama Indonesia 1; Nahdlatul Ulama 1; PP Muhammadiyah 1; Konferensi Wali Gereja

- Indonesia 1; Persekutuan Gereja-gereja di Indonesia 1; Parisadha Hinda Dharma 1; Umat Budha Indonesia 1; Persatuan Wartawan Indonesia 1; Tenaga Ahli Jurnalis 1; Kongres Wanita Indonesia 1: and 18 individuals (intellectuals, cultural figures and non government experts). I thank Drs Narto Erawan, former Director of the Directorate of Film at the Department of Information, and member of the 2005–8 Censor Board, for assistance with this data. See further Sekretariat Lembaga Sensor Film *Profil Anggota LSF 2009–2012* Jakarta: Sekretariat Lembaga Sensor Film, 2009 and Lembaga Sensor Film *Paradigma Baru Lembaga Sensor Film Sebagai Garda Budaya Bangsa*. Jakarta: Lembaga Sensor Film, 2005.
- 16 See, for instance, Wina Armada Sukardi “UU Perfilman Baru, Siapa Peduli?” *Kompas* Sunday 13 September p. 20, Amin Shabana “Gagalnya Reformasi Perfilman” and Totot Indrato “Kami Tidak Percaya Negara”, both in *Kompas* Saturday 12 September 2009, p. 7.
- 17 Clause 64 article 1. (“Anggota lembaga sensor film berjumlah 17 (tujuh belas) orang terdiri atas 12 (dua belas) orang unsur masyarakat dan 5 (lima) orang unsur Pemerintah.”).
- 18 Clause 58 article 1 (‘Lembaga sensor film dapat membentuk perwakilan di ibukota provinsi.’).
- 19 See J. Lindsay, ‘Making Waves: Private Radio and Local Identities in Indonesia’ *Indonesia*, No. 64, October, 1997, pp. 105–23 and K. Sen and D. T. Hill, *Media, Culture and Politics in Indonesia*, Melbourne: Oxford University Press, 2000, pp. 109–19.
- 20 ‘Isi siaran dilarang menonjolkan unsur kekerasan, cabul, perjudian, penyalahgunaan narkotika dan obat terlarang’. See Muntaqo, *Porno, Definisi & Kontroversi*, pp. 79, 134.
- 21 I have not found any press laws on pornography before the 1999 press law.
- 22 The meeting was held from 30 May–2 June. See Razak and Subagio (eds), *Debat Besar Pornografi*, pp. 42, 91.
- 23 Lesmana, *Pornografi dalam media massa*, p. 10.
- 24 . . . karya-karya manusia berupa tulisan-tulisan, gambar-bambar, foto-foto, benda-benda pahatan yang melanggar susila dan kesopanan agama, yang merangsang kehidupan seks pada waktu tertentu daripada norma-norma kondisi setempat yang dapat merusak norma-norma masyarakat dari akibat negative yang disebarluaskan oleh pers, televisi dan film
(Lesmana, *Pornografi dalam media massa*, p. 10 quoting Albert J. Lantang, ‘Beginilah Konsensus Pornografi Sebenarnya’, *Harian Operasi*, 29 July 1971).
- Note the ambiguous wording of ‘melanggar susila dan kesopanan agama’ which can be either ‘offends morality and religious sensibilities’ or ‘offends religious morality and sensibilities’.
- 25 Razak and Subagio, *Debat Besar Pornografi*, pp. 205–7 reproduce these guidelines, dated 7 May 1973.
- 26 Article 19, clause 3 of the Pedoman Sensor BSF No. 7 1994. See Lesmana *Pornografi dalam media massa*, pp. 90, 213. The last phrase in Indonesian is ‘menimbulkan kesan tidak etis’.
- 27 Translations are my own. Muntaqo gives the full original Indonesian text in *Porno, Definisi & Kontroversi*, pp. 79–85.
- 28 Minutes and transcripts of the discussions at the 1951 Cultural Congress are reproduced in *Indonesia. Madjalah Kebudayaan*, January–February–March No 1–2–3, Yr. III 1952, pp. 1–486.
- 29 The rhetoric of the need to keep out images from the depraved west is remarkably similar to contemporary anti-pornography rhetoric in the name of morality and Islam. Rachim (*Pornografi Dalam Pers Indonesia*, pp. 12–13) quotes a newspaper on 3 June 1953:

Buku-buku dan bacaan cabul berisikan gambar-gambar perempuan Barat yang telanjang serta gambar-gambar cium-ciuman dengan bebas dibolehkan masuk ke tanah air kita dan di Surabaya banyak dijual di Pasar Turi, Pasar Blauran dan toko-toko buku lain yang terbuka untuk umum – parlemen diminta perhatiannya.

- 30 See T. Harper, *The End of the Empire and the Making of Malaya*, New York, Cambridge University Press, 1998, p. 95.
- 31 ‘. . . decanden [sic], cabul, penyebar naluri kebinatangan, sifat-sifat anti demokrasi, diskriminasi rasial, cross-boy-isme, gangsterisme, rambut sasak dan rambut gondrol (beatle) serta usaha lain-lain untuk memisahkan Rakyat dari tradisi revolusioner dan perjuangan revolusioner.’ (D. N. Aidit, *Seni dan Sastra*, first published in 1964, quoted from the 2002 reprint, np. Radja Minjak (sic) p. 38).
- 32 See K. E. McGregor, *History in Uniform: Military Ideology and the Construction of Indonesia’s Past*, Singapore: NUS Press, 2007, pp. 123–26 on the army’s efforts to define 1945 values in response to a perceived generational gap in ideals. See also B. R. O’G. Anderson, *Language and Power: Exploring Political Cultures in Indonesia*, Ithaca and London: Cornell University Press, 1990, pp. 186–87 describing two episodes in 1972. The first, a contest involving nudity and sexual stimulation for the king and queen of freaks at a New Year’s Eve event held in Surabaya at a stadium devoted to memory of independence fighters. The second, an outdoor rock performance in May 1972 in Yogyakarta, which ended with an audience protest attacking the bands, and involved public sexual display. Anderson comments: ‘What was scandalous here, of course, was the public display of sexuality by upper- or middle-class people, not their private sexual behaviour (about which traditional Java has generally been tolerant).’
- 33 Lesmana, *Pornografi dalam media massa*, p. 3.
- 34 ‘tidak sesuai dengan budaya bangsa kita’ (Lesmana, *Pornografi dalam media massa*, p. 95).
- 35 Lesmana, *Pornografi dalam media massa*, p. 11 calls 1970–72 the ‘golden age’ of porn in Indonesia. Of course, he was writing in 1995, before the post-Suharto explosion.
- 36 Sen, *Indonesian Cinema*, p. 69.
- 37 ‘terpeliharanya ketertiban umum dan rasa kesusilaan’ (Muntaqo, *Porno. Definisi & Kontroversi*, pp. 135–36).
- 38 Lesmana, *Pornografi dalam media massa*, p. 5.
- 39 See *Republika* 15 and 16 July 1994, and *Surabaya Post* 3 July 1994.
- 40 Drafting was begun by Komisi VIII DPR (see *Gatra*, 4 February 2006). See also ‘Pornografi Lampuai Batas Moral: Sejumlah Majalah dan Tabloid Disidik’, *Republika*, 1 July 1999, and Syarifah, *Kebertubuhan Perempuan Dalam Pornografi*. Jakarta: Yayasan Kota Kita, 2006, p. 2).
- 41 See further Razak and Subagio, *Debat Besar Pornografi*, pp. 36, 50, 105. Salim (p. 122) claims that a draft of the anti-pornography bill had been prepared by the Ministry of Religious Affairs ‘in the last years of the New Order’ (A. Salim, ‘Muslim Politics in Indonesia’s Democratisation: The Religious Majority and the Right of Minorities in the Post-New Order Era’ in R. H. McLeod and A. MacIntyre (eds), *Indonesia: Democracy and the Promise of Good Governance*, ISEAS, Singapore, 2007, pp. 115–37.) but I have found no other reference to any draft or any text earlier than the 2002 one I discuss later.
- 42 Razak mentions that from 1998 to 1999, ‘bukan saja telenovela dari luar negeri, tetapi sinetron karya dalam negeri yang menampilkan artis-artis Indonesia melakukan adegan-adegan . . . seks, hubungan intim sebelum menikah, perselingkuhan, busana seksi yang mengundang birahi penontonnya. . . .’ (Razak and Subagio, *Debat Besar Pornografi*, p. 41). See also ‘Jalan-jalan ke Pelosok Jakarta Melihat-lihat VCD Porno: Anak Ingusan, Tujuh Ribu, Sabun Mandi, Sepuluh Ribu’, *Rakyat Merdeka*, 11 June 2002 and ‘VCD Empek-empek Palembang Goyang Jakarta-Bandung’, *Rakyat Merdeka*, 9 June 2001.

- 43 See Barker, T., 'VCD Pornography of Indonesia' in A. Vickers and M. Hanlon (eds) *Asia Reconstructed: Proceedings of the 16th Biennial Conference of the ASAA, 2006, Wollongong, Australia*, Canberra: Asian Studies Association of Australia (ASAA) Inc. and Research School of Pacific and Asian Studies (RSPAS), The Australian National University, 2006. Available at: coombs.anu.edu.au/SpecialProj/ASAA/biennial-conference/2006/proceedings.html
- 44 See L. Luwarso, S. Suprayanto and Samsuri (eds) *Portret Pers Indonesia 2005. Sebuah Laporan*, Jakarta: Dewan Pers and EIDHR European Commission, 2005, p. 12. The Press Council held to this position later when making representations about the drafting of the RUU APP.
- 45 Fatwa MUI Nomor 287, 2001. 'Menggambarkan secara langsung atau tidak langsung tingkah laku secara erotis, baik dengan lukisan, gambar, tulisan, suara, reklame, maupun ucapan, baik melalui media cetak maupun eletronik yang dapat membangkitkan nafsu berahi adalah haram'.
- 46 'Disarankan Perangi Pornografi Lewat Jalur Hukum', *Media Indonesia*, 7 March 2002.
- 47 Muntaqo, *Porno. Definisi & Kontroversi*, p. 43.
- 48 Robin Bush notes that there were at least 78 regional regulations in force in 2007, of which 35 were morality regulations, see 'Expressing Islam: Religious Life and Politics in Indonesia', p. 176. (R. Bush, 'Regional Sharia Regulations in Indonesia: Anomaly or Symptom?' in G. Fealy and S. White (eds), *Expressing Islam: Religious Life and Politics in Indonesia*, Singapore: ISEAS, 2008, pp. 174–91.)
- 49 In fact, even before regional autonomy was implemented, there were incidents of regional rejection of national decisions on censorship. During the New Order, there were also regional censor bodies (Badan Pembinaan Perfilman Daerah or BAFFIDA) which could impose their own extra film restrictions, for reasons of regional security and sensibilities (Riyanto, *Peranan Badan Sensor Film*, p. 55). The membership of these bodies was appointed by the Governor, and included military and security personnel. These regional bodies could not cut films, but they could stop distribution of a film in the province. See Haryanto, *Ketika Sensor*, pp. 90–91.
- 50 Kusuma and Haryanto, 'Sensor Film di Indonesia', pp. 105–6, 124–29.
- 51 The apology was not enough. In February 2006, the FPI laid charges laid against them, invoking paragraph 282 clauses 1 and 2 of the KUHP.
- 52 P. Kitley, 'Playboy Indonesia and the media: commerce and the Islamic public sphere on trial in Indonesia' *South East Asia Research*, vol. 16: 1, March, 2008, 85–116.
- 53 Both Allen (P. Allen, 'Challenging Diversity? Indonesia's Anti-Pornography Bill', *Asian Studies Review*, 31: 2, 2007, 101–15.) and Salim, ('Muslim Politics in Indonesia's Democratisation') use the infamous February draft as basis for their writing on the bill, but by the time their articles were published there was (at least) the May 2006 revised text which eliminated some of the prohibitions they discuss.
- 54 'Pornografi adalah karya manusia yang sengaja mengeksploitasi obyek seksual dengan menampilkannya di muka umum dan melanggar rasa kesusilaan masyarakat.'
- 55 'Pornoaksi adalah perbuatan yang sengaja mengeksploitasi obyek seksual yang dilakukan di muka umum yang melanggar rasa kesusilaan masyarakat dan merendahkan harkat dan martabat manusia.'
- 56 A self-perpetuating feedback loop of hyper-reality.
- 57 'Menurut penulis, strip-tease yang dilakukan secara langsung, atau tanpa melalui media komunikasi, saat ini dapat disebut pornoaksi. Apabila strip-tease itu ditampilkan di media komunikasi, maka strip-tease dapat dikategorikan sebagai pornografi.' (Djubaedah, N., *Pornografi Pornoaksi ditinjau dari Hukum Islam*, Jakarta: Prenada Media, 2003, p. 140).
- 58 B. H. M. Bungin, *Pornomedia: Sosiologi Media, Konstruksi Sosial Teknologi Telematika & Perayaan Seks di Media Massa*, Jakarta: Kencana, 2005, pp. 124–25. Pornoaksi

adalah suatu penggambaran aksi gerakan, lenggokan liukukan tubuh, penonjolan bagian-bagian tubuh yang dominant memberi rangsangan seksual sampai dengan aksi mempertontonkan payudara dan alat vital yang tidak sengaja atau disengaja untuk memancing bangkitnya nafsu seksual bagi yang melihatnya. Pornoaksi pada awalnya adalah aksi-aksi subjek-objek seksual yang dipertontonkan secara langsung dari seseorang kepada orang lain, sehingga menimbulkan rangsangan seksual bagi seseorang termasuk menimbulkan hysteria seksual di masyarakat.

- 59 See *inter alia*: Ida Indawati Khouw, 'Porn bill, a complete waste of much-needed energy', *The Jakarta Post*, 22 September 2008, p. 2; Maria Hartaningsih, 'RUU Pornografi Dinilai Cacat oleh Banyak Pihak', *Kompas*, 29 September 2008, p. 35; 'Moeslim: Sebaiknya Tolak Saja RUU Ini', *Kompas*, 22 September 2008, p. 35; Bramantyo Prijosusilo, 'Think twice before passing the pornography bill', *Jakarta Post*, 22 September 2008, p. 6.
- 60 Pornografi adalah gambar, sketsa, ilustrasi, foto, tulisan, suara, bunyi, gambar bergerak, animasi, kartun, percakapan, gerak tubuh, atau bentuk pesan lainnya melalui berbagai bentuk media komunikasi dan/atau pertunjukan di muka umum, yang memuat kecabulan atau eksploitasi seksual yang melanggar norma kesusilaan dalam masyarakat.

This is the final text of the bill endorsed by the House of Representatives on October 30. An earlier draft circulating in September had another definition of pornography, mix-and-matching bits of earlier texts and defining pornography as 'sexual material that inspires lust'.

- 61 See 'Pornography Law 'Limits Women's Basic Rights'', *The Jakarta Post*, 6 August 2009, p. 4.
- 62 *Kompas*, 3 November 2008. <http://cetak.kompas.com/read/xml/2008/11/03/01093024/kilas.metro>

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MEDIA, CULTURE AND SOCIAL
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POLITICS AND THE MEDIA IN TWENTY-FIRST CENTURY INDONESIA

Every political aspirant and activist knows the media are important. But there is little agreement on how an increasingly diversified media operate in post-authoritarian transitions and how they might promote, or impede, the pathways to a sustainable liberal democracy in the twenty-first century. This book examines the role of the media during Indonesia's longest experiment with democratisation. It addresses two important and related questions: how is the media being transformed, in terms of both its structure and content, by the changing political economy of Indonesia after the fall of Suharto? And what is the potential impact of this media in enabling or hampering the development of democracy in Indonesia?

The book explores the workings of democratisation, by examining the role of ethnic identity and nationalism; increasingly cheaper and diversified means of media production, challenging state monopolies of the media; the reality of personalised and globalised media; and the challenging of the connection between a free media and democracy by global capitalism and corporate control of the media. Further, it argues that the dominant forces transforming Indonesia today did not arise from the singular point of Suharto's resignation, but from a set of factors which are independent from, but linked to, Indonesia's internal politics and which shape its cultural industries.

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