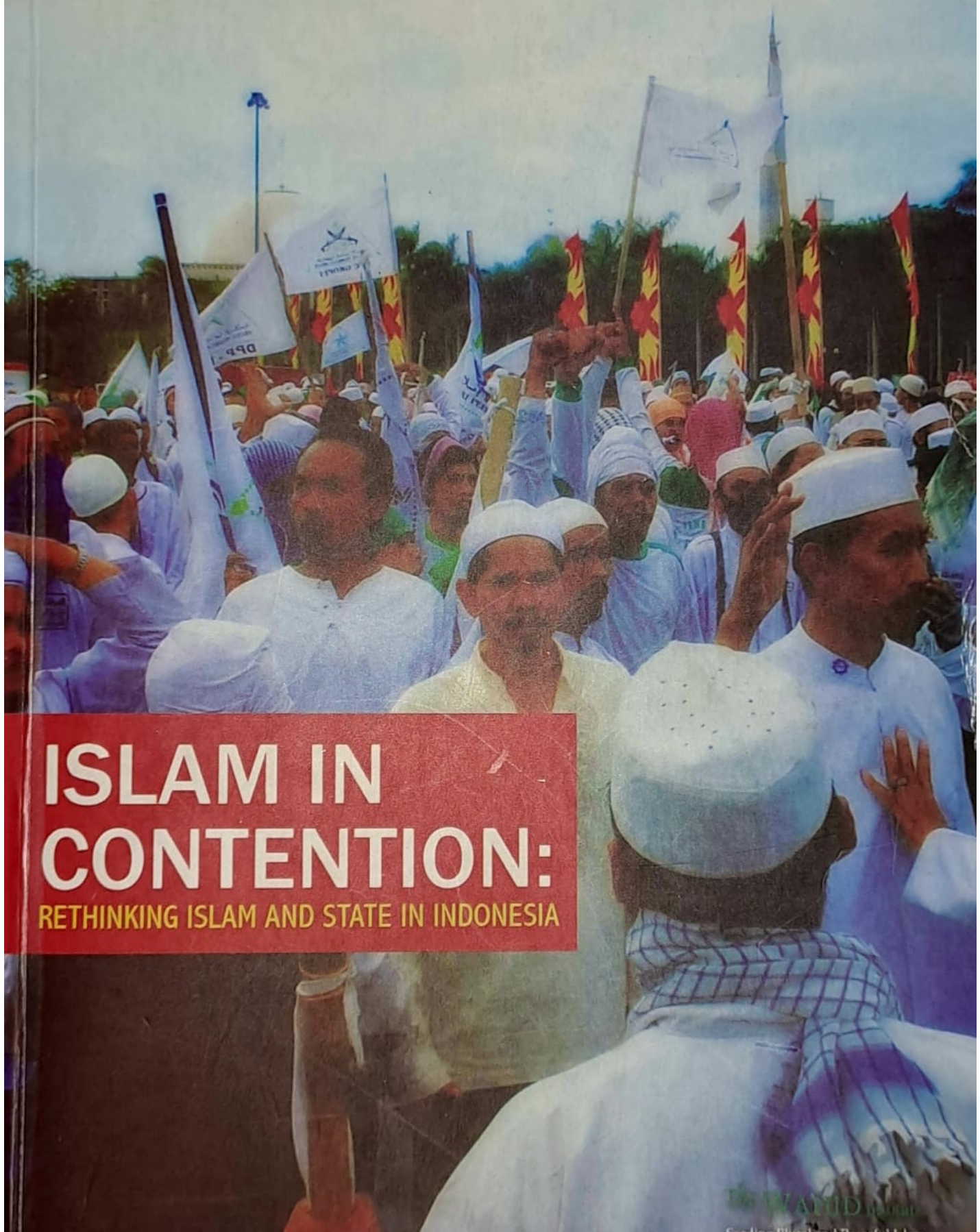


Ota Atsushi, Okamoto Masaaki, and Ahmad Suaedy (eds.)



# ISLAM IN CONTENTION:

RETHINKING ISLAM AND STATE IN INDONESIA

The WAMUD Project  
Seeding Plural and Peaceful Islam



*Islam in Contention: Rethinking Islam and State in Indonesia*

Copyright © CAPAS & CSEAS 2010

x + 468 pages: 15,5 x 23,5 cm

Editors:

Ota Atsushi

Okamoto Masaaki

Ahmad Suaedy

Published by:

WAHID INSTITUTE-CSEAS-CAPAS

Wahid Institute (WI)

Jl. Taman Amir Hamzah No. 8

Jakarta Selatan 10320

Tel : +62-21-3928233, 3145671

Fax. : +62-21-213928250

<http://www.wahidinstitute.org>

Center for Southeast Asian Studies (CSEAS)

Kyoto University

46 Shimoadachi-cho Yoshida

Sakyo-ku, Kyoto 606-8501

Tel +81-75-753-7344 Fax +81-75-753-7356

<http://www.cseas.kyoto-u.ac.jp>

Center for Asia-Pacific Area Studies (CAPAS)

RCHSS, Academia Sinica

Nankang, Taipei 115, Taiwan

Tel : 886-2-2782-2191; 2782-2195; 2651-6862

Fax : 886-2-2782-2199; 2651-6863

<http://www.rchss.sinica.edu.tw/capas>

1st Ed, December 2010

ISBN : 978-602-95295-3-1

No part of this book be reproduced in any form without the prior permission of the publisher.  
All rights reserved.

Cover design by Muhamad "Amax" Isnaini

Cover photo by AKKBB

distributed by The Wahid Institute

Chapter 5. The Pornography Law and the Politics of Sexuality  
*Abdur Rozaki* | 121

Chapter 6. Religious Freedom and Violence in Indonesia  
*Ahmad Suaedy* | 139

PART III: STRATEGIES IN STRUGGLE

Chapter 7. Hizbut Tahrir Indonesia: The Rhetorical Struggle for Survival  
*Fablesa Munabari* | 173

Chapter 8. The Rise of the "Realistic" Islamist Party: PKS in Indonesia  
*Okamoto Masaaki* | 219

Chapter 9. The Politics of Moderate Islam: From the Rise of Yudhoyono to the Ahmadiyah Decree  
*Sasaki Takuo (Translated by Ota Atsushi)* | 255

PART IV: DISCOURSE AND PRACTICE OF ISLAM  
IN SOCIETY

Chapter 10. *Ulama's* Changing Perspectives on Women's Social Status: Nahdlatul Ulama's Legal Opinions  
*Kobayashi Yasuko* | 285

Chapter 11. Contested Legacies of Chinese Muslims and the Appropriation of Zheng He's Muslim Images in Contemporary Indonesia  
*Syuan-yuan Chiou* | 319

Chapter 12. Medical Theory and Practice of *Tariqah*: Islamic Healing and Religious Chant in Java  
*Tsung-Te Tsai* | 373



# THE PORNOGRAPHY LAW AND THE POLITICS OF SEXUALITY

**Abdur Rozaki**

## INTRODUCTION

The passage of the pornography law on 3 November 2008 may have left more questions than it sought to answer in Indonesian society. Since its passage, problems have surfaced in two domains—in the legislature (representatives) and civil society. This law is highly controversial, as it has made legislation fail its primary responsibility, that is, to channel the aspirations of its constituents. This failure compromises plurality and conflicts with the norms of a free society. The clash became more evident when the PDIP (Partai Demokrasi Indonesia Perjuangan or Indonesian Democratic Party of Struggle) and PDS (Partai Damai Sejahtera or Prosperous Peace Party) were not in the house in protest when the bill was passed. The boycott of several regional leaders from Bali, North Sumatra, Southeast Sulawesi, and Papua have marked the absence of joint agreement in the process of passing RUU (*Rancangan Undang-Undang* or the draft law) into law, thereby providing more evidence of dispute.

Such phenomena, in fact, could have been predicted a month before its passage, particularly if it was seen from the contest process between the pros and cons in every hearing at the DPR-RI (Dewan Perwakilan Rakyat Republik Indonesia or People's Representative Assembly of the Republic of Indonesia), resulted in a series of



mass protests. While the majority of Indonesians realize the pernicious influence of pornography and its related industries on social behavior, particularly among Indonesian children, at issue, however, is the law's substance and implementation mechanism, which eventually triggered debates.

The hermeneutics approach could be applied to shed light on the ideological positions of the various groups in the debate on pornography. "Antipornography" can be understood through its *meaning in use* and *meaning in context*. In the former, "antipornography" can refer to the campaign to protect citizens, especially children, from the plague of pornographic industries. In the latter, "antipornography" is understood as the circumstantial interest of social groups—and this is what the protagonists of the issue have brilliantly used to extend their ideological influences within society and government politics. Thus referring to antipornography through its *meaning in use*, both the pros and cons share the common interest to protect citizens against pornography. But with reference to its *meaning in context*, each group under the antipornography umbrella has different political and social interests.

Given these differences, the phenomenon of contest is very challenging to trace. Who are the social groups in the community that are in contest? What arguments on the law on pornography do these respective groups advance? Which items in the pornography law are deemed problematic? Which sociopolitical context is contested by those who support the law and those who are against it? Which social groups, especially those that have responded critically from the beginning, are being contested? This article will identify and elaborate numerous social groups that are for and against newly passed law. This will also include their arguments and emerging sociopolitical constellations.

### THE INITIATOR AND POLEMIC

The DPR-RI, the legislative body of the New Order regime, first introduced a bill on antipornography and porno-action (RUU-APP) in 1997. Further discussions on the bill in DPR's plenary session never happened, however, following the fall of the regime. Commission



VI of the DPR-RI (1999-2004) later tried to pick up where it left off and have the bill passed. That did not happen either; other issues took precedence in the parliament and the RUU-APP simply vanished. The DPR of 2005-2009 included the RUU into Prolegnas (Program Legislasi Nasional or National Legislation Program), through the establishment of a special committee for RUU-APP in the DPR chaired by Balkan Kaplale from the Democrat Party (Partai Demokrat), and comprising Yoyoh Yusron as the vice chief from the PKS (Partai Keadilan Sejahtera or Prosperous Justice Party), and Ali Muchtar Ngabalin from the PBB (Partai Bulan Bintang or Crescent Star Party) as committee speaker.<sup>1</sup>

From that moment on serious polemics and demonstrations have triggered violence between the pros and cons. At the outset, the special committee of the DPR-RI had never restudied the initial draft of the RUU-APP, which would become RUU-Pornography. The words "anti" and "porno-action" were omitted, and several articles of the bill were altered. These changes did little to dampen the polemics of those in favor of or against the bill.

Groups lobbying for the bill's passage can be classified into three clusters. First, the groups collectively known as an Islamic Activism<sup>2</sup> has as its main actors the HTI (Hizbut Tahrir Indonesia or the Liberation Party of Indonesia), MMI (Majelis Mujahidin Indonesia or Indonesian Mujahidin (Holy Warrior) Council), DDII (Dewan Dakwah Islamiyah Indonesia or the Indonesian Council for Islamic Propagation), FPI (Front Pembela Islam or the Defenders' Front of Islam) and MUI (Majelis Ulama Indonesia or Indonesian Council of Ulama).<sup>3</sup> On the heels of the reform movement, these

---

<sup>1</sup> <http://id.wikipedia.org/wiki/kategori:undang-undangpornografi> (accessed 23 November 2008).

<sup>2</sup> Islamic Activism refers to the explanation of Wiktorowicz [2004] that broadly defines various protest movements, propagandas, or collective actions entrenched in Islamic symbols and identity. Its goal is to promote Islamic spirituality through joint efforts, or it could be used to materialize the ideal of Islamic state. Islamic Activism in Indonesia have existed since the Old Order era, and even experienced political pressure during the New Order era. In the Reformation era, they rose up again and metamorphosed into numerous jihadist groups pushing the agenda of Islamic syariah [Hassan 2006: 13-25].

<sup>3</sup> MUI is included in this category because of its participation in sponsoring



groups have been tirelessly campaigning to uphold the Islamic syariah in Indonesia. The HTI and MMI especially have relentlessly broadened their networks in various regions to promote the project of establishing syariah through a regional regulation or ordinance.<sup>4</sup>

Second are some social groups concerned with the importance of public protection from the negative impacts of pornography, but do not incorporate into their “*syariahization*” projects. This cluster comprises religious mass organizations and student organizations, among others. Muhammadiyah-based organizations include Aisyiah and Nassiyatul Asyiah, while the Muslimat NU is affiliated with the Nahdlatul Ulama (NU); Muslim student organizations are HMI-DIPO,<sup>5</sup> IMM (Ikatan Mahasiswa Muhammadiyah or Muhammadiyah Students Association), PPI (Persatuan Pelajar Indonesia or Indonesian Muslim Students Association), and KAMMI (Kesatuan Aksi Mahasiswa Muslim Indonesia or United Action of Indonesian Muslim Students) affiliating to PKS.

---

syariah-based ordinances in several regions. Furthermore, many parties perceive the numerous MUI *fatwa* (legal opinions) as giving opportunities to Islamic activism, such as its efforts to eradicate pornography by issuing fatwa MUI No. 287/2001 on pornography and porno-action, as well as labeling as “*haram*” (forbidden) multiculturalism, pluralism, and liberalism. For MUI, see Fahlesa Munabari’s chapter in this book.

<sup>4</sup> The wave of syariah-based legislation and regulation that hit numerous regions in Indonesia post New Order, according to Yudi Latif, have resulted in three speculations. First, the syariah establishment mostly takes place in regions with a predominantly Muslim community. This movement is intended for district governments’ control of the community’s support and legitimizing their power on the basis of religion. Second, this is part of the efforts of various Islamic political powers for state Islamization at the local level, having failed to establish an Islamic state at the national level through the Jakarta Charter. Third, this indicates collaboration between Islamic hardliners force and local political in a bid to legislate syariah [Latif 2008].

<sup>5</sup> HMI-DIPO is an organization that split from the nationwide modernist student organization Himpunan Mahasiswa Islam, or the Islamic Students’ Association (HMI). When the government intervened in the HMI and forced it to accept Pancasila as “sole basis” in 1983-86, some leaders went along with it to save the organization from disbandment, while other leaders established HMI-MPO and semiclandestinely retained Islam as its philosophical base. The former, called HMI-DIPO after the Jakarta Street Jalan Diponegoro, where its headquarters was located, became the only officially recognized HMI [Aspinall 2005: 132-133].



Under the third group are ASA (Save the Children Alliance Indonesia) and the MTP (Society without Pornography), which consists of professionals like Ratih Sanggarwati and academicians such as Jawahir Tanthowi and other sympathetic organizations.

The groups refusing the regulation on pornography or the draft law since the beginning have identified themselves as a part of civil society. Civil society here refers to any individual, group, or association within society originating from various ethnicities, religions, and other social groups concerned with encouraging public spheres and state regulations to respect individual rights, thereby preventing the domination of a particular belief system over public morality.<sup>6</sup>

The actors or social groups on the "con" side are ANBTI (Aliansi Nasional Bhinneka Tunggal Ika or Bhinneka Tunggal Ika [unity in diversity] National Alliance), with about two hundred members; KPI (Koalisi Perempuan Indonesia or Indonesian Women Coalition); and NIM (National Integration Movement), among others. At the district level, YUK (Yogyakarta untuk Keanekaragaman or Yogyakarta for Pluralism), comprising ninety-seven community-level organizations, has joined the group. Student organizations such as GMKI (Gerakan Mahasiswa Kristen Indonesia or Indonesian Student Christian Movement), PMII (Pergerakan Mahasiswa Islam Indonesia or Indonesian Muslim Student Movement), and PMKRI (Perhimpunan Mahasiswa Katolik Republik Indonesia or Catholic Union of University Students of the Republic of Indonesia) have also taken part in this debate. Also in these ranks are religious mass organizations like PGI (Persekutuan Gereja-Gereja di Indonesia or Communion of Churches of Indonesia Youth), KWI (Konferensi Waligereja Indonesia or Conference of Indonesian Bishops), to name a few. This group also includes noted community figures, intellectuals, artisans, and other cultural figures such as GKR Hemas, KH. Abdurrahman Wahid (Gus Dur), Adnan Buyung Nasution, Franz Magnis-Suseno (head of the University of Philosophy of Diriyakarta

---

<sup>6</sup> Civil society has two basic definitions, namely (1) the form of societal organization enabling the individual to actualize his/her political aspirations without any external intervention, and (2) being free of excessive control over individual and moral autonomy [Cohen and Arato 1993].



[Sekolah Tinggi Filsafat Driyarkara]), Moeslim Abdurrahman, Agus Sudibyo director of SET Foundation), twenty-two scholars who joined in Balinese People Components (among others, I Gusti Ngurah Harta, I Dewa Gede Palguna, Prof. Dr. I Wayan Dibia, Luh Putu Anggraeni), Nia Dinata, Prof. Dr. Siti Musdah Mulia, Garin Nugroho (filmmaker), Franky Sahilatua, Djaduk Ferianto, and Butet Kertarejasa.

The provincial head of Bali has opposed the bill since the draft of RUU-APP. Then after it was enacted, Southeast Sulawesi, North Sumatra, Papua and the district head of Sikka, East Nusa Tenggara province, followed suit. For the first time since Indonesia declared its independence, the regional leaders rejected a law imposed by the central government. So far, the central government has yet to respond to the rejection of Law No. 44.<sup>7</sup>

In a long march from the Monas intersection to the roundabout in front of Hotel Indonesia, on 26 March 2006, with a theme "eradicate pornography and porno-action," the MUI, HTI, DDII, KISDI (Komite Indonesia untuk Solidaritas Dunia Islam or Indonesian Committee for the Solidarity of the Islamic World), FPI, and other groups long known as supporters of Islamic activism, urged for the immediate passage of the RUU-APP into law. This group also condemned the opposition of some people to the bill in the name of human rights, individual freedom, and political interests. The group even went as far as to accuse one governor of secessionist intent, saying that "once the bill is passed, the province he leads will split from Indonesian Republic."

Those pushing for the bill's passage have emphasized to the need to protect the predominantly Muslim Indonesian citizens from the dangers of pornography in order to differentiate itself from western society. The alarming rise in extramarital pregnancies, rape, extramarital sex, and the spread of various sexually transmitted diseases proves that people have been victimized by pornographic ma-

<sup>7</sup> Following the downfall of the New Order regime and the establishment of decentralization and regional autonomy, local politics took on greater dynamism. Local governments have grown more courageous, for example, in criticizing some of the central government's policies the former deem as being not in their interest [Aspinall and Fealy 2003].



terials that are widely available in different media. This moral crisis, they said, had led to a national crisis, hence the need for the law to address these issues and restore the nation's dignity. They urged the legislature, which was discussing the RUU-APP, to pass the bill soonest, on 6 June 2006.

For proponents of Islamic activism, the presence of the law would provide a legal umbrella for some syariah-based bylaws that could deal with numerous forms of violations in dressing or clothing.<sup>8</sup> HTI, through its spokesman Ismail Yusanto, firmly stated that the content of the RUU had to be based on theological doctrine, namely syariah, lest it be difficult to enact. The HTI protested against the renaming of "RUU Anti Pornography and Porno action" to "RUU Pornography," because the omission of word "Anti" implied that the RUU would only regulate and not eradicate pornography.<sup>9</sup>

Meanwhile, the third group, such as those with the ASA, concerned with the importance of protecting the public against the dangers of pornography, said that the Pornography Law was badly needed as a legal umbrella to curb the expansion of pornography and its industries. In Indonesia, access to pornographic materials such as pictures, and VCDs/DVDs has become very easy, mainly through mobile phones and the Internet. Moreover, in the wave of pornography's industries, it has often been found that children become perpetrators of sexual harassment after viewing pornographic materials. Inke Maris, ASA secretary-general, has said that children especially must be protected from pornography, given the potential harm it could do to their physical and psychological well-being.<sup>10</sup>

<sup>8</sup> In an interview with Mohammad Saiful Nasir on 5 January 2009, Eva Sundari, MMI activist and member of the special Committee for the bill, said that the committee chairman had said that the law would become a legal umbrella for syariah-based ordinances existing in several regions. See the result of a dialogue aired on TV One, 11 September 2008, at 19:30 local time, with a topic "Kontroversi RUU Pornografi."

<sup>9</sup> [http://www.syabab.com/index.php?option=com\\_content&view=article&id=456%3Apengesahan-ruu-pornografi-ditunda-hti-usulkan-ruu-berdasarkan-syariah&Itemid=53](http://www.syabab.com/index.php?option=com_content&view=article&id=456%3Apengesahan-ruu-pornografi-ditunda-hti-usulkan-ruu-berdasarkan-syariah&Itemid=53) .

<sup>10</sup> [www.gatra.com/2006-05-13/artikel.php?id=94444](http://www.gatra.com/2006-05-13/artikel.php?id=94444) - 30k and <http://ruuappri.blogspot.com/2006/05/12/inke-maris-dukung-ruu-app-untuk-lindungi-anak/> .



The anti group, also referred to as the civil society movement, argued that regulating something deemed pornographic would be giving the state an excessive role in administering citizens' rights. The state will thus determine which is "good" or "bad" in terms of morality and values, which, in the first place, are actually the private business of citizens.

The civil society movement also refused the law on pornography at the very outset because of another reason: Its contents go against the values of pluralism, or the Indonesian society's diverse ethnicities and religions. Civil society fears the replacement of mutual respect with the hegemony of particular values (for example, *wahabisasi* or Wahabization), thus hijacking the substance of the law.

Besides being perceived as a threat to the freedom of expression, the law could also potentially violate human rights. It could bring back authoritarianism insofar as the state could arbitrarily rule on any material associated with pornography. As Siti Musdah Mulia, a doctor in Islamic Studies who heads ICRP (International Conference on Religion and Peace), said, "A law must guarantee the individual's freedom of every citizen, not curb it instead." She even underscored that the bill on pornography would encourage the citizens to turn on one another, or become their fellows' moral police: "The rampant violence in the name of religion and a certain belief, *premanism* [actions that encourage violence to gain specific ends] in the name of religion, [could be justified] under the (R)UU."<sup>11</sup> Mulia's statement quite rightly underscores worries over rampant horizontal conflicts in a community that could be incited merely by a certain interpretation of the implementation of the law.<sup>12</sup>

Meanwhile, Agustinus Edy Kristianto, director of publications and public education of YLBHI (Indonesian Legal Aid Foundation),

<sup>11</sup> The absence of clear-cut regulations on public consultation regarding pornography and its forms and definitions is seriously worrying the group, especially in light of the acts committed by FPI, whose members destroyed shops deemed as purveyors of pornographic materials and assaulted groups in communities thought of as defiant or infidels.

<sup>12</sup> Compared to Ignas Kleden's ideas, the text of RUU on pornography seems to contain only sanctions and punishments; however, acts of violation and those deemed to provoke infringement remain vague [Kleden 2008].



argued that discussions of the RUU have not been in sync with principles stipulated in other regulations in Indonesia. Many legal observers have also noted that the process, which has involved little or no public consultation, has been far from transparent. Regions that fiercely opposed the passage of the law have precisely invoked this reason. Civil society has also argued that a separate law on pornography was unnecessary, given the existence of current laws that could curb it, such as the criminal law and those on child protection and the mass media.

Several regional leaders who rejected the law also aired their sentiments. Bali Governor Mangku Pastika said that the Balinese community refused it because its articles did not respect diversity and could potentially trigger this nation's disintegration. It would be impossible to enact a law that the public rejected, he added. Similarly, SH Sarunjang, the governor of North Sulawesi, argued that the law could destroy national unity if the rule of the Muslim majority were forced on the non-Muslim minority. Hence the people of the province have consistently opposed the enactment of the law and would file an appeal for material examination with the Constitutional Court.<sup>13</sup>

The district administration and DPRD (Dewan Perwakilan Rakyat Daerah or Regional Assembly of People's Representative) of Sikka Flores have filed an official letter stating the Sikka community's rejection of the pornography law with the President's office and the office of the DPR chairman Agung Laksono. The statement was signed by the Sikka regent Sosimus Mitang; AM Keupung, head of the Sikka DPRD; and Otto Gusti, coordinator of the Sikka Community Forum. They rejected the law because it underestimates and humiliates the cultural expressions and values held dear by several Indonesian tribes. The law also regarded women as the object of sexuality and criminalized them as the source of social crimes and moral degradation. They also believe that the law legitimates state totalitarianism and violates the people's privacy.<sup>14</sup>

<sup>13</sup><http://www.korantempo.com/korantempo/koran/2008/10/31/headline/krn.20081031.146613.id.html>. Also in [www.prakarsa-rakyat.org](http://www.prakarsa-rakyat.org) (accessed 11 November 2008).

<sup>14</sup> [www.kompas.com](http://www.kompas.com) (accessed 25 November 2008).



## CONTROVERSIAL ARTICLES

Two factions of the parliament walked out in protest during the DPR-RI session that passed the bill on 3 November 2008, because of its controversial articles following several revisions. Meanwhile others factions like the PPP (Partai Persatuan Pembangunan or United Development Party), PKS, Democrat Party, Golkar Party, PBB, PKB (Partai Kebangkitan Bangsa or National Awakening Party), and PAN (Partai Amanat Nasional or National Mandate Party) had given the green light on the bill. Following are the deemed problematic by both civil society and the two dissenting political parties.

Controversial Articles	Critical Notes
<p>Article 1 (1):            Pornography is pictures, sketches, illustrations, photos, writing, voice, sound, moving pictures, animation, cartoons, conversations, movements of the body, or other forms through a variety of communication media and/or performances in public, which contain obscenity or sexual exploitation that infringes on the moral norms.</p>	<p>The PDIP disagrees with the phrases “movements of the body” and “performances in public,” which the PDIP suspects had been smuggled into the definition by interest groups in violation of the principle of lawmaking.</p>
<p>Article 4:            No one can produce, make, multiply, copy, spread, broadcast, import, export, offer, trade, rent, or provide pornography explicitly containing:            Intercourse, including deviant intercourse.            Sexual abuse.            Masturbation or onanism.            Nudity or appearance impressing nudity.            Genital organ; or            Child pornography.</p>	<p>The explanation of article 4 mentions that homosexual intercourse is included in “deviant sexual intercourse.” The PDIP said this goes against the decision of the Indonesian health department and the World Health Organization (WHO), which have ruled that homosexual intercourse is not deviant.</p>



<p>Article 10: It is unlawful to show oneself or other people in performances or in public reflecting nudity, exploitation, sexual intercourse, or others consisting pornography.</p>	<p>"Reflecting nudity" and "sexual exploitation" can be highly subjective interpretations.</p>
<p>Article 19 (C): The local administration is in authority to cooperate and coordinate with various parties in preventing action, spread, and use of pornography in their region.</p>	<p>"Various parties" in this article is very arbitrary and would depend on the local authority. It should be more defined, for example, the district police quarter.</p>
<p>Article 21 (1): Public participation as meant in article 20 can be implemented [through] a... representative suit to the court, [or] illuminating the public on the danger and negative impacts of pornography.</p>	<p>The word "can" is not firm enough.</p>
<p>Article 43: Once this law is enacted, within a month, anyone possessing or storing the products of pornography as stipulated in article 4 (1) must destroy these himself/herself... or hand these over to authorities.</p>	<p>The "voluntary" destruction of pornographic materials as stipulated in article 6 goes against individual interests.</p>

Source: *Tempo* 10 (9), 3-9 November 2008.

### STRUGGLE FOR LEGITIMACY

The current regime is nowhere near the previous New Order regime, during which Suharto maintained an iron grip on government and politics. At the time there was no public participation in matters of public policy; there was no democracy.

Today authority is shared between the presidency and the parliament, including people's organizations, the media, and other interest groups. Such condition hews closer to the theoretical framework of



the pluralist group, which defines the state's role as merely that of a political vehicle through which existing social forces can work to steer the ship of state [Budiman 1996: 30-31].<sup>15</sup>

To be sure, various social forces have taken advantage of the momentum of democracy and the rise in political participation to consolidate their influence over government policies. In this context, these groups have driven the polemics surrounding the pornography law in a bid to drive the government to accommodate their aspirations and interests. For instance, the social group inclined to Islamic activism had sought to hasten the bill's passage precisely because many of their aspirations or values were accommodated in the numerous articles of the bill, especially those on public participation, and involvement in preventing the practices of pornography and porno-action. This group had never bothered to question the definition of pornography stipulated in the articles, which has been the root of the problem especially those opposed to the bill and the law.

Groups that see the importance of taking firm action against purveyors of pornography have taken a moderate stance, which gives a nod to those opposed to it. For these groups problematic definitions had to be sorted out and duly revised. They have also focused on the need to respect regional customs and traditional arts and cultures. Considering the impacts of pornography and that its accessibility, these groups believe that the state must get actively involved in protecting citizens through a new and separate law.

Meanwhile, those opposed to the bill have argued that such regulation amounted to state intervention in the private lives of citizens in term of personal morality. They said that the (R)UUP could legally charge women and children who take part in pornography, as it omits the context in which women and children are the victims of exploitation. It also renders women and children as victims twice over—of the capitalist system and state repression. Moreover, the articles do not respect the diversity of Indonesian customs and tribes, and the presence of unclear and unregulated public participations could lead to premanism or gangsterism.

<sup>15</sup> See also Robert A Dahl stating a quite similar argumentation [Dahl 1964: 3].



Be that as it may, both those for and against the bill share the similar apprehension that the state would enact policies to accommodate the aspirations of certain groups at the expense of those of others. To be sure, the state cannot but court support from interest groups it deems crucial to staying in power.

President Susilo Bambang Yudhoyono has remained neutral on RUUP precisely not to alienate either Islamic activism or the civil society movement. He let the bill run its course, from RUU Pornography and Porno action to RUU Pornography, until it was passed into UU No. 44 on Pornography. With the bill's passage, Yudhoyono could say that he had accommodated the community's interest by supporting the bill since the beginning. Meanwhile, by allowing several regions to refuse the bill and law, he has also accommodated the interests of those opposing it.

Such neutrality was ostensibly designed to project the government's access to all groups and secure support from all sides in the name of maintaining power. This was apparent when Yudhoyono allowed both his advisers, Ma'ruf Amin and Adnan Buyung Nasution, to get involved in the debate.<sup>16</sup> The former became one of the main champions of the community group supporting and accepting the law, while the latter was a main supporter of a social group opposing the law.

To be sure, members of the parliament realized that the debate on the bill was drawing much public attention and could thus be a valuable political tool to secure public sympathy—especially amidst the crisis in public confidence with politicians often implicated in corruption, adultery, and other cases—that could serve them in the 2009 elections. Only two political parties refused the bill's passage into law, namely PDIP and PDS. This shows that Islam-based political parties, or those out to attract votes from the Muslim community, did not dare risk rejecting the bill's passage. Politicians in

<sup>16</sup> KH. Ma'ruf Amin, besides being a member of President Yudhono's advisory team, is also the MUI chairman and head of the team supporting RUU-APP, which actively engaged in demonstrations prompting the bill's passage. On the other hand, Adnan Buyung Nasution, besides being a member of President Yudhono's advisory team, also actively supported the protest against the bill. He was with the civil society group opposing the bill since the beginning to its passage.



the People's Representative Assembly also did some maneuvers to secure the Muslim community's sympathy by tapping into identity politics that went into the passage of the pornography bill.<sup>17</sup>

As much was clear when the politicians of PKS wanted to pass the RUU during the month of Ramadan as a gift for Muslim community who would be celebrating *Idul Fitri*. Even Hidayat Nurwahid, former head of PKS, issued a statement connecting the discussion of the pornography bill with the next 2009 election. He argued that voters would elect leaders on the basis of the discussions on the pornography bill, which would surely have shown the champions of morality.<sup>18</sup>

This statement called the attention especially of political parties whose main supporters are members of the Muslim community. As a result, even middle-ground political parties, such as the PKS, which had taken part in criticizing the bills, were eventually drawn into an agreement with pro-bill parties. This reflected the degree of politicization that went into the passage of the RUU, in the service of gaining votes in the 2009 elections.<sup>19</sup> Hence, the discourses on sexuality in the framework of pornography were not merely motivated by varying definitions of morality; more important, the issue was held hostage by the political imperative of electoral support. Both the civil society groups and political parties struggling for greater representation in the 2009 elections have used the pornography bill

<sup>17</sup> The refusal of the PDIP and PDS was based also on consideration for their constituents, given that their regional supporters like Bali, North Sumatra, North Sulawesi, and East Nusa Tenggara strongly protested the passage of the pornography bill. As Supriyanto, vice chairman of PDIP DPW (provincial executive board) of Yogyakarta, said in an interview on 7 January 2009, PDI-P refused the Law, as it was against the values of Pancasila and that the non-Muslim voters would not swing to other parties. According to Mohammad Anwar, the other political parties, especially those supported by Muslim-based voters, worked for the passage of the bill mainly to secure sympathy from Muslim voters in the 2009 election. Interview with Mohammad Anwar (vice chairman of Advisory Board of DPW-PKB DIY), 5 January 2009.

<sup>18</sup> [www.inilah.com](http://www.inilah.com) (accessed 19 September 2008).

<sup>19</sup> The PKB, which at the start was critical of the bill, eventually went on to help the bill's passage on the back of concerns over electoral support from its Muslim-based constituencies. Interview with Mohammad Anwar (vice chairman of Advisory Board of DPW-PKB DIY), 5 January 2009.



to court their voters' sympathy.

Such political—and politicized—positions, whether for or against the RUU had made it difficult for them to establish common ground precisely because the issues raised stemmed from “meaning in the context,” that is, each group aspires to influence government policies based on personal ideologies instead of the common good. This is particularly true between the two biggest conflicting organizations, Islamic activism and civil society. Thus the issue of pornography should have been debated upon its “meaning in the use”—that is, to protect the society from the influx of pornography and its industries. This would have allowed more rational discussions that would serve the greater good rather than narrow self-interests.

Since the passage of Law No.44/2008 on pornography in November 2008, Indonesians have yet to see how effective it would be. It should be pointed out that in Indonesia, every regulation that is enacted must be supplemented by its government regulation. The result of the 2009 elections will determine the nature of the government regulation pertaining to the pornography bill and its implementation. It seems the local political configuration will also influence the situation, especially in regions that have resisted the regulation all this time, and test the law's effectiveness or uselessness.

## CONCLUSION

The last ten years have seen dynamic and vigorous changes in Indonesian politics and governance. Never before has the public been more involved in the affairs of the state, be it through demonstrations, forums, and public debates, as reflected in the vibrant life of the pornography bill.

State authorities have provided ample opportunities for various social forces to attempt to influence state policies pertaining to pornography, in this case. Amid the mass rallies that drew much public attention and spread to numerous regions, various political factions within government and the politicians in parliament have recognized the issue's political potential in seeking supporters and gaining sympathy in the runup to the 2009 general elections.



President Yudhoyono did not wish to be identified either as with the opposition or as a complete supporter of the bill. To make this possible, he let both his advisers — KH Ma'ruf Amin (pro) and Adnan Buyung Nasution (anti) — debate each other, even allowing both to join demonstrations. Some politicians in parliament and all Islamic-based parties who also worried that the bill would become political capital in the 2009 general elections eventually agreed to its passage. Only PDIP and PDS protested out of consideration for their regional constituents like Bali, Sulut, and NTT. Eventually, the polemics shifted from the different interpretations of sexuality and the state's role in dealing with the issue, to a contest among political parties to secure political support at the constituents' level in time for the 2009 general elections.

Based on the foregoing, we can also conclude that viewing pornography from its "meaning in use" would allow the emergence of more rational perceptions and arguments among the contenders. As such the focus would shift to determining the most effective means to curb pornography and its industries in an effort to stem the moral crisis. Sadly, however, "meaning in context" prevailed, which amounted to little more than politicians courting public endorsements in time for the 2009 general elections and had the effect of obscuring the more urgent issues with regard to the spread of pornography in Indonesia.

#### REFERENCES

- Aspinall, Edward. 2005. *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia*. Stanford: Stanford University Press.
- Aspinall, Edward, and Greg Fealy, ed. 2003. *Local Power and Politics in Indonesia; Decentralization & Democratization*. Singapore: ISEAS.
- Budiman, Arief. 1996. *Teori Negara: Negara, Kekuasaan dan Ideology*. Jakarta: Gramedia.
- Christensen, Terry and Tom Hogen-Esch. 2006. *Local Politics: A Practical Guide to Governing at the Grassroots*. New York: M. E. Sharpe, Inc.



- Cohen, Jean and Andre Arato. 1993. *Civil Society and Political Theory*. Cambridge: MIT Press.
- Dahl, Robert A. 1964. "Power, Pluralism, and Democracy." Paper presented at the Annual Meeting of the American Political Science Association, Chicago, 9-12 September 1964.
- Hassan, Noorhadi. 2006. *Laskar Jihad: Islam, Militancy and the Quest for Identity in Post-New Order Indonesia*. Ithaca, New York: Cornell University.
- Kleden, Ignas. 2008. "Pornografi dan Asumsi-Asumsi Antropologis." *Tempo Magazine*, 19 October 2008.
- Latif, Yudi. "Glokalisasi dan Kebangkitan Politik Identitas." Paper presented at the International Seminar on Local Politic Dynamism, held by Percik Foundation, 15-17 July 2008.
- Rozaki, Abdur and Okamoto Masaaki, eds. 2006. *Kelompok-Kelompok Kekerasan dan Bos Lokal di Era Reformasi*. Yogyakarta: CSEAS University Kyoto and IRE Press.
- White, Barbara Harris. 2002. *India Working: Essay on Society and Economics*. Cambridge: Cambridge University Press.
- Wiktorowicz, Quintan, ed. 2004. *Islamic Activism: A Social Movement Theory Approach*. Bloomington: Indiana University Press.