

A Chilling New Anti-Obscenity Law in Indonesia

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Will Indonesia's dangdut, the drilling dance made famous by the gyrating behind of Inul Daratista, swivel its way into history as a result of the harsh and sweeping anti-pornography bill passed by the House of Representatives last week?

Analysts and critics are warning that the bill will embolden the country's already-unswerving Muslim fundamentalists, endanger cultural unity and lead to vigilantism. Its passage came on the same day that Jakarta's Central District Court sentenced two leaders of the hardline Islamic Defenders Front to what critics termed a slap on the wrist. Although prosecutors had asked for harsher sentences, they were given 18 months in jail each for their roles in inciting violence against spectators in a June pro-tolerance rally.

More than 1,500 police were required to guard the courtroom, which was thronged with FPI supporters. Hundreds more adherents milled outside the court.

"The (anti-pornography) law is very, very problematic. I fear the consequences at the grass-roots level," said Umi Farida, the coordinator of the Women's Partnership Network, a coalition of organizations that monitored deliberations on the bill and opposed its passage.

The bill was passed nonetheless amid pandemonium in the House of Representatives, with the Indonesia Democratic Party of Struggle, or PDI-P, walking out after the faction's head, Tjahjo Kumolo, declared his party's objection to its provisions. In the galleries, both supporters and opponents of the bill shouted their endorsements or objections in an increasingly tense standoff.

Although the law originated with the fast-growing Islamist Prosperous Justice Party, it gets its clout from the once-staunchly secular nationalist parties, particularly the ruling Democrat Party and Golkar, which has the most seats in the House. Although Golkar is a secular party, its leaders, particularly Vice President Yusuf Kalla, see advantage in identifying with the fundamentalists as a method of diverting attention from the party's endemic corruption.

Thus, it is also emblematic of the power struggle between the mostly Muslim Javanese, who have the run of Indonesian politics, and the more moderate provinces, particularly the much more tolerant Balinese, who are largely Hindu, as well as North Sulawesi, and the myriad islands east of Lombok. The passage also puts the President, Susilo Bambang Yudhoyono, in a difficult position. Since its founding in 1945, the country has been ruled by a kind of nebulous philosophy called Pancasila, or five principles: belief in a single god, Indonesian unity, "just and civilized humanity," democracy and social justice. Although 95 percent of its people are Muslims, the concept of a single god is meant to accord equal footing to all religions.

In recent years, however, there has been growing concern that this kind of tolerance is starting to fray. The de facto national anthem, *Dari Sabang sampai Merauke* ("from Sabang to Merauke, the extreme tips of the archipelago) is increasingly looked upon as an unrealistic picture of the unity of the country.

Given the vague nature of some of the bill's provisions, many fear its implementation could become a cultural and religious battleground. In the bill, for example, "sexual harassment" is cited as pornography but is not fully defined. "Nudity or appearances that give an impression of nudity" are off limits. Anyone who is a "model" for pornography could also be punished with a lengthy prison term and a fine, a definition that would seem to include fine arts models. Already artists have begun to worry that their gallery exhibitions may be cancelled or they may find it harder to work in Indonesia as a result of the law.

So where, for instance, does that leave the famed Inul Daratista, (the Girl with the Breasts in Indonesian), who is wildly popular in Jakarta, making up to Rp70 million for a single 45-minute performance rotating her backside feverishly in clinging pants. It is safe to say that Inul is to Indonesia what Jennifer Lopez is to the United States. She had already stirred the concerns of the Council of Indonesian Ulama, a government-sanctioned group of mullahs although ironically she considers herself a devout Muslim. Women's groups rallied behind her, however, and the former president, Abdurrahman Wahid, declared that her dancing should be protected as an art form. Inul became the best paid entertainer in the country. Will her dancing continued to be regarded as an art form, or will it be categorized under Article 36 of the law, which states that *"Any person who exhibits themselves or others in a performance...that contains nudity, sexual exploitation, coital acts or other pornographic content shall be punished with a maximum prison term of 10 years and/or a fine not to exceed Rp5 billion?"*

Perhaps the biggest question posed by the law, however, is that its language appears to give a role not only to the central and local governments in "preventing the making, distribution and use of pornography," but "society" as well. Although the law says popular action must be in line with the rule of law, "It does not guarantee that the implementation would not incite conflict at the grass roots level," Umi said.

There is a new kind of culture in Jakarta and other cities themselves, of moderate, modern Muslims who are happy to dress and act in ways the Islamists consider provocative. Already the followers of the Islamic Defenders Front routinely harass moderates and accuse women of prostitution who merely travel alone at night. The concern is that the FPI will consider the legislation a hunting license in a newly opened season on moderates. Ironically, the rally that was broken up by the followers of the now-jailed Muhammad Rizieq Shuibab and Munarman was organized by the National Alliance for the Freedom of Faith and Religion to celebrate the 63rd anniversary of Pancasila. About a dozen pro-tolerance activists were injured in the attack, three seriously.

Umi Farida pointed out that the FPI have been involved in the destruction of bars, night clubs and even artworks that they deem to be at odds with their interpretation of Islam. At times, they have actually taken "polluting" foreigners from bars directly to the airport

University of Indonesia political scientist Eep Syaifullah Fatah worries that the law could endanger Indonesia's prized cultural diversity. Well beyond Inul and the modernists, women still bathe bare-breasted in the rivers and creeks of Bali. Men in Papua New Guinea still wear penis gourds. Both are longstanding ethnic practices going back hundreds, if not thousands of years.

"The law has the potential to provoke disintegration," Fatah said, referring to the strong opposition raised in a number of provinces, Umi said that her organization actually supported the law initially but later grew disillusioned after learning that it could do more harm than good. *"The law discriminates against certain people,"* she said, referring to a section that labels homosexuality "a deviation" from social norms.

Provisions of the Bill

Article 29

Any person who manufactures, produces, duplicates, reduplicates, distributes, broadcasts, imports, exports, makes for sale, trades in, leases or makes available pornography shall be punished with a prison term of 6 months to 12 years and/or a fine of Rp250 million or Rp6 billion.

Article 30

Any person who makes available pornography ...shall be punished with a prison term of 6 years and/or a fine of Rp250 million to Rp6 billion

Article 31

Any person who loans or downloads pornography...shall be punished with a maximum prison term of 4 years and/or a fine not to exceed Rp2 billion

Article 32

Any person who exhibits, possesses or stores pornography shall be punished with a maximum prison term of 4 years and/or a fine not to exceed Rp2 billion

Article 34

Any person who consents to be a pornographic object or model shall be punished with a maximum prison term of 10 years and/or a fine not to exceed Rp5 billion

Article 36

Any person who exhibits themselves or others in a performance...that contains nudity, sexual exploitation, coital acts or other pornographic content shall be punished with a maximum prison term of 10 years and/or a fine not to exceed Rp5 billion.

P.S.

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