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Pornography - a Social Norm

A Human Rights Approach to

Reflections on the Indonesian Pornography Legislation of Women in Prostitution

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¹ The Swedish International Development Agency (Sida) distributes Minor Field Study Scholarships to students within Swedish Universities to broaden their international competence.

Abstract

The pornography legislation in Indonesia does not only present criteria for limiting pornographic images and motion pictures, it also prohibits movements and sounds considered to contain pornographic content. The purpose of this study is to shed light upon Indonesian women's reflections on what the term 'pornography' means to them, the pornography legislation and the normative system it withholds. Six Indonesian women in prostitution were asked about their ideas and reflections on the legislation and on the term pornography with a focus on how this influenced their everyday lives. This study revealed that a norm building has occurred, based on already existing norms of motherhood, which during the New Order era became an ideology, 'ibuism' in Indonesia. The interviewees positioned themselves in relation to 'others', using two metaphors exposing the difference in their own experiences. They became the 'other woman' in opposition to the 'proper woman'. These women felt they were becoming the culprits of pornography due to the pornography legislation criminalising their bodies. In the study this became seen as a pattern of domination and oppression strongly supporting the contention that this regulation is against human rights. For a legislation to be just it needs to be free from discrimination against citizens and furthermore the society needs to be part of its creation.

Keywords: Pornography, Indonesia, Ibuism, Motherhood, New Order, Women in Prostitution, Nationalism, Human Rights, Domination, Oppression, Exclusion, Inclusion

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1 Introduction

The Indonesian society possesses a complex cultural diversity built upon different religious, cultural and traditional values. The most distinct divergences can be seen between Aceh in the west, representing the conservative Muslim population with implemented Sharia Laws, and Papua in the east, representing traditional indigenous lifestyles where only genitals are covered.² Due to this cultural diversity, Indonesian society – and the norms it encompasses – is an interesting subject to put under an academic loupe. Laws are connected to norms and moral thinking³. Thus, the pornography legislation in Indonesia represents a norm, which is thought to be homogeneous across the entire nation. This presents a possible contradiction in Indonesian society when its vast array of cultural diversity is taken into consideration. With cultural diversity in mind, this thesis aimed to get a perspective of the pornography legislation from the Indonesian population affected by the legislations rather than from politicians who are in charge of writing them. The pornography legislation has been called controversial for its articles prohibiting pornographic activities (pornoaksi), i.e. movements and sounds attracting sexual desire from the opposite sex.⁴ Thus, pornography is defined as not only media-produced images but also as a real life activity assumingly preformed by women. This study is based on the reflections of six women in prostitution⁵ working in Jakarta and is primarily interested in the meaning they assigned to the term pornography and the pornography legislation. The term pornography describes a complex norm system in Indonesia, built on history, culture, religion and nationalism. The centre of this norm system is the national ideology of *ibuisim* (motherhood-ism), which considers women only as mothers and wives. *Ibuisim* was created during the Suharto era and still affects the way women position themselves, their sexuality and their bodies in the society.⁶ Thus, the interviewees connected the term pornography to dress codes for women, which is connected to their field of work. Through the reflections given by these women, this study will illustrate patterns of domination and oppression in the Indonesian society, which equate to women's rights violations.

² Keenan, Masruchah and Keenan, Bridget, 'Working from within: Using the legitimacy of Religion to Create Change in Indonesia', in Geetanjali & Chandiramani (ed.), *Sexuality, gender and rights: exploring theory and practice in South and Southeast Asia*, Sage, New Dehli, 2005, p. 170

³ Foucault, Michel, *The history of sexuality. Vol. 1, The will to knowledge*, Penguin, Harmondsworth, 1990, p. 144

⁴ UU Ri no. 44 2008

⁵ The term women in prostitution is used rather than prostitutes due to the distinction that prostitution is their field of work and not their identity.

⁶ Robinson, Kathryn, *Gender, Islam and Democracy in Indonesia*, Routledge, Abingdon, 2009, p. 189

1.1 Purpose & Research Question

The purpose of this thesis is to explore how six women in prostitution reflect on the pornography legislation, the term pornography and the normative system it withholds. The point of departure is the positioning of women and men in Indonesian society and how it corresponds to the understanding of the pornography legislation. Additionally, this thesis' aim is to analyse if these cultural norms violate the human rights of women through power structures of domination and oppression.

The following research question is central for this purpose:

What patterns of domination and oppression in cultural norms are exposed in the reflections of women in prostitution, and how are they shaped, influenced or mirrored by the term pornography and the pornography legislation in Indonesia?

1.2 Delimitation

This study does not aim to answer the question as to why the pornography legislation exists. This study focuses on the women in prostitution and their reflections of the term pornography and pornography legislation. This study does not claim that its results are applicable to the wider Indonesian society and due to the specific focus of the study other societies' understanding of womanhood, pornography and sexualisation processes have not been included. The social structures of gender relations in Indonesia were expressed through the reflections of the interviewed women, and other societies were, therefore, irrelevant to this study. Additionally, how the women reflected upon their work and the sexual intercourse they have with their customers was also considered to be beyond the scope of this study's purpose. Their reflections upon pornography did not include reflections upon the sexual act attached to their field of work.

This thesis does not present a legal human rights perspective but rather a focus on the philosophical aspects of human rights. Therefore, articles from international legal instruments have not been included. This human rights perspective is adopted to demonstrate patterns of domination and oppression that a human rights perspective based on international law could not do to the same extend.

1.3 Disposition

First, to evoke an understanding of the context surrounding the Indonesian pornography legislation, the following chapter commences with a concise summary of gender relations in Indonesia. This provides an understanding of how gender relations has affected the normative image of women in Indonesia. An explanation of how the pornography bill and different versions thereof was entered into the Indonesian House of Representatives follows. The chapter ends with a discussion on the state of research surrounding gender relations in Indonesia. The third chapter reflects on the methodology used during the field study, how the qualitative study was conducted, ethical considerations and the position of the researcher as a human rights scholar. Chapter four provides a theoretical framework focusing on gender and nation. Additionally, a human rights perspective is presented. Chapter five presents the women in prostitution to provide context for the rest of the study. The analysis thereof is divided into two chapters. Chapter six argues that the term pornography includes dress code norms that contribute to the legislation being understood as a dress code legislation. Additionally, this chapter argues that dress code regulations are part of the image of the 'proper woman' connected to the New Order ideology of ibuism. Seventh chapter analyses the women's reflections focusing on patterns of domination and oppression. Thereafter follows a conclusion on the central findings of this research and suggestions for further research on the topic.

2 Context & Historical Background

Gender relations, gender roles and the imagination of the “proper woman” have been a component of Indonesian politics since the Dutch colonial era. With Suharto’s New Order policies flourished with the establishment of the ibuist ideology surrounding the female role as mother and wife. This chapter presents a short history of gender relations in Indonesia, followed by an explanation of the pornography legislation. The last part of this chapter focuses on previous research surrounding women in Indonesia.

2.1 Gender Relations in Indonesia: A Brief Summary

During the last century Indonesia underwent four different state formations.⁷ Before the official formation of the state of Indonesia, mostly Buddhist and Hindu kingdoms populated the region, allowing for a diverse range of cultures. Arabic traders converted these kingdoms to Islam before the Dutch colonial era begun in the beginning of the 16th century.⁸ Led by Sukarno, Indonesia achieved independence in 1945-1967. After a coup General Suharto ruled Indonesia until 1998 and created the authoritarian New Order. The New Order was considered to contrast Sukarno’s politics as it has been used to describe all political events happening under Suharto’s regime and the values he presented as nationally homogenous.⁹ The contemporary state of Indonesia is democratic, heralded by the 1999 parliamentary elections¹⁰ and is one of the largest nations in the world with a population of more than 200 million, of whom 95 % are Muslim.¹¹

Gender relations and its connection to national identity has been part of Indonesian politics since the Dutch colonial era.¹² The colonial regime’s aim was to control female sexuality and thus create a notion of women as both an essential element of and an inherent threat to the preservation of state authority.¹³ The preceding colonial authority in Indonesia influenced President Suharto’s New Order.¹⁴ The New Order takes its starting point in the five

⁷ O’Shaughnessy, Kate, *Gender, state and social power in contemporary Indonesia: divorce and marriage law*, Routledge, London, 2009, p. 12

⁸ Brown, Colin, *A short History of Indonesia: The Unlikely Nation*, Allen & Unwin, St. Leonards, N.S.W., 2003, p. 20-25

⁹ O’Shaughnessy, 2009, p. 12

¹⁰ *ibid.*

¹¹ Keenan and Keenan, 2005, p. 170

¹² Martyn, Elizabeth, *The women’s movement in post-colonial Indonesia: Gender and nation in a new democracy*, Routledge Curson, New York, 2005, p. 166

¹³ O’Shaughnessy, 2009, p. 12

¹⁴ *ibid.*

constitutional pillars, the Pancasila, proclaimed to ensure the welfare of Indonesia. The Pancasila stated that the people of Indonesia:

[Believe] in the One, Supreme God, just and civilized Humanity, the unity of Indonesia, and democracy which is guided by the inner wisdom in the community arising out of deliberation amongst representatives [...] creating a condition of social justice for the whole of the people of Indonesia.¹⁵

The New Order also had a great impact on gender roles in Indonesia as it proclaims an ideology of 'ibuism', which implies a primary identification between women and domestic roles of wife and mother.¹⁶ The government attempted to impose a homogenising vision of women, compromising the wide diversity of women's social participation. According to Kathryn Robinson this defined women's citizenship based on their difference from men, "expressed through their dutiful performance of wifely and motherly roles."¹⁷ For an Indonesian woman, being a good citizen meant being a good mother. In the familial imagery of nationalism, this motherhood role spread throughout the nation. A woman was supposed to be the mother of the family and the mother of the whole community and nation. Additionally, she must follow her husband, 'whether he is going to heaven or to hell'.¹⁸ Under the New Order the social world was categorised into two groups: male and female. According to Robinson, these groups "interacted in the private sphere of the family, which is represented in the public world of politics by the household head (the man)".¹⁹

The principle of equality between men and women was enshrined in the 1945 constitution. Indonesia has also ratified the United Nations Convention of the Elimination of all forms of Discrimination Against Women (CEDAW) from 1979, which was incorporated into Indonesian law in 1984. However, women's rights are still often ignored or given relatively little attention because they are overshadowed by the focus on a woman's obligation to her husband, her family and the state.²⁰

According to Robinson, Indonesian culture has gone through a process of sexualisation during the last four decades, which exposes a contradiction and tension between the New Order policies

¹⁵ Mudzhar, M. Atho, et al, *Women in Indonesian Society: Access, Empowerment and Opportunity*, Sunan Kalijaga Press, Yogyakarta, 2002, p. 4

¹⁶ Robinson, Kathryn, *Gender, Islam and Democracy in Indonesia*, Routledge, Abingdon, 2009, p. 189

¹⁷ *ibid.*, p. 72

¹⁸ Martyn, 2005, p. 206 & Keenan, and Keenan, 2005, p. 171

¹⁹ Robinson, 2009, p. 120

²⁰ White, Sally & Ulfah Anshor, Maria, 'Islam and Gender in Contemporary Indonesia: Public Discourses on Duties, Rights and Morality', in Fealy, Greg & White, Sally (ed.), *Expressing Islam: Religious life and politics in Indonesia*, Institute of Southeast Asian Studies, Singapore, 2008, p. 137

and the contestations over gender and sexuality that have emerged post-Suharto.²¹ Furthermore, Robinson argues that the increase of premarital sex, extramarital sex and the commercial sex industry have contributed to the sexualisation of the Indonesian culture. Politicians commonly attack immoral behaviour and declare it to be a side-effect of imposing foreign values on Indonesian culture.²² The thought of the sexualisation process has enabled women to be increasingly able to make choices for themselves as a consequence of improved education, new economic roles and the circulation of mass media images offering differentiating norms of female behaviour.²³

2.2 The Pornography Legislation

The Ministry of Religious Affairs first formulated the pornography bill in the 1990s, during the late New Order period.²⁴ The first edition of the pornography bill was launched in 1999 after the emergence of the democratic state. The scope of pornography was broad and included not only pornographic material such as movies and magazines but also ‘pornographic activities’ (pornoaksi) which included the usage of provocative clothing, body language, and dancing, both ethnic and contemporary.²⁵ These activities, along with other body movements and displays considered to be of a sexual nature, were said to “exploit sexuality [by] showing sensual parts of the body [...] erotic dancing or swaying [...] being naked in public [...] kissing on the lips in public”.²⁶ In other words, pornographic activities in the pornography legislation are thought of as movements and sounds, which attract sexual desire of the opposite sex.²⁷ The first draft of the pornography legislation received heavy criticism for its articles referring to pornographic activities and it was condemned as a limitation on the freedom of people.²⁸

The pornography bill was initially rejected before entering the Indonesian legal system. Indonesia’s first President Bacharuddin Jusuf Habibie and the second President Abdurrahman Wahid (also known as Gus Dur) rejected the pornography bill as they thought it lacking in priority. However, the pornography bill re-entered parliament discussions in 2004-2005, under

²¹ Robinson, 2009, p. 119

²² Hull, Terence H. (ed.), *People, population, and policy in Indonesia*, Ford Foundation, Jakarta, 2005, p. 48

²³ Robinson, 2009, p. 123,124

²⁴ White & Ulfah Anshor, 2008, p. 137

²⁵ *ibid.*, p. 178 and Robinson, 2009, p. 140-142

²⁶ Sherlock, Stephen, *CDI Policy Papers on Political Governance, The Indonesian Parliament after Two Elections: What has Really Changed?*, Centre for Democratic Institutions, 2007, p. 33

²⁷ UU Ri no. 44 2008

²⁸ White & Ulfah Anshor, 2008, p. 153

Susilo Bambang Yudhoyono's regime. The pornography bill contained 96 articles and was placed under revision. The bill generated much controversy in Indonesia throughout 2006 because of fears that it would outlaw expressions of local ethnicity and reduce Indonesians' diversity to an Islam-influenced dress code.²⁹ The bill joined radical Islamic groups – who held one-dimensional views on the role of women in society – with more mainstream groups and they took the opportunity to promote themselves as the moral conscience and authority of the nation. It also allowed these groups to highlight their views that women's bodies are responsible for immorality.³⁰

In 2008 the anti-pornography bill entered into the House of Representatives without significant changes from the 2005 draft. It was placed in front of the parliament for revision, where the original 96 articles decreased to 36 articles.³¹ The revised version of the bill focused on controlling the unregulated flow of pornographic materials rather than controlling the particularly controversial pornographic activities (pornoaksi). Opponents of the legislation argued that it still contained articles criminalising women because of their bodies, and that it turned women into the keepers of the nation's morality and gave the public the right to intervene when they considered a pornographic act had been committed.³² The pornography bill underwent several transformations in 2008 before it was passed. The definition of pornography according to the contemporary pornography legislation is:

[...] drawing[s], sketches, illustrations, pictures, writing, voice, sound, moving pictures, animation, cartoons, conversation, body movement or any other forms of message through any means of communication and/or public performance, which contains obscenity or sexual exploitation which violates the norms/morality of society.³³

Finally, these three drafts, excluding the final anti-pornography bill, have been discussed and revised. The current anti-pornography legislation regulates “pornography actions“ which includes body language or other similar messages occurring “through various means of communication and/or public performance”.³⁴

²⁹ *ibid.*, p. 181

³⁰ *ibid.*, p. 165

³¹ White & Ulfah Anshor, 2008, p. 154

³² *ibid.*

³³ UU Ri no. 44 2008

³⁴ White & Ulfah Anshor, 2008, p. 154

2.3 State of Field: Gender Relations in Indonesia

The pornography legislation in Indonesia has not been placed under the academic loupe. This has contributed to a lack of literature and theories regarding the term pornography and the pornography legislation. Therefore, the state of field provided in this thesis focuses on the imaginary role of women in the Indonesian society. Sally White and Maria Ulfah Anshor's research regarding the contemporary Indonesian public discourses on duties, rights and morality³⁵ with a focus on Islam and gender is pertinent to this study. As this study extends a human rights approach to the pornography legislation, Whites and Anshor further illuminated the complexity of the national duties placed on women in Indonesia and their relationship to the women's rights.

Kate O'Shaughnessy's research regarding divorce and marriage law in Indonesia touches upon the issues of the effect that the gendered laws have on women in the society.³⁶ She argues that judicial treatments of female obedience have become more conservative since the collapse of Suharto and his New Order. A reason for this might be the political autonomy of a larger male-based Islamic authority. Additionally, she asserts that the experience of social change is gendered.³⁷ She provides a general outline of female subordination in the society, examining the way religion and the state correspond in Indonesia. Kathryn Robinson's study regarding gender, Islam and democracy in Indonesia³⁸ further elaborates on O'Shaughnessy's theories regarding social change as gendered. Robinson argues that a process of sexualisation has created a need for moral laws in Indonesia protecting the image of the proper Indonesian women presented in the ibuist ideology from the New Order. Robinson and O'Shaughnessy provide an interesting spectrum of ideas regarding norms and morals in Indonesian society, on which this study is built upon.

The women in this study position themselves in regard to the 'proper woman' (included) and the 'other woman' (excluded) in the society. This corresponds to the ibuist ideology regarding womanhood. Susan Blackburn, and her research regarding womanhood in Indonesia, provides a deeper understanding of women's situations. In her book *Women and the state in modern Indonesia* (2004)³⁹, she demonstrates how women have been affected by the different stages in Indonesia's history. Her discussion and research regarding womanhood in Indonesia is connected to the

³⁵ *ibid.*

³⁶ O'Shaughnessy, 2009, p. 120

³⁷ *ibid.*, p. 122-123

³⁸ Robinson, 2009, p. 110

³⁹ Blackburn, Susan, *Women and the State in Indonesia*, Cambridge University Press, Cambridge, 2004

subject of this thesis due to the effect that ibuism has on women's positioning in society. This is an important aspect of the present study, as ibuism is connected to the interviewee's reflection upon the term pornography and the pornography legislation. Additionally, the ibuist ideology is important for the construction of gender identity in Indonesia. Elizabeth Martyn argues that the nation is central to the construction of gender identity and interests, just as gender is important to the constructions of identity. Her Indonesian case study reinforces the arguments of many feminists; nationalism simultaneously allows for an expanded political and public role, reinforcing traditional roles of motherhood and cultural values.⁴⁰ This has been incorporated into the present study through the connection between nationalist values and how the women positioned themselves in relation to the meaning they assign the term pornography.

⁴⁰ Martyn, 2005, p. 209

3 Methodological Reflections

This study is part of a field study, which took place in Jakarta during the spring of 2010, utilising qualitative research approaches. Interviews were the primary source of empirical material. This chapter describes considerations and descriptions of how the research was carried out. Firstly, methodological considerations surrounding field research, qualitative studies and conceptions of the interviews are discussed. Secondly, the methodological and analytical tools and ethical considerations are discussed followed by the significance of the researcher's position as a human rights scholar.

3.1 Field Research

During four months of spring 2010, a field research was conducted in Jakarta together with fellow student Frida Nilsson. In an attempt to gain an insight into Indonesian society, the field study included reading newspapers and talking to people from different social backgrounds about pornography in Indonesia, their values and social differences. Together with the interpreter, Nanda Febriani Munandar, we worked as a research team throughout the whole field study i.e. all interviews were conducted by the team. We commenced by interviewing the politicians to obtain their central arguments of the pornography legislation. The politicians' central arguments for the legislation provided a starting point for the interview guide for the women in prostitution. Later, the field research was divided into two different studies: this study, with a focus on women in prostitution as members of a socially marginalised group in the Indonesian society, and Nilsson's study, with a focus on political structures and the arguments promoting the pornography legislation.

3.2 Reflections on Qualitative Methods

Using a qualitative method provides the opportunity to gain an insight into other people's perspectives through conversations.⁴¹ The aim of the conversations in this study was to explore how the women in prostitution's reflections on the term pornography and the pornography legislation. Qualitative interviews possess the possibility to provide an answer to questions of

⁴¹ Kvale, Steinar, *Den kvalitative forskningsinterviewen*, Studentlitteratur, Lund, 1997, p. 13

how people position themselves and their settings through symbols, rituals, social structures, social roles and so forth.⁴² This thesis focuses on women in prostitution's production of meaning and symbolism while attempting to uncover their ideas and stories regarding social structures surrounding pornography in the Indonesian society.⁴³

The correspondents of this research, six women in prostitution, were found through a carefully planned process. It was requested that the responding women should be working in Jakarta, not be younger than 20 years and have mostly Indonesian costumers. Daniel Awigra, from the non-governmental organisation Aliansi Nasional Bhinneka Tunggal Ika (National Alliance of Unity in Diversity) in Jakarta, found the six women in this study. Aliansi Nasional Bhinneka Tunggal Ika is an organisation working against the pornography legislation and for the indigenous population of Indonesia.⁴⁴ They are partly sponsored by Norwegian International Development Agency (NIDA).

The interviews conducted with the assistance of an interpreter and were undertaken individually with the six participating women on two different occasions. The interviews were also not under standardised as the prepared questions appeared in different orders and the attendant questions.⁴⁵ The first interview was formulated with the intention of constructing an overview of the women's lives, and their thoughts of the society and pornography. The second interview was formulated with a focus on each individual according to what the respondent had said in the first interview. Each interview was approximately one hour long and was held at the office of Aliansi Nasional Bhinneka. This location has been chosen with an aim to meet in an environment where the respondents would feel safe and where we had access to a room where we could sit without disturbance from other people.⁴⁶ The interviews were recorded and resulted in 150 transcribed pages. Since the thoughts and opinions of the respondents are the main interest of this study, it was deemed appropriate to eliminate the interviewees' hums and pauses so as to concentrate their statements.⁴⁷

The advantage of this approach is its sensitivity and that it is people-oriented, allowing the interviewees to describe and explain their lives in their own words and voice.⁴⁸ Semi-structured

⁴² Berg, L. Bruce, *Qualitative Research Methods for the social sciences*, Fifth edition, 2004, p. 7

⁴³ *ibid.*, p. 11

⁴⁴ Aliansi Nasional Bhenneka Tunggal Ika, retrieved 3 November 2010, <<http://www.anbti.org/>>

⁴⁵ Trost, Jan, *Kvalitativa Intervjuer*, Studentlitteratur, Lund, 2005, p. 100

⁴⁶ *ibid.*, p. 41-42

⁴⁷ Kvale, 1997, p. 155-158

⁴⁸ Valentine, Gill, 'Tell me about...: using interviews as a research methodology', in Flowerdew, Robin and Martin, David. (ed.), *Methods in Human Geography: A guide for students doing a research project*, Prentice Hall, Harlow, 1997, p. 111

interviews provide the opportunity to shed light onto previously unknown factors related to this study.⁴⁹ An important aspect of qualitative interviews is the ability to provide the respondents' own personal reflections and view the respondent as a subject with experiences and a life story.⁵⁰

Qualitative studies are critiqued for being un-academic and un-objective due to the fact selecting only a few respondents to get interviewed might result in a weak empirical background to a research. Steiner Kvale, however, defines qualitative studies as a way to produce new and systematic knowledge.⁵¹ Qualitative studies also provide an image of respondents' lives and opinions in a way that quantitative studies could not.⁵² However, qualitative research has to bear in mind the highly diverse and constantly shifting differences in terms of past experiences, current situations and individuals' worldviews.⁵³ The emphasis is on the meanings people attribute to their lives and the processes, which operate in particular social contexts.⁵⁴

3.3 Ethical Considerations

Kvale highlights the importance for the interviewer to problematise possible ethical dilemmas, which might occur during the interviewing process, especially when the interviews are conducted in a different cultural context to that of the interviewer.⁵⁵ Firstly, power relations are present throughout the research process. Daniel Awigra approached potential participants in the interviews due to this, and consequently this phase of the study became less transparent. How Awigra approached the women, what and how they were advised about the study are unknown. Neither the image of Aliansi National Bhinneka in the women's view nor their relation to Awigra and the organisation is known. Additionally, because all of the women work during the daytime and would lose their income due to the interview, they demanded anonymity and 200 000 rupiah per interview per person. The names used in the thesis are, therefore, fictional to ensure the anonymity of the participants. However, this contributed to a dilemma as to whether they answered the questions of this interview from their own personal standpoints or whether their contributions were what they believed the study wanted to hear. The women's impressions of what was expected of them were effected by the complex power relations between researcher,

⁴⁹ Kvale, 1997, p. 117-118

⁵⁰ Madison, D. Soyini, *Critical ethnography: method, ethics and performance*, Sage, Thousand Oaks, Calif, 2005, p. 25

⁵¹ Kvale, 1997, p. 61

⁵² *ibid.*

⁵³ Asgharzadeh, Alireza, 'The Return of the Subaltern: International Education and Politics of Voice' *Journal of Studies in International Education*, Vol. 12, no. 4, Winter 2008 pp. 334-363, SAGE Publication, p. 338-339

⁵⁴ Valentine, 1997, p. 111

⁵⁵ Kvale, 1997, p. 23-25

interviewees and the interpreter.⁵⁶ Gill Valentine emphasizes that the cultural and economic power of the west casts a shadow over relationships between a researcher from Europe and interviewees from a less developed country. The researcher must be aware that the relationship could be a continuation of the relationship between the coloniser and the colonised.⁵⁷ Additional attention needs to be placed on inner class differences, which might affect the relationship between the interpreter and the interviewees.⁵⁸

To work with an interpreter can be problematic due to the fact that the interpreter can never translate the entirety of what the interviewee has said. Some aspects of the interviews disappeared in the translation. The interpreter, Nanda Febriani Munandar, is a well-educated woman in her late 20's. She has a Master's degree in Intercultural Communication and has studied in Europe. Thus, she had a broad understanding of what scientists from Europe were really asking during the interviews. After the interviews Munandar was interviewed to get her understanding of the respondents and our performance as scientists. She offered critique of the manner in which questions were asked. Often the women did not know the difference between norms, values and religion. Therefore, Munandar often felt that she had to ask the women additional questions to get them to understand what the question was really about, which she did not translate.⁵⁹ This might have affected the thesis' reliability and validity, as there is no guarantee that the interpreter's translation expressed exactly what the women meant.⁶⁰ The contributing factors to how the women came to some of their answers are therefore lost in the translation.

An additional problem with field research is the possible assumption that the respondents are a homogeneous group.⁶¹ Claiming the women in prostitution as a homogenous group might reinscribe their subordinate position in the society.⁶² The women in this study should be seen as individuals who are sharing their thoughts regarding the term pornography and the pornography legislation in Indonesia. Their voices are not united and their experience likewise. Therefore, this study does not claim to speak directly for the women as the scholar does not fully comprehend their experience and has limited knowledge of their lifestyles.⁶³ Meanwhile, it is difficult for

⁵⁶ Valentine, 1997, p. 124

⁵⁷ *ibid.*

⁵⁸ *ibid.*

⁵⁹ Interview I, *Nanda Febriani Munandar*, Jakarta, 2010-05-10

⁶⁰ Esaiasson, Peter & Oscarsson, Henrik, *Metodpraktikan*, Nordstedt juridik, Stockholm, 2007, p. 70

⁶¹ Kapoor, Ilan, 'Hyper-self-reflexive development? Spivak on representing the Third World 'Other'', *Third World Quarterly*, Vol. 25, no. 4, pp. 627–647, Carfax Publishing, 2004

⁶² Mohanty, Chandra, *Feminism without borders: Decolonizing theory, practicing solidarity*, Duke University Press, Durham, 2003

⁶³ Haraway, 1988, p. 581

scientists to avoid identifying themselves with the interviewees and thereby losing part of the critical thinking and perspective on the knowledge, which is created through the interviews.⁶⁴

3.4 Method of Analysis

This thesis is structured around qualitative content analysis where the focus involves interpretation of what the women are saying and places this into new narratives through a hermeneutic circle.⁶⁵ First the empirical material was divided into themes. These themes later provided the structure of this thesis and were theoretically analysed with a focus on the social structure shown in the material. The hermeneutic circle takes my own social and cultural understanding as a starting point as, according to Donna Haraway, my knowledge is situated. Situated knowledge refers to my personal hermeneutic filters, built on my life experiences, in which I analyse i.e. my own knowledge and background, which undoubtedly affected the results and the implementation of the interviews.⁶⁶ From within this package of individual hermeneutic interpretation, objectivity is problematic.⁶⁷ Donna Haraway argues that sense knowledge is situated closer to the individual level where it is impossible to provide an absolute truth or objectivity.⁶⁸ Haraway represents a benchmark of this study as she creates an understanding of the limitations of this study in regards to my personal background and the affect this has on the whole thesis.

Further content in the hermeneutic circle used in the analysis are social constructivism, used as a tool to understand how emotions are conceptualised, how facts are constructed and how the women explore changing notions of themselves and sexuality. Additionally, a social constructivist approach contributes to the understanding of how reality comes to be constructed in human interactions.⁶⁹ The women construct their position in Indonesian society through two metaphors: the 'proper woman' and the 'other woman'. The imaginations of the proper versus the other woman represents the ideal types as they perform hypothetical ideals surrounding their qualities.⁷⁰ A problem with using ideal types might be that the scholar oversimplifies the

⁶⁴ Kvale, 1997, p. 122-124

⁶⁵ Krippendorff, Klaus, *Content analysis: an introduction to its methodology*, Sage, Thousand Okas, Calif., 2004, p. 17

⁶⁶ Madison, 2005, p. 19-22

⁶⁷ *ibid.*

⁶⁸ Haraway, Donna, 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective', *Feminist Studies*, Vol. 14:3, 1988, pp. 575-599, p. 581

⁶⁹ Krippendorff, 2004, p. 16

⁷⁰ Bergström, Göran & Boréus, Kristina (ed.), *Textens mening och makt: metodbok i samhällsvetenskaplig text- och diskursanalys*, Studentlitteratur, Lund, 2005, p. 158-159

complexity of the different roles that women are given in the society.⁷¹ However, this study complements the possible oversimplification by using social constructivism and human rights as additional analytical tools. Iris Marion Young's theories regarding human rights provide analytical filters of oppression and domination. Her focus lays on the understanding of rights and powers as relations between human beings. These relations may show patterns on injustice or justice, according to Young, depending on how the power is manifested.⁷² Without a structural understanding of power and domination processes the existence and nature of domination and oppression in Indonesia cannot be identified.⁷³

3.5 Position as a Human Rights Scholar

The epistemological framework of the thesis is based on the recognition that knowledge is situated.⁷⁴ I am aware, of course, that the perspective of the thesis is unavoidably affected by my own specific positioning. I am a young woman belonging to the majority population in Sweden and other aspects of my life story have affected the way in which this research has been conducted.

As a human rights scholar I bring with me a human rights perspective, which is built on an idea of a universal normative approach to social justice. The period since the 1948 Universal Declaration of Human Rights has witnessed the emergence of international human rights norms.⁷⁵ These norms are not homogeneous; rather there is a large set of different theoretical approaches to justice and human rights. My personal idea of justice is built, to a large extent, on the writings of Iris Marion Young. Within this approach I recognise equality for all human beings as human rights are, in many senses, based on the idea of non-discrimination. Additionally, I understand rights as relationships connected to power in the society. This will be further evaluated in the next chapter.

⁷¹ *ibid.*

⁷² Young, Iris Marion, *Justice and the politics of difference*, Princeton University Press, Princeton, 1990, p. 33

⁷³ *ibid.*

⁷⁴ Haraway, 1988, p. 581

⁷⁵ Benhabib, Seyla, *The rights of others: aliens, residents, and citizens*, Cambridge University Press, Cambridge, 2004, p. 7

4 Theoretical Framework

The theoretical framework of this thesis involves nation, gender and human rights. Women are understood as reproducing nations biologically, culturally and symbolically.⁷⁶ A theoretical understanding of women's position in the national ideology provides patterns on inclusion and exclusion of women. These patterns are also central to a human rights perspective as they expose power relations in the society. This section will firstly theorise gender and nation, focusing on Nira Yuval-Davis' theories. Secondly, norms and rights will be theorised with a starting point in Iris Marion Young's ideas of rights and justice.

4.1 Gender & Nation

Nation and nationalism are, according to Craig Calhoun, two interlocked concepts depending on each other for existence. Nation is partly made by nationalism, as it only exists when the members understand themselves "through the discourse framework of national identity."⁷⁷ Nationalism carries different political and moral values, which are built on historical, institutional and cultural practices of invented and preformed social differences.⁷⁸ A nation can be described as long-existing cultural patterns, which contribute to national identities.⁷⁹ These national identities create collectivities or communities, according to Nira Yuval-Davis, which are "ideological and material constructions, whose boundaries, structures and norms are a result of constant processes of struggle and negotiation, or more general social development."⁸⁰ Benedict Anderson calls this 'imagining communities', which gives collective identities their actual form. It is the way of constructing the social reality we live in.⁸¹ Anderson famously defined a nation as an:

⁷⁶ Yuval-Davis, Nira, *Gender and Nation*, Sage, London, 1997, p. 73

⁷⁷ Calhoun, Craig, *Nationalism*, Open University Press, 1997, p. 99

⁷⁸ *ibid.*, p. 86

⁷⁹ *ibid.*, p. 10

⁸⁰ Yuval-Davis, 1997, p. 73

⁸¹ Calhoun, 1997, p. 12

Imagined political community [...] imagined because the members of even the smallest nation will never know most of their fellow members, meet them, or even hear of them, yet in the minds of each lives the image of their communion.⁸²

Likewise, Indonesia possesses a broad variety of ethnic, linguistic and religious diversity; however, Indonesian nationalism still claims homogeneous morals and norms in the name of culture, which citizens should follow.⁸³ Meanwhile, culture can be described not as an essential and homogenous body of tradition and cultures, but instead as a body rich of resources and full of internal contradictions.⁸⁴

The Indonesian nationalism is closely connected to culture and religion. Culture is a process of socialisation connected closely to the subjective experience, according to Yuval-Davis. There is a strong relationship between religion and culture, as the two cannot be separated. This relationship is a part of the 'collective conscience' because religion presents an answer to human existence, however not for everyone, as the society is not monolithic.⁸⁵ Historically, the religion and culture are embedded in power relations. This is not only true in relation to hierarchies of power within the religious and cultural institutions and their relations to more general structures of class and power within the society, but also in relation to the religious and cultural imaginations and their hierarchies of desirability as well as constructions of inclusion and exclusion. Sexuality and gender are central to this.⁸⁶

National ideologies are linked to the rhetoric of community, family and the relationship between men and women.⁸⁷ It usually has its standpoint in the subordination of female members wherein the patriarchal family is usually central to fundamentalist constructions of social order.⁸⁸ Women stand as the bearers of collectivity while men are the gatekeepers for membership in national and religious collectivity.⁸⁹ Gender roles are seen as biologically bound and natural according to culture and tradition.⁹⁰ It is motherhood that forms the basis of women's political status, and their incorporation into the political order; motherhood shapes their duty to the state and their citizenship due to their natural capacity for childbirth. In this sense, women have a diverging

⁸² Anderson, Benedict, *Imagined communities: reflections on the origin and spread of nationalism*, Verso, London, 1991, p. 6

⁸³ O'Shaughnessy, 2009, p. 12

⁸⁴ Yuval-Davis, 1997, p. 38

⁸⁵ *ibid.* p. 42

⁸⁶ *ibid.* p. 43

⁸⁷ Calhoun, 1997, p. 93

⁸⁸ Yuval-Davis, 1997, p. 39, 63 & Martyn, 2005, p. 17

⁸⁹ Yuval-Davis, 1997, p.116

⁹⁰ Robinson, 2009, p. 10

political role to men and different duties in their citizenship.⁹¹ As mothers they are supposed to spread and model cultural values to their children and in their homes. In this way, Yuval-Davis suggests that women are constructed as the national essence.⁹² This type of discussion regarding women is present in Indonesia's national ideology of *ibuisim* and how this affects the social construction of gender in the Indonesian society.

The idealised stereotype of the mother is based as much on the notion of a potentially destructive feminine sexuality as it is on the stereotype of a whore.⁹³ In regards to women, codes and regulations are usually developed to define the 'proper woman'. Yuval-Davis believes that:

The construction of womanhood has a property of 'otherness'. Strict cultural codes of what it is to be a 'proper woman' are often developed to keep women in this inferior power position. The collective 'wisdoms' which are used to justify this state of affairs often sound very similar to other 'common sense' notions which are used to exclude, interiorize and subjugate 'other' – such as 'women are stupid', 'women are dangerous' or 'women are impure and could pollute us'.⁹⁴

In this sense, women who follow the proper behaviour and clothing regulations embody the line, which signifies the collective boundaries and bears the collectivity's honour.⁹⁵ Additionally, women's sexuality and access to their bodies become important in defining their membership of the nation; determining who is and who is not a member.⁹⁶

Nationalism often distinguishes one culture from another by referring to others as completely different and separate in composition.⁹⁷ Nationalism is constructed through a series of imaginary, as well as very real, demarcations between them and us.⁹⁸ The members of a nation constantly demand common standards of culture and behaviour, as they unite the nation against outside forces. Consequently, nationalism is frequently violent and always gendered through different social contests.⁹⁹ However, these different social contests and this 'otherness' are not only considered from without but also from within. Members who do not follow the norms, which are considered to be standards for members, will be regarded as outsiders.

⁹¹ Robinson, 2009, p. 66, 73

⁹² Yuval-Davis, 1997, p., 116 & Martyn, 2005, p. 19

⁹³ McNay, Lois, *Foucault and feminism*, 1992, Blackwell Publishers Ltd., p. 77

⁹⁴ Yuval-Davis, 1997, p. 47

⁹⁵ *ibid.*, p. 45-46

⁹⁶ Martyn, 2005, p. 18

⁹⁷ Yuval-Davis, 1997, p. 67

⁹⁸ Benhabib, 2004, p. 18

⁹⁹ Calhoun, 1997, p. 44 & Robinson, 2009, p. 33

4.2 Norms & Human Rights

According to Iris Marion Young a theory regarding justice provides the perspectives, principles, and procedures for evaluating institutional norms and rules. She argues that rights are not “fruitfully conceived as possessions” but rights are rather relationships; “institutionally defined rules specifying what people can do in relation to one another.”¹⁰⁰ Young, therefore, argues that rights refer to something that is being done rather than something that is possessed. She also argues that the discourse around opportunity, wherein ‘some people have more rights than others’, is also a matter of doing and not having. She writes:

Opportunity is a concept of enablement rather than possession; it refers to doing more than having. A person has opportunities if he or she is not constrained from doing things, and lives under the enabling conditions for doing them.¹⁰¹

Consequently, according to Young, having opportunities does not only involve having material possessions such as food and clothing, it includes being able to live one’s life without being constrained by the rules and practices that govern one’s action. Therefore, when evaluating social justice or injustice one must contemplate the social structures that enable or constrain the individuals in relevant situations.¹⁰² Power relations are, therefore, central in Young’s human rights discourse. Power exists only in actions, according to Foucault, who argues that power must be analysed as something that circulates. It is never localised but is rather exercised through a ‘net-like organization’. From Foucault’s perspective, individuals are always undergoing and exercising power.¹⁰³ This moral conversation of human rights does not only fall under the duty of states but rather partners with all human beings as their actions impact and affect other people. Each individual has a moral obligation to justify their actions and to respect the moral worth of others.¹⁰⁴

State politics place significant limitations on what can count as morally permissible practices of inclusion and exclusion within sovereign polities, according to Seyla Benhabib.¹⁰⁵ Likewise, Nancy Fraser’s theory regarding political justice focuses on state jurisdiction and the governing rules by which it structures contestation. These rules establish the criteria of social belonging and thus determine who counts as a member. Political justice determines who is included and who is

¹⁰⁰ Young, 1990, p. 25, 33

¹⁰¹ *ibid.*, p. 26

¹⁰² *ibid.*

¹⁰³ Foucault, Michel, *Power/Knowledge: selected interviews and other writings 1972-1977*, Harvester P., cop, Brighton, 1980

¹⁰⁴ Young, 1990, p. 33

¹⁰⁵ Benhabib, 2004, p. 14

excluded from just treatment by the state and society.¹⁰⁶ Consequently, laws function more and more as norms.¹⁰⁷

From a human rights perspective, Benhabib argues that the author of laws should be the subject of the laws.¹⁰⁸ Laws and norms are connected, as norms can be described as invisible laws. A regulation needs to be built on norms for the society to follow the legislation. Young argues that norms need to be just.

For a norm to be just, everybody who follows it must in principle have an effective voice in its considerations and be able to agree to it without coercion. For a social condition to be just, it must enable all to meet their needs and exercise their freedom; thus justice require that all be able to express their needs.¹⁰⁹

A problem with this approach is that if everyone needs to agree on a norm for it to be just, there are few if any just laws due to the difficulty of creating a norm, which is agreeable to an entire society. This is especially difficult in a society such as Indonesia, which is extremely culturally diverse. Meanwhile, Young's theory creates a good foundation for analysing a possibly unjust legislation. Young argues that justice is not connected to the values that constitute a good life, but rather it concerns the degree to which a society contains and supports the institutional conditions necessary for the realisation of these values. She further argues that there are two general universal values: firstly, "developing and exercising one's capacities and expressing one's experience" and, secondly, "participating in determining one's action and the conditions of ones action." These two values are universal as they assume the equal moral worth of all persons and require justice to promote them. Additionally, they correspond to the two social conditions, which Young defines as injustice: "oppression, the institutional constraint on self-development, and domination, the institutional constraint on self-determination."¹¹⁰

¹⁰⁶ Fraser, Nancy, *Scales of justice: reimagining political space in a globalizing world*, Polity, Cambridge, 2008, p. 17

¹⁰⁷ Foucault, 1990, p. 144

¹⁰⁸ Benhabib, 2004, p. 216

¹⁰⁹ Young, 1990, p. 34

¹¹⁰ *ibid.*, p. 9, 37

5 Presentation of the Women in Prostitution

I feel that: if women work it is good? But if women stay at home is it good? Or if women follow their husbands is it good? Or if women are loyal is it good? I don't know anymore.¹¹¹

Prostitution has emerged an important source of income for Indonesian women. This expresses, according to Kathryn Robinson, a sexualisation of Indonesian culture and the commercialisation of human relationships that has accompanied Indonesia's growing engagement with global economic and cultural flows.¹¹² At the same time – as will be discussed further in the analysis of this thesis – norms surrounding women in prostitution depict them as norm-breaking and untrustworthy women. The official New Order position saw prostitution as the consequence of moral depravity. Women in prostitution were and are officially termed *wanita tuna susila*, women without morals.¹¹³ Aware of this image of women in the sex industry as immoral, the women of this study entered the business freely, or by force and, for the most part, in desperation. The women in this thesis had been in the sex industry for several years and had come to see their field of work as something that they simply had to do to protect their families from poverty. For example, Mira, a 42 year-old widower, stated that:

Even to work in a factory as a factory worker the contract is only for three months and to get your contract renewed sometimes we have to give money for that. So it's really hard to get that job.¹¹⁴

She was left alone with her daughter when her husband died. In an attempt to restrain poverty she entered the sex industry. During the day Mira works in the streets and during the afternoon she is taking care of her daughter. The sex industry provides money for Mira, and the other women, to keep their children in school, to provide a roof over their heads and to put food on the table.

Mira was born and raised on the east side of Java and during her childhood she dreamed of becoming a teacher. However, she had been in the sex industry for several years and lied to people closest to her, claiming that she actually worked in a supermarket. She lied to her current

¹¹¹ Interview I, 'Bunga' Jakarta, 2010-05-04

¹¹² Robinson, 2009, p. 131

¹¹³ *ibid.*

¹¹⁴ Interview II, 'Mira', Jakarta, 2010-05-03

husband to whom she was a second wife. His salary did not provide enough money to feed Mira and her daughter together with his other family. Irma, 30, was also a second wife, however, her husband provided enough money for her living expenses. He knew that she continued working with prostitution to send money to her family who lived in Bodo, a small city in Eastern Java.

Irma was forced into the sex industry as she was sold as a sex slave in the age of 18. She had come to Jakarta to work as a babysitter when a woman sold her as a sex slave after tricking her with the lure of a better job. She continued to work with prostitution freely even though she believed it to go against her religious faith. She thought about Islam when she worked, as she knew it to be against her faith. She asked herself “Why do I do it? Because I have to.” The sex industry is thought of as contradictory to the Islamic faith, which Mawar, 49, was well aware of. She changed her lifestyle from being a very religious woman wearing a headscarf to colouring her hair and wearing short sleeve shirts, which made her old friends start calling her naked. She was called Mrs. Hajj, not because she had performed the pilgrim age to Mecca, but because of her skill in reading the Quran. She grew up dreaming of being a housewife, got married at the age of 16 and became a housewife in Jakarta. When her husband left her for another woman she could not support her family and did not see any solution other than selling her body. She explained her entry into the business:

I was involved religiously but then God wanted a different path for me because I was still waiting for my husband and I had nothing else to do and I had no money so a friend of mine asked me to join her as sex worker and here I am. I was broken hearted when I had to change my lifestyle because honestly, before, when I was married we had sufficient with money because we were sort of middle class. My husband worked a good job. We had even a shop, and a car and we had a house.¹¹⁵

Mawar kept her field of work a secret from her family. They believed she washed dishes in other people’s homes. However, at the time of the interview Mawar did not still work full time with prostitution. She had, together with some friends, started an organisation for women in prostitution and homosexual people in Indonesian.

Ayo, 46, kept her field of work a secret as well and told her family that she worked for a social organisation. Due to her family’s economic situation, Ayo’s first husband pressured her into earning money from sexual relations after the birth of their son. Ayo had dropped out of high school to marry him and was at that time a young woman who had been raised to value her husband’s leadership, even if what he were doing was bad and against her morals and persuasions. Four years after Ayo got pressured into the sex industry her husband left her and

¹¹⁵ Interview I, ‘Mawar’, Jakarta, 2010-05-10

took all of her savings. She found herself in a vulnerable situation and met her second husband, who she was married to at the time of the interviews. He was very religious and prayed five times a day; she did likewise. She liked him because he prayed and she believed that he liked her for the same reason.

Bunga, 33, also dropped out of school to get married at the age of 16 years-old. She gave birth to two boys and got divorced by the time she was 20. When she was a child, growing up in Surabaya with her farmer parents, she dreamed of becoming a doctor, but in the interviews her main focus was on her children and their professional dreams. Her oldest son was in high school and dreamed of a profession working in a factory making Honda cars. She tried her hardest to turn his dream into a reality. She also hoped that after her children had settled into good jobs, she would be able to quit working in prostitution and start selling groceries.

Just like Bunga, Rika, 29, was divorced from her husband and had two sons. As a result of the economic situation she was placed in due to the divorce, she left her two children with her parents in Surabaya to work in prostitution in Jakarta. Her family did not know of her profession and she did not want them to find out. She hoped that she would be able to save up enough money to have her children return to live with her. Rika was the only one of the women who finished high school and whose religious faith rested in Protestantism rather than in Islam.

6 Pornography – A Social Norm

Actually sexual desire is something normal but it's not something that is really wanted in our society. I don't really know why.¹¹⁶

The sexualisation of the Indonesian society has contributed to an extension of the ideology of conservatism, creating additional social rules regarding women. These social rules were expressed in the interviews through the meaning the women in prostitution gave the term pornography and the pornography legislation. This section argues that the term pornography is a social norm in Indonesia and a continuation of the conservative ideology from the New Order era, which assists the pornography legislation to function as a protector of conservative morals.

6.1 The Sexualisation of the Indonesian Culture

The judicial treatments of female obedience have become more conservative since the collapse of Suharto and his New Order.¹¹⁷ A reason for this tightened control is the fear of outside influences, which could sexualize the Indonesian society. In fact, according to Robinson, Indonesian culture has gone through a process of sexualisation and reconstitution of sexuality during the last four decades. This is due to an increase in premarital sex, extramarital sex and the expansion of the commercial sex industry.¹¹⁸ Politicians see these as morally destructive forces acting on Indonesian society due to foreign influences that they represent. Mira agreed to a certain extent that foreign influence has changed the Indonesian society:

Indonesian people usually have to wear clothes not showing themselves but since foreigners came to Indonesia they want and try to imitate them. Before Indonesian people were so confused when they got to Bali they saw all the foreigners wear bikini and they thought, "Oh, they are naked!" Now Indonesian people just try to do the same thing.¹¹⁹

Robinson argues that the new influence of foreigners, which began with democratisation in 1998, has contributed to new norms for female behaviour, such as images sent out on the television. During the Suharto era, the government had tight control over television and produced

¹¹⁶ Interview I, 'Bunga', Jakarta 2010-05-04

¹¹⁷ O'Shaughnessy, 2009, p. 122-123

¹¹⁸ Robinson, 2009, p. 119

¹¹⁹ Interview I, 'Mira', Jakarta, 2010-04-24

conservative images of womanhood linked to their maternal and wifely duties.¹²⁰ After Suharto's fall, images of women from foreign cultures contributed to the sexualisation of the Indonesian culture.¹²¹ Robinson argues that additional changes in women's status have been created through improved education and new economic roles, which provide a basis for independence.¹²² This created a contradiction between the New Order policies and the new sexualised society. The fear of a transformation of Indonesian culture to a western inspired society contributed to the creation of the pornography bill.¹²³

6.2 A Woman can be Pornographic

The pornography legislation in Indonesia is built upon a normative image of the female body and its sexuality. This image goes beyond the western description of pornography, encompassing images and motion pictures of naked bodies, sexual intercourse or sexual activity. When the women in prostitution were to explain their reflections on the meaning of the term pornography they instantly referred to the female body as either looking sexy or being nude. They commonly placed meaning on terms such as miniskirts and tank tops because "Porn is to look sexy"¹²⁴. The women explained that the notion of the female body as the personification of pornography was not their own but rather the public's notion. For example Irma argues that her view of pornography is not unified with the rest of the society.

Nudity, tank top and miniskirt it's all pornography. I don't think it is, I just say that because it's what a lot of people say. For me it's not, as long as something's covered it is not pornography. I think that pornography is full nudity.¹²⁵

Irma later stated that the meaning she ascribes pornography is what is relayed to her through television and other people in the society. Thus, the meaning of pornography creates a circle of norms, spinning around in an unstoppable net of norms, travelling from one person to the next in the Indonesian society. The norms can rearrange, reshape and mirror different aspects of the Indonesian society. Assumingly, the meaning of pornography is not unified in Indonesia but rather changes depending on class differences, social status, religious beliefs and level of education. Thus an individual's interpretation of pornography is closely connected to power

¹²⁰ Hull, 2005, p. 48

¹²¹ Robinson, 2009, p. 119

¹²² *ibid.*

¹²³ *ibid.* & O'Shaughnessy, 2009, p. 120

¹²⁴ Interview I, 'Rika', Jakarta, 2010-04-27

¹²⁵ Interview I, 'Irma', Jakarta, 2010-05-04

relations in the society.¹²⁶ The meaning placed on the term pornography is limited to the individual, which Ayo acknowledged:

If you are naked it is porno. It depends on the person. There are many people who think that if you are wearing a tank top and they can see your chest, and it can be pornography.¹²⁷

What Ayo described, beside from the definition of pornography being individually interpretable, is that women are pornography. From her personal view, women are pornography when they are naked while from others point of view the exposure of the chest itself is all that is necessary to entitles pornography. Thus, according to Ayo pornography is a social norm regarding the female body and behaviour with a specific focus on dress codes.

The pornography legislation is viewed by the women in this study as a continuum of the norms connected to the term pornography. Women as the personalisation of pornography are connected to what the pornography legislation calls ‘pornoaksi’ (pornographic activities)¹²⁸. The first edition of the bill suggested that “showing sensual parts of the body” is pornography.¹²⁹ What these sensual parts of the body are is up for interpretation. This study understands these sensual parts to be the chest, shoulders and thighs of women. Thus, the women understand the legislation as protector of the dress codes. For example Bunga thought that the legislation would provide additional dress codes for women:

It might contain more rules about how women are dressed like you have to dress politely, you’re not allowed to wear shorts you’re not allowed to wear open neck and we are not allowed to wear anything sexy.¹³⁰

The contemporary legislation regulates pornographic activities, which includes body language and similar messages both in media and in public.¹³¹ However, Bunga interpreted the pornography legislation as having a sole focus on limiting female sexuality, which was particularly relevant for the first draft of the legislation.

Dress code regulations are not new in Indonesia and can be dated back to the New Order and the ideology of ibuism. During the height of the New Order, dress codes for women were developed to publicly represent ibuism.¹³² Specific uniforms were intended to keep women as the

¹²⁶ Foucault, 1990, p. 144

¹²⁷ Interview I, ‘Ayo’, Jakarta, 2010-04-27

¹²⁸ UU Ri no. 44 2008

¹²⁹ Sherlock, Stephen, 2007, p. 33

¹³⁰ Interview I, ‘Bunga’, 2010-05-04

¹³¹ UU Ri no. 44 2008

¹³² Robinson, 2009, p. 121

normative bearers of culture. The gender policies and discussion in Indonesia during the New Order contributed to the contemporary definition of pornography. Women were given the roles of wives and mothers and additional norms surrounded the behaviour expected of a 'proper woman'. According to *ibuism*, a proper woman is someone who follows the proper behaviour and clothing regulations; this woman signifies the collective boundaries and bears the collectivity's honour.¹³³ The pornography legislation becomes a continuation of the *ibuist* ideology and work as a protector of the norm surrounding an alleged proper female attire.

The idea of pornography as a media-produced image of sexual intercourse was marginalised in the reflections acquired from the women in this study. For example, Irma did not believe that the legislation imposed anything upon her other than clothing regulations.¹³⁴ However, this does not conclude that Irma did not consider pornographic movies or magazines as a part of pornography. When asked who was the audience for pornography, the medium of movies was raised. This question was asked after the women had explained their meaning of pornography. The women of this study saw pornography primarily as a social norm and secondly as a part of media. When reflecting over media as an aspect of pornography they predominantly discussed the consequences of men and youth watching it, which was thought to decrease morality in the society. One reason for dress codes dominating the women's interpretation is the social structures in Indonesia and the *ibuist* ideology. The power relations in Indonesia are indicative of male domination over women, who are placed under the loupe of the proper woman norm. Thus, media-produced images, which are the main focus of the contemporary pornography legislation, are secondary to the dress implications in the women's meaning of pornography and the pornography legislation.

Mawar is the only one of the women who personally watched pornographic movies and thus had a different understanding of the pornography legislation. She understood media-produced images as part of the pornography legislation.

I have heard [about the pornography legislation] but I don't understand a thing about it. Only the news that I have read in the newspaper about nudity but that's all. Well, I can't imagine really [what it might contain] but probably my guess is that it's regarding pictures in for example only bras and panties. But I have heard that there are many contradictions to the law.¹³⁵

¹³³ Yuval-Davis, 1997, p. 45-46

¹³⁴ Interview I, 'Irma', Jakarta, 2010-05-04

¹³⁵ Interview I, 'Marwar', Jakarta, 2010-05-04

Her argument was more in line with what the articles in the pornography legislation actually focus on. The pornography legislation has 36 articles whereas only a few of the articles focus on pornographic activities. The rest of the articles focus lays on media-produced images. Mawar definition of the pornography legislation differed from the rest of the women. However, her focus was still on women being pornographic when they were seen on images wearing only bras and panties which indicates that Mawar's understanding of the pornography legislation also followed the patterns of a norm surrounding female dressing.

In conclusion, the meaning of pornography, derived from the reflections of the women in this study, involves a norm with a focus on female behaviour and dressing. A woman can be pornographic depending on the way she dresses. The pornography legislation represents the protector of the social norm of pornography; it limits the exposure of the female body especially the chest and thighs. These types of norms have been present in the Indonesian society before, during the New Order era.

6.3 Society's Norms Against Pornography

This study has observed traces of religion, culture, history and tradition acting as a net of interconnected social norms, resulting in the process of norm building around the term pornography. When discussing the Indonesian culture we have to bear in mind the close connection between religion and culture. According to Yuval-Davis, religion and culture are closely connected due to the assertion that religion is "a process of socialization connected closely to the subjective experience."¹³⁶ Culture and religion cannot be separated when talking about norm building in Indonesia. Likewise, Mira argued that religion and social values in Indonesia are connected.

Religion is a part of Indonesian social values [... and according to] Islam whatever is considered porn is considered low. So people will mark us or say it's not good, it's not what we are thought by our values.¹³⁷

In other words, she believed that the norm of pornography was partly formed by religion and the Islamic thoughts of pornography. As religion is connected to social values it is also connected to the norm building of the society. Likewise, Rika connected religion and culture to an understanding of pornography, which was contradictory to both.

¹³⁶ Yuval-Davis, 1997, p. 42

¹³⁷ Interview II, 'Mira', Jakarta, 2010-05-03

So for those who have followed their traditional values their afraid to violate the laws. Pornography contradicts social values, for those who follow religious values they are afraid to violate that.¹³⁸

Tradition, social values and religion are grouped together and cannot be separated as the women in this study reflected upon them as the same. Together they are part of the creation of the Indonesian imagined collectivity and national identity. Within the collectivity structures and norms are created through social development.¹³⁹ This indicates that the norms in Indonesia are a process of gathering aspects from various places in the society which creates an understanding of pornography to be negative because it goes against the imagined national identity and collectivity.¹⁴⁰

The collectivity's disapproval of pornography can be connected to the idea of the proper Indonesian woman and the ideology of ibuism from the New Order era. The image of the proper women, the ibuism norms of the society, is illustrated in the way that the women in this study reflected over the pornography legislation. The ibuism ideology presented the normative image of women as mothers and wives. Ibuism affects women's role in all aspects of their lives, both domestically and politically.¹⁴¹ Irma, for example, expressed how these norms are transferred from parents to children without really being explained.

They say that an Indonesian woman who doesn't marry, or doesn't have children, she is not perfect, I don't know why, our parents told us.¹⁴²

The origin of the norm building was unknown for Irma, she just knew what she was supposed to do with her life according to society. This demonstrates how the ibuist norm is applied in the Indonesian society. Women are, according to the ibuist ideology, supposed to be the guardians of the Indonesian culture and of the norms of society.¹⁴³ In fact, motherhood is understood as the desirable state for women and an adult woman is commonly referred to as Ibu (mother), on the assumption that she is one.¹⁴⁴ Thus, women's role as mothers are important as they are supposed to foster the nation. The notion of pornography goes against this image. The ibuist ideology of the proper woman still exists in Indonesian society and affects how the women in this study reflected over morals and norms in their own society that actively excludes them.

¹³⁸ Interview II, '*Rika*', Jakarta, 2010-05-03

¹³⁹ Yuval-Davis, 1997, p. 32

¹⁴⁰ *ibid.*

¹⁴¹ Robinson, 2009, p. 189

¹⁴² Interview I, '*Irma*', Jakarta, 2010-05-04

¹⁴³ Yuval-Davis, 1997, p. 45

¹⁴⁴ Blackburn, 2004, p. 139

According to the reflections of the women in this study the pornography legislation can be seen as a continuation of the ibuist ideology due to its moral focus on controlling women, their bodies and sexuality. Rika ascertained that:

Some lifestyle or some way of dressing up is not suitable for society. When society thinks that it's bad, then it is bad because that's how it is viewed.¹⁴⁵

Just as ibuism during the New Order created a set of norms for women's behaviour, the legislation and its dress codes has created additional norms for women and their bodies. As Rika suggested, some behaviours and lifestyles are not suitable for the society. In this case, we can assume that she is referring to women due to the clothing regulations, which she had previously pointed out, exclusively target women. A woman who does not represent the picture of a respectable mother, which involves all aspects of an Indonesian woman's life, is considered to be breaking norms. She contradicts the norm of her 'natural' role as a female citizen.¹⁴⁶ Motherhood became, during the New Order, a matter of a political duty.¹⁴⁷ Women represent the Indonesian society and are the bearer of the nations pride.¹⁴⁸ Dress codes for women create an emphasis on the spectrum of moral behaviour. For example Ayo suggested that: "To wear clothes which show shoulders and lot of naked skin get viewed as low in the society."¹⁴⁹ Women in this study reflected over pornography as a norm to which women are held against and deemed bad people if they violate it.

In conclusion, pornography in Indonesia is built upon a normative image of the female body and sexuality. The term pornography carries norms relating to female behaviour. This is described through an interpretation of the term pornography signifying dress codes for women and the pornography legislation signifying a normative dress code law. The historical aspects of clothing regulation during the New Order era and the idea of a proper woman presented by the ideology of ibuism has, according to this study, contributed to the term pornography being associated with the ideal of the proper woman rather than the image of sexual activity. The pornography legislation is, according to this study, a continuation of the normative images on women presented in the ibuist ideology.

¹⁴⁵ Interview II, 'Rika', Jakarta, 2010-05-03

¹⁴⁶ Yuval-Davis, 1997, p. 35, 45

¹⁴⁷ Robinson, 2009, p. 72

¹⁴⁸ Yuval-Davis, 1997, p. 45-46

¹⁴⁹ Interview I, 'Ayo', Jakarta, 2010-04-27

7 Patterns of Domination and Oppression

Our rights actually comes for our will because if they want to control what we wear like we have to wear long sleeves and not suppose to wear anything sexy then it is against our will.¹⁵⁰

This section aims to evaluate social injustice presented in the reflection of the women in this study regarding the norms created through the term pornography and the pornography legislation. This section is grounded in social structures constraining or enabling the women in their daily life as they position themselves as excluded from the desired collective identity. The women in this study considered the society's meaning of pornography to be criminalising the female body and making women the culprits of pornography, which indicates patterns of domination and oppression.

7.1 Prostitution Equals Pornographic Action

The sexualisation process has contributed to the urge to protect the society from outside influences and keep the respectable image of mothers in the society by creating practices of exclusion and inclusion within state policies. The collective identity and the image of the proper woman are viewed as necessary to hold homogenous morals and norms intact.¹⁵¹ The appearance of the mother (woman) outside the private sphere might have contributed the pornography legislation's creation and the political idea of controlling the morals of the society.¹⁵² In this way, the sexualisation process contributed to the political policies' ability to harbour gender values and gender differences by creating exclusions and inclusions in the society.¹⁵³

Being a proper woman and being included in the national identity involves, according to the women of this study, adhering to the pornography legislation and the dress codes it holds within. The proper woman represents faithfulness, loyalty, and carefulness.¹⁵⁴ Irma, for example stated:

I think that people see those who wear provocative dresses as bad people. They're not good people. And then those who are covered say that they are good people. But it's not

¹⁵⁰ Interview I, *Bunga*, Jakarta, 2010-05-04

¹⁵¹ Yuval-Davis, 1997, p. 38

¹⁵² Blackburn, 2004, p. 139

¹⁵³ Benhabib, 2004, p. 114

¹⁵⁴ Blackburn, 2004, p. 139

necessary like that. It is just an attribute when I go to work I probably wear something different than when I do my daily housework, because I have to respect my neighbours, because I have to socialise with them.¹⁵⁵

Even though Irma said that the dress codes are not really coherent with her reality she still emphasised that she changed clothes when she was at home because she had to socialise with her neighbours. In a sense she did not follow her own idea, as she still believed that wearing provocative clothing was interpreted negatively in society and followed this rule even if she did not agree with it. However, she was aware that if she dressed in provocative clothing in front of her neighbours they would place her in the category of the 'other woman' in opposition to the 'proper woman'.¹⁵⁶ Thus, dressing in a 'correct' fashion was acquired into the national collectivity.

Women in prostitution are excluded from the national collectivity, both due to their profession but also due to the connection between prostitution and pornography. The Indonesian nationalism has claimed that pornography goes against the nature of the 'proper woman' and is rather connected to its opposite: 'the otherness'¹⁵⁷. Women in prostitution are excluded from the social group of the proper woman as they're officially termed *wanitas tuna susila*, women without morals, in Indonesia.¹⁵⁸ The women connect their immoral field of work with pornography, which they previously have described as morally wrong. Irma admitted that her field of work has something to do with pornography because:

[...] I wear sexy clothes in my work. I think it is pornographic because people say that those who appearing wearing décolleté or they who show their thighs on TV, they say that they're part of porn. Well I just call pornography whatever they say on TV. If they say it is porn, then I say it is porn.¹⁵⁹

Irma did view herself as the personification of pornography due to her idea of what the society imagined pornography to be. According to Yuval-Davis, strict cultural codes of what a proper woman is are often developed to keep women in an inferior position. This image of the bad women is incorporated as 'common sense' in the society.¹⁶⁰ The women were excluded from the definition of national membership because they existed outside of the norms creating that membership.¹⁶¹ This indicates patterns on domination and oppression as the women are marginalized from the national identity due to political policies.

¹⁵⁵ Interview I, 'Irma', Jakarta, 2010-04-27

¹⁵⁶ Yuval-Davis, 1997, p. 47

¹⁵⁷ *ibid.*

¹⁵⁸ Robinson, 2009, p. 131

¹⁵⁹ Interview II, 'Irma', Jakarta, 2010-04-10

¹⁶⁰ Yuval-Davis, 1997, p. 46

¹⁶¹ *ibid.*, p. 48

Furthermore, the women considered themselves as excluded from religious morals surrounding proper behaviour. The women viewed their field of work and their choice of clothing to conflict with the Islamic religion. For example Mira stated “Society says that porn’s is haram. You know Haram, right? Against Islamic religion.”¹⁶² Mira, who defined pornography as women wearing tank tops and short skirts, believed that women who wear these types of garments are haram and stand against the Islamic religion. Additionally, she believed that she was haram when she wore provocative clothing in her work. Rika had similar thoughts about her protestant faith.

Many people have sin, S I N, and even if you don’t feel sin, there is sin and every week I goes to a church to pray because one day I goes back to that place where God is waiting for me.¹⁶³

This is another component of their exclusion. They get excluded from their religious beliefs as they are seen as sinners. Sexuality and gender are central to the religious hierarchies of desirability, according to Yuval-Davis, including its construction of inclusion and exclusion.¹⁶⁴ Religious morals demonstrated patterns of domination as these norms influenced the women in this study to degrade themselves as immoral sinners.

The societal norms of pornography provided a set of rules that contributed to the frames of national membership in which the women in prostitution wanted to be included.¹⁶⁵ When the women referred to their field of work as part of pornography, or when they referred to their bodies as personifying pornography, they took their already marginalised position in society to another level. The knowledge of their field of work goes against religion, against the norms of the society, and the idea that the society understands them as “the garbage in society”¹⁶⁶ places them in a vulnerable position. Mira understood herself to be breaking the values of society, however, she did not want to position herself as marginalised or norm breaking:

You have to create your own values because the government can’t give you an option. Because I used to work in a factory before and even to eat, for transport, to give money for the kids to, for educations it was not enough because I need extra money for that. So that’s why I force myself to work extra or with this job.¹⁶⁷

Mira suggested that by creating her own values her image of herself would not be the norm-breaking bad woman whom the society viewed as the culprits of all immoral behaviour. Her financial situation, and her choice to sell her body had, according to Mira, nothing to do with her

¹⁶² Interview II, ‘Mira’, Jakarta, 2010-05-04

¹⁶³ Interview I, ‘Rika’, Jakarta, 2010-04-27

¹⁶⁴ Yuval-Davis, 1997, p. 42

¹⁶⁵ Benhabib, 2004, p. 14

¹⁶⁶ Interview II, ‘Mamar’, Jakarta, 2010-05-10

¹⁶⁷ Interview II, ‘Mira’, Jakarta, 2010-05-04

being a bad woman. By creating her own values she could justify her own situation. However, the knowledge of the society's view was enshrined in her. This indicates that the legislation and the norm it nurtures are not just. Rather, it is built upon domination from political ideals which limit women's rights and places them in a position where they are perceiving themselves as bad women.

Norms, such as those presented in the pornography legislation, have a tendency to be unjust and show patterns on domination. The idea of being pornographic and, with that, an immoral person was strongly opposed by Bunga. Even though she agreed with the definition of pornography being something connected to the way females dress, she opposed the idea that she should be connected to it.

Yes, there is a relation between pornography and my field of work because they say that we are not supposed to wear sexy clothing or dress provocatively and instead you have to dress politely, according to what other say. But I would not say that I'm in porn in some way. [...] I think it's okay if people are wearing a tank top like that. It's not a part of porn. I don't think it's good for people to call someone who is happen to wear a tank top saying "You're a part of porn". It's not good like that.¹⁶⁸

She described how the society placed her and the way she dressed in a norm-breaking position. She opposed the role given to her by society and did not consider herself in that manner. Bunga did not believe that this pornography norm was just. She believed that the norm limited her freedom to wear what she wanted and contributed to her positioning in the society as an outsider. Young argues that when a person claims a particular rule, practice or cultural meaning is wrong and should be changed, they are often making claims about social injustice.¹⁶⁹ From Young's human rights perspective what Bunga described emphasised a lack of opportunity to develop and exercise one's capacities and express one's experience; the women do not have the opportunity to express their experiences in society because society condemns their actions. The norms encourage marginalisation of the women in prostitution and expose the women's lack of control over the conditions surrounding their lives. Thus, the norms become unjust which clearly shows the show patterns of domination.¹⁷⁰

In conclusion, the women in this study positioned themselves in accordance with what they believed to be the society's norms surrounding other women; they created an idea of themselves being excluded from the national norms. They connected their profession of prostitution to pornographic activities due to wearing provocative clothing while working. Thus, the

¹⁶⁸ Interview II, 'Bunga', Jakarta, 2010-05-10

¹⁶⁹ Young, 1990, p. 34

¹⁷⁰ *ibid.*, p. 9, 37

pornography legislation is keeping women in a subordinate position and keeping the women in prostitution excluded from the national identity. This prominent pattern of oppression and domination occurs when the women are marginalised due to political policies. They do not want to position themselves as norm-breaking and tend to attempt to create their own values.

7.2 Women as the Culprits of Pornography

The women of this study understood themselves as the culprits of pornography. A legislation against pornography, as a dress code law, protects women from “men who have weird thoughts about women who aren’t dressed properly, inviting or provocatively,” according to Bunga.¹⁷¹ But simultaneously, she did not believe in this protection or that women should be seen as the culprits of men’s lack of sexual control.

Pornography is contradictory to social values but we as women, we have our own rights because even though people say that we have to dress politely and not provocatively but it is not possible to force us to wear headscarves as well. And if it is to protect us because they don’t want us to increase desire then there are the men who have to control their own desire.¹⁷²

What Bunga suggested is that the legislation actually does not protect women but rather marginalises them further in the society. The legislation limits their rights and their opportunities by further strengthening men’s domination over Indonesian society. The patriarchal family acquires a stronger hold on Indonesian society and the construction of social order,¹⁷³ and women are taught from a young age that they should be ashamed of their sexuality, as it is to blame for men’s sexual desire.¹⁷⁴ In this way, the pornography legislation contributes to the women’s perceptions of themselves in society. Even though Bunga did not believe that she should be held accountable for men’s lack of self-control over their desire, she still perceived that the rest of society gave her the position as a culprit. This results in women not only being the culprits of pornography but also responsible for prostitution and any other sort of sexual activity while the lust of male costumers is ignored.¹⁷⁵ The image of women being the culprits of pornography reveals patterns of oppression, as women are treated in an unfairly shamed whilst men are depicted as innocent and clean.

¹⁷¹ Interview II, ‘Bunga’, Jakarta, 2010-05-10

¹⁷² *ibid.*

¹⁷³ Yuval-Davis, 1997, p. 39, 63 & Martyn, 2005, p. 17

¹⁷⁴ Rae Bennett, Linda, *Women, Islam and Modernity: Single women, sexuality and reproductive health in contemporary Indonesia*, RoutledgeCurzon, New York, 2004, p. 31 & Yuval-Davis, 1997, p. 60

¹⁷⁵ Robinson, 2009, p. 186

The lack of a unified meaning of pornography, along with the variance in the interpretations of the legislation and the actual written legislation contributed to the understanding of women as culprits. As a matter of fact, the women did not truly comprehend what pornography is. What they discussed in this study was what they had heard on TV, or what they assumed pornography to be. Most of the women were confused regarding pornography. For example, in the end of Irma's second interview she stated that she does not know what pornography is.

Well, all of this time the word pornography is always there above in that elite society, so I think there should be an education or an information explaining what pornography is about and what the law is about. Like when you ask me about pornography I really don't know how to answer because I don't even understand what pornography is.¹⁷⁶

Irma acknowledged that the image of pornography she has been expressing in her interviews was solely what she assumed the pornography legislation contained. The meaning she had given pornography focused on women and the idea of women being pornographic when dressed in a certain way. If this meaning is an assumption, not only of the women in this study but possibly of other members of Indonesian society as well, it contributes to building a norm of women being culprits of pornography, wherein even if they do not understand what pornography is, they give pornography a meaning which they understand to be suitable.

In conclusion, the women's reflection on the term pornography and the pornography legislation indicate that they understood themselves to be the culprits of pornography. Women are to blame for men's sexual desire and are expected to be ashamed of their sexuality. At the same time, the women in this study did not understand what pornography is but rather created an image of women subordinated by their meaning of the term pornography. This provides an insight into how the women understood social structures in Indonesia, including those that subordinated women.

7.3 The Criminalised Body

Females can be described as the caretakers of men's desire because they wield the temptation of the female form and could potentially disrupt the moral education of men, which in turn leads to the female body being criminalised.¹⁷⁷ Body movements attract men and are a part of pornography according to the legislation, which Irma also noticed. Irma further suggested that

¹⁷⁶ Interview II, 'Irma', Jakarta, 2010-05-10

¹⁷⁷ Young, 1990, p. 10

the society interpreted body movement and that the exposure of thighs is sexually arousing for men.

They say that after seeing a provocative performance by a singer on TV and guys would immediately like to apply what they saw and they would like to rape someone afterwards.¹⁷⁸

Irma even suggested that men feel the need to ‘apply’ what they have seen, leading to rape. But what have the men seen? Irma’s statement points out that what the society views as pornography, and what the society considers to lead to rape cases, is provocatively dressed or sexy women. The criminalisation of the female body is connected to the idea of women being sexual beings with seductive powers, deriving men’s unappeasable sexual desire.¹⁷⁹ Women are thus seen as the source of sexual temptation.¹⁸⁰ This shows patterns on the female body to be criminalised and understood as the culprits of pornography.

The female body and sexuality is considered dangerous and is understood as a threat to the society’s norms and values. According to the interviewees, women not following the dress codes presented by the pornography legislation were excluded from the society’s imagined collectivity as their bodies are represented outside the imaginary.¹⁸¹ Even when media-produced images are a part of the meaning of pornography the female body is in focus. The pictures purportedly against the legislation and pornography are images of female bodies in bras and panties. The female body is sexualised and the male body is not even considered to be a part of the pornography discourse. Instead, by situating the female body as a social problem, which produces morally desolate activities, the female body is criminalised.

The criminalisation of the female body shows patterns of unjust social structures in Indonesian society, in which the women’s opportunities are limited. They are constrained by enforced norms from behaving and dressing in certain ways, which might culminate in their exclusion from the national identity. Women’s rights and opportunities are limited due to the lack of self-determination about how to live their lives and constraints on their self-development.¹⁸² The power relations between the women in prostitution and their fellow citizens marginalise these women and therefore create an issue of rights violations.

¹⁷⁸ Interview II, ‘Irma’, Jakarta, 2010-05-10

¹⁷⁹ Nurmila, Nina, *Women, Islam and everyday life: Renegotiating polygamy in Indonesia*, Routledge, Abingdon, 2009, p. 27-28

¹⁸⁰ *ibid.*

¹⁸¹ Fraser, 2008, p. 17

¹⁸² Young, 1990, p. 26

8 Conclusion

The meaning bestowed upon the term pornography in Indonesia by the women in this study was surrounded by moralistic, historical and ideological structures. These structures surrounded the lives of the interviewees and determined how they described themselves as members of Indonesian society. The women gave pornography the role of a norm focusing on the female body and sexuality and reinforcing that of the proper woman. Pornography was believed to withhold dress codes for women and the pornography legislation as a normative dress code law. This meaning given to the term pornography was connected to clothing regulations during the New Order era and the idea of a proper woman, which emerged through the ideology of *ibuism*. *Ibuism* focuses on the normative image of women as mothers and wives of the nation. This is their natural and biologically derived role in the society. The norm derived from the pornography legislation creates an additional aspect to *ibusim* as it further limits women with the ideological idea that they are the bearers of the Indonesian culture and honour. This image of the pornography legislation, given by the women in prostitution, does not necessarily follow the content of the legislation. The emphasis of the legislation is placed on media-produced material of pornographic images while the women's focus centred on the pornographic activities. This has contributed to the women associating pornography with the ideal of the proper woman rather than the image of sexual activity. The pornography legislation works as a continuation of the normative images of women presented in the *ibuist* ideology.

The pornography legislation works, according to this analysis, beyond the written law text and works as an unwritten rule in the society that the women in prostitution live in. This leads to three major problems with the legislation. Firstly, the pornography legislation has created norms according to which the women in this study positioned themselves as excluded. They positioned their field of work to be connected to pornography strictly by the way they dressed. Thus, the legislation and the term pornography keep these women in a subordinate position, which indicates patterns of oppression and domination. The women were marginalised in accordance with institutional policies and were thought of as bad and immoral women. In an attempt to keep their place within the collectivity's norms the women tended to try to create their own values and thereby refrain from being the culprits of pornography. Secondly, the women in prostitution get further marginalised in society. They are already marginalised as they are considered morally depraved by the Indonesian state. This legislation makes them the culprit's of pornography and

men's lack of control over their sexual desire. The women's reflections displayed thoughts of Indonesian social structures depicted women as subordinate to men and as the perpetrators to blame for a man's lack of self control over their sexual desire. This contributes to the third drawback of the legislation: the female body is criminalised, as it has to be limited within the society to be morally correct. Therefore, the legislation is thought to limit women's freedom to behave and dress in certain ways.

This study concludes that the pornography legislations indicate unjust social structures within the Indonesian society, creating categories to exclude certain behaviours and attire from the national identity. Women's rights and opportunities in the Indonesian society are limited due to the lack of self-determination of the women and constraints on their self-development.¹⁸³ The power relations between the women in prostitution and their fellow citizens might be an issue of rights violation because the women are marginalised by the society's norms. What the women in prostitution have presented is a pattern of domination and oppression, which strongly supports the contention that this regulation is against human rights. For a legislation to be just the society needs to be part of its creation and it cannot discriminate against its citizens.

8.1 Discussion

This study has its empirical grounding in the case study done with six Indonesian women from working class background. To get a more heterogeneous view of the pornography legislation and the pornography norm, interviews with additional people from other social backgrounds might have contributed to a wider understanding of whether or not pornography is truly a social norm for all social backgrounds in Indonesia. However, the purpose of this study was to explore how the six women in prostitutions reflected upon the pornography legislation.

As a human rights scholar I argue that the pornography legislation is unjust and against human rights. The women view the legislation as something natural, normal and right in the society, since this kind of moral language has been present in Indonesia since the New Order era. This creates a distinction between what the pornography legislation actually states and how the society has interpreted it. The legislation does, by the mere knowledge of its existence, target women's bodies and sexuality. Even if the legislation per se does not address dress codes as part of its article, it provides vague descriptions of what pornography is, which allows for people to

¹⁸³ Young, 1990, p. 26

interpretate dress codes as part of it. The norm limits women's rights and creates injustices in the Indonesian society.

The mere fact that the women positioned themselves as the culprits of pornography and as the personification of pornography illustrates a pattern of marginalisation and discrimination in Indonesian society. A national legislation should not make women feel they are the personification of everything that is bad within the nation, the garbage of society. Legislations are meant to protect the citizens of the nation and not to discriminate them in order to make them into subjects placed in the category of outsiders of the social norms and values of the state. The image of women as the 'other' contributes to women's inferior position in society. As a human rights scholar I strongly suggest that the pornography legislation should be re-written to not involve pornographic activities due to its discriminatory approach to women. A legislation excluding women behaving or dressing in a certain way while claiming homogenous norms and morality across the Indonesian society indicates unjust social structures. While Indonesia has ratified CEDAW and thereby claims to protect women from all forms of discrimination, the pornography legislation does otherwise.

8.2 Further Research

Norms surround our lives, contribute to how we live our lives and position ourselves within our societies. The normative social structures surrounding the pornography legislation should be further analysed through a wider range of qualitative interviews with people from different class backgrounds, so as to contribute to an understanding of pornography, which is in fact a social norm surrounding the entire society of Indonesia. Additionally, where does this interpretation of the term pornography come from? The women expressed that they have derived their definitions of the term pornography from the television. How do media affect the construction of norms? What factors were involved when the pornography legislation was recreated into a social norm for the society of Indonesia?

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