1-1-2008

Playboy Indonesia and the media: commerce and the Islamic public sphere on trial in Indonesia

Philip Kitley

University of Wollongong, pkitley@uow.edu.au

Follow this and additional works at: <https://ro.uow.edu.au/artspapers>

Part of the [Arts and Humanities Commons](#), and the [Social and Behavioral Sciences Commons](#)

Recommended Citation

Kitley, Philip, Playboy Indonesia and the media: commerce and the Islamic public sphere on trial in Indonesia 2008, 85-116.
<https://ro.uow.edu.au/artspapers/860>

***Playboy Indonesia* and the media: commerce and the Islamic public sphere on trial in Indonesia**

*Philip Kitley*¹

Abstract: This article examines the reactions of conservative Islamist groups to the publication of *Playboy Indonesia* and argues that their views deserve more recognition than they have received. In November 2006, the Public Prosecutor sued the Chief Editor of *Playboy Indonesia* for offending public morality. The prosecution of the magazine signified concerns about the global spread of commercial media products and the circulation of sexual imagery derived from other places, histories and norms. It was also about frustrated political ambitions and the interest some conservative Islamist groups had in reinstating the Jakarta Charter and establishing the rule of Sharia law.

Keywords: public sphere; pornography; Indonesia; Islam; *Playboy Indonesia*

Even before the bunny in the tuxedo hit the streets of Jakarta in 2006, it was an endangered species. The publishers had nervously consulted the Press Council about how they might make sure that *Playboy Indonesia* (PI) was in line with 'community standards', and prior to that had made undertakings in the agreement signed with Playboy International that there would be no nudity in the magazine. Conservative Islamic organizations such as the Council of Indonesian Islamic Scholars (MUI), the Council of Indonesian Mujahidin (MMI) and the largest Muslim organization in the country *Nahdlatul Ulama* (NU) let everyone know that the bunny was in their sights (*Bisnis Indonesia*, 17 Jan 2006; *The Jakarta Post*, 14 Jan 2006; *Suara Karya*, 16 Jan 2006). Over

¹ Research for this article was supported by Australian Research Council Discovery Project DP0343059. I am grateful for helpful comments from two anonymous referees and from John Sidel, Edwin Jurriëns and Mark McLelland in revising earlier drafts.

the next few months, these early oppositional voices were joined by the Vice-President, the Deputy Speaker of the national parliament, the Ministers for Youth and Sport, Communications and Informatics, Religion, Women's Affairs, and the chairs of two parliamentary commissions, all expressing dismay over the prospect of the magazine going on sale in Indonesia.

Shortly after the first edition was published on 7 April, the Defenders of Islam Front (FPI) vandalized the offices of the publishers, forcing them to re-locate and publish the June and July editions from Bali.² In November 2006, the Public Prosecutor, acting on complaints filed by FPI, brought criminal charges against Erwin Arnada, Chief Editor of *PI* in the South Jakarta District Court for offending public morality. On 5 April 2007, one tumultuous year after the first edition was published, the court found Erwin Arnada not guilty, ruling that the prosecutor had erred in filing criminal charges, as the magazine was a press publication and that any action had to be brought under the terms of the Press Law and not the criminal code. The legalistic character of the decision frustrated those who had urged prosecution, as in their view, the court had failed to engage directly with the circulation of pornography in Indonesia.

The *PI* case brought to a head tensions that had been simmering in Indonesia since the media deregulation following the resignation of Soeharto in 1998. At first glance, the trial might be read as an attempt to restore repressive regulations that the media industry had fought hard to overturn, both during and since the New Order.³ A number of expert witnesses at the trial argued along these lines, and their anti-censorship views were strongly supported by liberal views in the press. The attack on freedom of expression was considered particularly unfair by some witnesses who pointed out that there were many other magazines on sale that were more indecent than the *PI* editions under review, but were not subject to legal sanction. Indeed, it was the singling out of the brand *Playboy Indonesia*, even before it was published, that signified that this case was never simply about a magazine that declared itself to be 'entertainment for men'. The prosecution of the magazine signified concerns with the global spread of commercial media products and services and the circulation of sexual imagery derived

² The magazine continues to be published from Bali.

³ Philip Kitley (2001), 'After the bans: modelling Indonesian communications for the future', in Lloyd, G., and Smith, S., *Indonesia Today: Challenges of History*, ISEAS, Singapore, pp 256–269.

from other places, histories and norms. Less directly, but equally importantly, it was about frustrated political ambitions and the interest some conservative Islamist groups had in reinstating the Jakarta Charter and establishing the rule of Sharia law.⁴

The highly sexualized imagery of contemporary advertising and television, cinematic and literary narratives has developed since the 1960s in countries shaped by liberal discourses, which emphasized that sexual representations were either harmless or beneficial, that individuals had the moral right and competence to judge for themselves what was offensive, and by legal decisions that rejected claims that sexual content was harmful, and therefore should not be restricted by law. Pornographic content in the media in Indonesia, however, has become the site of a struggle ‘... between those who assert their orientation toward values of Islam and ... [those who owe their status and ground their lives] in the normative values of modernity – such as equality and liberty’.⁵ Issues of freedom of expression were clearly part of the discourse set in motion by the trial. But unless the freedom of expression, anti-censorship model of the regulation of pornography is understood as a historically and culturally conditioned construct, the conservative reaction against *PI*, along with the impetus to enact anti-pornography legislation in Indonesia, will only ever be understood narrowly as a ‘... quaint relic and ... reminder of an age in which the fear of sex had obscured our knowledge of it’⁶ This discussion will instead explore the discourses and institutions that shaped the concerns with the publication of *PI*, concerns that were expressed forcefully prior to the

⁴ Habib Rizieq, personal interview, 11 September 2007; John Sidel (2007), *Riots, Pogroms, Jihad: Religious Violence in Indonesia*, NUS Press, Singapore. The Jakarta Charter was a proposed amendment to the preamble of the 1945 Constitution that obliged the state to carry out the Sharia of Islam for Muslim citizens. The charter – just seven words in Indonesian, was an attempt to accommodate Muslim leaders’ opinions that the first principle of the Pancasila in the original draft (that the nation was founded on ‘belief in God’) was vague and even un-Islamic. Sukarno and Hatta deleted the charter from the preamble, but did agree to revise the first principle to read ‘belief in a singular God’, which brought it closer to Islamic doctrine about the nature of God. The implications of dropping the charter have been a controversial issue in Indonesian politics ever since. See Robert W. Hefner (2000), *Civil Islam: Muslims and Democratisation in Indonesia*, Princeton University Press, Princeton, NJ, and Oxford; and John R. Bowen (2003), *Islam, Law and Equality in Indonesia*, Cambridge University Press, Cambridge.

⁵ Nilufer Gole (2003), ‘The voluntary adoption of Islamic stigma symbols,’ *Social Research*, Vol 70, No 3, pp 809–828.

⁶ Ian Hunter, D. Saunders, and D. Williamson (1993), *On Pornography: Literature, Sexuality and Obscenity Law*, Macmillan, Basingstoke, p 15.

circulation of the magazine that for many was always fated to offend public decency. Rather than adopting a position that assumes a narrative of a universal sexual self progressively liberated from state intervention, this article explores the circumstances that have thrust concerns with public morality to the fore, and links these concerns to different cultural understandings of the dynamics of predatory globalization⁷ and the dynamics of a media-saturated public sphere historically conditioned by a sudden expansion and deregulation of the media.

The *Playboy Indonesia* trial took place against the background of intensive public debate in 2005–06 over proposed legislation against pornography and ‘pornographic behaviour’ (*pornoaksi*, defined as ‘public action that exploits sex, obscenity and/or erotica’). The intersections between the Playboy case and the Anti-Pornography Bill (*Rancangan Undang Undang Antipornografi dan Pornoaksi*) are beyond the scope of this discussion and will be the subject of a separate publication in which concerns over pornographic *behaviour* and representations in the idealized Indonesian Islamic public sphere will be explored in detail. To follow up on the anti-pornography debate, readers might refer to Pam Allen’s comprehensive introduction to the anti-pornography legislation movement, which she argues is ‘symbolic of a nation that is fearful of its future’ and a desire for a particular ‘religious and cultural hegemony’.⁸

Media deregulation after 1998

B.J. Habibie took over as president from Soeharto during the Asian economic crisis and faced considerable pressure from neo-liberal institutions such as the World Bank and the IMF to reform the media sector as a way of encouraging and strengthening democratic transition.⁹ Domestic pressure for media reform was equally emphatic. Freedom of expression and the freedom to access and circulate information were inscribed in the People’s Consultative Assembly Decree XVII/MPR/1998, in Law 9/1998 on Freedom of Expression, in Law 39/1999 on Human Rights and in Article 28A–J in an amendment to the Indonesian constitution in 2000. Press Law 40/1999 annulled the repressive press

⁷ Mustapha Kamal Pasha (2002), ‘Predatory globalization and democracy in the Islamic world’, *Annals of the American Academy of Political and Social Science*, Vol 581, pp 121–132.

⁸ Pam Allen (2007), ‘Challenging diversity? Indonesia’s Anti-Pornography Bill’, *Asian Studies Review*, Vol 31, pp 101–115.

⁹ World Bank (2003), ‘Beyond macroeconomic stability’, *Development Policy Report 27374-IND*, World Bank, Washington, DC.

laws of 1966 and 1982 and inscribed freedom of the press (*kemerdekaan pers*) as a fundamental philosophical principle of the Press Law. The Minister for Information responded even more quickly, cancelling licence requirements for press publications and issuing five new commercial television licences and hundreds of new commercial radio licences. He even speculated on the abolition of his own department, something that came to pass (but later) during the period of President Abdurrahman Wahid. Since the first new television licences were issued, more have been awarded and Indonesia now has 11 stations with a national reach including the public broadcaster TVRI.

New media services have also shown remarkable growth since the early 1990s, although statistics are often either unavailable or unreliable. The proportion of the population that regularly uses Web-based technologies and services is probably only about 8% (in 2003) and is not distributed evenly over the national territory.¹⁰ Internet users doubled in nine cities between 2000 and 2004. Mobile telephony has proliferated, with 18.2 million users signed up in 2003.¹¹ Streaming of print texts on to PCs and radio, widespread public access to Internet facilities through Internet cafés in major cities,¹² and a massive growth in traffic carried by Indonesian exchange servers indexes a steady take-up of new media technologies.¹³ Given the focus of this discussion, it is interesting to note that Purbo discovered that 'religion' was the fourth ranked subject of Indonesian e-groups – with more than 100 subscribers, and that 'pornography' was ranked seventh. Adi Nugroho reported that the Indonesian-language site *17tahun.com*, which presented sexually explicit stories, was accessed far more often than major Indonesian-language media sites such as *Kompas* or *detik.com*.¹⁴

Everywhere, it seemed, in the Indonesian mediasphere, old repressive institutions were cast aside and new ones established, most with principles that placed the democratic potential of the media, press freedom and professionalism centre stage. David Hill and Krishna Sen report that even before the first Indonesian Internet service provider was

¹⁰ Persatuan Perusahaan Periklanan Indonesia (2005), *Indonesia Media Guide 2005*, Persatuan Perusahaan Periklanan Indonesia (Union of Indonesian Advertising Companies), Jakarta. David Thomas Hill and Krishna Sen (2005), *The Internet in Indonesia's New Democracy*, Routledge, London, p 57.

¹¹ Hill and Sen, *supra* note 10, at p 61.

¹² In 2004, 62% of users accessed the Internet using *warnet* (*warung internet*) or Internet café facilities. See Persatuan Perusahaan Periklanan Indonesia, *supra* note 10.

¹³ Hill and Sen, *supra* note 10, at p 59.

¹⁴ Cited in Hill and Sen, *supra* note 10, at p 73.

established, the democratic potential of the Net was the dominant discourse shaping its arrival, and 'dystopic visions of the Internet ... had ... very little impact in Indonesian discourses on the technology'.¹⁵ The new Press Law abolished the requirement that all journalists had to belong to the government-controlled Indonesian Journalists' Association, and 26 new journalists' associations were quickly established. The government-controlled commercial radio association (PRSSNI) lost its gatekeeper role in approving new radio licences. Broadcasting Law No 32, 2002 created an independent state regulator, the Indonesian Broadcasting Commission (KPI), which was intended to improve the transparency and accountability in licensing television and radio stations, and do away with the corruption and nepotism that had been a notorious feature of the commercial television licences awarded by the New Order government.¹⁶

These rapid and far-reaching changes in Indonesia's media institutions were informed by discourses of democracy and liberalization. The discourses foregrounded the keyword 'freedom' (*kemerdekaan*), a term that resonated powerfully with the Indonesian revolutionary struggle, whose war cry ('*Merdeka!*') and outcome was 'freedom' for the people and new nation of Indonesia in 1945. Rhetorically then, media reform was understood as revolutionary, wiping away centralized, oppressive structures and practices that had dominated the media during Soeharto's New Order government. Media reform imagined new media opportunities down to the grass-roots level, and offered civil society publishing opportunities that had been completely out of reach during Soeharto's time. Opportunities for local and community radio and television stations were created in a spirit respecting cultural diversity and participatory democracy.

The euphoria of these reform period discourses privileged liberalization and freedom of information, and while not silent on regulation and censorship, gave these issues limited attention. The record of parliamentary debate on the Press Law (40, 1999) shows, for example, that the central concern of the Playboy case – what publications were to be judged likely to offend public morality – was not part of the original draft Bill. The reference to indecent publications was proposed by the Islamic United Development Faction (PPP). However, there was no debate about what content might be indecent, nor what content might

¹⁵ Hill and Sen, *supra* note 10, at p 28.

¹⁶ Philip Kitley (2000), *Television, Nation and Culture in Indonesia*, Ohio University Press, Athens, OH.

be in conflict with religious norms. Article 13, Part IV, which forbids press organizations to publish advertisements that offend public decency, was also given very limited attention. Indeed, both matters were pushed through in closed lobby sessions.¹⁷ Without the determination of the PPP and somewhat grudging support from the Fraksi Karya Pembangunan (FKP, Golkar), these vague references to 'public decency or morality' would not have been included in the Bill. The FKP, for example, initially took the view that these matters were adequately covered in the criminal code and journalists' codes of ethics.¹⁸ It was as if no-one was interested in matters of censorship when the whole thrust of the Bill was to inscribe freedom of the press, freedom of information and professional practice on the part of journalists and media organizations. The PPP faction insisted that the Bill should not be seen as 'Liberal' and was concerned about foreign investment in the media, lest 'liberal values' should enter the country. These fears strike an odd, discordant note in the context of the passionate argument in favour of press freedom from the other factions who brought the Bill from first draft to endorsement by the parliament in just 15 sessions from 7 July 1999 to 13 September 1999.

The freedom of the press discourse that contributed to the new Press Law in 1999 and the Broadcasting Law in 2002 was informed by international discourses from civil society associations such as the California-based Internews, UK-based Article XIX and UNESCO. These associations, closely linked to the activists associated with the Indonesian Media Law and Policy Centre, promoted through training sessions and their lobbying an understanding of the press as watchdog or fourth estate, and promoted development of a public sphere that is perhaps best characterized in terms of the Habermasian ideal of an open, democratic, dialogic space. The idea of press freedom, and the associated notion that freedom of information is a human right, and that dialogical engagement in the public sphere with others is a key element in every citizen's ideological identity are thoroughly international concepts and part of classic Western theoretical understanding of the public sphere as a space of participatory democracy. The imagined community brought into view in the idea of 'openness' (*offentlichkeit*) in Habermas's original German, is a community of citizens who enjoy equality and under-

¹⁷ Indonesia Media Law and Policy Centre – IMLPC (2007), *15 Hari Perjuangan Untuk Kemerdekaan Pers* [15 Days Struggle for Freedom of the Press], IMLPC, Jakarta, pp 1012, 1074, 1126.

¹⁸ IMLPC, *supra* note 17, at p 232.

stand communal life as anti-authoritarian and invigorated by open social relations among diverse people.¹⁹

The institutions and pedagogies brought into view through the discourse of press freedom include a wide range of independent, competitive news and publishing organizations that have the freedom to pursue diverse political and cultural interests, provided they do so without insulting or denigrating other ethnic, racial or religious groups. This normative journalistic practice is matched by a disciplined practice of reading and dialogue among audiences who are encouraged to engage with media content in a way that sees its truths and meanings as contingent and always open to interpretation and contextualization. Edwin Jurriëns has described the growth of a genre of 'meta-journalism' in Indonesia. The new genre performs a pedagogical role in guiding media audiences unused to the more investigative style and even oppositional character of reform period journalism, on how to understand and engage with the outcomes of press freedom.²⁰ A key feature of the meta-journalism genre is that it is persuasive rather than authoritative. Audiences are schooled in practices of questioning, checking and interpretation, all anti-authoritarian practices based on the assumption that the press has no neutral or apolitical status and needs to be engaged in constructive and critical dialogue.

The historical context that drove reformist groups after 1998 to sweep away the repressive apparatus of the New Order and establish Western-inflected legislation guaranteeing freedom of the press, freedom of access to and circulation of information lent a particular cast to the drafting and emphases in these various legal instruments. More 'backward-looking' issues of censorship and consideration of whether there was any need to hold on to the idea that media content might occasion social harm were more or less completely overlooked. The parliamentary record shows that when the FPP's suggestion that press organizations must 'respect religious norms and the generally agreed sense of public morality' was up for debate, most attention was given to another normative requirement that the press should subscribe to the principle of presumed innocence and not engage in 'trial by the press'. This more contemporary problem in media practice, in which, in the name of investigative reporting, the media often resorts to sensationalism, was

¹⁹ Gole, *supra* note 5.

²⁰ Edwin C. M. Jurriëns (2006), 'Pioneering and monitoring press freedom: the creation of media-literate radio audiences in Indonesia', unpublished paper presented at ICAS5, 2007, Kuala Lumpur.

debated at length, and the familiar, albeit vague invocation of religious norms and (apparently) well known standards of public morality was put in place without any extended consideration. The official gloss on Article 5, Part II makes no comment on the norms and standards invoked, and simply suggests that the issue of what standards apply to ensure that advertising does not offend against public morality were 'clear enough'. This is unfortunate, as Articles 5 and 13 are just two of only five that attract legal sanctions and heavy fines. The vagueness of the idea of public morality in the Press Law echoes the vagueness of the criminal code in which a similar phrase, 'offends public morality, or violates the sense of ethical standards' (*melanggar kesusilaan [menyinggung rasa-susila]*) appears (282.1). The official gloss offers examples of what kinds of material might offend public decency and suggests that books, illustrations, films and sculpture might all represent indecent content. The commentary goes on to note that what is 'indecent' is not absolute, but should be assessed against general or public standards of propriety, and should be understood in its cultural context on a case-by-case basis. The passage concludes by saying that, in essence, what is indecent is media content that arouses sexual desire.²¹

Media liberalization and its discontents

PI shares a franchise family likeness with Hugh Hefner's famous publication, but to anyone familiar with *Playboy USA* centrefolds and articles, *PI* is far less sexually explicit. Photographs, advertisements and columns certainly focus on heterosexual sex, but there is no nudity, and stories and cartoon captions are suggestive in a Benny Hill, holiday camp style, more than being erotic or vulgar. Lacking the photograph layouts that present American Playmates' bodies in intimate, enhanced close-up, *PI* seems much closer to fashion magazines with an emphasis on lingerie. Trial witnesses made this point, suggesting that *PI* was less explicit than other local magazines in circulation such as *Dewi*, *Popular*, *FHM*, *Matra*, the newspaper *Pos Kota*, and even, at times, the women's magazine *Femina*.²²

²¹ Penjelasan 282, Kitab Undang-Undang Hukum Acara Pidana (KUHP) Explanation Article 282, [Indonesian] Code of Criminal Justice.

²² Efran Basuning, I Ketut Manika, and Eddy Risdianto (2007), *Putusan No. 2362/Pid.B/2006/PN.Jak.Sel.* (Decision of Judges Efran Basuning, I Ketut Manika & Eddy Risdianto of the South Jakarta District Court in criminal case 2362 2006), [hereafter 'District Court bench'], pp 145–146, 160.

The voices raised against *PI*, however, even before the first edition, were clear that this was an indecent publication and an affront to public morality. The MUI took the view that the government's support for discourses of democracy, human rights and freedom of artistic expression was not balanced by a sense of responsibility to others, or by consideration of the rights of others. The head of the MUI, Ma'ruf Amin, stated that the government had ignored the fact that pornography and pornographic behaviour was spreading everywhere and was liable to ruin national morality, especially the morality of the younger generation.²³ The MUI deplored the fact that publication of *PI* was being given any serious consideration as it had issued a *fatwa* (legal judgment, decision) against pornography and pornographic behaviour in 2001, introducing a range of new media-linked offences such as circulating images of erotic behaviour; representing male and female body parts that should not be exposed [*aurat*] (whether those parts are shown naked or covered in tight or transparent clothing); screening scenes that feature sexual relations and the representation of extramarital sex, or any imagery likely to stimulate sexual desire.²⁴ The first five paragraphs of the *fatwa* and its introductory statement are all concerned with the role of the media in circulating pornography freely and widely throughout society. The MUI's concern with *representations* of forbidden images and behaviour in the media goes beyond the scriptural authorities cited as authority for the *fatwa*, none of which make any reference to the media, but restrict their comments to face-to-face behaviour and what parts of the male and female body it is proper to display in public.²⁵ Concerned about the alleged social harm that media representations may inflict on the community, the MUI put media representations on a par with behaviour guided by Islamic codes of conduct, updating the mediated semiotics of the codes of dress and deportment, eating and sexual relations of traditional communities imagined in scriptures written long before the invention of modern, globalized media technologies.

FPI leader Habib Rizieq acknowledges that media representations are 'fiction' and that violent events in films are simply part of a narrative,

²³ *Bisnis Indonesia*, 17 January 2006.

²⁴ MUI (2001), *Keputusan Fatwa Komisi Fatwa Majelis Ulama Indonesia Nomor 287 2001 Tentang Pornografi dan Pornoaksi* [Fatwa Concerning Pornography and Pornographic Behaviour No. 287 2001 by the Fatwa Committee, Council of Indonesian Religious Scholars, MUI], MUI, Jakarta.

²⁵ *Ibid.*

but argues, echoing the concerns of the effects of tradition in American reception theory,²⁶ that these mediated events can have ‘criminal impacts’. Rizieq cited a case of accidental death in Indonesia resulting from children practising violent wrestling techniques on one another, and cited cases of rapists admitting that explicit sex scenes in films had aroused them beyond their own control.²⁷ Habib Rizieq’s comments assert that the social harm that might derive from the media is broad-based and affects the proper functioning of the Muslim community in Indonesia. He was concerned, for example, about Indonesian children answering back to their parents as is often represented in films, saying that while that might be acceptable and represent ‘freedom’ in America or Australia, it was not acceptable behaviour in Indonesia. He was also concerned with the effects of naming and blaming in the media, arguing that the public assassination of an accused without trial can be very dangerous and might prejudice trial outcomes. Media spokesperson for the MUI Amidhan commented that, since liberalization, Indonesia had become ‘heaven for pornographers’, and that since the regulation that all publications needed to be licensed had been abolished, the market was filled with low-quality publications that were published for a while and then quickly disappeared.²⁸

Media Dakwah is the media organ of the Indonesian Council for Islamic Predication, a conservative umbrella organization linked to the former Muslim political party Masyumi.²⁹ A review of the serial since 1998 shows that pornography has been a consistent concern for those in the Muslim community who see affirmation of the faith (*dakwah*) as both a political and religious obligation.³⁰ Noting that ‘lately, it is as if all the media, whether electronic or print, compete with each other to serve up pornographic figures for consumption by the general public’, the writer complains that if religious teachers ask the media to take offending advertisements or programmes off the air, they are ignored, but that if the military or a government minister complains about an item that affects them, the problem is addressed immediately.³¹ More

²⁶ Jack M. Mcleod, Gerald M. Kosicki, and Zhongdang Pan (1991), ‘On understanding and misunderstanding media effects’, in James Curran and Michael Gurevitch, eds, *Mass Media and Society*, Edward Arnold, London.

²⁷ Personal interview, 11 September 2007. The mass circulation permits known as SIUPP were abolished by Yunus Yosfiah.

²⁸ Personal interview, 1 September 2007, Jakarta.

²⁹ Robert W. Hefner (1997), ‘Print Islam: mass media and ideological rivalries among Indonesian Muslims’, *Indonesia*, Vol 64, pp 77–103.

³⁰ Hefner, *supra* note 4.

³¹ *Media Dakwah*, July 1999, No 301, pp 55–56.

generally, however, the problem appears not to be a question of the differential influence of religious and state authorities on the media, commerce and advertising, but that state authorities have been generally lax in responding to complaints about policing the publication and broadcast of indecent content.³² There is a view that since *reformasi* [reform], press freedom has run out of control, and government has gone soft on pornography: 'In the history of this nation moral corruption has never been so explicit and freely available in public as in this reform period via the press'.³³ The reform period is compared unfavourably with the New Order when a number of chief editors were warned, fined, imprisoned for up to six months or had publication licences revoked for publishing pornographic material.

The perceived indifference of state authorities in the reform period to imposing limits on press freedom prompts a number of authors to suggest that community action might be an alternative:

'When the authorities can't act. When they have failed. When political policy is bogged down. [Then] angry action from the masses is an alternative. ... if this goes on, it won't be long until there will be a mass action which will vandalise the offices or printery of this wickedness.'³⁴

In proposing a vigilante role for the community, Islamist writers are responding to what they see as the fragmentation of the power and authority of state authorities to exercise legitimate force following the political sidelining of the military and decentralization of political power after 1998.³⁵ Although there is ample evidence to support claims that 'criminal gangs, vigilante groups, and individual *preman* [thugs] have established a lucrative yet unstable control over public space, such as markets, terminals, and parking lots',³⁶ to understand Islamist groups such as FPI and LPI and its ideological mentors such as the MUI as simply opportunistic, criminal gangs intent on carving out monopolistic

³² *Media Dakwah*, June 2000, No 312, pp 44–45.

³³ *Media Dakwah*, March 2000, No 309, pp 17–18.

³⁴ *Media Dakwah*, June 2000, No 312, p 43.

³⁵ Sukardi Rinakit (2005), *The Indonesian Military After the New Order*, ISEAS, Singapore; and Ian D. Wilson (2006), 'Continuity and change: the changing contours of organized violence in post-New Order Indonesia', *Critical Asian Studies*, Vol 38, No 2, pp 265–297.

³⁶ Wilson, *supra* note 35, at p 291.

protection rackets overlooks the religious motivations and performative, ritualistic quality of their activism.

The FPI and its operational force *Laskar Pembela Islam* (LPI) invoke a principle deeply rooted in religious philosophy and practice as motivation for their activities. The duty of Muslims to intervene in the face of wrongdoing is enjoined in Qur'anic verses 'commanding right and forbidding wrong'.³⁷ It was this principle that informed FPI's complaint against the publication of *PI*, which Habib Rizieq saw as 'the trademark for the pornography market ... in America'. Rizieq takes the view that each mass Muslim organization in Indonesia contributes to the overall well-being of the community. As FPI does not have the resources to build universities or Islamic boarding schools like NU or Muhammadiyah, it does what it can to confront 'real', 'concrete' issues as a member 'of a unity that cannot be separated'. In its 'Call for media morals' (2000) and its complaints against 27 print media organizations, the FPI saw itself as confronting an aspect of contemporary culture that had been overlooked by co-religionists. In its actions against outdoor advertising of alcohol and the commodification and sexualization of women's bodies, FPI saw its actions as bringing specificity to the vagueness of the Qur'anic verses as to the object of wrongdoing. Habib sees it necessary to be definitive, and argues that all of the FPI's actions are designed to get rid of the rottenness in public that tends to corrupt and harm people, especially young people.³⁸

Playboy Indonesia on trial

In the Playboy case, only two of the seven expert witnesses argued that the magazine was pornographic and should be restricted. Noteworthy in their evidence was the emphasis on the circulation of the magazine in public. MUI member Amirsyah Tambunan stressed that it was not the content of the magazine that was of prime concern, as the content was acceptable for reading in private by married couples. What was a concern, he argued, was the access that other audiences might have to the magazine, as it was likely to arouse sexual desire among people without partners, and was likely to 'addle' children's minds because they were not mature enough to understand the content.³⁹ Bambang

³⁷ Qur'an, S3:104, 3:110, 9:71, 22:41 and 31:17; Michael Cook (2003), *Forbidding Wrong in Islam*, Cambridge University Press, Cambridge.

³⁸ Habib Rizieq, personal interview, 11 September 2007.

³⁹ District Court bench, *supra* note 22, at pp 117–126.

Supriyanto, an academic qualified in mass communication, drew attention to marketing issues, and argued that *PI* should be restricted to a nominated market segment. Both of these witnesses understood the problem with *PI* as one of who should have access to the images, rather than the images themselves. In their view, social harm derived from the *unrestricted* appearance and circulation of the magazine in public. Their evidence on this point was supported by most witnesses – all argued for tighter distribution of the magazine and even legislation to manage distribution more generally.

The argument about distribution is an issue of boundaries. It turns on a distinction between public and private, and takes us back to arguments about pornography that are largely unconcerned and uninformed by contemporary discourses of freedom of expression and equality of the sexes that have been decisive in landmark cases in countries such as the UK, Australia and Canada.⁴⁰ In Article 282.1, the offence against public morality is above all the offence of deliberate display of offensive content in public. That is to say, the discourse is not about the bogey of censorship as constructed in discourses of freedom of information and equality of the sexes. It is a discourse about managing the public sphere in a way that prevents the social harm that may be caused by indecent media content falling into the hands of vulnerable groups. In Article 282.1, which outlines the offence Edwin Arnada was alleged to have committed, eight of the eleven lines of the Article are taken up with laboriously describing the manner of public distribution of indecent material. Written long before the fluid shifts of media content within Castell's space of flows were ever imagined, Article 282.1 conjures up the rather muscular effort required to get indecent content, indeed any content, into circulation. Here is the sense of the Article:

'282.1: Whoever broadcasts, performs in public, sticks [on walls], makes, imports into the country, distributes continuously throughout the country, sends out from the country, keeps, explicitly [displays], broadcasts written material, offers without being asked, displays so that it can be obtained, written material, pictures or objects which they know [will] violate the sense of morality, is criminally liable ...'

⁴⁰ Geoffrey Robertson (1999), *The Justice Game*, Vintage, London; B. Crossman, S. Bell, and B. L. Ross (1997), *Bad Attitude/s on Trial: Pornography, Feminism, and the Butler Decision*, University of Toronto Press, Toronto; Susan Easton (1994), *The Problem of Pornography: Regulation and the Right to Free Speech*, Routledge, London.

Here we are thrust into the business of circulating media content and are transported into the public spaces of cities and towns where posters, announcements, cinematic shows, performances and printed material are on sale in the streets. In brief, crimes against morality involved distributing certain kinds of content in the public market for display and/or sale. That is to say, the crime lay in the public display and sale of content that should have been restricted to the private sphere and particular audience categories who had the educational competence and social status that rendered them not susceptible to its alleged harm. The social harm of pornography was linked to the promiscuous circulation of restricted content in public where vulnerable audiences (children and the unmarried) might gain access to it without the benefit of education or social status that would render it harmless.

In the UK, the distribution of 'private' media content in the public sphere was regulated in past times by legislation that appears to have limited connection with the legal instruments familiar today. In nineteenth century England, it was the Vagrancy Acts of 1824 and 1838, the Theatres Act and the Libel Act of 1843, the Town Police Causes Act of 1847 and the Indecent Advertisements Act of 1889, as well as the Obscene Publications Act of 1857, which regulated obscene publications.⁴¹ The Vagrancy Act regulated itinerant hawkers who brought obscene material into the marketplace for sale. The social harm from peddlers of pornography was compounded by the hurly-burly of street theatre, whose performances might easily excite and/or offend public morality and occasion public disorder. Above all, the nineteenth century legislation was concerned with the maintenance of public order, which was protected by making sure that there was no 'matter out of place', to paraphrase Mary Douglas's definition of 'dirt'. Public order depended on the careful management of the availability and consumption of media content. What might be seen by young men, boys and girls passing through the streets, and what might be read in a library, were two quite different orders of media consumption. This was a world where the economics and marketing of media content, along with the different competencies of audiences, were well understood and could be policed relatively easily by including the trade in media products in a variety of common law Acts so that the police could move people on and prevent public disturbances.

In the Playboy trial, much attention was given to distribution and the

⁴¹ Hunter *et al*, *supra* note 6, at pp 73–74.

access different audiences might have to the magazine. One of *PI*'s agents testified that there was a written agreement between him and the publisher that the magazine was not to be sold by him or his sub-agents in 'public places' such as on the streets, at traffic lights, or near schools, mosques and churches. All sellers were to be at least 21 years old. The agent testified that as far as he knew, *PI* was not sold in public, but from shops that were not near schools, mosques or churches.⁴² Chief Editor Edwin Arnada testified that he had taken particular care over distribution, but that he was not responsible for agents who did not honour the agreement. The agreement was that agents were not to sell the magazine just anywhere or to just anybody, and that he had made sure that the magazine was sold in a sealed envelope with the notice 'For adult men' printed on it.⁴³

The attention paid to the distribution, display and selling of *PI* echoes across time and space the concerns expressed in the *Hicklin* case, which established a definition of obscenity that became the benchmark for obscenity legislation in England, Canada and the USA.⁴⁴ In *Hicklin*, the court linked the potential for media content to 'deprave and corrupt' vulnerable audiences to the circumstances of commercial practices:

'This work [*The Confessional Unmasked*] ... is sold at the corners of streets, and in all directions, and of course it falls into the hands of persons in all classes, young and old, and the minds of those hitherto pure are exposed to the danger of contamination and pollution from the impurity it contains.'⁴⁵

Expert witness Bambang Supriyanto's testimony contradicted Edwin and his agent's evidence. He noted that the magazine was freely available on street corners and at traffic lights, and that that was a problem because it contained material that was not suitable for young readers or for public display.⁴⁶ Echoing the discourse of educational competency that had informed nineteenth century English regulation of indecent publications, Bambang told the court that it was one thing for such content to be discussed in a formal setting such as a school, but for it to be freely distributed and available to minors meant that they were at

⁴² District Court bench, *supra* note 22, at pp 122–126.

⁴³ District Court bench, *supra* note 22, at pp 156–168.

⁴⁴ Crossman *et al*, *supra* note 40, at p 12.

⁴⁵ Cited in Hunter *et al*, *supra* note 6, at p 72.

⁴⁶ District Court bench, *supra* note 22, at p 111.

risk, and without guidance might even be tempted to imitate what they read.⁴⁷ Expert witness Amirsyah Tambunan took a similar view, arguing that social harm was related to segmentation of the audience. If the magazine were read by adult married couples in the privacy of their home, then there was no problem with the content of *PI*. He suggested that if distribution were controlled by making it available only to those whose ID cards proved they were of age, then perhaps the issue of harm to minors and other vulnerable readers could be prevented.⁴⁸

Press Council member Leo Batubara agreed that the unrestricted availability of indecent material put minors at risk, but stressed that *PI* was an adult press publication, and 'not something such as you might find in Glodok'.⁴⁹ Leo's comment inadvertently conjured up the very concern of those who had urged the court to prosecute *PI*: the spectre of disorderly streets in a crowded, largely ethnically Chinese-Indonesian commercial area of Jakarta where indecent content was freely available from street sellers for those with susceptible imaginations.

Restricting distribution and the segmentation of audiences was understood not only in terms of age, but also in terms of education and class. Expert witness Dr Tanete Adrianus Pong Masak stated that he thought distribution was not an issue, as the relatively high purchase price would naturally restrict the magazine to the upper classes. Atmakusumah drew the court's attention to the subjective and class-contingent nature of pornography, noting that a 'family' magazine such as *Femina*, marketed to middle class and upper class readers, frequently published images that at times were more sexual than those in *PI*. But because *Femina* targeted upper class readers, Atmakusumah suggested, it was not considered pornographic. If the same images were published in a tabloid, then, he argued, they would be. Atma also took up the reception of literary works, arguing that explicit sexual content in artistic works was not pornographic, introducing into the debate the distribution of critical literary skills in society, and arguing that what was or was not pornography depended on the competencies and social status of audiences.⁵⁰ These references to class and critical competencies derived from formal education foreground the issue of the uneven distribution of ethical and sexual competencies and pedagogical opportunities across the community. The lower classes, it seems, were

⁴⁷ District Court bench, *supra* note 22, at p 113.

⁴⁸ District Court bench, *supra* note 22, at pp 117–122.

⁴⁹ District Court bench, *supra* note 22, at p 138.

⁵⁰ District Court bench, *supra* note 22, at p 145.

vulnerable in the same way as minors, as they lacked the social status and educational background that would enable them to be discriminating in reading indecent material and avoid the excess of emotion it would introduce into their lives. The social harm of pornography, then, was related to its uncontrolled distribution in public and the potential for disorderly behaviour, which was most likely to arise if the unschooled lower classes had unrestricted access to indecent material. It is these nineteenth century concerns about improper behaviour and relations in public that are closest to the concerns that contemporary Islamist groups such as the FPI have about *PI* and pornography more generally, but they are grounded in different discourses and institutions, as we will see.

The FPI and ‘sweeping’

Islam is a diverse tradition and there is no single conception of the public sphere in Islamic thought or among Muslims. This is particularly true for Indonesian Islam, which Sidel notes is ‘...famous for its diversity, its organizational pluralism, its syncretic tendencies, and its engagement with the secularizing forces of the capitalist market and the modern state’.⁵¹ For more conservative Muslims in Indonesia, the public sphere is an exemplary space in which proper relations between members of the Muslim community are performed not just as a discipline of the self, but as a ‘technology of community’ through the performance of cultural and religious identity.⁵² The ‘mega mosque’ projects in London, Cologne and Marseille, for example, can be understood as exercises in symbolic politics, where architecture on a massive scale represents an assertion of religious and political community by minorities seeking greater public recognition and integration in homelands where different faiths and institutions are hegemonic.⁵³ In contemporary Indonesia, the public sphere has both spatial and communicative dimensions that map new media flows over the space of

⁵¹ John T. Sidel (2007), *The Islamist Threat in Southeast Asia: A Reassessment*, East-West Center Washington, Washington, DC, p 30.

⁵² The degree of inclusiveness or pluralism acceptable in the public sphere in different Muslim communities requires detailed comparative research. Eickelman and Anderson have addressed some aspects of the mediated public sphere in their excellent book (1999) *New Media in the Muslim World: the Emerging Public Sphere*, Indiana University Press, Bloomington and Indianapolis, IN, and John Bowen’s ethnographic study of the Gayo in Aceh is extremely informative, but much remains to be done. See John R. Bowen (1993), *Muslims Through Discourse: Religion and Ritual in Gayo Society*, Princeton University Press, Princeton, NJ.

⁵³ ‘Religion report’, 22 August 2007, ABC Radio National.

social interaction. Far from being a dialogic space, however, where different ideas and strangers negotiate differences in the way Habermas imagined in the bourgeois public sphere, for conservative Muslims, the public sphere is idealized as a didactic, performative space where the rule of Islamic law regulates social interaction. The appearance and conduct of the pious, disciplinary self in the public sphere is distinguished from behaviour in the private sphere where individuals exercise exclusive authority and control over their affairs. Mohsen Kadivar comments, however, that the imbrication of public deportment with individual choices about eating, sexual relations, dress and even economic relationships means that 'the Islamic public domain [is] ... further stretched than that prevalent elsewhere in the world'.⁵⁴ In his extended study of forbidding wrong in Islam, Michael Cook makes a similar point, noting that '... the legacy of the privacy concerns of the medieval [Islamic] scholars is in some tension with the collective and political orientation of the Islamic revival. It is no surprise that in the event privacy gets relatively little attention from the fundamentalists.'⁵⁵ In contemporary cities, where ethnic and religious groups tend to be dispersed across urban space, the necessity for different groups to share the same physical and virtual spaces places a special burden on those groups that seek a close alignment between private and public domains of behaviour. This issue is taken up again in the final part of this discussion.

In the Islamic public sphere, there are elaborate codes, varying from nation to nation, and even within nations, which regulate the interaction of strangers, the most obvious sign of which are the codes that govern display of women's bodies. In contemporary societies, however, the media-saturated commercial sphere of urban settings creates a contradictory space that challenges religious norms of public deportment and even traditional authority, as this comment from an ethnographic study in Mali emphasizes:

'In the Muslim world in particular the billboard now competes with the Book as the purveyor of truths to live by (or, according to some, of dangerous falsehoods to resist by every means possible), not to mention the cultural influences of television and the internet.'⁵⁶

⁵⁴ Mohsen Kadivar (2003), 'An introduction to the public and private debate in Islam', *Social Research*, Vol 70, No 3, pp 659–666, 663.

⁵⁵ Cook, *supra* note 37, at p 129

⁵⁶ Niezen, cited in Bryan S. Turner (2007), 'Religious authority and the new media', *Theory, Culture & Society*, Vol 24, No 2, pp 117–134, 119.

Exhortatory banners urging citizens to participate in family planning, welcome a conference group or maintain the spirit of Pancasila have been a distinctive feature of the moral governance of Indonesian cities and towns and 'the preferred canvas for reaching the public' for the last 40 years.⁵⁷ More recently, however, the commercial media, greatly expanded since the reforms of 1998, energized by discourses of freedom of expression and the economics of marketing of global brands, screen eroticized images and represent 'lifestyles' that are disapproved of by Islamist groups. Advertising – in magazines, malls and on the streets, has drawn the ire of groups such as FPI.

Mediated images of sexual behaviour enter the private sphere of the family through the press, radio, television and the Internet. But the circulation of electronic media content spills over into the public sphere from TV sets in buses, in restaurants, in waiting rooms, shop windows and inter-island ferries. Pop songs provide a constant background as people travel, shop and work. Thus the electronic media turn the idealized Islamist public sphere into a contradictory, inside-out space where sexualized images, performances, narratives and consumption practices insistently intrude, seemingly beyond the control of individuals, challenging the norms of the Islamic public sphere and dispersing authority for the management of the public sphere across an anonymous, corporatized mix of local and transnational entrepreneurs, city authorities and advertising campaign managers.

When the boundaries of private and public life blur, some groups take it upon themselves to *perform* religious norms as a pedagogic function and 'technology of community'. Mehrangiz Kar has explored this phenomenon in Iran, examining the 'invasion' of the private sphere by state authorities in the name of 'enjoining the good and forbidding evil'.⁵⁸ Cole has discussed similar intrusions into the private sphere in the Taliban's obsessive zeal in making religion 'completely public' as a way of establishing an Islamic countermodernity.⁵⁹ In Indonesia, the FPI has become notorious for its sweeping campaigns, which target gaming houses, massage parlours, discos, bars and brothels. The Indonesian term 'sweeping', borrowed from English and Indonesian police

⁵⁷ Laine Berman (1999), 'The art of street politics in Indonesia', in Tim Lindsey and Hugh O'Neill, eds, *Awat! Recent Art from Indonesia*, Indonesian Arts Society, Melbourne, pp 75–84.

⁵⁸ Mehrangiz Kar (2003), 'The invasion of the private sphere in Iran', *Social Research*, Vol 70, No 3, pp 829–836.

⁵⁹ Juan R. I. Cole (2003), 'The Taliban, women, and the Hegelian private sphere', *Social Research*, Vol 70, No 3, pp 771–808.

and military jargon, is particularly resonant in this context. Metaphorically extending care of the private domestic sphere, FPI sweeping is a way of caring for the public space of community that harmonizes the space of community with the private, normative space of the family. Simon Schama has written eloquently about the ritual cleaning practices of seventeenth century Holland, where the cleanliness of the home was a way, symbolically, of repelling the 'mire of the world'.⁶⁰ In contemporary Indonesia, the more ambitious but equally moral venture of cleaning the public sphere of vice is the symbolic burden of FPI sweeping. It is important to recognize that the FPI's actions foreground (pious) family values and have an appeal not only for an undifferentiated mass of Muslims of one social class or other, but also for mothers and fathers, sensitive to difficulties in preserving control, or at least influence, over increasingly threatened family units in a globalized, consumerist world. During Ramadhan, the month of abstinence, the FPI engages in performative rituals of cleansing, extending the private moral and spiritual cleansing practices of individual believers into the public sphere when it attacks gaming rooms and brothels, massage parlours and restaurants open during fasting hours. Ritualistically focused on the sins of the lower body,⁶¹ the performance of sweeping keeps the Islamic code in the public sphere, countering the glossy commercialism of the visual sphere and mainstream media, which does not feature Islam, piety or *adab* [normative comportment] except in rather formulaic ways in early morning 'religious programmes'.⁶²

Sweeping is performative in the same way that the voluntary wearing of 'stigma symbols' (headscarves) is in post-colonial societies such as Algeria and secular societies such as Turkey,⁶³ and national, televised Qu'ranic recitation competitions are in Indonesia. These are

⁶⁰ Simon Schama (1987), *The Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age*, Alfred Knopf, New York, p 398.

⁶¹ Edward Muir (2005), *Ritual in Early Modern Europe*, 2 ed, Cambridge University Press, Cambridge.

⁶² Somewhat surprisingly, the independent regulator, the Indonesian Broadcasting Commission, recently signed an agreement with the MUI that provides for the two parties to share information and exchange views on media content, thereby privileging the MUI's views on what is 'proper' and meets community standards. See *Nota Kesepahaman Komisi Penyiaran Indonesia dan Majelis Ulama Indonesia Tentang Literasi dan Pemantauan Siaran*, 27 November 2007 (Memorandum of Understanding Between the Indonesian Broadcasting Commission and the Council of Indonesian Ulama Concerning [Media] Literacy and Monitoring).

⁶³ J.-C. Vatin (1983), 'Popular puritanism versus state reformism: Islam in Algeria', in James Piscatori, *Islam in the Political Process*, Cambridge University Press, Cambridge, pp 98–121. See Gole, *supra* note 5.

practices that bring Islamic norms into the public sphere and assert community values.⁶⁴ Both practices thrust individual decisions about deportment and piety into the public sphere, registering and demonstrating concern for the community and individual agency. These practices are fundamentally about the politics of recognition, as Gole explains:

‘Islamist politics makes religion visible as a personal sign, as an embodied practice in public space ... In this respect Islamism, along with feminism, can be considered the most significant contemporary social movement that attempts to blur and redesign the borders between the private and the public spheres.’⁶⁵

But while bars, brothels, discos and gambling dens are easily vandalized, the ephemeral, de-territorialized flows of commercial media present more difficult theological and tactical challenges. Theologically, while respecting what goes on in the privacy of the home is strongly established in Islam, there are differences in interpretation about what should be done if a private wrong becomes public knowledge. If the wrongs are straightforward – offences against dietary restrictions, let’s say, then intervention is a relatively simple matter. But the modern mass media position audiences as consumers of content, even though the subject position and agency of audiences constitute a contested topic in audience studies, especially in new media theory.⁶⁶ But the mass mediated content of the electronic media is not ‘privately’ consumed in the way a book is read. Contemporary electronic media are consumed in private, but free-to-air content is public in the sense that the same content is dispersed and circulated among a mass audience and becomes a kind of cultural pollution in the perception of conservative groups. This is the essence of Gitlin’s argument that in industrialized and many other countries our social spaces are ‘saturated’ with the media, and that ‘... the media flow into the home – not to mention outside – has swelled into a torrent of immense force and constancy, an accompaniment to life that has become a central experience of life’.⁶⁷

⁶⁴ Anna M. Gade (2004), *Perfection Makes Practice: Learning, Emotion and the Recited Qur’an in Indonesia*, University of Hawai’i Press, Honolulu.

⁶⁵ Gole, *supra* note 5, at p 2.

⁶⁶ Leah A. Lievrouw and Sonia Livingstone (2002), *Handbook of New Media: Social Shaping and Consequences of ICTs*, Sage, London. See also Will Brooker and Deborah Jermyn, eds (2003), *The Audience Studies Reader*, Routledge, London.

⁶⁷ Todd Gitlin (2002), *Media Unlimited*, Henry Holt, New York, p 17.

That is to say, the mass media complicate the problems of access and distribution of offensive content in ways not imagined in nineteenth century legislation, which was largely concerned with the localized display, performance and distribution of obscene material. The 'wrongs' of contemporary media, however, including the potential menace of Internet porn sites, are dispersed and insinuate themselves into the private sphere, are ever present, and effectively inescapable. Under these circumstances, an activist disposition against offensive content in the commercial media is understandable if theological injunctions against 'quietism' are heeded, and activists believe that state authorities have abrogated their duty to prosecute manifest wrongs.⁶⁸

Although there is no scope to explore this fully here, the FPI's non-textualist activism may also be understood in the context of disputes over the shifting fortunes and audiences of print Islam,⁶⁹ and its recognition that for its largely urban, lower to lower middle-class following, engagement with popular cultural media forms and spaces (the bars, massage parlours and brothels of underclass life) is more immediately communicative and has greater impact than articles in *Media Dakwah* or *Republika*. Habib Rizieq was candid about the group's invitations to the media prior to planned raids and demonstrations. Thus FPI activities directed against the media recursively acknowledge and perform the deep penetration of electronic media into Indonesian households, and the group's growing interest in media affairs is indexed in part by the *PI* case and the FPI's intention to establish its own Website.⁷⁰

While the FPI's attacks on premises, and against specific performances such as Nirul Daratista's erotic dancing or the alleged denigration of the prophet Muhammad's daughter Fatima in the television serial *Esmeralda* have established the FPI's reputation as an activist group, it has also had to deal with a backlash that in taking on themselves the right to use violence against others, its members are 'not defenders, but destroyers of Islam' and little different from other protection gangs in Jakarta and other large cities.⁷¹ Aware of these criticisms, the FPI

⁶⁸ Cook, *supra* note 37.

⁶⁹ See Hefner, *supra* note 29; William Liddle (1996), *Leadership and Culture in Indonesian Politics*, Allen and Unwin, Sydney, pp 266–289; Jon W. Anderson (2003), 'New media, new publics: reconfiguring the public sphere of Islam', *Social Research*, Vol 70, No 2, pp 887–893; and James T. Siegel (1998), *A New Criminal Type in Jakarta*, Duke University Press, Durham and London.

⁷⁰ Personal interview, Jakarta, 1 September 2007.

⁷¹ Habib Rizieq, quoted in Alip Purnomo (2003), *FPI Disalahpahami [The FPI is Misunderstood]*, Mediatama Indonesia, Jakarta, p 66.

has turned its attention to outdoor advertisements that ‘stink of wickedness’ such as the giant advertisements for beer along major Jakarta streets such as S. Parman and Gatot Subroto, or highly sexualized, pornographic advertisements that reveal parts of women’s bodies that should not be seen in public.⁷² In attacking objects of wrongdoing, the FPI aligns itself with teachings that the use of violence against offenders by ordinary believers is not permitted. Even more recently, to distance itself further from its gangster-like campaigns and reputation, the FPI has taken its activism into the courts by pressuring state authorities to prosecute *PI* as an ‘icon of pornography’.

The fact that the FPI resorted to litigation pragmatically recognized that media flows, virtual bodies and fictional lifestyles could not be physically attacked. Thus in the *PI* campaign, the FPI’s activism was tactically adjusted, and its mission to forbid wrong and prevent social harm took the form of due process in initiating litigation in the name of the community – admittedly after an unfortunate lapse into old habits when it vandalized the *PI* offices. In taking this step, the FPI found itself allied with the elevated and equally outraged vice-president, numerous ministers and other leading national Islamic organizations. But one swallow does not make a summer, and the FPI’s angry reaction to the legalistic decision of the South Jakarta District Court, and its continued vandalism against premises associated with vice, suggest that it has not abandoned its policy of rectification in lieu of the lapsed state.⁷³

Media literacy and the ethics of commanding right and forbidding wrong

The argument here is that the campaign against *PI* is best understood as the expression of concern by conservative Islamist groups for the normative character of the public sphere, and that this concern should not be understood as the kind of censorship struggle that characterized obscenity trials in England and Australia in the 1970s. The free press discourse that informed the testimony of the majority of expert witnesses at the *PI* trial asserted values that did not address the concerns of conservative Islamist groups. Habib Rizieq and Muslim scholars have stated that they endorse freedom of the press and freedom of opinion, citing Qur’anic authority for their views.⁷⁴ What they do not endorse,

⁷² Purnomo, *supra* note 71, at p 66.

⁷³ Wilson, *supra* note 35. See *Jakarta Post*, 2 October 2007.

⁷⁴ Habib Rizieq, personal interview, 11 September 2007; Cook, *supra* note 37, at p 114.

however, is an 'irresponsible press', and in taking that view they line up with ethical values inscribed in the codes of practice endorsed by the leading Indonesian journalists' associations, all of which affirm non-discriminatory reporting, respect for religion, and sanctions against publishing or broadcasting indecent content. Here then was a case in which discourses of liberalization, and of religious identity and prevention of harm passed each other by, and the furore that accompanied the trial and the court's decision arose out of a critical misunderstanding that must be contextualized by setting the trial within the dynamics of the deregulation of the media post-1998 and the print media's representatives' mission to affirm and protect newly legislated rights of freedom of opinion and freedom of the press.

What complicates the FPI's activism, anti-*PI* and anti-pornography advocacy is a tendency to overstate its case in linking it to larger, more general concerns about the sudden expansion of the commercial media, which has circulated globalized media products and services throughout Indonesia, and a perceived loss of identity and political power in post-reform society.⁷⁵ In addition, Islamist groups such as the FPI have a reputation for rather simplistic and violent solutions to complex social and ethical questions, and the religious or ideological foundation of their protest against the media has been too easily dismissed as the rationalization of a fundamentalist, gangster fringe. If the Islamist objections to *PI* are understood, however, as a principled objection to the shift in responsibility for the normative space of community, then what is in dispute becomes more amenable to solution as it resolves into a debate about the management of globalized commerce and cultural pluralism in cities. Not that these are simple issues, but framed this way, the dispute is shifted into an area that is less likely to break down into unhelpful and simplistic assumptions that what is at stake is a clash between backward fundamentalists and enlightened progressive modernists.

The FPI's activism in aggressively attempting to regulate media content has a solid ethical and religious foundation, but is misguided and signifies confusions about the sociological, religious and political realities of Indonesia, which is not an Islamic state, or a secular state, but a constitutionally established, multi-faith state. The ethical grounds for vigilantism have a superficial legitimacy, but do not stand up to close examination, as forbidding wrong too easily becomes '... a practice for telling people what to believe and how to live'.⁷⁶ In a hybrid, multi-

⁷⁵ Sidel, *supra* note 4.

⁷⁶ Cook, *supra* note 37, at p 115.

faith society, even where the majority of the population are Muslims, this is ultimately discriminatory. The FPI's resort to the rule of law over *Playboy Indonesia* is promising as it offers a mode of regulating media content without violence and in a way that recognizes 'community standards'. The Indonesian Broadcasting Commission has taken a step along this path, and has established specific guidelines on broadcasting standards and practices that urge broadcasters to take care that their content 'does not destroy, generate negative effects, or conflict with fundamental values of the multicultural and very diverse Indonesian audience'.⁷⁷ The FPI has no legal right in contemporary Indonesia to usurp the state's role, but it does have the right and opportunity to press its case for regulation of the public sphere in a way that respects its values.⁷⁸

The violence of the FPI against various forms of vice and pornographic content in the mass media reflects a series of absolutist confusions over the ethical, spatial and political reality of contemporary society and urban living, which will be outlined briefly before turning to some reflections on how the struggle over the public sphere might be managed differently. There is no scope here to explore questions about whether or not there is strong support for the kind of Islamist politics the FPI has waged since 1998. The evidence seems to be that there is not.⁷⁹ The emphasis here is on the more restricted question of whether or not absolutist attempts to reconfigure the public sphere to reflect the normative views of a conservative Islamist constituency are grounded in the circumstances of post-reform Indonesia.

First, in contemporary Indonesia urban spaces are hybrid – they are not ethnically, culturally or religiously bounded, and religious activism that ignores this reality misunderstands the sociological and political realities of the nation-state. There is no possibility of re-establishing the exclusive communities of the colonial past, and the incorporation of the Jakarta Charter into the constitution has been decisively rejected by the most influential institutions in the country. Where community is dispersed and shares space with others, tensions naturally arise, but the solution to these tensions does not lie in the radical regress of ethnic or cultural cleansing. It is often the case that co-religionists of whatever faith have internal divisions every bit as profound as those that separate

⁷⁷ KPI (2004), Decree No 009 2004 of the KPI, 'Broadcasting practices and program standards guidelines', KPI, Jakarta.

⁷⁸ Habib Riziek, personal interview, 11 September 2007.

⁷⁹ Sidel, *supra* note 4.

ethnic or religious communities, as the FPI's attacks on the Liberal Islam Network (JIL) show. Thus culture wars that imagine a 'pure land' are violent fantasies of a minority and run the risk of cannibalizing the community they are ostensibly protecting.

Urban spaces are not only hybrid, they are de-territorialized in the sense that they are no longer simply national, and it is a mistake to think that there is a way back from these processes of global integration. To some extent, all constituent elements of urban communities are dispersed and even globalized. Indonesian Muslims are part of a global Islamic community and have historical, cultural and commercial associations with co-believers in other parts of the world. Indeed, the FPI was founded by people of Hadrami Arab ethnicity who had enjoyed educational opportunities in Egypt and Saudi Arabia. These transnational associations open local communities to the diversity of co-religionists' communities across the world and warn against inflating the purity of imagined, Islamist communities and ways of life that pay little respect to customary practices and the history of Islam, both locally in Indonesia itself and more widely across the Islamic world. The de-territorialization of the public sphere brings benefits to all sectors of local communities through a range of interactions, not least of which are the benefits of economic relations, communication and knowledge, which may contribute opportunities for diasporic communities to maintain productive associations with co-religionists around the world.

The space of urban communities is not simply physical space, and activism premised on winning local skirmishes misses the bigger picture. Urban spaces are nodal in character and hubs of transportation, commerce and communication networks. Traditional ideas and patterns of rootedness intersect with the virtual flows of contemporary communications, global distribution networks and differentiation of markets and tastes. While globalized flows may introduce disruptive and offensive content and practices, these concerns are widely shared, even if the targets of concern may differ in intensity and specificity. Concerns over child pornography and the use of the Internet in facilitating paedophilia, for example, are widely shared and transnational cooperation has been effective in policing this. More positively, the new media offer interest groups virtual communities or counter-publics in which their preferred way of living may be sustained and reinforced without doing physical violence to the Other's normative practices and principles. Even so, alternatives may degenerate into 'hate sites', and there

is no particular virtue in simply transferring intolerant relations to a parallel online universe.⁸⁰

While some practices and activities in the public spaces of cities may be vulnerable to violent attack and physical confrontation, others are not – and ideological clashes over the content of the media are not particularly susceptible to physical violence, even though there have been spectacular and at times amusing ‘jamming’ campaigns against advertising.⁸¹ Whereas not so long ago most revolutionary movements made the occupation of broadcasting stations their first priority, the dispersed character and international networking of broadcasting and new media services make any attempt to control media flows by occupying broadcasting premises quixotic. Governments have found it extremely difficult to close down access to new media. Electronic and Web-based media are elusive, resistant and resilient in the face of physical and technological attacks, and are not rooted in any particular territory. Vandalism and attempts to ban electronic media and even print publications for whatever reasons are a temporary and ineffective policy response. The migration of *Tempo* magazine to become a thriving online presence via servers located in the USA after it was banned in 1994 provided ample evidence of this.⁸² Physical violence may spread fear, but is strategically counterproductive as it is unlikely to affect directly key players such as the financiers, producers and distributors who are often dispersed across complex commercial structures and not susceptible to physical confrontation. With these changes well established and distributed worldwide, it is obvious that we cannot return to an imaginary community of origin – and the *fatwa* on pornography shows that the MUI is alive to the need to take cognizance of modern media realities. More positively, the Web has become a valued space for a whole range of Muslim groups to open up dialogue with co-religionists across the world and think through important issues and questions.

The commodification of urban spaces and their communication and entertainment networks presents challenges to groups whose cultural values and aspirations are different from the dominative practices of international capitalism. But these same networks also mediate

⁸⁰ Mark McLelland (2008), “‘Race’ on the Japanese Internet: discussing Korea and Koreans on “2-channeru””, *New Media and Society* (forthcoming).

⁸¹ See N. Klein (2000), ‘Culture jamming: ads under attack’, in *No Logo*, HarperCollins, London; and Gitlin, *supra* note 67.

⁸² Janet E. Steele (2005), *Wars Within: the Story of Tempo, an Independent Magazine in Soeharto’s Indonesia*, Institute of Southeast Asian Studies (ISEAS), Singapore.

cosmopolitan empathy, which may over time be constitutive of more tolerant and profound cross-cultural relations.

These four interlinked confusions provide the foundation for a way through the problem of dominative solutions to the character of the public sphere. They acknowledge both religious discourse and the contributions of discourses such as sociology, media studies and political science in managing social change and lessening anxiety about religious boundaries and religious identity. The way through these problems lies in a mix of civility, educational and regulatory initiatives, many of which are already in place, but need consistent support.

The argument for civility begins with the assumption that the public sphere is a field of contested meanings, values and practices, created and sustained by a set of power relations and institutions, economic and cultural interests. The public sphere in all its complexity of publics and counter-publics and modes of interaction is a hegemonic field, and as such, constituted in difference and susceptible to change. Put another way, conservative groups of whatever stripe cannot assume that the public sphere can be re-configured as a strong, uni-dimensional institution that imposes its normative validity on citizens. The competing discourses of the contemporary public sphere have unsettled authority to such an extent that whatever power the public sphere has to influence citizens will depend more on finding reasons for having things the way they are than on attempting to impose a preferred order through symbolic means or force.⁸³

Indonesia is not a secular state; it is not an Islamic state: it is a religious, pluralist state, and that requires all interest groups to take seriously the ways different communities want to imagine the public sphere. It is, after all, a dynamic cultural and historical construct, and its current, highly 're-feudalized' commercial character does not represent the final word on the scope and form of the visual and public spheres.

The issue of the voluntary manifestation of belief and the obligatory public regulation of belief are in tension at a time when traditional sources of authority are under challenge from the spread of educational opportunities, media technologies and the creation of diasporic communities. There are signs, however, across the Muslim world, that voluntary practices for signifying religious identity are intensely satisfying, perhaps all the more so as a signal of positive choice in performing

⁸³ Jürgen Habermas (2006), 'Symbolic expression and ritual behaviour: Ernst Cassirer and Arnold Gehlen revisited', in Ciaran Cronin and Max Pensky, eds and trans, *Time of Transitions*, Polity, Cambridge, pp 53–70.

belief.⁸⁴ New media technologies also provide ways of sharing knowledge and asserting identity, although they also tend to undermine traditional oral and print-based authorities. Even so, the new media (although limited to more affluent sectors of the population) is a dialogic space of ‘performativity’, in which a lot of the discussion is ‘... about the proper conduct required by a “good Muslim” in a variety of contexts and circumstances’.⁸⁵

The argument for education begins with the assumption that discussions about pornography must necessarily involve an analysis of the historical, cultural and economic discourses that have shaped different societies’ understanding and policy responses. An important dimension of this project will involve media literacy programmes to educate the community about processes of representation and the construction of meaning, reception and the passive-active audience, along with the political economy of the circulation of media content. Lively and informative meta-journalism programmes have been implemented in Indonesia, but there is a lot more that needs to be done and protected by regulation, given the asymmetry in the power that commercial organizations and fragmented social solidarities can exert in lobbying for programming time.⁸⁶

The arguments for regulation begin with the observation that the media are subject to regulation, and in Indonesia media deregulation has been accompanied by the institutionalization of regulatory policies that promise far greater accountability and transparency in media business than during the New Order period. It is here that the FPI might direct more attention and work collaboratively with the KPI and civil society organizations intent on building a more responsible media environment. The KPI’s classification standards are explicit and comprehensive, and establish guidelines over content, restricted viewing hours for certain categories of programme and opportunities for audiences to make informed choices about what they watch. Similar guidelines are required to manage distribution and access to press publications. Media regulation and standards need to be extended to advertising, as the two are inextricably intertwined. Advertising across all sites, especially out-

⁸⁴ Gole, *supra* note 5.

⁸⁵ Turner, *supra* note 56, at p 127.

⁸⁶ See Jurriëns, *supra* note 20; and Philip Kitley (2007), ‘Out there: citizens, audiences and the mediatization of the 2004 Indonesian election’, in Krishna Sen and Terence Lee, *Political Regimes and Media in Asia: Continuities, Contradictions and Change*, Routledge, London.

door sites, needs to be brought within a standards regime that is sensitive to community groups' normative and aesthetic principles. Above all, the standards need to be effectively policed to forestall attempts by vigilante groups to take it on themselves to usurp state authorities' roles and obligations.

The introduction of advertising standards in the electronic and new media is especially important for protecting children from a variety of negative influences. Advertising standards that are sensitive to the long-term negative effects on children of advertising that represents idealized body shapes and precocious sexualized styles will assist in preventing eating disorders and the construction of children as sexual subjects for commercial gain. There are, however, significant structural problems in Indonesia in regulating advertising to protect children. With Indonesian schools operating on an early morning and a midday shift timetable, commercial broadcasters are reluctant to quarantine advertising across not just one, but two daytime periods, as it restricts their scope to address adult audiences. Further, adult working hours do not map neatly over the school timetable, and it is often the case that children are without adult guidance during the day.

Is there a place for the law in regulating pornography?

The rule of law offers the best hope for respecting, promoting and protecting normative values of diverse community groups. High-profile trials such as the *PI* case publicize contentious issues for community debate, and the comprehensive presentation of argument against publication opens up the likelihood of wider support. It is important to note that Christian groups joined the Islamic community in objecting to *PI*.⁸⁷

In working through the rule of law and not the rule of the fist and club, the FPI demonstrated an encouraging shift away from its bullying tactics in forbidding wrong. The outcome of the trial was no doubt unsatisfying in that it failed to clear *PI* off the streets and did not engage with many of the issues outlined above. But read differently, as has been demonstrated here, the trial opened up critical issues for Indonesia in the management of both religious and media affairs, and could be the impetus for revisiting principles and practices of accountability that have been established since 1998. Equally informed by discourses of accountability and liberalization, the regulatory machinery

⁸⁷ *Republika*, 18 January 2006.

of the Broadcasting Act and the Press Law offers as much to conservative groups as to the usual suspects imagined as the beneficiaries of 'liberal' law. A new trial brought in terms of the Press Law may not deliver the FPI the outcome it wants – again because the terms of the offence of publishing indecent material are so vague that it will be hard for the court to resolve a single, agreed truth about what is to count as pornography in a society as diverse as Indonesia. But what the trial may do – and this may be socially and culturally very constructive – is take seriously the contours and character of an imagined Islamic public sphere and address the aesthetic, moral and symbolic construction of the public sphere in Indonesia more generally. This may promote a wider debate and interest in shaping the public sphere in a way that better reflects the cultural and political aspirations of post-reform Indonesia and brings commercial imperatives more in line with Indonesia's evolving cultural as well as economic priorities.