

In the Vernacular: Indonesian Women's Rights Activists Challenging the
Anti-Pornography Bill

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ABSTRACT

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In 2005, the Bill against Pornography and Porno-Action was reintroduced to the Indonesian parliament. Central to the opposition of this bill were women's human rights groups, including: The National Commission on Violence Against Women (Komnas Perempuan), the Legal Aid Institute of Indonesian Women's Association (LBH APIK), and the Women's Journal Foundation (Yayasan Jurnal Perempuan). Through interviews with key members of these organizations and an analysis of their public statements, this study will argue that, in their campaign against the anti-pornography bill, Indonesian women's human rights activists undertook what Peggy Levitt and Sally Merry term a "vernacularization" of human rights norms. Given the stigmatization of human rights in Indonesia as foreign-influenced and anti-Islam, this vernacularization necessarily involved infusing human rights principles with the rhetoric of the national ideology of *Pancasila* and the 1945 Constitution. This strategy was successful in its ability to gain substantial public attention that led to revisions of the bill and a display of the women's movement political power. However, the efforts ultimately failed to block the passing of the bill, and were limited in their ability to harness international political power and to offer a significant challenge to the status quo. Understanding the process of this vernacularization and its consequences is vital to comprehending how human rights can be implemented in distinct contexts.

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Chapter 1

Introduction

On April 22, 2006, over one thousand Indonesian activists, artists, and civilians “either clad in traditional ethnic costumes that showed flesh, sexy dress, or Muslim veils,” marched in a *Pawai Budaya* or “Cultural Carnival” at the Monas Monument in the capital city of Jakarta.¹ Participants held signs that read, “No! To Zero Culture,” paraded to the sounds of *Gambang Kromong*, the traditional orchestra of the Betawi ethnic group, and witnessed a Chinese lion dance. A headline from The Jakarta Post read, “Colourful rally enchants Jakarta.”² This carnival, more than a celebration of Indonesian cultural diversity, represents a key event in a broader campaign, largely formed by Indonesian women’s human rights activists, to reject the passing of the 2005 Bill against Pornography and Porno-Action.³

The pornography bill, initiated by Islamic political groups in the world’s most populous Muslim country, criminalized any media, communication tool, or public act which conveys concepts that are “sexually exploitative, obscene or erotic.”⁴ This included bans on acts such as “kissing in public” and the exposure of “sensual body parts.”⁵ Opponents of the bill feared that these provisions would lead to the criminalization of religious and ethnic minorities, artists, women, and LGBTQ people. Through efforts at the local, national, and to some extent, international level, a broad coalition of organizations and individuals attempted to block the

¹ "Indonesians hit streets over anti-pornography bill," *Japan Economic Newswire*, April 22, 2006, Nexis Uni.

² "Hundreds of Indonesian activists demonstrate against pornography bill," *BBC Monitoring Asia Pacific - Political Supplied by BBC Worldwide Monitoring*, April 24, 2006, Nexis Uni.

³ The Bill Against Pornography and Porno-Action will hereafter be referred to as the “pornography bill.”

⁴ Dewan Perwakilan Rakyat Republic Indonesia (DPRRI), Rancangan Undang-Undang Republic Indonesia Nomor . . . Tahun . . . Tentang Anti Pornografi and Pornnoaksi (2006), available at https://web.archive.org/web/20060517234751/http://www.dpd.go.id/files/RUU_ANTiPrnografi.pdf. Informally translated from Indonesian to English.

⁵ Eve Warburton, “Islam and Law in Indonesia: The Significance of Symbols,” *Alternative Law Journal* 33, no. 2 (June 2008): 113-114, <https://doi.org/10.1177/1037969X0803300215>.

passing of this bill. Ultimately, the campaign failed as the bill was passed into law in 2008 and a request for a judicial review of the law by the Indonesian Constitutional Court was denied in 2010.⁶ However, the campaign did achieve partial success with significant revisions made to the bill prior to its passing and the substantial public attention received. What tools did activists use to fight for these achievements? And how do these strategies, such as holding a parade to celebrate cultural diversity, relate to the human rights mission of the women's rights organizations and activists behind this campaign?

This study will explore how a group of women's human rights activists and their organizations used human rights language and mechanisms to respond to the pornography bill and its effects on Indonesian women, focusing on three key organizations in the broader coalition: The National Commission on Violence Against Women (Komnas Perempuan), the Legal Aid Institute of Indonesian Women's Association (LBH APIK), and the Women's Journal Foundation (Yayasan Jurnal Perempuan). Each of these organizations, a National Human Rights Institution, non-profit legal assistance organization, and interdisciplinary feminist journal respectively, were central players in the opposition coalition; orchestrating public resistance efforts, issuing statements, publishing articles, communicating with parliamentarians, initiating constitutional challenges to the law, and submitting reports to international human rights treaty bodies. The efforts by these organizations and their members to resist the pornography bill can be seen as a valuable example to explore how international human rights principles, in this case women's human rights, are translated and utilized in specific national contexts.

⁶ Peter Gelling, "Indonesia Passes Broad Anti-Pornography Bill," *The New York Times*, October 30, 2008, <https://www.nytimes.com/2008/10/30/world/asia/30iht-indo.1.17378031.html>.

The majority of studies conducted on responses to the pornography bill have focused on what the bill and the debates surrounding it reflect about the role of religion in the Indonesian State. Previous works have identified that the opposing camps conflicted regarding their visions of the relationship between religion and the State, and their rhetorical use of moral and religious ideologies as opposed to concepts of rights.⁷ There is currently a lack of research into the rhetorical and practical strategies used within the coalition critiquing the pornography bill, particularly using a human rights framework. My research will fill this gap as well as build off of previous studies exploring the complex process of translating human rights discourses to specific national contexts. The local translation of global discourses and norms has been termed “vernacularization” by scholars Peggy Levitt and Sally Merry. In this vernacularization theory, activists serve as the primary translators of human rights norms, not only linearly adopting principles from the international level, but co-creating the norms through placing them in dialogue with existing ideologies at the national and local level. This paper will argue that the Indonesian women’s human rights activists resisting the pornography bill engaged in a process of vernacularization through their campaign. Through examining interviews with leading activists in the campaign and public statements by their organizations, this study will explore how this process of vernacularization took place and what consequences arose.

⁷ Pam Allen, “Challenging Diversity? Indonesia’s Anti-Pornography Bill,” *Asian Studies Review* 31, no. 2 (May 2007): 101-115, <https://doi.org/10.1080/10357820701373275>; Rachel Rinaldo, “Envisioning the Nation: Women Activists, Religion and the Public Sphere in Indonesia,” *Social Forces* 86, no. 4 (June 2008): 1781-1804, <https://www.jstor.org/stable/20430828>; Julia Suryakasama, “From Both Sides Now: Shari’ah Morality, ‘Pornography’ and Women in Indonesia,” in *Legitimacy, Legal Development and Change: Law and Modernization Reconsidered*, edited by David K. Linnan, 193-213 (Vermont: Ashgate Publishing Company, 2012); Suzanne Brenner, “Private Moralities in the Public Sphere: Democratization, Islam, and Gender in Indonesia,” *American Anthropologist* 113, no. 3 (2011): 478-490, <https://doi.org/10.1111/j.1548-1433.2010.01355.x>.

In the Indonesian context with the rise of political Islam and the stigmatization of human rights language as a Western imposition that runs counter to Muslim values, these women's rights activists made strategic efforts to imbue their human rights arguments with rhetoric and practices that would resonate with an Indonesian audience. This strategy included focusing on the Indonesian national ideology of *Pancasila*, which emphasizes "unity in diversity." As Indonesia had ratified the majority of international human rights treaties and incorporated them into national law, the activists were also able to reference more specific human rights mechanisms, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in their campaign by grounding their arguments in constitutional guarantees. Although the campaign did achieve some success and demonstrated the political power of the Indonesian women's movement, it also fell into some of the pitfalls outlined in the theory of vernacularization, including the minimization of the potential for international attention and a lack of significant challenge to the status quo.

This exploration points to one of the central debates in the human rights field surrounding cultural relativism and how supposedly universal principles can be applied in distinct cultures. The international human rights paradigm, while respecting the diversity and validity of contrasting cultures, attempts to establish global norms to which all nations can be held accountable. The burden of actually reconciling these global norms with local and national values often falls to activists on the ground. Therefore, in order to uncover the process of how international human rights norms are utilized, it is necessary to look at the successes and failings of activists doing the translation work. Rather than debating the merits of universalism as opposed to cultural relativism, this study will provide greater insight into how international

human rights norms are actually interpreted and used through vernacularization, and the effects of these efforts.

The process of women's rights activists strategically translating international human rights into their national context has been documented by previous scholars. This study will build off of this scholarship, particularly focusing on Peggy Levitt and Sally Merry's theory of vernacularization.⁸ This term denotes the local translation of global discourses and norms. In their 2009 study, Levitt and Merry examined the messages and work of women's rights activists from Peru, China, India, and the United States, to explore the process of how global ideas and practices surrounding women's human rights actually get adopted at the local level. In their work, the authors attempt to critique previous notions of norm diffusion that depict a "top-down" process where ideas are seen as being solidified in the West and subsequently being adopted by other states.⁹ The success of this adoption is determined by how well the resulting principles mimic the original Western concept. Levitt and Merry challenge this concept and build off of the theory that norm diffusion is a non-linear process that occurs at multiple sites and reshapes the norm itself.¹⁰ In terms of women's human rights, this means that as women's rights concepts are adapted and adopted in varying places, the concepts take on different attributes and are thus slightly altered. In this way, ideas about women's human rights are being co-created by both the

⁸ Peggy Levitt and Sally Merry, "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States," *Global Networks* 9, no. 4 (October 2009): 441–61, doi:10.1111/j.1471-0374.2009.00263.x.

⁹ Elihu Katz, "Theorizing Diffusion: Tarde and Sorokin Revisited," *The Annals of the American Academy of Political and Social Science* 566 (1999): 144-55, <http://www.jstor.org/stable/1048849>; Everett M. Rogers, *Diffusion of Innovations* (Free Press: New York, 1983); Gerald Zaltman, Robert Duncan, and Jonny Holbek. *Innovations and Organizations* (John Wiley and Sons: New York, 1973).

¹⁰ Manuel Castells, eds., *The Network Society: A Cross-Cultural Perspective* (Northampton, MA: Edward Elgar, 2004); Neil M Coe, "Spatializing' Knowledge Communities: Towards a Conceptualization of Transnational Innovation Networks," *Global Networks (Oxford)* 3, no. 4 (10/2003): 437-456, doi:10.1111/1471-0374.00071; Mark Granovetter, "The Strength of Weak Ties: A Network Theory Revisited," *Sociological Theory* 1 (1983): 201-33, doi:10.2307/202051.

international institutions and those on the ground who are communicating the rights to their society.

Levitt and Merry claim that the methods and outcomes of vernacularization depend on the social position of the “vernacularizers,” the ideas and message framings they choose to employ, and the technologies they utilize. They also claim that the way women’s human rights concepts are vernacularized depends on aspects such as existing social movements and societal ideologies. While acknowledging the substantial gains vernacularization can have for the promotion of women’s human rights, Levitt and Merry discuss two dilemmas of this project. Primarily, vernacularizing women’s human rights can remove the element of “universality” that is attached to human rights and therefore, remove the international political power that comes with using this language. Additionally, the authors claim that when activists alter women’s human rights concepts to fit easily with existing cultural norms, they are not necessarily working to challenge oppressive norms.

Other scholars have outlined related theories and stressed the importance of analyzing norm diffusion with a focus on cultural and social context, and the dialectical relationship between international human rights institutions and activists on the ground.¹¹ However, Levitt and Merry’s theory of vernacularization is the most useful to this study as it is specifically focused on the diffusion of women’s human rights and outlines the dilemma faced in the Indonesian context of appropriating human rights norms in a culture that is increasingly resistant

¹¹ Brooke A. Ackerly, “Women’s Human Rights Activists as Cross-Cultural Theorists,” *International Feminist Journal of Politics* 3, no. 3 (2001): 311-346, doi: 10.1080/14616740110077537; Evelyn Blackwood, “Transnational Discourses and Circuits of Queer Knowledge in Indonesia,” *GLQ: A Journal of Lesbian and Gay Studies* 14, no. 4 (2008): 481-507, doi: 10.1215/10642684-2008-002; Susanne Zwingel, “How Do Norms Travel? Theorizing International Women’s Rights in Transnational Perspective,” *International Studies Quarterly* 56, no. 1 (2012): 115-29, <http://www.jstor.org/stable/41409826>.

to human rights. Additionally, the theory gives agency to those doing the translation work and establishes them as participants in the construction of international human rights norms.

By analyzing the work of activists from Komnas Perempuan, Jurnal Perempuan, and LBH APIK in their campaign against the pornography bill through this framework, it will be possible to explore how the Indonesian social, cultural, and historical context influenced the activists use of human rights language and practices, how the activists use of culturally-specific rhetoric can be viewed as human rights work, and what the consequences were of attempting to mold these norms to align with specific cultural values. This study found that the specific context of the stigmatization of international human rights as foreign-influenced and anti-Islamic shaped the activists decision to instill human rights language with rhetoric based in the national ideology of *Pancasila* and the Constitution. This strategy allowed the campaign to gain public support and include women's rights as a national political issue; however, this tactic did not have the advantage of international political attention and did not pose a significant challenge to the status quo.

Chapter 2

Contextualizing Human Rights Opposition to the Anti-Pornography Bill

2.1 Indonesia's Human Rights Mechanisms

In order to understand the tools that were available to the women's human rights activists and their organizations opposing the Bill Against Pornography and Porno-Action, it is necessary to outline Indonesia's human rights mechanisms, particularly women's human rights mechanisms. Indonesia had, at the time of the bill's reintroduction in 2005, ratified six of the nine core international human rights treaties.¹² Therefore, the State was legally bound to adhere to the provisions of these treaties and submit periodic reports to the respective treaty bodies regarding the implementation of each treaty.

In terms of women's human rights, under the Suharto presidency (1968-1998), Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and incorporated the treaty into national law as Law no. 7 of 1984 Concerning the Ratification of CEDAW.¹³ As stated by the United Nations Entity for Gender Equality and the Empowerment of Women, this treaty is often described as an international bill for the rights of women, defining "what constitutes discrimination against women" and creating "an agenda for national action to end such discrimination."¹⁴ In 2000, Indonesia signed the Optional Protocol to

¹² These treaties included: The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and Convention against Torture and Other Cruel Inhuman or Degrading Treatment and Punishment (CAT). More information available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=80&Lang=EN.

¹³ Dewan Perwakilan Rakyat Republic Indonesia (DPRRI), Undang-Undang Republik Indonesia Nomor 7 Tahun 1984 Tentang Pengesahan Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Wanita, available at https://pih.kemlu.go.id/files/UU_1984_7.pdf.

¹⁴ "Overview of the Convention," Convention on the Elimination of All Forms of Discrimination Against Women, UN Women, updated December 31, 2007, <https://www.un.org/womenwatch/daw/cedaw/>.

CEDAW, which allows individual women, or groups of women, to submit claims of rights violations to the Committee, and creates an inquiry procedure to allow the Committee to initiate inquiries into situations of “grave or systematic violations of women’s rights.”¹⁵ However, Indonesia has yet to ratify the Optional Protocol, meaning that the protocol is not legally binding, which limits options to enforce state accountability to the Convention.

While Indonesia did pass Law no. 7 of 1984 Concerning the Ratification of CEDAW, it is important to note that in the *penjelasan* or “clarification” section of this national legislation, it is mentioned that the provisions of the Convention must be adjusted to conform with cultural values, customs, and religious norms that are, “still valid and widely followed by the community.”¹⁶ Indonesia did not submit this statement as a reservation to the Convention, only submitting an official reservation for Article 29(1) regarding the jurisdiction of the International Court of Justice for the settlement of disputes arising out of the Convention.¹⁷ Therefore, this stipulation only applies to national law and does not reflect Indonesia’s obligations under international law. However, this statement could reflect a limited commitment of the Indonesian government to regulate customary practices that are discriminatory towards women.

Suharto also endorsed the resolutions of the Fourth World Conference on Women in Beijing in 1995.¹⁸ This conference produced the Beijing Declaration and Platform for Action, which marked a pivotal moment for women’s rights activism by explicitly stating that women’s

¹⁵ UN General Assembly, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, United Nations Treaty Series, Vol. 2131, No. 20378, p. 83, October 6, 1993, available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&clang=_en.

¹⁶ DPRRI, Undang-Undang Republik Indonesia Nomor 7 Tahun 1984. Informally translated from Indonesian to English.

¹⁷ UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, United Nations Treaty Series, vol. 1249, no. 20378, p. 13. December 18, 1979, available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en.

¹⁸ Kathryn Robinson, *Gender, Islam, and Democracy in Indonesia* (New York: Routledge, 2009), 137.

rights are human rights.¹⁹ This platform outlines critical areas of concern regarding women's empowerment and strategies for implementation on the national, subregional/regional, and international levels. Although the declaration and platform represent "soft law" and are not legally binding, they do represent a public commitment by signatory states to address issues of women's rights within a human rights framework.

Examining human rights mechanisms on the national level, after Suharto resigned and the period of democratization, or the *Reformasi* era began, President Habibie instigated a second amendment of 1945 Indonesian Constitution in 2000, which included adding a chapter on human rights (Chapter XA). This chapter consists of ten articles on the protection of fundamental rights.²⁰ The third amendment to the Constitution established the Constitutional Court of the Republic of Indonesia to review the constitutionality of laws.²¹ These amendments relate to the international human rights law positioning of the State as the duty-bearer for protection of rights. President Habibie also enacted human rights legislation including Law no. 39/1999 on Human Rights which states in its considerations that, "As a member of the United Nations, the nation of Indonesia has a moral and legal responsibility to respect, execute, and uphold the Universal Declaration on Human Rights promulgated by the United Nations, and several other international instruments concerning human rights ratified by the Republic of Indonesia."²² Additionally, Habibie enacted Law no. 26/2000 on Human Rights Court which establishes a court to hear and

¹⁹ United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995, available at <https://www.un.org/womenwatch/daw/beijing/platform/index.html>.

²⁰ *Constitution of the Republic of Indonesia (last amended 2002)*, 1945, available at <https://www.refworld.org/docid/46af43f12.html>.

²¹ *Ibid.*

²² Dewan Perwakilan Rakyat Republic Indonesia (DPRRI), *Undang-Undang Republik Indonesia Nomor 33 Tahun 1999 Tentang Hak Asasi Manusia*, available at http://hukum.unsrat.ac.id/uu/uu_39_99.htm. Informally translated from Indonesian to English.

rule on cases of genocide and crimes against humanity.²³ These amendments and legislation appear to create a strong human rights law foundation at the national level.

Remaining at the national level, Indonesia also has three National Human Rights Institutions (NHRIs) which were established through separate presidential decrees from 1993 to 2003: the National Commission on Human Rights (Komnas HAM), the National Commission on Violence against Women (Komnas Perempuan), and the Indonesian Commission for the Protection of Children (KPAI). Komnas Perempuan was established by Presidential Decree No. 181/1998 in response to “public demand (especially from the women’s movement) for the State to take responsibility for cases of sexual violence against women.”²⁴ It has the special mandate to “to develop a condition conducive to the elimination of all forms of violence against women and to promote the enforcement of women’s human rights in Indonesia.”²⁵ The work of Komnas Perempuan and its members regarding the the Bill Against Pornography and Porno-Action will be further analyzed in greater depth through this study. NHRIs were established through the Paris Principles resulting from the 1991 International Workshop on National Institutions for the Promotion and Protection of Human Rights.²⁶ This Paris Principles constitute soft law as they were adopted by the UN General Assembly in its Resolution 48/134 of 1993.²⁷ As outlined in the Principles, NHRIs are “vested with competence to promote and protect human rights.”²⁸ The

²³ Dewan Perwakilan Rakyat Republic Indonesia (DPRRI), Undang-Undang Republik Indonesia Nomor 26 Tahun 2000 Tentang Pengadilan Hak Asasi Manusia, available at http://www.dpr.go.id/dokjdih/document/uu/UU_2000_26.pdf.

²⁴ “Komnas Perempuan at a Glance,” National Commission on Violence Against Women, last modified April 10, 2017. <https://en.komnasperempuan.go.id/pages-komnas-perempuan-at-a-glance>.

²⁵ Ibid.

²⁶ UN Office of the High Commissioner for Human Rights, *National Human Rights Institutions: History, Principles, Roles, and Responsibilities* (New York and Geneva: United Nations, 2010), available at https://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf.

²⁷ UN General Assembly, National institutions for the promotion and protection of human rights, A/RES/48/134 (20 December 1993), available at, <https://www.un.org/documents/ga/res/48/a48r134.htm>.

²⁸ Ibid.

Principles outline requirements for the composition of the institutions and their methods of operation. In the Indonesian context, the NHRIs are impartial and independent bodies which serve as resource centers for human rights knowledge, monitor the implementation of human rights in Indonesia, and give recommendations regarding human rights at the national and international level.

Given the ratification of the majority of core international human rights treaties, the inclusion of human rights in the Constitution, the passing national human rights legislation, and the establishment of NHRIs, it would be expected that human rights principles would be readily accepted in the public and political spheres. However, in the Indonesian context, human rights concepts have often been stigmatized as a Western imposition, especially by Muslim conservatives. During the *Reformasi* era after the fall of Suharto, the demand for an Indonesian Islamic State increased as the nation was being redefined after a 30-year authoritarian regime in which political Islam was stymied.²⁹ With the increased power of political Islam, there was a demonization of principles seen as Western impositions and incompatible with Islam, including human rights principles.³⁰ Therefore, the women's human rights activists who resisted the the Bill Against Pornography and Porno-Action were in a unique position of having human rights tools available to them, but tools that were deeply stigmatized. This study will therefore explore how, through vernacularization, these activists manipulated the tools that were available to them

²⁹ R. E. Elson, "Two Failed Attempts to Islamize the Indonesian Constitution," *Sojourn: Journal of Social Issues in Southeast Asia* 28, no. 3 (2013): 379-437, <http://www.jstor.org/stable/43186975>; Saskia Wieringa, "Islamization in Indonesia: Women Activists' Discourse," *Signs* 32, no. 1 (Autumn 2006): 5, <https://www.jstor.org/stable/10.1086/505274>; Kamala Chandrakirana, "Indonesia Reconstructed- Navigating a Nation Divided," (keynote address, Symposium on Future Indonesia "Self-concept of a Nation," Berlin, September 14, 2018).

³⁰ Saskia Wieringa, "Islamization in Indonesia"; Elsbeth Locher-Scholten, "The Colonial Heritage of Human Rights in Indonesia: The Case of the Vote for Women 1916-41," *Journal of Southeast Asian Studies* 30, no. 1 (March 1999): 72, <https://www.jstor.org/stable/20072106>; Nursyahbani Katjasungkana and Saskia E. Wieringa, *Creeping Criminalization: Mapping Indonesia's National Laws and Regional Regulations That Violate Human Rights of Women and LGBTIQ People* (New York, NY: OutRight Action International, 2016).

in a manner that would appeal to a public increasingly resistant ideologically to the very concept of international human rights.

2.2 The Passing of the Anti-Pornography Law

This section will detail the contents of the Bill Against Pornography and Porno-Action so as to outline specifically what material the women's human rights activists and their organizations were resisting. It will also lay out the process of the bill being passed, including opposition efforts and subsequent revisions made the bill, to give an understanding of the material successes and failures of the opposition campaign.

The pornography bill was originally drafted in 1990s but did not gain momentum until 2001 when the Indonesian Ulema Council (MUI), which is the nation's most prominent Muslim clerical body, issued a *fatwa*, or an Islamic legal ruling, prohibiting pornography and *pornoaksi* or "porno-action."³¹ In 2003, MUI and its supporters used the popularity of *dangdut* (folk) artist Daratista Inul, who was known for her suggestive dancing and revealing clothing, to emphasize the need for an Anti-Pornography and Porno-Action bill.³² The first draft of the bill was submitted in 2003 but President Sukarnoputri stopped the parliamentary debates.³³ In 2005, under President Yudhoyono, pressure from Islamic and nationalist forces within and outside the parliament provoked the bill to be reintroduced and parliamentary debate to be opened.³⁴ The

³¹ Andy Yentriyani and Neng Dara Affiah, "Women's Sexuality and the Debate on the Anti-Pornography Bill in Democratizing Indonesia," in *Sexual Politics in Muslim Societies: Studies from Palestine, Turkey, Malaysia and Indonesia*, ed. Pinar Ilkkaracan and Rima Athar (Surabaya: Gaya Nusantara and CSBR, 2017), 136.

³² Pam Allen, "Women, Gendered Activism and Indonesia's Anti-Pornography Bill," *Intersections: Gender and Sexuality in Asia and the Pacific* 19 (February 2009), <http://intersections.anu.edu.au/issue19/allen.htm>.

³³ Sri Wiyanti Eddyono, Estu Fanani, Dini Anitasari Sabaniah, Yurra Maurice, Haiziah Ghazali, Juni Warlif, Sisillia Velayati and Farha Ciciek. *When and Why the State Responds to Women's Demands: Understanding Gender Equality Policy Change in Indonesia* (Geneva: UNRISD, 2006), 42.

³⁴ *Ibid.*

2005 draft was very similar to a draft bill proposed by a working group facilitated by MUI and the Ministry of Religion in 2002.³⁵

This 2005 draft of the bill defined pornography as any substance, media, or communication tool which is made to convey concepts that are sexually exploitative, obscene or erotic.³⁶ The bill defined porno-action as any public act that is sexually exploitative, obscene or erotic.³⁷ In addition to criminalizing the production, sale, and consumption of “pornographic” images, the bill also criminalized public actions such as displaying sensual body parts, kissing, erotic dancing, masturbation, engaging in sexual intercourse, and creating or watching sex performances or parties.³⁸ Exceptions were made for pornographic material used for educational, scientific, or health purposes and pornographic actions that are related to religious beliefs, indigenous cultures, art activities, sports activities, and health education.³⁹ The bill established a National Anti-Pornography and Porno-Action Body (BAPPN) to oversee the implementation of the bill; however, the bill also encouraged “community participation” in its implementation, including obliging community members to report to authorized officials if they have knowledge of a crime related to pornography and porno-action.⁴⁰

Once the parliamentary discussion began on this bill, widespread criticism arose from coalitions of women’s rights and human rights organizations, including Muslim feminist groups, ethnic and religious minorities, artists, and LGBTQ rights activists, arguing that the bill would be discriminatory and diminish Indonesia’s identity as a pluralist nation. One of the first major

³⁵ Yentriyani and Dara Affiah, “Women’s Sexuality and the Debate on the Anti-Pornography Bill in Democratizing Indonesia,” 136.

³⁶ DPRRI, Rancangan Undang-Undang Republic Indonesia Tentang Anti Pornografi and Pornnoaksi.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

protests was held on International Women's Day (March 8, 2006). According to news sources, more than 40 women's groups, joined by popular actresses and singers, amounting to around 150 people, marched in the nation's capital of Jakarta in opposition of the bill.⁴¹ Similar protests were held in other parts of the country.⁴² The most prominent display of opposition to the bill was the *Pawai Budaya*, or "Cultural Carnival" protest that was held on April 22, 2006. In this protest, over one thousand activists, artists, and civilians marched in Jakarta, "either clad in traditional ethnic costumes that showed flesh, sexy dress, or Muslim veils."⁴³ Following this protest, there were additional counter-protests by supporters of the bill, including hardline Islamic political groups such as the Islamic Defenders Front (FPI) and Hizbut Tahrir, that drew an even larger crowd.⁴⁴

After multiple revisions and postponing debate on the bill due to public backlash, the People's Representative Council (DPR) passed the bill into law on October 30, 2008 as Law no. 44 on Pornography.⁴⁵ The bill was passed with the approval of eight of the ten factions of the DPR, with two parties, the Indonesian Democratic Party of Struggle (PDIP) and the Peace and Prosperity Party (PDS) walking out of the deliberations in protest.⁴⁶ The final law removed the term "*Pornoaksi*," the criminalization of kissing on the lips, sex parties, sex performances, erotic

⁴¹ "Women's groups in Indonesia protest proposed anti-pornography law," *Channel NewsAsia*, March 8, 2006, Nexis Uni.

⁴² Devi Asmarani, "Women outraged by Jakarta's anti-porn Bill," *The Straits Times (Singapore)*, March 9, 2006, Nexis Uni; Nenek Karmini, "Indonesian women march against no-public-kissing bill, harassment over clothing," *Associated Press International*, March 8, 2006, Nexis Uni.

⁴³ "Indonesians hit streets over anti-pornography bill," *Japan Economic Newswire*.

⁴⁴ *Ibid.*

⁴⁵ "Indonesia: Anti-pornography bill passed," *BBC Monitoring Asia Pacific - Political Supplied by BBC Worldwide Monitoring*, October 31, 2008, Nexis Uni.

⁴⁶ "Indonesian parliament passes controversial anti-pornography bill," *Japan Economic Newswire*, October 30, 2008, Nexis Uni.

dancing or movement, and the exposure of thighs, hips, belly buttons, and breasts.⁴⁷ The revised law also removed all Arabic terms and references to Islamic values, and the provision for the establishment of the BAPPN.⁴⁸ Additionally, the law added a statement that one of the purposes of the law is to “respect, protect and preserve the value of art and culture, customs and religious rituals of a pluralistic Indonesian society,” which has been understood to provide exceptions for traditional and religious art and customs.⁴⁹ These revisions provide evidence for the tangible successes of groups who opposed the bill.

However, the opposition did not end once the law was passed. After the passing of the bill, several women’s rights groups began making calls for a judicial review of the law by the Indonesian Constitutional Court.⁵⁰ In 2009, the Indonesian Constitutional Court heard the case for a judicial review of the law.⁵¹ During this time, many experts on women’s and human rights testified before the court. Ultimately, the Constitutional Court rejected the judicial review and the law was upheld.⁵² Komnas Perempuan also cited the pornography law and discriminatory instances of its implementation in its NHRI reports to the CEDAW committee, the ICESCR committee, and the ICCPR committee.⁵³ However, the committees did not comment on the law and it still remains in effect.

⁴⁷ Yentriyani and Dara Affiah, “Women’s Sexuality and the Debate on the Anti-Pornography Bill in Democratizing Indonesia,” 137.

⁴⁸ Ibid.

⁴⁹ Ibid, 165.

⁵⁰ Ati Nurbaiti, “Groups push for action in overturning anti-porn law,” *The Jakarta Post*, November 6, 2008, <https://www.thejakartapost.com/news/2008/11/06/groups-push-action-overturning-antiporn-law.html>.

⁵¹ Katjasungkana and Wieringa, *Creeping Criminalization*, 34.

⁵² “Indonesian National Commission Criticizes Court for Supporting Porn Law,” *Indonesia Government News*, March 28, 2010, Nexis Uni.

⁵³ National Commission on Violence Against Women, *National Human Rights Institution Independent Report on the review of Indonesian Report on the implementation of the International Covenant on Economic, Social, and Cultural Rights in Indonesia*, submitted to 52nd Session of the UN Human Rights Committee, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=IDN&Lang=EN; National Commission on Violence Against Women, *National Human Rights Institution Independent Report on the review of*

Through recounting the history and contents of the pornography bill, it can be seen that the bill was not just targeting the distribution of pornographic material, but was also placing limitations on individual's bodies and public actions. It is also clear that the passing of the bill was related to efforts to strengthen the presence of political Islam. The opposition coalition was able to bring public attention to the bill as well as secure some revisions; however, they did not succeed in their efforts to stop the passing of the bill or winning a judicial review. This study will further analyze the strategies that led to these outcomes.

Indonesian Report on the implementation of the International Covenant on Civil and Political Rights in Indonesia, 2005-2012, submitted to UN Human Rights Committee, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=IDN&Lang=EN; National Commission on Violence Against Women, *National Human Rights Institution Independent Report regarding the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women in Indonesia, 2007-2011*, submitted to the CEDAW Committee, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=IDN&Lang=EN.

Chapter 3

Vernacularization in Action

3.1 Challenges to using Human Rights

In order to explore the vernacularization of women's human rights in the context of the campaign to reject the Indonesian Bill Against Pornography and Porno-Action, semi-structured interviews were conducted in English with five Indonesian women's rights activists who were involved in this campaign. As the study is focused on the three key organizations of LBH APIK, Komnas Perempuan, and Jurnal Perempuan, interviews were conducted with four women who held leadership positions in these organizations: Kamala Chandrakirana, founder and former commissioner of Komnas Perempuan; Gadis Arivia, founder and former Executive Director of Jurnal Perempuan; Andy Yentriyani, former commissioner of Komnas Perempuan; and Nursyahbani Katjasungkana, founder of LBH APIK and former member of the Indonesian People's Consultative Assembly. An interview was also conducted with Sita Aripurnami Kayam, founder and Executive Director of the Women's Research Institute, an independent research institute that worked in coalition with the organizations that are the focal points of this study. Additionally, this study examines the public responses of the organizations to the bill including: newspaper articles both in English and Indonesian, journal articles and book chapters published by the organizations, reports submitted to human rights treaty bodies, and the transcripts of the judicial review proceedings in the Indonesian Constitutional Court. While there were some differences between the strategies and practices of these organizations, they all stated that they generally worked cohesively as a coalition. Therefore, this study will be analyzing the actions of each organization as relating to the larger collective coalition.

It is important to note that all of the women interviewed are central figures in the Indonesian women's human rights movement, who are both deeply entrenched in the international human rights community as well as the Indonesian national context. In addition to establishing and leading major human rights organizations in Indonesia, these women have also been members of UN working groups, drafted reports for UN treaty bodies, participated in UN summits, and given addresses at international human rights conferences and forums. Many of the participants had also been educated or lived extensively abroad. This positioning relates to Merry and Levitt's vernacularization theory that one group of vernacularizers is,

“The anointed,” those leaders the international community has singled out and invested in because they see them as critical to the task in hand. Their education, class and cultural capital enable them to capture a disproportionate share of the resources and funding. They are “the person” on the ground in a particular city who knows about women's rights and is key to their dissemination. They are showcased abroad at conferences and training workshops and can be counted on to present international funders' contributions to visiting dignitaries and government officials.⁵⁴

In order to gain an understanding of the positionality that facilitated these women to act as women's human rights vernacularizers, it is necessary to consider that these activists had substantial interaction with actors on both the international and national level. However, Merry and Levitt's understanding of activists who have gained prominence in both international and national arenas gives little agency to the activists themselves. Rather than envisioning the activists as passive agents of an international agenda, this study will interpret these women as active participants who strategically used their positionality to translate principles that they had immense knowledge of on the international level, into a national context that they deeply understood from lived experience.

⁵⁴ Levitt and Merry, “Vernacularization on the Ground,” 449.

It is clear that my participants and their organizations considered the pornography bill to be discriminatory towards women due to the manner by which it specifically targeted and attempted to exercise control over women's bodies. When asked why Jurnal Perempuan challenged the pornography bill, Gadis Arivia stated, "We thought that a lot of the articles discriminated against women because a lot of the articles were trying to restrict how women dress. It's orientated towards restricting the body.... We saw that as a feminist issue, a gender issue."⁵⁵ Arivia, Kamala Chandrakirana, and Andy Yentriyani all mentioned that they felt the bill violated women's bodily autonomy and freedom of expression. The right to freedom of expression is guaranteed by Article 19 of the International Covenant on Civil and Political Rights (ICCPR).⁵⁶ While none of the international human rights treaties specifically outline bodily integrity or autonomy, this idea of the law having a disparate impact on women does relate to Article 1 of CEDAW regarding the definition of discrimination against women. Article 1 of CEDAW states,

The term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.⁵⁷

Article 2 goes on to outline the responsibility of the State to "Pursue by all appropriate means and without delay a policy of eliminating discrimination against women."⁵⁸ The participants also mentioned that the bill intruded on private life and discriminated against religious and racial

⁵⁵ Gadis Arivia (founder, Jurnal Perempuan), interviewed by Isabel Hellman, January 2019. All interviews have been edited for clarity.

⁵⁶ UN General Assembly, International Covenant on Civil and Political Rights, United Nations Treaty Series, vol. 999, no. 14668, p. 171, December 16, 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

⁵⁷ UN General Assembly, CEDAW, Article 1.

⁵⁸ Ibid, Article 2.

minorities. The right to privacy and freedom from racial and religious discrimination is outlined by Article 2,17, and 18 of the ICCPR and Article 2 of the ICESCR.⁵⁹ Given the fact that Indonesia had ratified these international treaties and was legally bound to their provisions, the activists had the option to ground their criticism of the pornography bill primarily in the language of human rights, making the argument to the international and national community that the pornography bill was in violation of international human rights law and therefore, the Indonesian parliament was obliged to block its passing.

While my participants were all key figures in the Indonesian women's rights movement and had the rhetoric of international human rights law available to them, one of the main anxieties expressed by my participants was that any use of human rights rhetoric or institutions would be criticized by the Indonesian public and government as an imposition of foreign values and going against the principles of Islam. This fear was especially relevant as scholars have noted that part of the motivation for the introduction of the pornography bill was to decrease the corruptive influences of western morality on Indonesian Muslim society.⁶⁰

The stigmatization of the human rights regime as a foreign imposition has been a historical trend in Indonesia. During the Suharto's authoritarian "New Order" era, human rights were stigmatized as both western and communist. Brad Simpson commented,

Domestically, New Order officials and their defenders appealed to nationalism and attempted to mobilize resentment of alleged foreign interference in Indonesian politics. Amnesty International was a frequent target, and Indonesian intelligence and other regime officials fed newspapers a steady diet of inflammatory charges that Amnesty was pro-Communist, morally arrogant, blind to improvements in Indonesia's human rights

⁵⁹ UN General Assembly, ICCPR; UN General Assembly, International Covenant on Economic, Social and Cultural Rights, United Nations Treaty Series, vol. 993, no. 14531, p. 3, December 16, 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

⁶⁰ Brenner, "Private Moralities in the Public Sphere," 486; Allen, "Challenging Diversity?," 104.

situation, and seeking to impose Western values on an Islamic society, likening human rights to Coca-Cola.⁶¹

The demonization of human rights as communist was particularly damning as the Suharto regime was established through government-ordered mass killings of suspected communists.⁶²

Indonesian human rights activists today are still working to counter the association of human rights with Western concepts, a secular lifestyle, and communism.⁶³

While my participants did not specifically mention communism, they did discuss the difficulty of using human rights language and institutions during the pornography debate given its association with the West. Gadis Arivia reflected that, in their communications with the public, Jurnal Perempuan avoided the use of human rights and women's rights. She stated, "We didn't mention human rights because we know that it would be sensitive to a lot of people. They would automatically say that this is Western propaganda. So I think we avoided human rights here."⁶⁴ In this statement, Arivia noted a fear of Jurnal Perempuan's messaging being viewed as "Western propaganda," meaning that the organization would not merely be seen as using language that is inappropriate in an Indonesian context, but be accused of acting as agents of a Western political agenda. Arivia additionally stated of the Indonesian public, "they don't really get CEDAW."⁶⁵ Therefore, Arivia felt constrictions on the use of human rights treaties as well as more general human rights rhetoric.

⁶¹ Brad Simpson, "Human Rights are like Coca-Cola," in *The Breakthrough: Human Rights in the 1970s*, edited by Jan Eckel and Samuel Moyn (Philadelphia: University of Pennsylvania Press, 2014), 199.

⁶² John Roosa, *Pretext for Mass Murder: The September 30th Movement and Suharto's Coup D'état in Indonesia* (Madison: University of Wisconsin, 2006), 4.

⁶³ Katjasungkana and Wieringa, *Creeping Criminalization*, 17.

⁶⁴ Gadis Arivia, Interview.

⁶⁵ Ibid.

These anxieties were shared by my other participants. Kamala Chandrakirana claimed, “The frame of human rights, or the way human rights is perceived by the general public is that it’s a Western thing, a Western imposition on us as Indonesians.”⁶⁶ Chandrakirana used the pronoun “us,” which suggests that she primarily positions herself as a member of the Indonesian public, rather than an international actor. Andy Yentriyani mentioned too, “Women’s groups are being defamed for being intruded by Western values,” and, “We keep on getting this sentiment, this whole idea that human rights are Western, that women’s rights are Western values.”⁶⁷ It is significant to note that the participants used words such as “propaganda,” “imposition,” and “intrude” which evoke a imperialist and invasive process. Given this fear of being labeled as agents of Western imposition, it is understandable that the activists were hesitant of using human rights rhetoric or referencing human rights documents in the Indonesian context.

Another obvious challenge my participants mentioned facing was the political and moral power of the conservative Islamic groups, such as the Prosperous Justice Party (PKS) and the United Development Party (PPP), that were supporting the law. During the New Order era, political Islamic activism was strictly suppressed.⁶⁸ With democratization in 1998 after the fall of Suharto came an Islamic revival which increased the influence of political Islam in the public sphere, including more conservative interpretations of Islam.⁶⁹ Previous scholars have outlined that the pornography bill can be seen as an attempt for these conservative Islamic groups to gain a stronger hold on the State during this period of Islamic revival.⁷⁰ Challenging these groups

⁶⁶ Kamala Chandrakirana (founder, Indonesian National Commission on Violence Against Women), interviewed by Isabel Hellman, January 2019.

⁶⁷ Andy Yentriyani (former commissioner, Indonesian National Commission on Violence Against Women), interviewed by Isabel Hellman, January 2019.

⁶⁸ Carol Kersten, *Islam in Indonesia: The Contest for Society, Ideas and Values* (London: Oxford University Press, 2016), 3.

⁶⁹ Rinaldo, “Envisioning the Nation,” 1786.

⁷⁰ *Ibid*; Allen, “Challenging Diversity?,” Brenner, “Private Moralities in the Public Sphere.”

using the rhetoric of human rights proves difficult given the groups' demonization of these principles as anti-Islamic. Saskia Wieringa noted that one struggle Muslim feminists came up against when trying to incorporate women's rights as outlined in CEDAW was the claim by conservative Muslims that, "these rights are Western and not applicable to Islam."⁷¹ Two of my participants, Gadis Arivia and Kamala Chandrakirana, stated that the biggest challenge they faced in terms of their criticisms of the bill was the extreme influence of conservative Islam on the State. Arivia reflected, "We did not realize how conservative Indonesia had become and that was the biggest challenge, how Islam played a huge role in Indonesian life. And how the government would compromise with the Indonesian political parties." Chandrakirana similarly discussed a frustration with the State's support of Islamic political groups, stating, "The biggest challenge was that the political elite of the country, at that moment in time, were trying to garner support and appease political Islam. And supporting the pornography bill was considered an indication of being part of that political force."⁷² For these activists, the pornography bill was a tangible representation of the hold that political Islam had on the State. Therefore, critiquing the bill was not merely a stance on the best practices for controlling violence against women and children, but a challenge to an powerful political force that was resistant to the human rights regime.

Challenging the role of Islam in the State was not only a political problem, but also a moral issue. Many of my participants pointed out how going against this law was viewed as going against Islam, which made winning over public opinion even more difficult, particularly using human rights language that is portrayed as incompatible with Islam. Arivia mentioned that

⁷¹ Wieringa, "Islamization in Indonesia," 5.

⁷² Kamala Chandrakirana, Interview.

the main differences between her activism in 1998 against Suharto and her activism against the pornography bill was that in 1998 the target of opposition was the State, which is a much easier figure to demonize than the notion of religion. Arivia discusses “*Suara Ibu Peduli*,” or “Voice of Concerned Mothers,” an external coalition built by Jurnal Perempuan to oppose the Suharto regime. This was a strategy the foundation repeated in 2006 for their campaign against the pornography bill by forming an external coalition entitled “*Aliansi Mawar Putih*” or the “White Rose Alliance.” Arivia claimed,

With *Suara Ibu Peduli* at the time of the military regime, it was viewed as going against the State and going against an authoritarian regime. So it was easy for us to galvanize support as the enemy was very clear, the State. But with this, it’s different because you’re going against religion. They think that the pornography law is upholding Islamic values, the Islamic religion. So they portray us as going against religion; women trying to rebel against religion.⁷³

Even though the pornography bill was not explicitly religious, the promotion of the bill by Islamic groups influenced the public to view the bill as being in line with Islamic morality. For example, a parliament member from PKS stated in 2008 that the pornography bill would be a “Ramadan gift” for Muslims.⁷⁴ Kamala Chandrakirana also outlined the difficulty of being viewed as anti-Islam, stating,

So those of us who were try to counterbalance that, in a country where the majority population is Muslims, in a country where most people do not know the law, let alone have access to the bill...People will support it...they had huge popular support. It was very difficult to ask people, women in small towns, in small prayer groups, in the community level to say, ‘Please read the law because the law actually is not about addressing pornography, it’s actually about controlling our lives and making this country something that it never was.’⁷⁵

⁷³ Gadis Arivia, Interview.

⁷⁴ “Indonesian party seeks anti-porn bill as Ramadan gift,” *Reuters*, September 12, 2008, <https://www.reuters.com/article/us-indonesia-pornography/indonesian-party-seeks-anti-porn-bill-as-ramadan-gift-idUSSP3279920080912>.

⁷⁵ Kamala Chandrakirana, Interview.

Chandrakirana described how the successful campaign of promoting the bill as related to religious morality made the opposition argument difficult to construct. As the supporters of the pornography bill successfully promoted the bill as being in line with Islamic values, it was extremely difficult to engage in any criticism of the bill, especially with rhetoric that is already demonized as a foreign imposition.

An additional challenge of the pornography bill's connection to political Islam was the difficulty of getting funding from international human rights organizations or foreign governments. One reason for this is that donors were hesitant to support actions seen as confronting religion. Arivia detailed this issue, arguing, "It was hard for the donors to support this kind of issue. Although they informally or verbally would say that they support you, they didn't want their money to be spent. It was sensitive for them as well."⁷⁶ Yentriyani also commented that receiving international funding would make their campaign appear more foreign-influenced. She stated, "We believed that the more apparent or present international support was in the process of debate, the less helpful it was to our argument."⁷⁷ This inability to get strong material support from international actors is challenging given that human rights campaigns generally involve gaining international attention and funding. Therefore, in addition to the challenges of using human rights rhetoric and mechanisms, the activists also had difficulties receiving assistance from the international community.

The women's human rights organizations opposing the pornography bill faced the internal challenge of being entrenched in the international human rights regime but being aware of the obstacles they would face if they outwardly utilized this regime. The stigmatization of

⁷⁶ Gadis Arivia, Interview.

⁷⁷ Andy Yentriyani, Interview.

human rights as a foreign imposition and as incompatible with Islam greatly limited the possibility of using human rights rhetoric, referring to human rights documents, or receiving international assistance. Therefore, the activists and their organizations had to come up with alternative strategies to convey their criticisms of the pornography bill in a way that would be appealing to the Indonesian public and State.

3.2 Vernacularization through *Pancasila*

As the women's human rights organizations faced the threat of being perceived as challenging Islamic values and as forces of Western imposition, these groups had to develop a strategy that linked opposition to the pornography bill with traditional and fundamental Indonesian values. This strategy development relates to Merry and Levitt's discussion of "framing." They state,

Frames are not themselves ideas, but ways of packaging and presenting ideas that generate shared beliefs, motivate collective action, and define appropriate strategies of action (Snow et al. 1986; Tarrow 1998). Frames affect how women's problems are defined and understood, how causes of problems and their solutions are theorized and which perspectives are rejected completely.⁷⁸

One of the framing strategies the organizations implemented, which this study will later explore the consequences of, was to use women's human rights rhetoric in conjunction with the language of the Indonesian national motto, *Bhinneka Tunggal Ika*, or "Unity in Diversity." This motto is related to the national ideology of Indonesia, *Pancasila*, which was established by the first president Sukarno during independence. There are five *silas*, or principles, of *Pancasila*, the third being "*Persatuan Indonesia*" or "A unified Indonesia." This principle has been taken to reference the national commitment of unifying cultures, races, ethnicities, and religions under a

⁷⁸ Levitt and Merry, "Vernacularization on the Ground," 452.

singular state. In 1955, Sukarno stated that, “Pancasila is the one and only foundation that can bring together, unify the Indonesian nation which consists of different religions, ethnic groups and customs and traditions.”⁷⁹ The activists used the language of this ideology along with adjusted women’s human rights rhetoric to construct their argument.

My participants emphasized that they took advantage of the traditional value of diversity in their rhetoric when criticizing the pornography bill. Gadis Arivia referred to a poem that *Aliansi Mawar Putih*, the external coalition created by Jurnal Perempuan, published in several newspapers in April 2006 in order to draw public attention to the pornography bill. At this time, the pornography bill had already been introduced, but there was little public awareness. The poem, titled “*Kami Menolak RUU APP*” or “We Reject the APP (Anti-Pornography and Porno-Action) Bill” begins by stating, “Indonesia is the flower garden of civilization. In it, various traditions bloom” and continues to argue, “Now, that diversity is threatened by the APP Bill. The Anti-Pornography and Porno-Action Bill prohibits us to enjoy the richness of our culture.”⁸⁰ When discussing why *Aliansi Mawar Putih* chose this rhetoric, Arivia explained, “I think we avoided human rights here. But of course all the wording is very human rights...It’s a strategy and...you really have to choose your words. The primary objective was to get a lot of people on board and that’s how you do it.”⁸¹ Arivia noted the challenge of avoiding human rights language and the strategic decision to use the rhetoric of diversity to galvanize public support. This strategy was successful in this specific action as Arivia stated that after the poem was published,

⁷⁹ Elson, "Two Failed Attempts to Islamize the Indonesian Constitution," 387.

⁸⁰ Aliansi Mawar Putih, “Kami Menolak RUU APP,” *Tempo*, April 21, 2006. Informally translated from Indonesian to English.

⁸¹ Gadis Arivia, Interview.

around 3000 people reached out to *Aliansi Mawar Putih* to express their support for the campaign.⁸²

Arivia also mentioned the choice to reference the ideology of *Pancasila*, which she argued was difficult for her as the ideology represented to her a concept of oppressive New Order nationalism. She stated,

We struggled, ‘Okay. what can we do? What discourse can we use?’ Because if we use human rights then they will say it’s Western, if we use women’s rights, it’s also Western. So we used *Pancasila*. Because that’s the only tool we have, the only discourse we have to make people understand that this Islamic State is not Indonesia. So we had to use *Pancasila*, but in a new reformed way. That’s the irony. For me it was hard to say *Pancasila* because I grew up with *Pancasila* being so oppressive.⁸³

This statement is a key example of how global norms can be translated to a specific national context. While Arivia noted that the underlying argument against the bill was related to human rights, she had to communicate this argument using a different language that would appeal to an Indonesian audience. She acknowledged the irony of this strategy because she believes *Pancasila* itself is a very Western ideology, as Sukarno established the philosophy after reading Marx, Descartes, and Kant.⁸⁴ Therefore, even though the content of the argument remained static, Arivia and her partners were able to manipulate national rhetoric to achieve the desired public response. This manipulation points to a dilemma within vernacularization of utilizing rhetoric that is appealing to the public but reinforcing of potentially oppressive ideologies.

My other participants made similar statements about a strategic focus on Indonesian diversity and tradition to both gain public support as well as build broad coalitions among different groups. Sita Aripurnami Kayam claimed the women’s rights activists made the

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

argument to parliamentarians that the bill might, “Ultimately endanger and perhaps diminish Indonesian culture” and Nursyahbani Katjasungkana claimed she made the public argument that the bill would, “kill tradition and culture.”⁸⁵ Andy Yentriyani discussed the rhetorical strategies of Komnas Perempuan, stating, “If you look at the way Komnas Perempuan structured our argument, first of all we affirmed that Indonesia is a diverse community. So it has at the same time a diverse interpretation of religion and also cultural norms.”⁸⁶ These participants acknowledged that there was a calculated tactic of emphasizing the concept of a diverse nation where cultural and religious minorities were free from discrimination. In addition to making a more appealing argument for the public, this rhetoric also created an opportunity for these women’s rights organizations to work in coalition with other groups focusing on religious and cultural rights, such as the *Bhinneka Tunggal Ika* alliance.

The statements of these activists are reinforced by the analysis of public statements made by the organizations. In an article in *The Jakarta Post*, Ratna Batara Munti, who was the director of LBH APIK during the pornography debates, stated regarding the conservative ideology that facilitated the introduction of the pornography bill, “We are women who object the conservative ideology, as it will destroy our nation. It is also against the national ideal, *Bhinneka Tunggal Ika* (Unity in Diversity).”⁸⁷ In a speech that Kamala Chandrakirana gave in February 2006 at Indonesia’s National Commission on Human Rights, she argued, “The establishment of the National Anti-Pornography and Porno-Action Agency as planned in the APP Bill will be a

⁸⁵ Sita Aripurnami Kayam (executive director, Women’s Research Institute), interviewed by Isabel Hellman, January 2019; Nursyahbani Katjasungkana (founder, The Legal Aid Institute of Indonesian Women’s Association), interviewed by Isabel Hellman, December 2018.

⁸⁶ Andy Yentriyani, Interview.

⁸⁷ Endang Roh Suciati, “Ratna Batara Munti: Struggling for Women’s Rights,” *The Jakarta Post*, March 27, 2006. Factiva.

tremendous disaster for the social and state life in Indonesia that is full of cultural diversity.”⁸⁸

Along the same lines, Gadis Arivia published an online letter to call for support in the fight against the pornography bill which emphasized that the community must, “reject the law on the basis of freedom of expression and Indonesian pluralism.”⁸⁹ Through specifically referencing *Bhinneka Tunggal Ika* as well as the broader notion of Indonesian pluralism, these women’s rights activists and their organizations highlighted diversity as a main point of criticism of the bill.

The clearest example of the use of the rhetoric of cultural diversity by the women’s rights activists was the *Pawai Budaya*, or “Cultural Parade” protest that was organized by *Aliansi Mawar Putih* and the *Bhinneka Tunggal Ika* alliance on April 22, 2006, and was attended by members of LBH APIK, Komnas Perempuan, Jurnal Perempuan, as well as other pluralist and human rights organizations. According to news outlets, thousands of artists, activists, students, public figures, and civilians participated in this parade at the Monas Monument in Jakarta.⁹⁰ Protestors wore traditional attire from various Indonesian regions and performed traditional dances and cultural rituals that would be criminalized by the bill. Sita Aripurnami Kayam reflected on the protest, “In that rally, we also brought friends who were dancers and used the traditional costumes. Even the Indonesian traditional costume exposes part of your body. Through the pornography law those costumes wouldn’t exist anymore because people would be afraid of being sanctioned...”⁹¹ The protest was extremely successful, and was even attended by

⁸⁸ Kamala Chandrakirana, “RUU Anti Pornografi dan Pornoaksi: Perspektif HAM dan Jender,” (workshop, National Commission on Human Rights, Jakarta, February 28, 2006). Informally translated from Indonesian to English.

⁸⁹ Gadis Arivia, “Gadis Arivia dan Iklan Menolak RUU APP,” *LPM Hayamwuruk*, April 5, 2006, <http://www.lpmhayamwuruk.org/2006/04/gadis-arivia-dan-iklan-menolak-ruu-app.html>. Informally translated from Indonesian to English.

⁹⁰ “Hundreds of Indonesian activists demonstrate against pornography bill,” *BBC Monitoring Asia Pacific*.

⁹¹ Sita Aripurnami Kayam, Interview.

the former first lady of Indonesia, Shinta Nuriah Abdurrahman. While there was mention during this protest of how the pornography bill would discriminate against women, the main emphasis was on the preservation of cultural and religious diversity, the theme of the protest being “No! To Zero Culture.”⁹² Discussing the parade, Shinta Nuriah was quoted stating, “The carnival is our way of reminding all parties, the legislature, the government, and all Indonesians about our identity, an Indonesia according to the republic's foundations, the 1945 Constitution, *Pancasila* and its motto, unity through diversity.”⁹³ Gadis Arivia, who created *Aliansi Mawar Putih*, reflected on the parade,

That was actually a really good protest in the sense that we brought everybody together, from Papua, from Java, from all the islands to come to Jakarta. They were displaying their tradition, displaying their clothes, and saying, “This is actually what Indonesia is and if you are trying to shut this down then we’re not Indonesians anymore.” So it was great and a lot of kids also came with their families to sort of remind them that Indonesia is very diverse and we are not the Saudis, we are very different.⁹⁴

By referencing that Indonesians are not “the Saudis,” Arivia refers to the notion that Indonesia has a distinct version of Islam that is more accepting of diversity. Through displaying the diversity of cultures, the protestors were able to covertly make this argument without specifically being depicted as going against Islam or promoting Western values.

This is a tangible example of the “framing” process as the activists used the banner of “unity in diversity” as a concept to “generate shared beliefs, motivate collective action, and define appropriate strategies of action.”⁹⁵ The activists were successful in this framing as they were able to tap into a nationally-shared value, draw out a large crowd consisting of influential

⁹² “Hundreds of Indonesian activists demonstrate against pornography bill,” *BBC Monitoring Asia Pacific*.

⁹³ Ibid.

⁹⁴ Gadis Arivia, Interview.

⁹⁵ Levitt and Sally Merry, “Vernacularization on the Ground,” 452.

figures, and create a clear goal of rejecting the pornography bill. However, in the process of making these gains, the emphasis on women's human rights was minimized.

Although the organizations did emphasize the pornography bill's impending effect on Indonesian cultural and religious diversity, they did not completely reject the rhetoric of women's human rights. However, they made sure to emphasize that these rights were in conjunction with and necessary for the realization of a pluralist state. When discussing the use of women's human rights language in conjunction with the rhetoric of pluralism, Arivia stated, "We think that it goes together. Because you can't really respect women if you don't believe in diversity."⁹⁶ Andy Yentriyani made a similar argument that it was necessary for the discussion of discrimination against women to be made in tandem with the discussion of discrimination against other minorities, claiming, "You cannot separate one from the other...We need to actually locate the argument where women's rights are not isolated from other public discourse."⁹⁷

Kamala Chandrakirana also discussed that one of Komnas Perempuan's strategies was,

Making the connection that women's rights are not exclusively about women's rights and that women's rights are connected to other rights, including the rights of minorities... We wanted to make sure that that whole spectrum and that web of interconnectedness was clearly articulated. We also thought that by doing that we would gain support from new constituencies that were not particularly interested exclusively in women's rights, but whose interests were in securing the rights of minorities in Indonesia.⁹⁸

Through combining arguments regarding women's human rights with the discourse of pluralism, the activists intended to remove women's rights from isolation and bring these rights into conversation with other issues integral in the establishment of a nation that values equality and diversity. Therefore, they were attempting to frame women's human rights norms as being in

⁹⁶ Gadis Arivia, Interview.

⁹⁷ Andy Yentriyani, Interview.

⁹⁸ Kamala Chandrakirana, Interview.

accordance with, and to some extent stemming from, the codified Indonesian value of a diverse nation.

This strategy of placing women's human rights in conversation with pluralism can also be seen in the organization's public statements. They did this implicitly by outlining how the bill would criminalize some traditional women's clothing, thereby acknowledging the relationship of women's rights to cultural and religious rights. Gadis Arivia outlined this connection in an article published for the Indonesian-language journal *Tempo*. In this article, she described the types of individuals who would be criminalized under the pornography bill, including women who wear *Baju Bojo*, the traditional dress from South Sulawesi, and women from Wamena and Bali who go bare-chested.⁹⁹ In a book chapter co-authored by Andy Yentriyani about the pornography bill, she also made the argument, "Aspects of the proposed bill contradict Indonesian women's contemporary and traditional dress codes."¹⁰⁰ In this way, without using rights language, the activists made a clear connection between women's issues and minority issues.

The women's rights activists also made more explicit connections between women's rights and minority rights in statements that they published. Kamala Chandrakirana made a statement in *The Jakarta Post* that, "The pornography bill is not about pornography at all, it attacks women's identity. This is such a big challenge. It is not only a problem for women, but through their efforts to control identity of women, they also redefine the nation. Yet we are a diverse nation."¹⁰¹ Here, without using the explicit language of women's human rights, Chandrakirana articulated how discrimination against a women is not just a women's issue, but

⁹⁹ Gadis Arivia, "Politik Seks," *Tempo*, February 19, 2006.

¹⁰⁰ Yentriyani and Affiah, "Women's Sexuality and the Debate on the Anti-Pornography Bill in Democratizing Indonesia," 145.

¹⁰¹ Hera Diani, "RI women's movement confronts challenge of religious right," *The Jakarta Post*, April 22, 2006, Factiva.

an attack on the State, and specifically the pluralist nation that Indonesia prides itself on being. In a press release made by Komnas Perempuan after the passing of the pornography law, the organization explained that, “This way of playing politics is demeaning and threatens women and minority groups, and gnaws at the Indonesian principal of diversity.”¹⁰² Komnas Perempuan again emphasized the connection between the rights of women and other minority groups, and thereby promoting the idea that the rights of women are instrumental in the defining of an Indonesian pluralist nation.

In order to avoid the stigmatization that would result from relying primarily on human rights language, the activists and their organizations chose to frame their public messaging in terms of Indonesia’s national ideology of *Pancasila*, which emphasizes unity in diversity. The activists did not replace their women’s human rights rhetoric with the language of cultural diversity, but placed women’s rights in conversation with cultural and religious rights to create a stronger argument. This framing did not necessarily change the substance of the activist’s argument that the pornography bill was discriminatory and in violation of freedom of expression, but offered a means for achieving greater public support and coalition-building. The successes and limitations of this strategy will be further outlined in this study.

3.3 Vernacularization through Constitutional Guarantees

In addition to connecting women’s human rights language to the rhetoric of pluralism, the activists also discussed how they were able to make human rights language more palatable to the Indonesian government and public by grounding human rights in Indonesian constitutional

¹⁰² National Commission on Violence Against Women, “Pengesahan RUU Pornografi yang Dipaksakan.” Informally translated from Indonesian to English.

guarantees. As Indonesia had ratified the majority of international human rights treaties and had amended its Constitution to include a chapter on human rights, the activists had tools available to them to construct a human rights argument through referencing national documents. This framing strategy depicted human rights as a constitutional issue. Therefore, the activists could appear more nationalist in their rhetoric.

During interviews, the activists emphasized this strategy of framing women's human rights as a constitutional issue. Kamala Chandrakirana discussed how, due to the constitutional amendment which added Chapter XA on Human Rights, Komnas Perempuan was able to make their argument based in constitutional guarantees in order to avoid being labelled as foreign-influenced. She claimed,

We cannot just use international human rights references in our public discourse, we needed to refer to the Constitution, because the national Constitution is the ultimate national consensus about who we are and what we are as a nation. And human rights is incorporated already in the amended Constitution. When we had amendments to the Constitution during the first years of the reform, there was a whole section on human rights. So in that sense when, if we refer to the Constitution and introduce the idea of constitutional rights, we can sidestep that dismissal of our agenda being an externally imposed agenda because actually it's in the Constitution.¹⁰³

In this statement, Chandrakirana outlined how nationalist rhetoric is more effective with the Indonesia public than the rhetoric of human rights. However, since Indonesia had amended the Constitution to comply with international human rights documents, it was possible to make a human rights argument by referencing the Constitution, the primary nationalist document.

Chandrakirana also mentioned how constitutional guarantees are related to *Pancasila*, stating that Komnas Perempuan referenced the Constitution, "assuming that *Pancasila* was an element of the Constitution."¹⁰⁴ Therefore, it is clear that the strategies of framing the argument against

¹⁰³ Kamala Chandrakirana, Interview.

¹⁰⁴ Ibid.

the pornography bill in terms of the national values of *Pancasila* and the Constitution were related.

Andy Yentriyani also referred to the strategy of emphasizing the constitutional chapter on human rights. She argued that because the Indonesian Constitution had incorporated human rights, it was much easier to craft an argument using, “these universal values that have been cherished by the Indonesian Constitution.”¹⁰⁵ She went on to state, “The way we craft our argument is that there is no contradiction between the universal values or universality of human rights with the Indonesian Constitution, even with Indonesian norms and culture.”¹⁰⁶ Yentriyani reiterated that it was much easier for the activists to prevent claims of their campaign being associated with foreign values if they could ground their arguments in constitutional rights.

This tactic of making human rights arguments using constitutional guarantees can also be seen in the activists public remarks denouncing the pornography bill. In an article in the Indonesian-language newspaper *Kompas*, the director of LBH APIK at the time, Estu Rakhmi Fanani, was quoted stating, “This Bill is also contrary to Article 28 of the Constitution (UUD 1945).”¹⁰⁷ Fanani referred to an article in Chapter XA of the Constitution on Human Rights, which states, “The freedom to associate and to assemble, to express written and oral opinions, etc., shall be regulated by law.”¹⁰⁸ Therefore, Fanani was able to bring in the language of international human rights law without even mentioning human rights. Komnas Perempuan also mentioned the same constitutional article in its press release immediately after the pornography

¹⁰⁵ Andy Yentriyani, Interview.

¹⁰⁶ Ibid.

¹⁰⁷ “Koalisi LSM Perempuan Tolak RUU Pornografi,” *Kompas*, September 14, 2008, <https://nasional.kompas.com/read/2008/09/14/12403891/Koalisi.LSM.Perempuan>. Informally translated from Indonesian to English.

¹⁰⁸ *Constitution of the Republic of Indonesia*, Chapter XA.

law was passed, claiming, “ the description of ‘deviant intercourse’ is a limitation towards the constitutional rights of every citizen to the freedom of mind/thought and conscience (1945 Constitution, Article 281, Paragraph 1).”¹⁰⁹ The rights to freedom of expression and peaceful assembly are both human rights guaranteed by the ICCPR through Article 19(1) and Article 21. Even though both the Constitution and the ICCPR refer to identical rights, the activists chose to use the language of the Constitution. Through basing their argument in terms of constitutional guarantees, the activists were able to reference human rights documents without the risk of appearing foreign-influenced.

The clearest example of the activist’s use of the Constitution and national laws as human rights tools was in the judicial review of the law by the Indonesian Constitutional Court. After the passing of the pornography law, several groups in the coalition opposing the law, including LBH APIK, filed for a judicial review of the law. According to Kamala Chandrakirana, Komnas Perempuan decided it would be most strategic for them to file a request as an interrelated party so there was more space for their argument to be heard. The request was filed and testimonies were heard on behalf of the government and petitioners from 2009-2010. In a report co-authored by Nursyahbani Katjasungkana regarding Indonesia’s national laws and regulations that violate the human rights of women and LGBTIQ people, she recounted of the judicial review,

It was argued that the Anti-Pornography Law did not honour the wide diversity of Indonesia’s cultural, religious and social customs, including dance and theatre, poetry and customs such as men and women bathing together, and that it violated the freedom of expression and other constitutional rights, such as the right to earn a living (as artists, dancers, etc.)¹¹⁰

¹⁰⁹ National Commission on Violence Against Women, “Pengesahan RUU Pornografi yang Dipaksakan.” Informally translated from Indonesian to English.

¹¹⁰ Katjasungkana and Wieringa, *Creeping Criminalization*, 34.

Here Katjasungkana reiterated that the focus of the opposition argument was on the concept of a pluralist nation and constitutional rights. Ultimately, eight out of nine constitutional justices rejected the request, with Maria Farida Indrati, the only female justice on the court, being the only justice to support the request.¹¹¹ Even though the request was unsuccessful, it is still useful to look at the rhetoric used during the court hearings to understand how the activists worked to vernacularize human rights norms.

Although the argument against the pornography law was centered around national values and the Constitution, during the judicial review, many of the witnesses speaking at the request of the petitioners referred to international human rights documents. They were able to make these references due to the fact that Indonesia had ratified the majority of international human rights treaties. In a hearing that occurred on August 27, 2009, Achie Luhulima, a human rights expert, spoke as a witness on behalf of the petitioners, including LBH APIK. In her testimony, she stated,

This testimony is intended to strengthen the petition for judicial review by demonstrating that Republic of Indonesia Law No. 44 of 2008 concerning Pornography is not only unconstitutional, with regards to the 1945 Constitution of the Republic of Indonesia, it is also contradictory to international human rights instruments, specifically the Convention on the Elimination of all Forms of Discrimination against Women that was ratified by Indonesia with Law No. 7 of 1984 concerning the Ratification of the Convention on the Elimination of all Forms of Discrimination against Women...Why did Indonesia endorse the ratification of the Shadow Convention? In the dictum weighing Law No. 7, it states, in point A, that all citizens are equal under the law and government, and therefore any form of discrimination against women must be eradicated because it is not in accordance with Pancasila and the 1945 Constitution.¹¹²

¹¹¹ Olivia Rondonuwu, "Indonesia's constitutional court defends pornography law," *Reuters*, March 25, 2010, <https://www.reuters.com/article/us-indonesia-pornography/indonesias-constitutional-court-defends-pornography-law-idUSTRE62O28R20100325>.

¹¹² Constitutional Court of the Republic of Indonesia, *Pengujian Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Jakarta, August 27, 2009, available at https://mkri.id/public/content/persidangan/risalah/risalah_sidang_Perkara%2010%20PUU%20VII-2009,%2027%20Agustus%202009%20final.pdf. Informally translated from Indonesian to English.

Luhulima went on to explain that the contents of the pornography bill are in violation of Article 1 of CEDAW, as even if the law was not intended to infringe on the rights of women, it has the “effect” of impairing equality amongst men and women.¹¹³ She also claimed that pornography law contradicts,

Law No. 39 of 1999 concerning Human Rights. Law No. 11 of 2005 concerning the Ratification of the International Covenant on Economic Social Culture of Rights. Law No. 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights, the convention on children rights that was ratified by the President of the Republic of Indonesia, No. 23 of 2002 concerning Child Protection.¹¹⁴

In this testimony, Luhulima made overt references to international human rights documents through mentioning Indonesian laws concerning their ratification. Additionally, Luhulima made a point to mention that the documents were ratified because they were seen as in accordance with *Pancasila* and the Constitution. Instead of attempting to appeal to the “universality” of human rights documents, Luhulima chose to emphasize their validity within Indonesian national ideologies.

Throughout the hearings at the Constitutional Courts, there were several mentions of international human rights instruments in relation to the Constitution and national laws. Dr. Kristipurwandari, an expert on the psychology of victims of violence against women, spoke at the request of the petitioners and stated, “In 1984, Indonesia enacted the ratification of the Convention on The Elimination of All Forms of Discrimination Against Women...through Law No. 7 of 1984. With this ratification, Indonesia acknowledged the principles and stipulations of the Convention as formal law and part of the national legal system.”¹¹⁵ Here Kristipuwandari

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Constitutional Court of the Republic of Indonesia, *Pengujian UU No. 44 Tahun 2008 tentang Pornografi*, October 8, 2009, available at https://mkri.id/public/content/persidangan/risalah/risalah_sidang_Perkara%2010,%2017,%2023%20%20PUU%20V

also discussed how the Indonesian national legal system had embraced international human rights documents. At the same hearing, Saparinah Sadli from Komnas Perempuan stated that the law violated Law No. 7 of 1984 concerning the ratification of CEDAW because, “by controlling cultural expression and activities of art workers, directly and indirectly it will contribute to the increasing marginalization of women.”¹¹⁶ In this statement, Sadli linked Indonesian cultural diversity to women’s human rights protected by CEDAW. Therefore, there is a clear attempt to frame international human rights documents in terms of nationally-held values.

In certain instances during the campaign against the pornography bill, the women’s human rights activists were able to specifically mention international human rights documents. This was primarily because Indonesia had ratified the majority of international human rights treaties and had previously added a human rights chapter to the Constitution. Therefore, the activists could refer to national laws and the 1945 Constitution as a way to bring in international human rights that they felt were relevant to the pornography law. The activists made sure to stress that these documents were compatible with the national values of *Pancasila* and cultural diversity. This tactic was especially relevant during the request for a judicial review by the Indonesian Constitutional Court, as the petitioners were able to argue that the pornography law was in violation of CEDAW and other human rights treaties through framing the discussion in terms of national laws and the Constitution. While it is difficult to determine the exact reasoning why the request failed, one possibility is that the activists did not go far enough in making their argument appear nationally-based. The next chapter will go into greater detail about the consequences of the activist’s vernacularization tactics.

II-2009,%208%20Oktober%20%202009%20final%20-%20Copy%20(2).pdf. Informally translated from Indonesian to English.

¹¹⁶ Ibid.

Chapter 4

Consequences of Vernacularization Tactics

4.1 Successes of the Campaign

Komnas Perempuan, Jurnal Perempuan, and LBH APIK were able to imbue women's human rights language with the nationalist rhetoric of pluralism and the Indonesian Constitution. Subsequently, they were able to experience real material gains in the revisions of the pornography bill prior to its passing. As previously stated, the final revision of the pornography law removed the term "*Pornoaksi*," the criminalization of certain "erotic" acts, all Arabic terms and references to Islamic values, and the provision for the establishment of the National Anti-Pornography and Porno-Action Body (BAPPN). The final version also included a provision that one of the purposes of the law is to "respect, protect and preserve the value of art and culture, customs and religious rituals of a pluralistic Indonesian society."¹¹⁷ It is important to note that these revisions appear mostly to be related to the critique of the bill on the basis of pluralism, rather than women's rights. This suggests that the argument to protect cultural diversity carried more weight than the argument to protect women's rights. While, it is difficult to pinpoint the specific strategy that was most successful in gaining these revisions, it is important to take into account what the activists themselves saw as the successes of their campaign. The activists interviewed noted that their campaign strategies were successful as they were able to build a broad constituency base that helped display the power of the women's movement and its role in defining the Indonesian State.

¹¹⁷ Yentriyani and Dara Affiah, "Women's Sexuality and the Debate on the Anti-Pornography Bill in Democratizing Indonesia," 165.

Many of the activists claimed that one of the most effective elements of their campaign was their ability to build a broad constituency base that gained public attention and support. This relates directly to their vernacularization tactics since one of the purposes of using the rhetoric of pluralism and the Indonesian Constitution was to draw on nationally-shared beliefs. When asked about the successes of the campaign, Chandrakirana stated, “Well it was partially successful in the sense that...we built a broad-based constituency of diverse constituencies and people were taking positions in different spaces... So it was not just Komnas Perempuan that was doing this, but we were part of expanding that constituency. And the success was because there was that expanded constituency.”¹¹⁸ Chandrakirana emphasized that Komnas Perempuan did not work in isolation, but was able to become a part of a broad and diverse coalition. Andy Yentriyani, in her essay analyzing the pornography bill negotiation process, also mentioned the importance of the coalition, arguing,

It is crucial to recognize the proactive efforts of women's groups in creating ‘windows of opportunity’ for political action, nurturing a civil-society coalition and strengthening alliances with the media throughout the negotiation process. This helped bring the issue of pornography and the pornography legislation to public attention and mobilized support for their objections to the bill.¹¹⁹

Gadis Arivia also discussed the process of coalition building, stating that following the publication of the poem “*Kami Menolak RUU APP*” that emphasized Indonesian diversity, “Then all the groups came aboard. And then I remember I had to go from one city to another to talk about it to raise awareness of the issue. And that’s when the parliamentarians stopped doing what they were doing. They didn’t go ahead, so we were able to stall them a few years.”¹²⁰ Here

¹¹⁸ Kamala Chandrakirana, Interview.

¹¹⁹ Yentriyani and Dara Affiah, “Women’s Sexuality and the Debate on the Anti-Pornography Bill in Democratizing Indonesia,” 166.

¹²⁰ Gadis Arivia, Interview

Arivia tied the vernacularization process to the wins of the campaign. Due to the poem which utilized the rhetoric of nationalism and diversity, the campaign was able to gain immense popular support and the participation of other civil society organizations.

This campaign success relates back to Levitt and Merry's discussion of the benefits of vernacularization. Discussing the consequences of certain argument "framings," they state, "Those who mobilize human rights language guarantee themselves a wider audience and open up new possibilities for alliances and coalition building."¹²¹ However, this is assuming that human rights, as an international and Western concept, is associated with, "modernity, progress and even civilization."¹²² As previously stated, this is not necessarily the case in Indonesia. Therefore, the activists had to frame their argument using a different language, still ultimately rooted in women's human rights, in order to get result of a wider audience, alliances, and coalition-building.

With this broader constituency, the Indonesian parliament was unable to ignore the demands to postpone debates on the bill, which the activists expressed was one of the most significant successes of the campaign. Ratna Batara Munti reflected on the pornography debates stating, "In 2006, we successfully impeded the legislation process of the anti-pornography bill. It is undeniable that we made a significant intervention."¹²³ Gadis Arivia also stated, "We were able to make the parliamentarians stop the discussion because there were just so many people protesting against it that they had to revise it. They had to revise it so we were able to stall the process."¹²⁴ It is hard to determine if these women's rights groups were specifically responsible

¹²¹ Levitt and Merry, "Vernacularization on the Ground," 453.

¹²² Ibid.

¹²³ Yentriyani and Dara Affiah, "Women's Sexuality and the Debate on the Anti-Pornography Bill in Democratizing Indonesia," 153.

¹²⁴ Gadis Arivia, Interview.

for the delay and revisions of the pornography bill; however, they had strong reason to believe that through creating a campaign that was able to garner significant public support and create pressure on the parliament, they were able to have a real impact on the parliamentary debate process.

By building a larger coalition with diverse groups that was able to successfully delay the parliamentary debate, the women's rights organizations were able to display the power of the Indonesian women's movement in defining national issues. While the activists all acknowledged that the campaign to stop the passing of the pornography bill was ultimately a failure, they did feel that they were able to show that the Indonesian women's movement is a political force.

Andy Yentriyani commented,

I think it is this debate around the pornography law that displayed women's groups' leadership in the debate of Indonesian new formulation of nationhood and democracy. It is really the women's groups that tried to consolidate and actually highlight the conflicting interests in reformulating Indonesia after the authoritarian regime. So I think the debate, the way women's groups' decided its strategy, documented, employed the argument, etc is a display of our leadership.¹²⁵

Yentriyani acknowledged that it was the women's groups that tried to "consolidate" and "highlight the conflicting interests in reformulating Indonesia." Therefore, she pointed out that the strategy of coalition-building, which involved using language that appealed to a broader mass of constituents, led to Indonesian women's rights groups having an integral position in the defining of the Indonesian State. Gadis Arivia also stated regarding the success of the campaign by women's rights groups,

We managed to make it as an issue. We managed to open the conversation and we managed to get people to be aware of the issue and how to protect diversity in Indonesia. And so that was a huge plus and it was very important for us to do. So I think in

¹²⁵ Andy Yentriyani, Interview.

retrospect, even though we lost, it was actually very important because we were able to make it a discussion and a conversation that we needed, that Indonesia needed.¹²⁶

In this statement, Arivia again highlighted the issue of diversity, rather than women's human rights, but claimed that it was the women's rights groups that led this discussion. She noted that the women's rights groups were able to start a dialogue with the Indonesian public, and therefore, through the vernacularization of women's human rights with the language of diversity, Indonesian women's rights groups displayed that they were able to manipulate public debate. *Jurnal Perempuan* made a similar statement in the introduction to the March 2006 edition of the journal that was focused on the pornography bill. The introduction noted, "The APP (Anti Pornography and Porno-Action) Bill has given women the opportunity to speak up and get involved in a discourse, namely a discourse on themselves, and in particular, their bodies."¹²⁷ This comment stressed that the women's rights groups took advantage of an opportunity to be involved in national debate.

The ability for the women's movement to have an impact on national debate was particularly important to the activists, given their belief that women's issues have often been depoliticized in Indonesia. Sita Aripurnami Kayam commented, "Through history, we see that women issues are not always being considered as a State issue."¹²⁸ Gadis Arivia mentioned that when *Jurnal Perempuan* was first published, the authors would frequently have to go to Gramedia, a popular Indonesian bookstore, and move the journal from the "women's section," which consisted of homemaking and recipe books, to the politics and economics section.¹²⁹

¹²⁶ Gadis Arivia, Interview.

¹²⁷ "Kapan Lagi Perempuan Angkat Bicara?" *Jurnal Perempuan* 47 (September 2006): 4. Informally translated from Indonesian to English.

¹²⁸ Sita Aripurnami Kayam, Interview.

¹²⁹ Gadis Arivia, Interview.

Additionally, Kamala Chandrakirana discussed how when Komnas Perempuan was originally established, they made a point to make sure the title was “National Commission on Violence Against Women” rather than the government’s choice of “Commission on Women’s Affairs” to make sure that women’s issues were viewed as part of a larger human rights framework.¹³⁰

Given this understanding that women’s rights issues were not often brought into larger national political debates, it is significant that the activists were able to display the political force of the women’s movement in defining not only the rights of women, but also the rights of other minority populations. Therefore, through framing their argument in a manner that integrated women’s rights language with the rhetoric of pluralism and the Constitution, rather than completely replacing women’s rights language, the activists were able to achieve a broader political goal.

4.2 Limitations of the Campaign

Even though the process of vernacularization enabled women’s rights activists to obtain substantial revisions to the pornography bill as well as build a larger constituency base that revealed the political power of the Indonesian women’s movement, there were still significant limitations to this strategy. Primarily, the organizations were unable to stop the pornography bill from being passed and to convince the Indonesian Constitutional Court to invalidate the law. Kamala Chandrakirana argued that this failure was because the groups supporting the law were extremely successful in their campaign to gain public support by linking the contents of the bill to Islamic morality. Chandrakirana stated, “There were huge campaigns by the supporters of the bill to say we must end pornography in this country because it’s a threat to the morality of our

¹³⁰ Kamala Chandrakirana, Interview.

people... so it was a huge challenge and that's why we were only partially successful..."¹³¹ This idea was supported by Ratna Batara Munti who claimed, "That was the political momentum at that time; the strong conservative movement and political interest would see to it that the bill was passed."¹³² Therefore, the failure of the campaign can be seen partially as a failure of the women's rights groups to counter the force of political Islam in Indonesia.

While it is difficult to determine the exact reason for this failure or what strategy may have been more successful, one reason for the defeat could be that the campaign was unable to effectively link their opposition to Islamic values. While there were efforts to appeal to Islamic principles, especially by Islamic women's organizations who opposed the bill, a significant emphasis was placed on pluralism throughout the campaign.¹³³ This rhetoric may not have been powerful with conservative Muslims, given that many supporters of the bill were attempting to challenge the very concept of Indonesia as a plural nation. This issue represents the struggle of undertaking vernacularization when national values are shifting, making it difficult to select rhetoric that will galvanize public and political support.

Additionally, it is important to note that one strategy that is typically utilized in the human rights framework which was largely ignored in this campaign was appeals to the international community. As previously stated, the organizations were reluctant to involve the international community as they feared the backlash that would result if their campaign was labelled as foreign-influenced or as going against Islam. While this tactic to put less emphasis on

¹³¹ Kamala Chandrakirana, Interview.

¹³² Shahirah Mahmood, "Contextualizing the Global and Remaking the Local: Islam and Women's Rights in Indonesia," order no. 10108376, The University of Wisconsin - Madison, 2016, Proquest.

¹³³ Gadis Arivia, Interview.

the international realm may have been successful by allowing the campaign to utilize nationalist rhetoric, the campaign lost the political impact of international pressure.

One example of the loss of international pressure was in the periodic reports that Komnas Perempuan submitted from 2011-2013 to the committees on the implementation of CEDAW, the ICCPR, and the ICESCR after the failure of the judicial review process. As a National Human Rights Institution (NHRI), Komnas Perempuan is required by the Paris Principles to prepare for relevant bodies, “reports on the national situation with regard to human rights in general, and on more specific matters.”¹³⁴ In these reports, Komnas Perempuan noted that the pornography law violated the right to legal certainty and the right to freedom of expression for women, indigenous people, lesbian, gay, bisexual and transgender people.¹³⁵ In their reports to the CEDAW and ICCPR committee, Komnas Perempuan stated that they recorded two cases of criminalization of women victims of trafficking and sexual exploitation under the pornography law,

The first involved four women victims of trafficking who were told to perform a striptease, and the second involved a young woman who had recorded herself having sex with her boyfriend to convince their parents to let them marry. In both cases, the women victims were sentenced to imprisonment because they were found to have violated the Pornography Law.¹³⁶

Even though the pornography law was mentioned in these reports, none of the treaty bodies commented on the law in their concluding observations. Perhaps if there had been more international discussion around the pornography law, the committees would have been more likely to pay greater attention to the law. The committees did mention other laws specifically,

¹³⁴ United Nations, General Assembly, *National institutions for the promotion and protection of human rights*.

¹³⁵ National Commission on Violence Against Women, *NHRI Independent Report on the review of Indonesian Report on the implementation of the ICESCR in Indonesia*; National Commission on Violence Against Women, *NHRI Independent Report on the review of Indonesian Report on the implementation of the ICCPR in Indonesia*; National Commission on Violence Against Women, *NHRI Report regarding the implementation of CEDAW in Indonesia*.

¹³⁶ National Commission on Violence Against Women, *NHRI Independent Report on the review of Indonesian Report on the implementation of the ICCPR in Indonesia*.

such as the CEDAW committee condemning Law No. 1 of 1974 on Marriage and its legalization of child marriage.¹³⁷ This law had received significant international pressure, including concern expressed by UNICEF in its “Situation Analysis on Children and Women in Indonesia” reports.¹³⁸ In December 2018, the Constitutional Court ruled that law unconstitutional and ordered legislators to increase the minimum marriage age for women, specifically stating that the law was discriminatory based on gender.¹³⁹ Therefore, it is possible for international pressure to have some influence on Indonesian national laws. However, it is unclear how this act has impacted public perception of Indonesian human rights groups.

This is one of the limitations that was outlined in Levitt and Merry’s theory of vernacularization. Levitt and Merry conclude that one of the primary dilemmas of this process is that too much focus on localization can cause a campaign to lose its “institutional teeth.” They state,

Rights ideas and practice need to resonate with existing ideologies to be adopted, but to be legitimate as human rights they have to reflect universal principles or standards. It is the claim to universality that provides ‘the magic’ of human rights for activists and establishes its transcendental character and legitimacy. In other words, the non-local dimension that points to global universals is precisely what makes human rights discourse politically powerful. This dilemma is inherent in the human rights project.¹⁴⁰

The Indonesian women’s human rights activists, by grounding their arguments in nationalist language, were unable to utilize the political power of the international community that values

¹³⁷ Committee on the Elimination of All Forms of Discrimination Against Women, *Concluding Observations of the Committee on the Elimination of All Forms of Discrimination Against Women*, CEDAW/C/IDN/6-7, August 7, 2012, available at

https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=IDN&Lang=EN.

¹³⁸ Susan Blackburn, *Women and State in Modern Indonesia* (Cambridge: Cambridge University Press, 2004), 81; UNICEF, *The Situation of Children and Women in Indonesia 2000-2010* (Jakarta: UNICEF, 2011), 138.

¹³⁹ Agustinus Beo Da Costa, “Court ruling brings Indonesia closer to ending child marriage: campaigners,” *Reuters*, December 13, 2018, <https://www.reuters.com/article/us-indonesia-women-marriage/court-ruling-brings-indonesia-closer-to-ending-child-marriage-campaigners-idUSKBN1OC1CM>.

¹⁴⁰ Levitt and Merry, “Vernacularization on the Ground,” 457.

“global universals.” However, it is unclear if this strategy would have been more successful as it assumes that the Indonesian government values the opinion of the international community. This could be contested as Gadis Arivia argued that the Indonesian government is not concerned with being shamed by the international community. She argued, “The more you’re nationalist, the more you score political points. But the more you bring in international instruments, so international laws...you will be labeled as Western.”¹⁴¹ Therefore, pressure from the international community may have not been successful.

Additionally, a significant challenge to this vernacularization strategy is a homogenizing of viewpoints. By attempting to build a broad coalition with public support, the organizations were unable to go in depth into the nuances of the pornography debate. For example, Gadis Arivia discussed how there were debates among feminists surrounding whether all pornography is degrading towards women. She stated,

In the feminist movement there are some who...say that pornography is demeaning, degrading to women. But there is another view in feminism saying that it’s actually empowering women and giving choices to women. Even in the feminist movement there was a lot of debate about the pornography law. But putting that aside, I think what we were most concerned about is that we were not getting the pornoaksi out, it is also that there is a strong tone of religion in it and that’s very concerning to us.¹⁴²

Arivia noted that the issue of the whether or not pornography itself was actually discriminatory towards women was minimized to focus on the larger issue of the religious undertones of the bill. Many of the organizations opposing the law made a point to mention in their public statements that they were against pornography, but didn’t think that this bill would be effective at controlling the harmful effects of pornography on women and children. For example, Arivia mentioned in a published call for support in the opposition of the bill, “Just because we reject the

¹⁴¹ Gadis Arivia, Interview.

¹⁴² Ibid.

law doesn't mean we support pornography. Indonesia already has other laws criminalizing pornography."¹⁴³ Therefore, in order to appeal to a broad constituency, there wasn't as much possibility to have a nuanced discussion on pornography and whether or not it violates the rights of women.

Additionally, the issue that the bill was discriminatory towards LGBTQ people was also largely left out of the public debates, even though LGBTQ individuals have been significant targets of criminalization after the passing of the bill.¹⁴⁴ Some of the activists mentioned during their interviews that they were aware the pornography bill would be discriminatory to LGBTQ people. Sita Aripurnami Kayam and Andy Yentriyani both noted that there was debate as to whether the bill would criminalize homosexuality.¹⁴⁵ However, in the analysis of public statements made by the activists and their organizations, there was very little mention of the pornography bill being discriminatory towards LGBTQ people before it was passed. As previously mentioned, Komnas Perempuan did discuss the pornography law's discrimination towards LGBTQ people in their report to the ICCPR committee after it was passed.¹⁴⁶ It is possible that this lack of attention to LGBTQ issues was a result of the vernacularization tactic to have a campaign with a broad appeal to national values, especially given that homosexuality, similar to human rights, is also often considered a Western influence in Indonesia.¹⁴⁷ In her

¹⁴³ Arivia, "Gadis Arivia dan Iklan Menolak RUU APP." Informally translated from Indonesian to English.

¹⁴⁴ Human Rights Watch, "Scared in Public and Now No Privacy:" *Human Rights and Public Health Impacts of Indonesia's Anti-LGBT Moral Panic*, July 2018, https://www.hrw.org/sites/default/files/accessible_document/indonesia0618_lgbt_web.pdf.

¹⁴⁵ Sita Aripurnami Kayam, Interview; Andy Yentriyani, Interview.

¹⁴⁶ National Commission on Violence Against Women, *NHRI Independent Report on the review of Indonesian Report on the implementation of the ICCPR in Indonesia*.

¹⁴⁷ Katjasungkana and Wieringa, *Creeping Criminalization*, 88.

interview, Kayam mentioned how it is a continuing problem in Indonesia that human rights organizations do not take into account LGBTQ issues.¹⁴⁸

This homogenization of viewpoints and lack of focus on ideas that are more challenging to national norms is also a limitation that Levitt and Merry bring up in their vernacularization theory. They noted, “When organizations use human rights in ways that join readily with existing issues and strategies, they are more readily accepted but present less of a challenge to the status quo.”¹⁴⁹ In this case, there was less of a challenge to ideas of pornography as inherently oppressive and LGBTQ issues. The women’s human rights activists’ campaign against the pornography bill demonstrates the limitations of vernacularization, as outlined by Levitt and Merry, of the lack of international political power and the minimal challenge to the status quo. There is not a simple solution to overcoming these challenges given the stigmatization of human rights, especially LGBTQ rights, and the need for a campaign to appeal to the public and government in order to have a tangible national impact.

¹⁴⁸ Sita Aripurnami Kayam, Interview.

¹⁴⁹ Levitt and Merry, “Vernacularization on the Ground,” 457.

Chapter 5

Conclusion

The campaign by Indonesian women's human rights activists to oppose the 2005 Bill Against Pornography and Porno-Action provides a useful case study to examine the process and consequences of vernacularization, or the local translation of global norms. In this case, the activists, women who were deeply imbedded in both the international community and national context, took international norms aimed at ending discrimination against women and translated them to the specific national context. This vernacularization was particularly necessary in Indonesia given the increasing strength of political Islam that was resistant to principles deemed as foreign-influenced. Therefore, as the activists expressed, even though Indonesia had ratified the majority of international human rights treaties and had established national human rights mechanisms, it would have been difficult for the activists to refer directly to human rights principles in their arguments. In order to overcome this dilemma, the activists combined women's rights principles with the rhetoric of pluralism, which is outlined in Indonesia's national ideology of *Pancasila* and the national motto of *Bhinekka Tunggal Ika*, or "Unity in Diversity." Additionally, when the activists did specifically mention international human rights treaties and norms, they did so by referring to the national laws concerning the ratification of these treaties and the addition to the Constitution of a chapter on human rights. By referring to these national legal documents, the activists attempted to ground their argument in national values.

These tactics were somewhat successful as the opposition coalition was able to delay parliamentary debates and prompt revisions to the bill, including the removal of the term "*pornoaksi*" or "porno-action." The coalition was also able to build a broad constituency base

that assisted in including women's rights issues in national debates. However, the campaign ultimately failed as the bill was passed into law in 2008 and the request for a judicial review by the Indonesian Constitutional Court was denied in 2010. The vernacularization process was also limited in its ability to gain the political power that comes with international support and to highlight viewpoints that presented a greater challenge to the status quo, especially surrounding LGBTQ rights. Therefore, this campaign gives a tangible example of vernacularization as well as the inherent difficulty in trying to localize concepts that are meant to gain power through their universality.

The question that subsequently arises is: what can be done now that the pornography law has been passed? Merry and Levitt conclude that, "Ultimately, the focus of human rights law and human rights legal activism is the State. If a social movement activist wants to change an institution, it makes more sense to use the domestic legal system and to exert pressure through that approach, turning to international only when the national fails."¹⁵⁰ Since the domestic legal system has failed these activists, is it necessary now to focus more attention on the international?

Since the pornography law has passed, its implementation has gained more international attention, particularly in its criminalization of LGBTQ people. In July of 2018, Human Rights Watch released a report on the human rights and public health impacts of Indonesia's "Anti-LGBT moral panic." In this report, Human Rights Watch noted discriminatory uses of the pornography law to criminalize LGBTQ people, including an arrest of 141 people, mainly gay and bisexual men, at a gym and sauna.¹⁵¹ Additionally, in October 2017 the Office of the UN High Commissioner for Human Rights expressed concern about the arrests of LGBTQ people

¹⁵⁰ Levitt and Merry, "Vernacularization on the Ground," 458.

¹⁵¹ Human Rights Watch, "Scared in Public and Now No Privacy."

under the pornography law and in February of 2018, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein condemned in his statement after a three-day trip to Indonesia the “hateful rhetoric” stoked against LGBTQ people.¹⁵² Given this increased attention from the international community, women’s human rights activists could take advantage of this window of opportunity and work in coalition with LGBTQ rights groups as well as other international groups to put more pressure on the Indonesian government to oppose the law. Nursyahbani Katjasungkana and others are already engaging in this work, as Katjasungkana co-authored a report published by OutRight Action International outlining Indonesia’s national laws and regulations that violate the human rights of LGBTIQ people, including the pornography law.¹⁵³ However, this strategy wouldn’t solve the issue of the stigmatization of human rights and therefore, could decrease public support for the organizations.

If the women’s human rights activists decide to not focus on the international, the other tactic that could be prioritized is working to frame the human rights argument in terms of Islamic values. Currently, Indonesia is facing an even greater influence of political Islam with Joko Widodo’s recent reelection, as he chose a prominent Islamic cleric as his running-mate.¹⁵⁴ In this context, rather than appealing to the international community, it may be more successful for

¹⁵² Zeid Ra’ad Al Hussein, “Opening remarks by UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein at a press conference during his mission to Indonesia,” (press conference statement, Jakarta, February 7, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22637&LangID=E>; “UN rights office 'deeply concerned' over arrests of LGBT people in Azerbaijan, Egypt and Indonesia,” *UN News*, October 13, 2017, <https://news.un.org/en/story/2017/10/568492-un-rights-office-deeply-concerned-over-arrests-lgbt-people-azerbaijan-egypt-and>.

¹⁵³ Katjasungkana and Wieringa, *Creeping Criminalization*.

¹⁵⁴ Michael Vatikiotis, “Indonesia election: in Prabowo versus Widodo, it’s Islamic statehood versus tolerance,” *South China Morning Post*, April 12, 2019, <https://www.scmp.com/week-asia/politics/article/3005688/indonesia-election-prabowo-versus-widodo-its-islamic-statehood>; Sita W. Dewi, “Who is Ma’ruf Amin, Jokowi’s running mate?” *The Jakarta Post*, August 9, 2018, <https://www.thejakartapost.com/news/2018/08/09/who-is-maruf-amin-jokowis-running-mate.html>.

activists to appeal to a distinctly Indonesian form of Islam that is more tolerant. This is a tactic that Indonesian women's groups, particularly muslim feminist groups, have used before in campaigns. Many of the activists discussed how part of their activism is outlining interpretations of the Qur'an that emphasize women's rights. This strategy was particularly successful with the passing of the 2004 Anti-Domestic Violence Law.¹⁵⁵ Reflecting on this law, Kamala Chandrakirana stated, "We actually built alliances with the Islamic political elites within the parliament to get that bill passed."¹⁵⁶ However, this vernacularization strategy does have its limitations as it may not work directly to challenge the political hold of Islam in a diverse nation and may continue to exclude LGBTQ rights.

The strategies of appealing to the international human rights regime as well as to conservative muslims both have their benefits and limitations. There is no simple solution to the relativism versus universalism debate in the international human rights regime. A more productive project is examining how human rights principles are actually utilized. In order for these principles to be used, a balancing act must be performed between gaining international political power and national public support. Ultimately, it is the activists on the ground who are performing this balancing act. In the multi-dimensional translation of human rights, the way that norms are articulated at the local level will eventually be articulated back to the international community. The tactics that these activists choose will shape the manner in which human rights principles are implemented, and therefore, shape the principles themselves. Consequently, working to understand the efficacy and possibilities of the international human rights regime will inevitably mean working to understand the efforts of the activists performing its translations.

¹⁵⁵ Wieringa, "Islamization in Indonesia," 7.

¹⁵⁶ Kamala Chandrakirana, Interview.

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