

# Body Co-Modification of Balinese Woman Dancer in Law Perspective about Pornography

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**Abstract** In reality, women and pornography can be hardly separated. Women have always been accused of various crimes related to sexual issues. Women were often being correlated to pornography. Conversely, many people against the co-modification of women's body and intimidate to ban every event which expose any woman's body. Due to the sake of women's dignity, religion, and nation's morality value, they reject the co-modification on woman's body. Meanwhile, Balinese woman dancer has its own costumes which expose some part of the body. These opposite interest of both parties became crucially assessed issue to be solved, related to the sustainability of Balinese culture, especially Balinese Dance. The issued to be answered in this paper are: (1) perception on exposed sensual part of Balinese woman dancer based on regulation No. 44 of 2008 about Pornography; (2) promotion of *Pancasila* as the Nation's fundamental way of life to mediate pros and cons community on the co-modification of Balinese woman dancer's body.

**Keywords** Balinese woman dancer, Body co-modification, Law perspective

## 1. Introduction

Indonesian people, especially Balinese, feel very proud and grateful, because they have many different types of mesmerize dance. The dances are often performed in various large world-class events, such as Universal Beauty Pageant Queen which known as Miss World. In 2013, the contest was followed by delegates from 130 states. The other example of a world-class event is APEC (Asia-Pacific Economic Cooperation, a forum for 21 Pacific Rim member economies that seeks to promote free trades among its member). The world community focused and concern on Indonesia – and Bali specifically, with optimistic, because always succeed in holding plenty of big events.

It is ascertained in any opening ceremony for big event performed Balinese dances to entertain the participants and invitees. Talking about Balinese dances, it mostly about Balinese woman sway dances with opened costumes that sometimes expose the upper bosom (but covers the breasts). This appearance is often judged as the co-modification<sup>1</sup> of Balinese woman dancer's body [1]. This is similar to the analogy that the *Miss World 2013* event which is not

approved by some people in the name of religion, national identity, and public morality. When the event of Miss World was held, it creates the feeling of anxiety, because there are some elements of communities who disagree with Balinese woman dancer's costumes and the Miss World sexy dress, also threatens the world-class events in any way.

There are two issues that will be assessed by this paper. The first is the perception on exposed sensual part of Balinese woman dancer referred on Regulation No. 44 of 2008 about Pornography [2]. The second is promotion of *Pancasila* as the Nation's basic principle of life to mediate pros and cons community on the co-modification of Balinese woman dancer's body.

## 2. Woman and Pornography

### 2.1. Women as Inspiration

According to Balinese local belief, woman was created from the rib of man. After having carved and molded in such a beautiful way with the mighty power of imagination by God, they begin to form an elegant sculpture that look beautiful, dazzling, and charming. Then the statue miraculously gets spirit from heaven to be enlarged, breathe, live, and being a beautiful woman. Therefore according to the myth, that is the beginning of cultural symbolization in shaped sculptures and statues that aesthetically, sacredly and magically worship. Woman was deliberately created by God as a symbol of the earth and fertility. Like the earth, women have everything similar to the earth. Therefore, occur the terms of Mother's Day and Mother Earth as analog respect

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<sup>1</sup> Co-modification means any attempt to expose women's body for gaining financial profit which indicated to offend the Regulation No. 44 of 2008 on pornography.

for women. Because woman was made from the rib, close to the heart, it means that woman should be respected, cherished, and protected. Women should be treated as equal, as a partner, not conversely.

Anthropologically, human beings behave primitively like prehistoric society. They like to showing off their strength, good looks and beauty. They also like to enjoy the beauty of nature, as a human instinct that been attached since the human civilization.

According to anthropological studies, co-modification of Balinese woman dancer's body is the expression of the remained ancient and instinct nature of primitive human society. Due to this innate nature, we are being naive if we are excessively concerned about co-modification of Balinese women dancer's bodies in the name of morality and religion. If we compare, the co-modification of Balinese women dancer's bodies is indifferent than a boxing match that showed the strength, hardness, and beauty of the male body. It is also the same with soccer, sumo, tennis, badminton, and swimming. Psychologically, the effect was worse from showing violence, anarchy and war than Balinese women dancers. Essentially, all those examples are human contest on potential competence. In such thing, people sometimes are less fair. Man's body is displayed without any protest, even from women. But when the women perform with partially opened costumes, then several communities simultaneously and strongly reacted to resist it with dignity alibi in order to maintain public and nation morality.

Mediate quotes was stated by Sujiwo Tejo (a famous humanist and artist in Indonesia)

*"Seeing through media reports on violence that occur in the country every day, it is not impossible as a result of frequent violence that watched by community. It is worth considering that people should be offered with full of love expression show in order to maintain public morality to be more noble" (Sujiwo Tejo, 2013).*

Woman as a unique creature becomes the source of never ending inspiration [3]. Some legend said great war ever happened in this world because fighting over a woman, e.g. Ramayana tragedy. Woman cause many great men fell from their respectable position. Thus, woman has remarkable influence and the future of this nation is also affected by women. Is this translation better than the original?

## 2.2. Meaning and Scope of Pornography

In etymology, pornography means an article that deals with the problem of prostitution, and the writing was mostly in the form of fiction (fantasy) which is taken from a mere sexual fantasies. Pornography usually does not have the character, but has a very detailed description on the sexual activity, often in provocative way [4]. Based on the dictionary, pornography has two meanings, first as a form of depiction of erotic behavior with painting and writing to deliberately arouse lust. The second meaning is, reading materials and solely deliberately designed to arouse lust in sex [5].

According to the description above, it can be concluded two key words: (1) arouse lust, and (2) specially designed solely to arouse lust in sexual activity. Related to the co-modification of the female body of Balinese dancers, elements of meaning as a keyword of pornography in the sense described above are not met. There is no deliberate activity to sexually arousing. Balinese dancers perform no provocation to arouse sexual appetite of people that watching. Dancing is done with intelligence and aesthetic sense.

Normatively, the formulation of Section I of Article 1 of Law No. 44 Year 2008 on Pornography, state:

*"Pornography is pictures, sketches, illustrations, photographs, text, voice, sound, moving pictures, animation, cartoons, conversation, gestures, or other forms of messages through various forms of communication media and / or performing in public, which includes sexual abuse or sexual exploitation that violate the moral norms of society."*

From the formulation of **Chapter I, Article 1** Law No. 44 of 2008, it can be drawn that the elements of pornography are:

- a. Drawings, sketches, illustrations, photographs, text, sound, animations, and gestures or other messages
- b. Through various types of communication media,
- c. Performed in public,
- d. Includes molestation or sexual exploitation
- e. Violate the moral norms in society.

Referred to the element formulation of the Law Pornography above, Balinese dancers opened costumes have not contains elements of sexual abuse and sexual exploitation and violating the moral norms in society. In simple terms, the appearance of Balinese dancers opened costumes is not violating the laws and norms of decency in public life.

## 2.3. Pornography Versus Moralism

Understood, which is also referred to as *-ism* is the opinion submitted by a community role and trusted models, used as a principle way of life in a certain various levels of quality [6] of life which becomes fundamentally affect their behavior. Many kinds of ideology emerged in the community both in the Indonesian archipelago and the world. The understanding quality varied from low, uniquely absurd, to the concept that based on intellectual understanding, reason and logic.

There is a viewpoint of moralist who taught to not ever show the nakedness of any parts of the body to another person, except to the legitimate husband or wife. Therefore, we often encountered fully dressed women, from head to below the ankle, in a public place. Even the face closed thus that only the eyes are visible. Such custom motivated as commanded by the religion, if violated, then the hell as the reward.

In contrast, second concept is the pro pornography. Those who coined have the opinion that showing the body is part of the mode and form of gratitude to God, as long as not to violate the norm. This opinion coming from the group that intentionally exposes their body, e.g. bodybuilders, catwalk

model, and participant of beauty contest (such as Miss World). They did not consider the problem of sin; to the extent they not commit the crime if they exhibited their proper beauty. Partisan of pro pornography is also very numerous and scattered throughout the world. Therefore we often found media with element of pornography.

We gathering both opinion and concluded it in two groups, the moralist and pro pornography. Opinion calls for respecting women came from the moralist which mostly is a muslim, by covering their body in full dress. However in other occasions (especially in the case of Balinese dancer which mostly Hinduneese), body co-modification were allowed in a particular and certain circumscription that not includes as pornography by their local belief and state's law.

#### 2.4. Body Co-modification on Balinese Woman Dancer in the Perspective of Pornography Law

There are some restrictions and limitations which are accompanied by the threat of sanctions as a form of crime regulated in Law No. 44 of 2008. This set is limited in Chapter II, Article 4.

**Paragraph 1.** *It is forbidden to produce, create, reproduce, copy, distribute, exporting, offering, peddle copies, rent, or provide explicit pornography that includes:*

- a. Mating, including distorted mating,
- b. Sexual violence,
- c. Masturbation,
- d. Nudity or impressive display of nudity,
- e. Genitals, or
- f. Child pornography.

**Paragraph 2.** *Every person is prohibited from providing pornography services that:*

- a. Explicitly present the nudity or impressive display of nudity,
- b. Presenting genitals explicitly
- c. Exploiting and exhibiting sexual activity, or
- d. Offer or advertise sexual services either directly or indirectly.

**Article 5** states, *it is forbidden to lend or downloading pornography as referred to Article 4 paragraph 1.*

**Article 6** states, *it is forbidden to play, perform, exploit, or storing pornographic products referred to in Article 4 paragraph 1 except as authorized by legislation.*

There are several criminal provisions that regulate the pornography crimes. Violation of the Pornography Law is classified as a crime. The provisions of this crime stipulated in **Chapter VII, Article 29** of Law about pornography:

*Any person who produces, makes, reproduce, copy, distribute, broadcast, importing, exporting, offering, reselling, renting, or providing pornography as referred to in Article 4 paragraph (1) shall be punished with imprisonment for at least 6 (six) months and up to 12 (twelve) years and / or fined at least Rp.250.000.000,00 (two hundred and fifty million rupiah) and up to*

*Rp.3.000.000.000, 00 (three billion rupiah ).*

**Article 30** regulate further,

*Any person who provides services of pornography as referred to in Article 4 paragraph (2) shall be punished with imprisonment for at least six (6) months and a maximum of 6 (six) years and / or a fine of Rp. 250.000.000, - (two hundred and fifty million rupiah) and up to Rp.2.000.000.000, 00 (two billion rupiah).*

**Article 31** states,

*Any person who lends or downloading pornography as referred to in Article 5 shall be punished with imprisonment of 4 (four) years and / or a maximum fine of Rp.2.000.000.000, 00 (two billion rupiah).*

**Article 32** states,

*Any person who let out, showing, harness, have, or storing pornography products referred to in Article 6 shall be subject primarily to imprisonment for a maximum imprisonment of four (4) years and / or a maximum fine of Rp.2.000.000.000, 00 (two billion rupiah).*

These criminal threats in the Law of Pornography, regulate in **Chapter 41**, which is quite detailed and seemingly burdensome. However, as is known, from early in the draft until it has been established now, the enactment of this Act is accompanied with controversy and protests. The results, the number of citizens who have charged according to the Law of Pornography is slight. Referring to the provisions of several articles on the Law of Pornography, we certainly consider the Miss World events held in Bali has no violation on the provisions of article in question.

#### 2.5. Pancasila as the Final Reference

Indonesian has four fundamental legal principle, namely *Pancasila*, Constitution of 1945, *Bhineka Tunggal Ika* (the national unity) and Republic of Indonesia Unitary State – known as four pillars [7] that nationally built integral place of the Republic of Indonesia [8]. *Pancasila* is the official philosophical foundation of Indonesian, consisted of five (*panca*, in sansekerta) moral principles of life to live as Indonesian.

In the context of the body co-modification of Balinese woman dancer, *Pancasila* as the nation point of view provide a solution that all parties refrain. We should realize the essence of diversity that we have agreed to a final solution which must be respected by all parties. Although obtrude on behalf of women and religious grace, it is not acceptable referred on State of Indonesia which stands on four pillars nationality. For those who do not agree to the body co-modification of the female Balinese dancer, the best way according to the noble values of *Pancasila* is, to forbid watching all Balinese dance performance in all mass media for the partisan of moralist. No religious teachings and beliefs that justify any rejection of female body co-modification of Balinese dancer with the threat of violence.

Conversely, the societies who agree on the body co-modification of the female Balinese dancers, *Pancasila* provide solutions that are to not provocatively declare the aspirations that could cause discomfort to another group. Open, dialogue, calm, and patient is the one that is recommended by *Pancasila* in solving the controversy of female body co-modification.

### 3. Conclusions

We found that the body co-modification of the female Balinese dancer is not violated the Law No. 44 of 2008. There is no existed law's circumscription that prohibited the body co-modification of Balinese women dancer in a public space in order to entertain the audience. Therefore, the costume appearance of a Balinese woman dancer did not violate any norms of society.

As one of the pillars of *Pancasila* nationalism provides a solution to the controversy to establish open dialogue and avoid violent. Community is told to deliberate and avoid provocative behavior that is intimidating the residents.

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