

REVISITING PORNOGRAPHY LAWS: A COMPARATIVE
STUDY BETWEEN MALAYSIA AND INDONESIA

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ABSTRACT

This project paper focuses on the topic of pornography. To start with, pornography has been a controversial topic since decades ago. The debate on pornography constantly questions a person's freedom of expression against morality. Pornography is an international problem, faced by many countries and unfortunately, Malaysia is not exempted from the problem. Worse, there are only three provisions on pornography in Malaysia in the statutes and none of the provisions define the term 'pornography'. Instead, the term 'obscene' is used. Therefore, this project paper also studies what amounts to 'obscene' and is the term interchangeable to the term 'pornography'.

Besides, this project paper contains a comparative study on the existing laws relating to pornography between Malaysia and Indonesia. This research scrutinizes the existing laws governing pornography in Malaysia, which can be found under the Penal Code, the Film Censorship Act 2002 and the Communications and Multimedia Act 1998. Meanwhile in Indonesia, the pornography matters are covered under a specific statute known as the Indonesia's Pornography Act 2008.

This research continues by analysing the weaknesses and strengths of laws of pornography which exist in both countries. To assist our research, interviews with experts and a further reading on magazines, articles, books and scholarly journals relating to pornography have been conducted.

This paper concludes with the research being successful in meeting our objectives. In a nutshell, from our research, the existing pornography laws in Malaysia are in fact sufficient at the moment and there is no need to have a specific Pornography Act as yet.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Statutes of Cases	vi
List of Statutes	vii

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	Background	1
1.2	Problem Statement	4
1.3	Objectives of the Research	5
1.4	Significance of the Research	6
1.5	Scope and Limitations of the Research	6
1.6	Research Methodology	7
1.7	Outline of the Research	7
1.8	Conclusion	8

CHAPTER TWO: LITERATURE REVIEW

2.0	Introduction	9
2.1	Obscenity vs Pornography	9
2.2	What amounts to Pornography?	12
2.3	'Porn'and Crimes	14
2.4	Punishing Pornography	15
2.5	Pornography in Indonesia	17
2.6	Controversy and Responses to Indonesian Pornography Law	18
2.7	Indonesian Pornography Law from Islamic Standpoint	21
2.8	Conclusion	22

CHAPTER THREE: ADEQUACY OF THE PORNOGRAPHY PROVISIONS IN MALAYSIAN STATUTES

3.0	Introduction	23
3.1	Pornography from the view of Criminal Law	23
3.2	Pornography Through Media	25
3.3	Cyber-Pornography	26
	3.3.1 From the view of the Former Chairman of MCMC	27
	3.3.2 How does MCMC operate?	28
3.4	Conclusion	30

CHAPTER FOUR: COMPARING LAWS: COMPARING APPLES TO APPLES

4.0	Introduction	31
4.1	Similarity on Pornography Laws in Malaysia and Indonesia	31
4.1.1	Laws governing 'Porn' Offences	32
4.2	Differences between Pornography Laws in Malaysia and Indonesia	32
4.2.1	Compilation of the Law	32
4.2.2	A Holistic Set of Laws	34
4.2.3	Sentences of Pornography	39
4.2.3.1	Harsh Penalties	39
4.2.3.2	Redundancy	40
4.3	Conclusion	42

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.0	Introduction	43
5.1	Achieving Objectives	43
5.1.1	Analysing the Flaws of 'Porn' Laws in Malaysia	43
5.1.2	Comparing Pornography Laws in Malaysia and Indonesia	45
5.1.3	Examining the Need of Pornography Act in Malaysia	45
5.2	The Statute is Foreseen for Future Needs	47
5.3	Recommendations	48
5.3.1	Public Moral Awareness	48
5.3.2	Parental Guidance	49
5.3.2	Internet Censorship	50
5.4	Conclusion	51
	Bibliography	52
	Appendices	55
	Appendix 1: Penal Code	55
	Appendix 2: Film Censorship Act 2002	56
	Appendix 3: Communications and Multimedia Act 1998	57
	Appendix 4: Content Code	58
	Appendix 5: Garis Panduan Penapisan Filem	59
	Appendix 6: Undang-Undang Republik Indonesia Tentang Pomografi	60
	Appendix 7: Federal Constitution of Malaysia	61
	Appendix 8: The 1945 Constitution of Republic of Indonesia	62
	Appendix 9: Interview Questions	63