PLURALISM IN SETTING AND SIGNIFICATION OF PORNOGRAPHY

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Abstract

The body becomes an object of study from various sciences, also the sciences of law. Meanings of the body in a regulatory text, can not be separated from an understanding of the rule-making body itself. The body can not be defined as a single, so the text that put in order about body also should not be interpreted as a single. Hermeneutics as a branch of philosophy may help to understand the meaning contained in the text and as contextual. The dimension of something that violates decency or not always shifted from time to time, as well as in the issue of pornography. Using hermeneutics for explain the meaning behind the text which is adjusted to the era, can help law enforcement in seeking and find the truth and justice in prosecuting cases related to the issue of the body.

Keywords: pornography, hermeneutics, body, the regulation of pluralism, commodification.

Abstrak

Tubuh menjadi objek kajian dari berbagai macam ilmu, tak terkecuali ilmu hukum. Pemaknaan terhadap tubuh dalam suatu teks peraturan, tak bisa dilepaskan dari pemahaman pembuat aturan terhadap tubuh itu sendiri. Tubuh tak bisa didefinisikan secara tunggal, sehingga teks yang mengatur tentang tubuh juga jangan ditafsirkan secara tunggal. Hermeneutika sebagai salah satu cabang filsafat dapat membantu memahami makna yang terkandung dalam teks dan kontekstualisasinya. Ukuran mengenai sesuatu itu melanggar kesusilaan atau tidak selalu bergeser dari waktu ke waktu, demikian juga dalam persoalan pornografi. Penggunaan hermeneutika untuk menjelaskan makna dibalik teks yang disesuaikan dengan jamannya, dapat membantu penegak hukum dalam mencari dan menemukan kebenaran dan keadilan dalam mengadili perkara yang berkaitan dengan persoalan tubuh.

Kata kunci: pornografi, hermeneutika, tubuh, pluralisme pengaturan, komodifikasi

Preface

Assessing the human body will not be completed only based on one perspective only. Thus this phenomenal human body, to one part of the body became the object of study of various sciences. That is appeal of the body, even to "show" a certain part of the body, the laws were also set the limits. As Foucault said that, all the physical actions of the body into an ideology, in other words, the physical action of the body becomes neutral. The body was driven by a particular trust and confidence, and as in the new order, all of the gestures are supervised by the state. In the most extreme level, the state is the owner of the body.[1]

Many illustrations of the body from the philosophers. Body is the prison of the soul (Plato), the temple of the holy spirit (Santo Paulus), machine (Descartes), own self (Sartre), and many more. However, when the body is at a certain time and place, it is not free, it was bound. Even if human have a willingness, power, and control of their own body; but they can not free to exploit, it is depends on acceptability of the environment from the "action" of the body. This is in sociology called determinism.

Dependable law has a function to create order, security and peace of the community, also regulates the body. The body becomes the object of protection arrangements as part of the

[1] In this case, we can see that the state is interfering in the private sphere of society, oversees human sexuality and women's bodies. It was not a new thing, at least since the days of Plato, it was become his own study. F. Budi Hardiman, "Politics as Supervisory Body, A Philosophical Review on Political Affairs and Eroticism in Politeia Plato", *Studia Philosophica et Theologica*, Vol. 9 No. 1, March 2009, page 34-52.

body itself, moral values, as well as society's moral values. Therefore, law makers saw the body in different perspectives, inevitably setting could not be equated. In other words, there are various rules and regulation of the body. This is what is termed pluralism setting - with reference to a popular term in the anthropological study of law.

The regulation of diverse body uncaused it was not just from the standpoint of the perspective of the body, other factors also determine. For example technology, greatly obvious affect how the body can become a commodity that can be traded very easily and spread so wide. Similarly, the religious factor, customs, fight gender or human rights grounds which still raises the pros and cons.

Multicultural or pluralism in Indonesia is a certainty that uncaused in the state of nature and spiritual, therefore the view to something - like body - of course could not be united in such a way. State efforts to regulate, which means natural herding think pluralistic society towards an understanding of the body, of course, get much opposition.

Anything that is written in the law is not just a text. because one's view will be limited and constrained by the text itself. Behind the text, there is a culture that shape the text, culture law makers or constructed which is then translated into text. Of course, the text that is created can not represent the entire community in Indonesia, because it may be the legislators did not represent a plural society. This is the meaning that there is meaning behind text, and there are a variety of meanings, or what is behind the text. To explain this, then this writing.

Discussion

Meaning of the "Body"

The occurrence of pluralism or diversity of arrangements regarding the "body", can not be separated from the view of legislators on the body itself, by basing on the diverse perspectives. Therefore, to know and understand about the body, the following will describe the variety of views on the body, especially in terms of philosophy. This understanding is necessary in order that the meaning of the body and its settings can be read as an attempt to curb the body or exploit them.

True knowledge is not uniform, but pluriform, because it is the result of a dialogue, not a monologue. As said by Snijeder, that knowledge is called true if the "self" is recognized as the norm. As said by Snijeder, that knowledge is called true if the "self" is recognized as the norm. Interpretations can be different from one another, but right or wrong depends on compliance with the "self" true script. Human intrinsically interpret (hermeneutics). Reading is an interpretation.[2] This is the meaning that interprets activity is ceaseless activity, because he did not stop on the text, but it always depends on context.

Body and senses socially constructed, in various ways, by various different populations, on various organs, processes and attributes of the body. The issue is how the body is constructed and why; besides, why constructions have become diverse and changeable. Body not only has there naturally, but also become a social category with different meanings produced and developed every era, by sections of the different population.[3] In other words, the body's ability to absorb like a sponge in a sense, in addition to a very nuanced political.[4]

It is very likely to occur because of social codes of the body is left in a state of melt, in order to open space for every game of the signs on

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[2] Adelbert Snijders, 2006, *Human Truth*, Yogyakarta: Kanisius, pages 171-174

[3] Interpretation of the body evolved over time, from the style of dress, photographs or images that often appear in the cover of the magazine, it can show the identity of a woman and how to interpret them. Look into Pappilon Hamomoan Manurung, "Body Representation and Identity read as a Symbolic Order in Teen Magazine", *Journal Communications*, Vol. 1 No. 1, June 2004, pages 37-72; Irzum Farihah, "Sociological readings on Women Sexism in Media", *Journal PALASTReN*, Vol. 4 No. 2, June 2012, pages 38-55; Sri Wiryanti B.U., "Advertising and Hyper-Reality Women", *Journal Nirmana*, Vol. 6 No. 2, July 2004, Surabaya: Visual Communication Department, Faculty of Arts and Design Univ of Petra, pages 158-170;

[4] Anthony Synnott, 2003, *Social body: Symbolism, Self, and Society*, Yogyakarta: Jalasutra, page 12

the body (free play of bodily sign).[5] Body under such conditions becomes an ideological force domain laden, political, economic, and the cultural. At that moment, the political construction of the body begin to play. Body into the fray laden power relations, the fight to question the pattern of domination-subordination relationship that led to the emergence of resistant bodies are constructed authors. Therefore, the body needs to be controlled in such a way. This is what is referred to as the body is produced as signs in system of sign capitalism shaping the image, meaning, and identity themselves in a political sign.[6]

The formation of the body can not be separated from the political body. Foucault is a political body according to the procedures, techniques, and tactics of power in making a soft shape move and appear as if natural that unconsciously been constructed, classified, constituted, thematized, and manipulated and trapped in a relationship full procedural imposition of rights and obligations.[7] The body was moved and used as a tool as desired party constructing the body. The body can not refuse, because it has been acquired by another party who has greater authority. Politics body (body politics) thus, the artery of political economy and culture of capitalism with all its values.[8]

Mainstream sociology, history, and psychology, has ignored the body. As many experts say in fields mentioned, the philosophers also tend to deprecate the body in their minds brilliant, while many theologians describe the body as an enemy of the soul. However, in practice, nobody can live longer by ignoring their bodies. Sociology, like other scientific disciplines, also requires a lot of professional attention on the body as that can be done by practitioners in the lives of their personnel.[9]

Social body shows many things: the ultimate symbol of self, but also the community; This is something that we have, at the same time indicate whether ourselves; he becomes subject and object at the same time; he is individualized and personnel, as unique as fingerprints or body odor, although it is also common to all humanity with all its systems, and is taught in schools. The body is the creation of individual, physical and phenomenological, as well as cultural products; he belongs to the personnel, as well as state-owned.[10]

Foucault summarizes this issue epigramatis and enigmatic: "the soul (psikhe, subjectivity, personality, consciousness, etc.) is the effect and instrument anatomy; the soul is the prison of the body"; while the body itself is the instrument of the state, which is monitored constantly. All physical action now become ideological: how a soldier should stand, how should the attitude of a student, even how to model a sexual relationship should be. "No eye gaze everywhere".[11]

It is no less ironic in the political dimension of the body is the finding of the process of commodification of the body. Commodification of the body in question here is how the body was used as a tool of commodities. As a means of commodities, the body becomes a transactional tool. The body can be traded in such a way in the process of buying and selling. Piliang suggests that commodification is the process of becom-

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5 Yasraf Amir Piliang, 2004, *Posrealitas: Realiatas Kebudayaan dalam Era Posmetafisika*, Yogyakarta: Jalasutra, page 390

6 *Ibid*, page 365.

7 Look in Rahmah Purwahida and Suminto A. Sayuti, "Korelasi Politik Tubuh, Kekerasan Simbolik, dan Pelanggaran Hak Asasi Anak dalam Novel-novel Indonesia Modern", *Reasearch Journal of Humanities*, Vol. 12 No. 2, August 2011, page 114-125

8 Yasraf Amir Piliang, *op.cit*, page 364. This is what causes the social oppression of women. This suppression occurs because of the structure that is created such that, even in science it happens. Look in Siti Aminah, "Gender, Politik, dan Patriarki Kapitalisme dalam Perspektif Feminis Sosialis", *Indonesian Politics Journal*, Vol. 1 No. 2, October-December 2012, page 53-57; compare with Ashadi Siregar, "Ketidakadilan Konstruksi Perempuan di Film dan Televisi", *Social and Political Sciences Journal*, Vol. 7 No. 3, March 2004

9 Anthony Synnott, *op.cit*, page 14

10 *Ibid*, page 16

11 *Ibid*, page 416. To arrive at this conclusion, Foucault has undergone various processes that eventually make it as a well respected philosopher. See a brief description of the trip thinking on Abdullah Khosin Af., "Michel Foucault's concept of power", *Teosofi: Journal of Sufism and Islamic Thought*, Vol. 2 No. 1 June 2012, pages 131-149; Hardiansyah, "Disciplinary Body Art in Perspective Michel Foucault", *Journal Substantia*, Vol. 14 No. 1, April 2012, pages 63-72; Konrag Kebung, "Foucault and Moral: Return of Moral Through Sex", *Base magazine*, No. 01-02 Tear to 51, January-February 2002;

ing objects as something that has an exchange value.[12]

Business capital of the body or sexual or sexually motivated business - such as pornography - is a business that is resistant to inflation, commodities are bought and sold is because it takes everyone. For a patriarchal culture, the keywords in this business are women, almost all parts of the body can be exploited for economic gain. In the hands of capitalism - which is supported by technology - this business reach its perfect form as a money machine.[13]

According Piliang, women in the culture of capitalism is not only exploited the point value (use value) for example as workers, female prostitutes, maids; but also the exchange rate (exchange value), such as female models, hostess, and now the value of the sign (sign value) such as pornography, erotic art, porn websites, cyberporn. Then the female body has become a political body in political economy and culture of capitalism. Of course with all the potential and its economic value.[14] Even said Bartow, as a dominant industrial force that has driven the evolution of the internet.[15]

The question of sex in relation to the body, also received can not be generalized singly. Sex is not just a ritual function to husband and wife, he could also transformed into pleasure, ritual magic, even industrial. Pornography add a dimension in space sex, he makes the room seem more real than real - and it leads to loss of heat. There was no need to look for fantasies that haunt pornography, because they are hindered by an excess of "reality". Sexual vulgarity vulgarity is not pornographic, but vulgarity representation and pembinasaannya, a dizziness born from the loss of the scene and the obligatory parts obscene.[16]

Pornography is usually blamed for two reasons - for sex manipulation in order to decide the struggle of class/classes for corruption and sex (sex is good, true, that would be freed sex, sex will be considered in the our natural rights) with her commodification. Pornography is said to mask the truth of capital and infrastructure, or the truth of sex and desire, but in reality, pornography does not mask anything. He is not an ideology, that he did not hide the truth; he is a simulacra; namely, it is the effect of hiding the truth that truth itself nonexistence.[17]

Pluralism in Pornography and Reflection about Indonesia Woman's Body

Interpretation about body (especially woman's body), is not singular. Woman's body accepts religion, culture, and science treatment; the value of the body depends on the location where she lives; she can transform in such way, so, sometimes, in one side or the other side appears as a paradoxical. It is the same condition with Indonesian woman which cannot included into one category unit; she has complexity which absolutely is not linear; she cannot be genera-

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[12] Yasraf Amir Piliang, 1999, *Hyper-reality of Culture*, Yogya: LKIS, pages 33-34. This commodification massive visible on advertisements and magazines featuring women as its object. Look and read Kasiyan, "Commodification Sex and Pornography in Aesthetics TV Commercial Representation in Mass Media", *Stage journal, Journal of Scientific Art and Culture*, Vol. 17 No. 1, February-May 2007, Bandung: STSI Bandung; Kasiyan, "Women and Advertising: A Note on Gender in the Age of Ideology Pathology Kapital", *Journal Nirmana*, Vol. 3 No. 2, July 2001, Surabaya: Department of Visual Communication Design, Faculty of Art and Design Univ. of Kristen Petra, pages 123-134; Yuanita Aprilandini Siregar and Anggoro Yudho Mahendro, "Women's Imaging Magazine: Female Identity Construction in Urban Middle Class", *Journal Community*, Vol. 5 No. 1, July 2011, pages 1-24; Martadi, "Women's image in the ad in the magazine Femina Edition 1999", *Journal Nirmala*, Vol. 3 No. 2, 2001; Liliek Budiastuti Wiratmo and Mohammad Ghiffari, "Representation of Women in Women's Magazines", *Journal of Gender and Child Studies*, Vol. 3 No. 1 2008, Purwokerto: PSG STAIN.

[13] Agus Raharjo, "Pornography and Technology (Commodification and Access Restrictions on Content Loaded Pornography)", *Journal Media of Law*, Vol. 15 No. 2, December 2008, Yoygkarta: FH UMY, page 302-303

[14] *Ibid*, page 303

[15] Ann Bartow, "Pornography, Coercion, and Copyright Law 2.0.", *Vanderbilt Journal of Entertainment and Technology Law*, Vol. 10 No. 4, 2008

[16] Jean Baudrillard, 2000, *Berahi*, Yogyakarta: Bentang Budaya, pages 44-45. Representation of sex is seen from a variety of entertainment that appears on a television screen, one that raises debate is wobble Inul. Read Sindhunata, "Undercover Sex, buttocks Icon Inul", *Base Magazine*, No. 03-04, Years to 52, March-April 2003; Wisnu T. Hanggoro, "Sexuality in Popular Culture", *Renai, Journal of Humanities and Social Local Politics*, April-May 2004 Edition; Lono Simatupang, "Sexuality, Popular Culture and Mass Media", *Renai, Journal of Humanities and Social Local Politics*, IV Years Edition No. 2, April-May 2004.

[17] Jean Baudrillard, *op.cit*, page 57

lized in such way. Indonesian woman, absolutely, should be understood appropriately with belief, custom, knowledge, and read contextually.

Systematization about body, however, should follow how the rule makers thought and also what kind of nuance that is controlling the time. The rule makers, substantively, also cannot be united to the same way of thought, so one kind of rule as the combination of one opinion is formed. The good point of the democracy for majority community where the top vote is the winner until critical and maybe moralist point of view can be knocked out from the majority democracy stage.

Studying history of the formation of legislation, actually, learn about dynamics which is happen behind the formation of the legislation. Accepting all of points which are written on the legislation text offhand is an incompetent thing without seeing the history and text contextualization. Text or word or words combination which exists in a section is actually a reduction of fact, but it does not describe (as a whole) the fact. There are some parts that might be omitted or reduced as a form of compromise in formation of the legislation.

Rules about pornography can be found in much legislation which aims to decrease crimes and its bad impact.[18] *Firstly,* Section 282, 283, 532, and 533 of Penal Code; *Secondly,* Section 5 verse (1) and Section 13 letter a Act No. 40 1999 about press, the prohibition is related to the utilizing of media (press) to spread pornography; *thirdly*, Section 36 verse (5) Act No. 32 2002 about Broad-casting, this rule is related to prohibition of the broadcasting content which contains pornographic substance; *fourthly*, Section 40 Act No. 8 1999 about Movie business which related to handing around the failed censorships film threat; *fifthly*, Section 19 verse (3) Government Rule No. 7 1994 about Film Censorship which settle the parts of film that should be cut or omitted; *sixthly*, Section 27 verse (1) Act No. 11 2008 about Electronic Information and Transaction which related to distribution method, storage, and ownership of information in decency violation; and *seventhly*, Act No. 44 2008 about pornography.

Seeing all of the systematization, it is clearer that pornography arrangement is made as the way to limit certain activity with the very relative measurement which is decency violation. It is called relative because decency measurement from time to time will always experience the displacement of what it was called porn or violating the decency can be not considered such in this era and vice versa. Are the changed of meaning and reality displacement which is followed by the legislation makers. It absolutely should be yes, but it certainly is not as easy as changing rules. Act No. 44 2008 specifically arranges pornography (which is certainly for much importance) should eliminate the systematization about pornography on other systematization which is also not escaped from the meaning and reality displacement.

Law enforcement towards pornography case or problem which the meaning and reality can be easily shifted is confusing for the law enforcer. They should always follow the meaning development and displacement of pornography direction. Of course, it will be ridiculous if the law enforcer are on rule text base only (and this can be happen) without considering the meaning displacement. They should learn about the implicit meaning in a rule text, so interpretation towards text is not grammatically only.

The law enforcers seem need to learn about hermeneutic to be able to interpret rule text as its era. Hermeneutic is a contemporary ideology of philosophy which follows about a meaning by using interpretation method which exists in a text by revealing meaning behind the text, whether from linguistic side or its context.

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[18] Look up about this case in research result about perception of society towards pornography themed scenes shows that those scenes seem directed to behavior and moral of society. Masayu S. Hanim, "Tayangan Pornografi, Kekerasan dan Mistik/Supranatural di Televisi Cenderung Memotivasi Perilaku Negatif (Studi tentang Persepsi Masyarakat di Makasar dan Bandung)", *Jurnal Komunika*, Vol. 10 No. 2, 2007, page 33-44.

Hermeneutic demands ability to interpret the past and bring it to the present time.

Hermeneutic phenomenological is commonly talking about triangular relationship pattern between text, text producer, and reader or the text interpreter. An interpreter while understanding a text is demand to not seeing what exists in text only, but closer to what exists behind the text. Thus, hermeneutic can be defined as: *First*, revealing thought through words as the delivering, translating, and acting media as interpreter. *Second,* effort to interpret from a foreign language which meaning is not known in other language that can be understood by the reader. *Third,* interpreting and unclear thought expression, then changed to be a clear expression.[19]

Hermeneutic does not differentiate between pure texts and profane, between religion and secular text. Therefore, holy book is considered as equal with other texts. Each text has the open ended and can be interpret by anyone, because, when a text is publicized, so it has been independent and no longer related to the writer. Therefore, a text must not be understood based on the writer's idea but it is based on the material which is indicated on the text itself. Someone has to interpret the text depends on what is had now (*vorhabe*), what is seen (*vorsicht*), and what will be gotten (*vorgrip*). The main key of hermeneutic is on the interpretation. Hermeneutic interpretation can be a law, literature creation, philosophical text, history data rule, and etc. All texts refer to the same interpretation rule. In hermeneutic study, there is no appropriate or mistaken, true or false interpretation. There are only various efforts to approach the text from different importance and motivation. Therefore, it is very logic if conceptually hermeneutic signals that there is no text can be interpreted.[20]

As one interpretation method, hermeneutic consists of 3 patterns or models. *First,* objective hermeneutic is developed by classic figures, especially Friedrick Scheiermacher, Wilhelm Dilthey, and Emilio Betti. Based on the model, interpretation means understanding the text as it is understood by the its writer, because what is called text is an expression of the writer's soul, so what is so called as meaning or interpretation above of it is not based readers' conclusion, but derived and instructive.[21]

Second, subjective hermeneutic is developed by modern figures especially Hans-Georg Gadamer and Jacques Derrida. Based on the model, hermeneutic is not an effort to find objective meaning which is meant by the writer as it is assumed by objective hermeneutic model, but understanding what is indicated on the text itself. *Third,* liberation hermeneutic which is developed by comtemporary Moslem figures especially Hasan Hanafi and Farid Esack. Based on this model, hermeneutic does not only mean interpretation skill or understanding method, but more from that is action.[22]

To understand the meaning of law hermeneutic, so the definition of hermeneutic generally should be understood since the very first time. Law hermeneutic is philosophy precept about understanding and conceiving on something. Law hermeneutic also can be understood as an interpretation method towards text where the interpretation method and technique is done holistically in the tie framing between text, context, and contextualization. The test can be in a form of law text, law incident, and fact of law, official state documents, ancient manuscript, or holy book.[23]

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[19] Arip Purkon, "Pendekatan Hermeneutika dalam Kajian Hukum Islam", *Jurnal Ahkam*, Vol. [19] Arip Purkon, "Pendekatan Hermeneutika dalam Kajian Hukum Islam", *Jurnal Ahkam*, Vol. XIII No. 2, July 2013, page 1887-188

[20] K. Bertens, 1981, *Filsafat Barat Abad XX*, Jakarta: Gramedia, page. 232; Arip Purkon, op.cit, page 188

[21] Josef Bleicher, 1980, *Contemporary Hermeneutics*, London; Routlege & Kegan Pau, page 29; Arip Purkon, *op.cit*, page 186

[22] Arip Purkon, *ibid*, page 187. Read about hermeneutic in Islam especially gender problem in Nasrullah, "Hermeneutika Otoritatif Khaled M. Abou El Fadl: Metode Kritik atas Penafsiran Otoritarianisme dalam Pemikiran Islam", *Jurnal Hunafa*, Vol. 5 No. 2, Agustus 2008, page 137-150; Mohammad Fateh, "Hermeneutika Sahrur: Metode Alternatif Interpretasi Teks-teks Keagamaan", *Jurnal Religia*, Vol. 13 No. 1, April 2010.

[23] Jazim Hamidi, 2005, *Hermeneutika Hukum*, Yogyakarta: UII Press, page 45

Poespoprodjo who propose that in jurisprudence, hermeneutic has duty in 3 comprehensions like the material comprehension which is talked about in law justice, law justice language comprehension, and law justice spirit comprehension which is spirit of era and entire point of view of the law maker and doer which interact and light each other.[24] Law hermeneutic has anta logic function which is describing the relationship which happens between text and reader, in the past, and in recent time, when it is possible to understand the incident for the first time. The function and purpose of law hermeneutic according to James Robinson is to clarify something unclear to be clearer. While according to Greogry, the purpose of law hermeneutic is to position contemporary debate about general law interpretation in hermeneutic framework.[25]

Law hermeneutic study is aimed to liberate it from otoritarianism of elitist positive jurist and structuralism or behavioral community which is too empiric. Law hermeneutic study can open the firmament thought of law researcher to not stand on positivism paradigm and formal logic method only, but, more of that, law hermeneutic researcher can dig and study he law meaning from the user and justice seeker paradigm.[26]

Law hermeneutic, according to Gadamer, is a reconstruction process from the whole of hermeneutic problem and then forms an intact hermeneutic oneness again when jurists and theology meet the humanities experts.[27] Thus, law hermeneutic is not a special object, but it is only the result of a reconstruction of the existence hermeneutic problem.[28]

Law hermeneutic study has two meaning at once. *First,* law hermeneutic can be understood as interpretation method towards text of law. The correct interpretation towards text of law should always relate to the content or law principle, whether it is written or implicit. According to Gadamer, there are three requirements that should be fulfilled by an interpreter which is fulfilling the comprehension accuracy (subtilitas intelegendi) explanation accuracy (subtilitas explicandi), and application accuracy (subtilitas applicandi). *Second,* law hermeneutic has correlation with law discovery theory. It is shown by the spiral circular framework hermeneutic which is the reciprocity process between principle and fact. In hermeneutic, someone should qualified fact in principle frame and interpret principle in fact frame.[29]

According to the explanations that have been given, so the explanation about pornography which is arranged in various rules (so it is called as the systematization pluralism in specific meaning), cannot be explained in one scope only (whether it is knowledge, religion, or culture). Woman's body – especially which relates to pornography – must be identified based on knowledge, space, time, and different places. Woman has sovereignty on her body, so she is free to interpret her identity as knowledge and belief that she adheres. She cannot be forced to behave or assessed based on the existence of space, time, and place that she does not want.

Law enforcer based on hermeneutic and purport of the body should not asses woman's body as an object. If legislation above sees body – especially woman – as object, so philosophically, the legislator has failed to understand the philosophy of body. The highlight of parts of body which shows genitals, are not only included in pornography category, invited orgasm. There are some highlights which are precisely the domain of art or sport which should also be respected.

Pornography not always gives negative impact, at least so for medical reason.[30] But, the

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[24] Look up in Agus Budi Susilo, "Penegakan Hukum yang Berkeadilan dalam Perspektif Filsafat Hermeneutika Hukum: Suatu Alternatif Solusi terhadap Problematika Penegakan Hukum di Indonesia", *Jurnal Perspektif*, Vol. XVI No. 4 year 2011 September edition, page 214-226

[25] Jazim Hamidi, *op.cit*, page 45-46

[26] *Ibid*, page 48

[27] *Ibid*, page 42

[28] Arip Purkon, *op.cit*, page 187

[29] *Ibid*, page. 187

[30] Look up the debate in Catherine MacKinnon, "Pornography: Civil Rights, and Speech", 20 Harvard Civil Rights-Civil Liberties Law Review, 1995; Andrew Koppelmen, "Does Obscenity Cause Moral Harm?", 105 Colum. L. Review 1635, 2005; Andrew Koppelmen, "Free Speech and Pornography: A Response to James Weinstein", 31 N.Y.U Rev. Of Law and Social Change, 2007; James Weinstein, "Democracy, Sex, and The First

thing which always appears is the one-sided assessment towards someone's body which is often qualified as porn. What is happened through conspicuousness of body parts of somebody is an entering step to enter a new moral, shifted moral. It should be understood as common indication in cultural problem or life values displacement. Toward hermeneutic, it can be understood, the truth can be found and justice can be built.

Closing

Conclusion

Law enforcer usually refer to written penal provision. This is so risky in law enforcement, because law is not only written constitution. Ubi societas ubi ius, it explains that law exists and develop in society, legal value always change over the time, such as case about pornography. If law enforcer only refer to written penal provision it will be ruined law itself. Therefore, hermeneutics approach can become one of the solution to seek crossing point between written constituion and unwritten constitution (in the process of legislation) based on reality (contextual) and the development of legal value and transformation of norm in society. At least, through this approach, truth and justice will correspond with the condition.

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