

PORNOGRAPHY IN UNIVERSALISM PERSPECTIVE: A FREEDOM EXPRESSION?

Eka N.A.M Sihombing¹; Cynthia Hadita²

¹Faculty of Law, Universitas Muhammadiyah Sumatera Utara

²Law Science Doctoral Program Student, Universitas Sumatera Utara

ekahombing@umsu.ac.id

ABSTRACT

The issue of the right to freedom of expression and pornography needs to be studied from a human rights perspective in terms of universalism and particularism. Pornography has the potential to have different standards depending on the time and place of a person's use of clothing and the extent to which the law restricts pornographic behavior. This study aims to unravel pornography and freedom of expression in the digital space from the Perspective of Human Rights Particularism. The research method used is normative legal research. The results reveal that freedom of expression in Indonesia is intertwined with the dimension of human rights particularism, especially Pancasila so all forms of protests that contain pornography disseminated through the digital space are contrast to the value of Indonesian human rights particularism.

Keywords: pornography; freedom of expression; particularism.

INTRODUCTION

Whether all international legal instruments relating to human rights may be immediately applied based on the principle of universality or need to be tailored to the situation and conditions of each country (particularism principle), is a question that must be answered by governments that have recognized the concept of human rights. In the Indonesian context, this can be seen in the death penalty in the criminal law system. Is the implementation of the death penalty in contrast to the universal values of human rights that guarantee the right to life of every human being, or vice versa? The death penalty in the context of particularism principles is required in Indonesia law enforcement.¹

The historical perspective in Indonesia determines the universalist or particularist orientation of human rights, there was a debate between the *founding father* Moh Hatta and Moh Yamin (supporting universality) and Soepomo (supporting particularity).² Mediating the debate,

then in 1950, Soekarno in front of constituent members argued that:³

“Let us not imitate, let us not import, and let us not pass liberal democracy because the system does not fit the soul, spirit, and personality of the nation...Indonesian democracy must be a guided democracy or a guided democracy that does not conflict with the understandings liberalism”.

The literature review of the previous research is the journal Antonia Regirma, et.al entitled “Pengaturan Cyberpornography Berdasarkan UU ITE dan UU Pornografi” which was published in 2021 in the Kertha Semaya Journal of Legal Sciences, However, this study differs in terms of interpreting pornography with the perspective of the right to freedom of expression and also discusses the context between universalism and particularism.

Thus, in the context of Indonesia, as a form of national personality, *Pancasila* is law as the organic expression of a national consciousness (*volksgeist*). In this case, it will be studied

1 A.D. Bakarbesy, Rivalitas Pandangan Universalitas Dan Partikularis Hak Asasi Manusia Dalam Penerapan Pidana Mati Di Indonesia, *Fh Unpatti*, 2013.

2 Adnan B Nasution, *HAM dan Demokrasi*, (Jakarta :

Kata Penerbit, 2007), p. 4.

3 Soekarno dalam Adnan B Nasution, *HAM dan Demokrasi*, (Jakarta: Kata Penerbit, 2007), p. 7

regarding the particularism of human rights studied with the right to expression. The content of the protest by wearing a bikini outfit on the side of the road carried out by DJ Dinar Candy against the PPKM level 4 extension policy in DKI Jakarta some time ago quickly spread to the digital space. The problem that will be discussed in this study is the contradictory problem of the right to freedom of expression between the positive legal context and the universality of human rights values so that it needs to be studied and given a solution to the problem.

METHOD

This study employs normative legal research. Normative research applies the approach of legislation (*statute Approach*).⁴ With a statutory approach, answers regarding the limitations and standardization of changes in a law will be revealed.⁵ The nature of the research used in this study is prescriptive analysis, namely studying the purpose of law, the values of justice, the validity of the rule of law, concepts of law, and legal norms.⁶ The data source used is secondary data using primary legal materials, secondary legal materials, and tertiary legal materials, Hence the analysis used is qualitative.⁷

In addition, a solution to pornography problem in mass media in Indonesia is also framed. Data collection is conducted qualitatively by conducting research on legal norms related to the right to freedom of expression, especially pornography. Concretely, normative legal research will answer the problematic right to freedom of expression from both universalistic and particularistic perspectives.

FINDINGS AND DISCUSSION

A. Pornography and the Right to Freedom of Expression in Perspective of Universality

Black's Law Dictionary defines pornography as there is a similarity between the meanings of pornography from an etymological point of view. As is known, the term pornography comes from two syllables, namely Pornos and Grafi (Latin). An act of a moral or indecent or obscene act is the meaning of Pornos. Meanwhile the graph is a picture or writing, which in it has a broad meaning including objects.⁸

Hegel basically discusses freedom in his Philosophy of History. He argued that law and morality are matters of external regulation. According to Hegel, there are no symptoms at all in which oriental individuals in the three cultures shape their morals differently; they all produce the same moral form. Continued by Savigny who is in contradiction with the School of Natural Law, the concept of particularism is inseparable from the opinion of Savigny in Hadita arguing that this dynamic life constantly changes in response to the situation and conditions of society from time to time. Therefore, the laws made and established by one nation do not necessarily apply to other nations.⁹

Defining pornography and erotica is essential to begin with before one can initiate to understand its prevalence and effects. Legal definitions, generally dealing with "obscenity" are available,

4 J. E. and J. Ibrahim, *Metode Penelitian Hukum (Normatif Dan Empiris)*. Jakarta: PrenadaMedia, 2018..

5 Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum*, (Malang: Intrans Publishing, 2022), hlm. 48.

6 Marzuki, *Penelitian Hukum*.

7 Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Prenada Media Group, 2005).

8 Moral norms are norms that provide a basis or measure for a good (moral) act or not. If it is associated with other norms such as norms of manners and legal norms, then the norms of decency provide more of a basis for judgment (measure) that applies to a person's person. Sudikno explained the nature of this moral norm by "the method of decency in relation to humans as individuals because it concerns human personal life. The origin or source of the moral method is from man himself, so it is autonomous and is not addressed to the attitude of birth but is addressed to the mental attitude of man as well. In Sudikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar*, (Yogyakarta: Universitas Atmajaya, 2010), p. 9-10.

9 Cynthia Hadita, *Pancasila Perspektif Ketatanegaraan & Paradigma Ajaran Islam* (Medan: Enam Media, 2020).

yet tend to focus on somewhat arbitrary stimulus characteristics. There have been many failures demonstrating a relationship between exposure to pornography and the performance of sexual violence in natural settings. Some of these studies involve research on sex criminals' use of pornography, while other research has examined the impact of increases in the availability of pornography on aggregated sex crime statistics in various jurisdictions.¹⁰

Law Number 44 of 2008 concerning Pornography can also be used to ensnare those committing acts of cyberporn. It is particularly in the elements of broadcasting, displaying, performing or modeling pornography carried out through Instagram social media, such as Article 29, Article 30, Article 34, and Article 36 of the Law *a quo*. However, the Pornography Act does not provide a detailed explanation of how to broadcast, display, or otherwise abuse the internet to propagate pornography. Based on the definition of pornography stating that the media or means are "through various forms of communication media or public performances", then according to the author the internet is a communication medium that can be used for the dissemination of pornographic photos and videos.¹¹

Montgomery Hyde wrote:¹²

"It is generally agreed that the essential characteristic of pornography is its sexuality."

The development of different pornographic media and the challenges they pose to the law is a subject that is given careful consideration in the text. A discussion of digital media, as would be expected, is essential and included, still as Gillespie notes, not all material is restricted to the written, the photographic, or the visual. I confess

that I had never considered the legal implications of purely audio representations until reading his discussion.¹³

MacKinnon-Dworkin asserts that, there are some categories of pornography's harms, which were proposed as causes of action under the law. The first category was coercion into pornography. This is a harm in which a person is forced to perform or become an object of pornography against his/her will by means of force or assault, threat or intimidation, fraud or deception, or even psychological pressure. The MacKinnon-Dworkin Ordinance incorporates the explicit provision that even when "the person signed a contract," this fact doesn't "negate a finding of coercion".¹⁴

Russell gives an analogy for pornography cases, as cigarette smoking and cancer. The cigarette is not the one and only factor of cancer, Likewise, pornography is not the only cause of rape. Most feminists who are concerned about pornography have fallen silent, or cautiously restrict our discussions to safe circles, the circumference of which seems to grow narrower and narrower each year.¹⁵

Russell hopes that many of us will be similarly influenced, that this publication will renew the feminist struggle to eradicate misogynistic pornography once more. In the era of the 1990s, when it was increasingly uncommon to hear feminists taking a public position against pornography, it was challenging and radicalizing to find Russell claiming that pornography causes

10 William A. Fisher and Azy Barak, "Pornography, Erotica, and Behavior: More Questions than Answers," *International Journal of Law and Psychiatry* 14, no. 1-2 (1991): 65-83.

11 Robbil Iqsal Mahendra, "Bentuk Perlindungan Hukum Korban Tindak Pidana Pornografi," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 2 (2021): 126-134.

12 H. Montgomery Hyde, *A History of Pornography*, America: Dell, 1964, p. 10.

13 B. Chatterjee, "Child Pornography: Law and Policy, by Alisdair A Gillespie," *International Journal of Law and Information Technology* 20, no. 3 (2012): 245-248.

14 Morita, Seiya and Norma, Caroline (2021) "Pornography, Its Harms, and a New Legal Strategy: Research and Experience in Japan," *Dignity: A Journal of Analysis of Exploitation and Violence*: Vol. 6: Iss. 2, Article 3. <https://doi.org/10.23860/dignity.2021.06.02.03>

15 Backhouse, C. (1996). *Against Pornography: The Evidence of Harm*, Diana E. H. Russell, Berkeley, CA: Russell Publications, 1993; 169 pp. *Canadian Journal of Law and Society*, 11(1), 277-280. doi:10.1017/S0829320100004683 p. 280.

sexual violence against women, using the concept of “multiple causation.”¹⁶

The most severe point of criticism against the 1970 Report of the U.S. Commission on Obscenity and Pornography was that it had not sufficiently investigated the long-term effects of aggressive pornography. One might have expected, therefore, that the new research would have taken up precisely that challenge. This, however, is not the case. On the contrary, the bulk of the new research studied effects of the shortest possible nature (typically reactions immediately following a few minutes of exposure). The reason for this is probably that the new research did not depart from the criticized Commission studies, which had combined experimental laboratory elements with some field elements and at least tried to assess effects over a certain period from weeks to months, although mostly using nonviolent pornography; violent pornography was not very common in the late 1960s when research sponsored by the Commission was carried out. Militant feminists might claim that these studies showed no difference between men who are convicted of rape and men who are not, simply because all men are “real or potential rapists.”¹⁷

Feminist thinkers such as Gloria Steinem, Catharine MacKinnon, and Andrea Dworkin, proposes different definitions of pornography and distinguished it from erotica. The definition they propose is that pornography is an expression of a sexual nature of women, Meanwhile, erotica is an expression of a sexual nature that depicts or exhibits the posture of men and women.¹⁸

While feminists are united in their opposition to pornography, there is significant disagreement on the role of the state in its regulation. After

all, the legislation hasn’t won any points for women’s safety, defense, or equality. Those who are only familiar with ‘soft pornography’ believe that pornography is solely about sex, the erotic, physical intimacy, and intercourse, in which both men and women play equal roles, and where the message conveyed in the visual and written script is that she desires what is being done to her. As a result, ‘soft pornography’ is a question of freedom and personal preference. We are being intentionally misled in this regard. For many people, freedom is a philosophical concept, an unbounded abstraction to be guarded and preserved, and an ideal that might become dislocated from the real reality in which freedoms are realized. Our independence, that of women, can only be recognized by limiting men’s options. Because of the limitations of existing law, both here and in North America, several efforts have been made to amend obscenity legislation and devise measures of control other than those now available under criminal law.¹⁹

The universality of human rights views that freedom of expression in public should be viewed as a right. However, when that universality has been integrated within the context of law and human rights in each country, there will be differences in terms of particularism in regard to the right to freedom of expression in response to pornographic acts. Restrictions on the right to freedom of expression can be said to be non-infringing if the state adheres to the principle of universality. Thus, we must distinguish when the context of the right is as a human right (universalistic) and also a human rights law (particularistic) so that the morals of a country are different. If there are restrictions on the right to freedom of expression that are in accordance with the values that live in the society of a country, then that restriction can be categorized as not violating. Nevertheless, if the restriction is carried out outside the moral limitations that are rooted in a country, then the restriction can be categorized as a violating restriction.

16 Diana E. H. Russell Berkeley, *Against Pornography: The Evidence of Harm*, CA: Russell Publications, 1993, p. 169.

17 Berl Kutchinsky, “Pornography and Rape: Theory and Practice?. Evidence from Crime Data in Four Countries Where Pornography Is Easily Available,” *International Journal of Law and Psychiatry* 14, no. 1–2 (1991): 47–64.

18 Alat Sudrajat, *Pornografi Dalam Prespektif Sejarah*, *HUMANIKA*, Vol. 6, No. 1, (2006): 1-23, p. 1

19 Susan Edwards, “Pornography: A Plea for Law Reform,” *The Denning Law Journal* 7, no. 1 (2012): 41–64.

B. Pornographic Particularism in the Context of Positive Law in Indonesia

Legal policy perspective is one of aspect about the positive law legitimacy in a country. Mahfud MD on legal politics highlights how the law will or should be made and determined in the conditions of national politics and how the law functions.²⁰ In Indonesia, there is a case with the right to freedom of expression as we know with “DJ Dinar Candy Pornography Cases” when she shows up her body on public and conducts demonstrations using posters in an almost nude state and DJ Dinas Candy is convicted. In fact, we don’t yet have clear pornography boundaries. On the other hand there are those who argue that if people are almost nude in Bali, then there is a limit to reasonableness but if it is done in areas that lack tolerance for it, then there are indications of violations. Therefore, it is necessary to examine the limitations of pornography and freedom of expression in Indonesia. Legal politics in Indonesia will create laws and regulations that still prioritize the values that live in society, The right to freedom of expression will portray national politics that considers ethics and morals that are in accordance with the standard of Indonesian which is then reflected in the laws and regulations.

The universality of human rights is a human right that is considered to apply to all nations, its application does not recognize boundaries, be it civic, territorial, or otherwise, as long as it is seen as having the quality of a human being is considered to have human rights. Meanwhile, the particularity of human rights is interpreted those basic rights depend on existing social conditions. Basic rights can be ignored or adapted to social practices.²¹

Restrictions on the freedom to uphold morals principles emerged as part of the actor states’ response that put forward the principle of state

sovereignty over the tendency to the principle of universality of human rights.²² Law reformers in other countries have looked to civil law for a remedy. Remedy from the law perspective for human rights can be done by regulate it in an act. Nonetheless, the current trend, judges in the civil law system must explore the values that live in society especially the human right values. It has been a primary focus of contemporary feminists’ legal critique to reform legislation in a way that includes women’s experiences and is therefore more congruent with their lives.²³

Pornography is also regulated in the Electronic Information and Transactions Law which is hereinafter referred to as the ITE Law. Article 27 paragraph 1, explain the prohibition for anyone to distribute and/or transmit and/or Electronic Documents that have content that violates decency. There is no meaning regarding morality in this ITE Law. This situation must be interpreted that the framers of the law leave it to the people. Which values of decency and in what circumstances or qualities that according to public consciousness when violated are considered to have disturbed the sense of decency of society.²⁴

Foucault assumes that technology is a practice that intentionally allows individuals to be influenced by the devices they have or with other assistance through operations on certain bodies, souls, minds, ways, and directions in an attempt to transform themselves into achieving happiness, purity, policy, perfection, or immortality. Further, Piliang in Ellys Lestara Pambayun who quotes Baudrillard’s opinion asserts that “when human beings are allowed to see, perform or represent those that were previously considered taboo, immoral, even abnormal, then there is really no longer a secret in the world of reality. In fact,

20 *Indonesia* (Jakarta: Lp3es, 1998), p. 9.

21 Abdullah Tri Wahyudi, “Universalitas Dan Partikularitas Hak Asasi Manusia Dalam Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan,” *Al-Ahkam: Jurnal Ilmu Syari’ah dan Hukum* 1, no. 1 (2016).

22 Zainal Abidin Bagir et al., “Membatasi Tanpa Melanggar - Hak KBB” (Yogyakarta: CRCS UGM, 2019), p. 144.

23 Marianne Wesson, “Sex Lies and Videotape: The Pornographer as Censor,” *Washington Law Review*, Vol. 66, (1991): 913-936, p. 913.

24 Adami Chazawi, *Tindak Pidana Pornografi*, (Malang: Bayu Media Publishing, 2013), p. 37.

sexual reality itself is actually gone, because it can only exist when there is still something undisclosed, which is represented to be fantasized. What remains now through the proliferation of new forms (violations) of sexual image is the hyperrealism of pleasure.²⁵

This view of Human Rights in a Particularly Relative is a general or universal view of human rights. However, these relative particular human rights can also be seen specifically. In other words, human rights, in particular, still pay attention to the cultural or local cultural value of the State or place where national law regulates, except also ratifying the provisions of international law. Particular means “special,” and Relative means “not absolute/absolute.” Understanding the meaning of human rights in the context of its true meaning requires the meaning of human rights from the perspective of particularity. According to the author, relative human rights are human rights that are in force and are adapted to space and time.²⁶

The conception of sex, which is formed by a community such as a state and religion, can shape the sex orientation embraced by each individual, some are pragmatic, hedonism, idealistic, and even spiritualistic. Currently, the phenomenon of freedom related to sensuality or sexuality in Indonesia is indeed more widespread among urbans. This is due to several reasons such as the easier access and mobility of the masses in interacting.²⁷

To address the issue of human rights particularism, we must employ the concept of *Ejusdem Generis*, which means “of the same sort or species.” *The Ejusdem Generis* rule states that if there are general terms after specific ones, the

general term must be restricted to items of the same type as those stated, unless there is a clear indication of a contrary aim. It is just a rule of construction to assist the Courts in determining the genuine purpose of the Legislature.²⁸ Margin of appreciation from the particularism perspective depends on the moral value in a region, how they can accept, deal with, or reject about human right values that’s not suitable with their moral values.

In reference to Article 18 (3) of the ICCPR and the phrase “public morality varies over time and from one culture to another” in the Syracuse Principle in reading or interpreting the restrictions on freedom to protect morals in Article 28 J (2) of the Constitution 1945, moral concept is not narrow but goes beyond particular morality.²⁹

According to Indonesian law and human rights, there are restrictions on the freedom of expression in public, particularly when it comes to pornographic acts. As a consequence, Dinar Candy’s act of public pornography has fulfilled the elements of the article in the context of law and human rights. This is because each country’s cultural differences have an impact on this right. Moreover, the Electronic Information and Transaction Law in Indonesia has a punitive aspect in the context of nude personal demonstrations that are purposefully captured by cameras. Although in the context of human rights it is freedom. However, there can be differences in the context of culture among regions in Indonesia alone. For example, to dress showing too much skin in Bali is considered acceptable but will become a taboo if it is done in Aceh. Thus, freedom of expression for pornographic acts must look at the context where the acts are carried out since there are differences in the context of universalism and particularism.

There are certainly a variety of opposing viewpoints in regard to the content. On the one hand, what Dinar Candy did was a manifestation of the right to freedom of expression as contained

25 Ellys Lestari Pambayun, *Mengkritisi Pornografi Sudut Pandang Feminis* (Bandung: Penerbit Nusa Cendekia, 2021).

26 Luthfan, *Pandangan HAM Secara Partikular Relatif, Jaringan Survei Inisiatif*, 2015. Article accessed on <https://jsi.web.id/2015/11/19/pandangan-ham-secara-partikular-relatif/>.

27 Hatib Abdul Kadir, *Tangan Kuasa Dalam Kelamin (Telaah Homoseks, Pekerja Seks, Dan Seks Bebas Di Indonesia)*, (Yogyakarta: INSISTPress, 2007)

28 Law Insider, *Ejusdem Generis Definition*, <https://www.lawinsider.com/dictionary/ejusdem-generis>. Accessed on September, 20, 2022.

29 Zainal Abidin Bagir et al., *Op. Cit.*

in the 1945 Constitution. While on the other hand, the content that was widely spread in the digital space was considered pornographic and even the person concerned had been determined as a suspect for alleged pornography crimes.

CONCLUSION

Referring to Hegel's opinion of freedom contrasted with Savigny's opinion regarding soul of the nation (*volkgeist*) then the right to freedom of expression depends upon the politics of national law reflecting the values that live in society as an ethical standard and norm in a country which are portrayed in the laws and regulations of a country. Human rights must be able to distinguish between when they are general and particular situations. Having a common understanding of human rights in general falls under the category of universalism when it comes to human rights. Due to the fact that the restriction of human rights is carried out by law, human rights in the particularist realm, which is heavily influenced by positivism, are no longer as free as in the universalist realm. The law carrying human rights in this case is Syracuse principle and regulation in the Republic of Indonesia's 1945 Constitution that the restriction on human rights is by law. In the context of human rights, pornography is always acceptable as a means of freedom of expression, it is not justified the particularist context such as Indonesia, a nation that upholds moral norms in the context of the law and human rights. As a nation with a *Pancasila* character, we must continue to defend particularism by being directed by the values that live in a community. In the case of pornography, society should abide by the regulations in place so that pornography does not cause its amount to crease. Legal politics in Indonesia will create laws and regulations that continue to prioritize the values that exist in society, including the right to freedom of expression. Legal politics in Indonesia will describe national politics that consider ethics and morals that are in accordance with the standard of Indonesian, which is then reflected in the laws and regulations.

ACKNOWLEDGMENT

The author wishes to acknowledge the Chief Editor, Editors, Reviewers, and all managers of the Human Rights Journal for organizing a very remarkable activity, namely the Colloquium which has outputs to be published in the Human Rights Journal. The author would like to express their gratitude to the Faculty of Law, University of Muhammadiyah North Sumatra (UMSU) and the Doctoral Program in Law, University of North Sumatra (USU) who always support the authors to stay productive.

REFERENCES

- Bagir, Zainal Abidin, Asfinawati, Suhadi, and Renata Arianingtyas. "Membatasi Tanpa Melanggar - Hak KBB" (2019): 144.
- Chatterjee, B. "Child Pornography: Law and Policy, by Alisdair A Gillespie,." *International Journal of Law and Information Technology* 20, no. 3 (2012): 245–248.
- Edwards, Susan. "Pornography: A Plea for Law Reform." *The Denning Law Journal* 7, no. 1 (2012): 41–64.
- Efendi, Jonaedi, and Johny Ibrahim. *Metode Penelitian Hukum Normatif Dan Empiris*. Depok: Prenada Media, 2016.
- Fisher, William A., and Azy Barak. "Pornography, Erotica, and Behavior: More Questions than Answers." *International Journal of Law and Psychiatry* 14, no. 1–2 (1991): 65–83.
- Hadita, Cynthia. *Pancasila Perspektif Ketatanegaraan & Paradigma Ajaran Islam*. Medan: Enam Media, 2020.
- Hegel, G.W.F., *The Philosophy of History*, Courier Corporation, 2012.
- J. E. and J. Ibrahim, *Metode Penelitian Hukum (Normatif Dan Empiris)*. Jakarta: PrenadaMedia, 2018.
- Kutchinsky, Berl. "Pornography and Rape: Theory and Practice?. Evidence from Crime Data in Four Countries Where Pornography Is Easily Available." *International Journal of Law and Psychiatry* 14, no. 1–2 (1991): 47–64.
- Mahendra, Robbil Iqsal. "Bentuk Perlindungan Hukum Korban Tindak Pidana Pornografi."

Indonesian Journal of Criminal Law and Criminology (IJCLC) 2, no. 2 (2021): 126–134.

Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Prenada Media Group, 2005.

———. *Penelitian Hukum*. Jakarta: Kencana, 2011.

Moh. Mahfud, Md, *Politik Hukum Di Indonesia*, Jakarta: Lp3es, 1998.

Pambayun, Ellys Lestari. *Mengkritisi Pornografi Sudut Pandang Feminis*. Bandung: Penerbit Nusa Cendekia, 2021.

Sihombing, Eka NAM, Cynthia Hadita, *Penelitian Hukum*, Malang: Intrans Publishing, 2022.

Wahyudi, Abdullah Tri. “Universalitas Dan Partikularitas Hak Asasi Manusia Dalam Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.” *Al-Ahkam: Jurnal Ilmu Syari’ah dan Hukum* 1, no. 1 (2016).