

# CENSORSHIP

## and its Impact on the Screen Industries in Malaysia

A report commissioned by

**FREEDOM FILM NETWORK**

Lead Researcher

**DR THOMAS BARKER**

Research Assistants

Cheang Shi Yin • Ekaterina Rebenok • Hussain Sajad  
Purnashree a/p Logenthiran • Qistina binti Azman



## **Censorship and Its Impact on The Screen Industries in Malaysia**

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**Author and Lead Researcher:** Dr Thomas Barker

**Research Assistants:** Cheang Shi Yin, Ekaterina Rebenok, Hussain Sajad, Purnashree a/p Logenthiran, Qistina binti Azman

**Project Advisors:** Anna Har, Brenda Danker, Sheridan Mahavera

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# ABBREVIATIONS

<b>CMA</b>	<b>Communications and Multimedia Act 1998 (Act 588)</b>
<b>CMA Content Code</b>	<b>Malaysian Communications and Multimedia Content Code, 14 February 2020</b>
<b>FCA</b>	<b>Film Censorship Act 2002 (Act 620)</b>
<b>FC Guidelines</b>	<b>Film Censorship Guidelines 2010</b>
<b>FINAS</b>	<b>National Film Development Corporation of Malaysia, or <i>Perbadanan Kemajuan Filem Nasional</i></b>
<b>FINAS Act</b>	<b><i>Perbadanan Kemajuan Film Nasional Malaysia Act 1981 (Act 244)</i></b>
<b>JAKIM</b>	<b>Islamic Development Department of Malaysia or <i>Jabatan Kemajuan Islam Malaysia</i></b>
<b>JKRF</b>	<b>Film Appeals Committee or <i>Jawatankuasa Rayuan Filem</i></b>
<b>LPF</b>	<b>Film Censorship Board of Malaysia or <i>Lembaga Penapis Filem Malaysia</i></b>
<b>MCM</b>	<b>Ministry of Communications and Multimedia</b>
<b>MCMC</b>	<b>Malaysian Communications and Multimedia Commission</b>
<b>MCMC Act</b>	<b>Malaysian Communications and Multimedia Commission Act (Act 589)</b>
<b>MOHA</b>	<b>Ministry of Home Affairs</b>
<b>MPAA</b>	<b>Motion Picture Association of America</b>
<b>OSA</b>	<b>Official Secrets Act 1972 (Act 88)</b>
<b>PDRM</b>	<b>Royal Malaysian Police or <i>Polis Diraja Malaysia</i></b>
<b>PPPA</b>	<b>Printing Presses and Publications Act 1984 (Act 301)</b>
<b>UDHR</b>	<b>Universal Declaration of Human Rights</b>
<b>UN</b>	<b>United Nations</b>
<b>WIPO</b>	<b>World Intellectual Property Organization</b>



# **EXECUTIVE SUMMARY**



# Executive Summary

This report discusses the practical dimensions of censorship in Malaysia and its impact on the content industries and content makers. Focussing primarily on the experiences of film and television, this report provides an overview of the censorship system in Malaysia, the parameters of censorship, important and significant cases, and offers recommendations for reform.

Although censorship in Malaysia is formalised in the Lembaga Penapis Filem (LPF), an executive agency under the Ministry of Home Affairs, in reality the censorship system extends beyond the LPF and encompasses a number of government agencies including JAKIM, PDRM, Federal Ministers, and the Jawatankuasa Rayuan Filem (JKRF). Worryingly these agencies are becoming engaged in forms of pre-censorship including script consultation and approval, editorialization of content, and content clearance. For content creators, this means navigating a censorship system that is both complex and multifarious. This is made more complex by a vocal public that through outcry and protest is able to apply political pressure on the government to make a censorship decision.

In line with prevailing work on the topic, this report identifies the SIVA of censored content – sexuality, Islam, violence, and authority – as the four primary areas of concern for the LPF. These standards and practices are not consistent or based on objective criteria as there is evidence of differing standards between local and foreign content, and between local content presented in different languages. It reveals a systematic program to maintain a certain image of the nation and its history, and to propagate a narrow set of cultural norms for the Malay community in particular.

Listening to filmmakers and their views on censorship, researchers observe a range of opinions and positions that reflect the diversity of the industry and the Malaysian population. Whilst many espouse anti-censorship viewpoints, want creative autonomy and are frustrated by the censorship system, this has not translated into a common ground for advocacy and change. Some have sought new opportunities online and with streaming services which remain outside the reach of the LPF, while others operate within the boundaries of the censorship system, often self-censoring as a means of survival. An under-appreciation of a shared destiny, between mainstream and critical filmmakers, between commercial and independent, and with activists and NGOs means that a reform process cannot begin.

This report recommends a number of immediate reform action to correct the inconsistencies and proliferation of the censorship system in Malaysia in order to support and develop the content industries in line with the aspirations of national development and the principles of the Malaysian constitution. Recommendations include a strengthening of filmmaker voice in public debate; greater transparency and consistency in the operation of the LPF and its transfer out of the Ministry of Home Affairs; the transformation of the LPF into a classification only agency; the recognition of new spaces and audience types and more nuanced classification decisions; and the depoliticization of the LPF and its independence from ministerial interference.



# **BACKGROUND OF THE REPORT**

# Background of the Report

This report has been commissioned by the Freedom Film Network (FFN); a not for profit human rights organisation that promotes filmmaking for social change and impact in Malaysia. FFN was established in January 2017 as an offshoot of Pusat KOMAS (KOMAS), a communications human rights NGO. Established in 1993, KOMAS works to empower indigenous peoples, urban poor, workers and civil society organisations to advocate for human rights in Malaysia. KOMAS started the Freedom Film Fest in 2003 before passing responsibility for the Festival to FFN in 2016.

Data for this report was collected in the first half of 2020 primarily through the collection of open-access information in local media and in-depth interviews with screen industries practitioners. A list of the interviewees can be found in Appendix A at the end of this report. The report's authors and researchers thank the interviewees for their time and for sharing their thoughts and experiences.

This report aims to explore the conditions of creative production in Malaysia through the lens of censorship, both formally as administered by the Lembaga Penapis Film (LPF), a government agency under the Ministry of Home Affairs (MOHA) and empowered under the 2002 Film Censorship Act and the forms of self-censorship and creative barriers that screen industries practitioners encounter in their moving image work.

Primarily this report focuses on film and television including documentary and short film with some discussion of online distribution such as streaming services. Journalism and news reporting are not included. It should be read in parallel with *An Evaluation of the Film Censorship Framework in Malaysia* prepared by Maha Balakrishnan which details the legal and institutional arrangements which govern censorship.

The report aims to explore issues in the realisation of creative ideas and to understand the limits, barriers, and constraints on the creative process. It aims to promote reform of the censorship system, other policies relating to media, and broader directions in education, policy, and the arts.





# PART 1

## BRIEF HISTORY OF CENSORSHIP IN MALAYSIA

PHOTO: Behind the Scenes, Lelaki Komunis Terakhir

# 1 Brief History of Censorship in Malaysia

Malaysia's censorship system is shaped by two important factors: one is the legacy of British colonialism, and the second is the country's brand of post-colonial politics and development since separation from Singapore in 1965. These factors differentiate Malaysia from countries such as the United States which has often dominated understanding of censorship and free speech because of its global cultural presence and First Amendment protections. Whilst there is some comparability with other Commonwealth countries such as Australia and Hong Kong (Saw, 2013), and similarities with other regional neighbours such as Indonesia (Sen, 1996; Paramaditha, 2011), Malaysia's development since the mid-1960s created a set of national conditions that have shaped a distinct censorship system (Kaur and Ramanathan, 2008).

Malaysia draws from a colonial history as a British possession and its legacy laws and modes of governance. Colonial censorship was a police function from 1908 onwards before the Lembaga Penapis Film (LPF) was established on 1 May 1954 in Singapore under the Ministry of Home Affairs. Malaysia gained independence in 1957, emerging from a protracted period of political and civil unrest known as The Emergency (1948-1960), before the separation of Singapore and Malaysia in 1965. Malaysia's LPF was established in Kuala Lumpur in 1966.<sup>1</sup> Following the nationally defining events of the May 1969 'race riots', an era of state-led development proceeded through the 1990s. A state-led policy program launched in the 1990s called Wawasan 2020 sought to transform Malaysia into a developed nation by 2020, measured in economic terms but also promising concomitant reforms in cultural regulation and the media sector.

Until the Act was updated in 2002, the LPF operated under two 1952 Laws specifically the Cinematograph Films Ordinance 1952 and the Akta (Penapisan) Filem 1952 (Akta 35).<sup>2</sup> Nevertheless, institutional legacies of colonialism and its modes of governmentality, continue to shape the contemporary approach to governance, including regulation of the media. As van der Heide notes in his history of Malaysian cinema, the primary legacy of the British colonial system is in the censorship system (2002, p.119) and it's "colonial service model" which "presumes and enforces the role of cinema (and of the media in general) as arms of government" (2002, p.153). This has created and perpetuated norms around state intervention in the motion picture industry, ostensibly to protect the population from the negative influences of media. Retaining the LPF under the Ministry of Home Affairs (MOHA), has the effect of positioning the state and its agencies as the source of normativity, and by extension, the source of moral standards and the arbiter of 'dangerous' or 'unacceptable' content.

Much has changed technologically and socially since the most recent update to the Censorship Act in 2002. Malaysia has emerged from the Asian Financial Crisis connected much more into the global economy, having positioned itself as a hub for investment, banking, manufacturing, and multinational headquarters in Southeast Asia. Digital technology has democratised access to the tools of motion-picture creation and proliferated the

available platforms of distribution and consumption. Malaysia has also embarked on an economic policy that seeks to position Malaysia as a content creation hub in Southeast Asia, servicing local, regional, and global markets, especially in animation and digital post-production. The country aims to be an exporter of cultural productions on a par with South Korea.

Censorship regulations and their operation have not kept pace, although some effort has been made to reduce the burden on the LPF by, for example, requiring applicants to edit their own content. In this context, the current regime of censorship as it is institutionalised and practised appears as an anachronism that is at odds with broader government policy and social change. Yet efforts to reform the LPF and broader legal regulations of the media have been difficult to implement. A new government elected in 2018 promised to undertake these reforms, including of FINAS, the Printing Presses and Publications Act 1984 (PPPA) and the LPF – but after the government collapsed in early 2020, media reforms have taken a backseat. Oftentimes old arguments about the need to protect the nation and the state, placate a vocal conservative minority, as well as a desire to maintain information control hobble efforts to overhaul or reform the media.

There is some belief that censorship regulations did loosen around 2010 easing some restrictions on content including violence and horror. If so, this occurred around the same time the LPF published its *Garis Panduan Penapisan Film* (Film Censorship Guidelines) which was developed in consultation with the content industries and designed to be read in parallel with the Akta Penapisan Film 2002 (Akta 620).<sup>3</sup>

It was published

**'bertujuan membantu dan memudahkan penggiat seni perfileman memahami dasar kerajaan tentang perkara yang perlu diberikan perhatian dan penilaian yang kritikal berhubung dengan kandungan sebuah filem' (Film Censorship Guidelines, p. ix).**

*to assist and to facilitate filmmakers in understanding the government's policies on the matters that need to be given attention and evaluation regarding the contents of a film (Film Censorship Guidelines, p. ix).*

It reveals further the ambitions of censorship which is

**'bertujuan untuk menggalakkan pembinaan jati diri bangsa dengan memaparkan melalui filem nilai-nilai murni dan amalan baik masyarakat dapat dipaparkan melalui filem' (p. x).**

*the guidelines also have the objective of building the nation's identity by depicting and displaying noble values and good societal practices through the medium of film (p. x).*

Not only are Malaysia's censorship guidelines proscriptive, they are also designed to be prescriptive in suggesting the kinds of content Malaysian content producers should be making.





# **PART 2**

## **PROCESS AND PROCEDURES**

*PHOTO: Behind the scenes, Kembara Seniman Jalanan*

# 2 Process and Procedures

## 2.1 The Formal Process

Malaysia's established censorship practice requires content creators looking to distribute, exhibit, broadcast, or display their moving-image content to undergo a process of censorship administered by the Lembaga Penapis Film (LPF). The LPF is an executive body under the Ministry of Home Affairs (MOHA) which also administers the police, immigration, and prisons. In addition to the laws that govern the LPF's operations and scope, the LPF is framed by the following Vision and Mission statements:<sup>4</sup>

- Pendukung ketenteraman masyarakat melalui filem / *Supporting public order through films.*
- Memastikan filem yang diluluskan tidak bertentangan dengan kepentingan awam dan tidak mengancam keselamatan negara / *Ensuring that approved films would not be detrimental to public interest and would not threaten national security.*<sup>5</sup>

Matters of telecommunications, broadcast, the internet, and the National Film Development Corporation (FINAS) sit under the authority of the Ministry of Communication and Multimedia Malaysia (MCMC). For example, the Communications and Multimedia Content Forum of Malaysia (CMCF) assess public complaints in relation to content "disseminated by way of electronic networked medium"<sup>6</sup> such as radio and television.

It is a requirement to obtain LPF approval in the form of a certificate (Sijil A and/or Sijil B) in order to be able to access the primary channels of distribution, namely cinemas, home video (DVD), and broadcast television (including pay TV provider Astro). Broadcasters such as Astro, Al Hijrah, RTM, HyppTV, and Media Prima have an LPF official within the station who provides in-house censorship services. Additional permissions may also be required from FINAS to legally make a film

Currently, online distribution falls outside the purview of the LPF, including 'free' services such as YouTube and Vimeo as well as subscription-based OTT streaming services such as Netflix, MUBI, Viu, and iflix. In some cases, these domains come under the Malaysian Communications and Multimedia Commission (MCMC) and its applicable laws. Recent discussions have indicated that online content may come under greater governmental regulation, including requirements for FINAS licenses for social media and online content creators and LPF clearance for OTT platforms such as Netflix.

To obtain the LPF certificate, completed material is submitted to the LPF along with corresponding documentation.<sup>7</sup> The material is reviewed by three members of the LPF that decides on the content and provides one of three decisions (Lulus Bersih (LB) [Approved]; Lulus Dengan Pengubahan (LDP) [Approved with Amendments]; Tidak Diluluskan Untuk Tayangan (TUT) [Not Approved for Screening] and a classification (currently U, P13, 18).<sup>8</sup> A LDP recommendation requires excisions of content including sound and/or image. A submission receiving a TUT at this point is effectively banned.<sup>9</sup> Currently, the LPF does not do the physical censoring – it is incumbent upon the applicant to make the required changes to their own content.

Options for both informal and formal discussion between LPF and applicant may occur at this stage to alter the outcome of the film’s censorship and/or classification decision. An applicant may meet the LPF to argue against the cuts and for the inclusion of content. Speaking from her experience, director Shuhaimi Baba says that

***“I would always appeal against the cuts with whatever explanations I could think of. [...] They will tell you, if you appeal, they may cut or censor more. Some of us will still appeal. It’s worth it, if to save a few shots.”***



PHOTO: [www.prestigeonline.com](http://www.prestigeonline.com)

This discussion can change the LPF’s prior determination. A more formal appeals process is in place, and an applicant has thirty (30) days to lodge an appeal which goes to the Jawatankuasa Rayuan Filem (JKRF) or Film Appeal Committee (discussed in Section 2.2.1).

Once completed, and payment made, a certificate is issued. This certificate is then required by cinemas to book a screening slot, by broadcasters to schedule the content in their schedules, or to sell physical media. Some broadcasters have their own internal LPF representative who is responsible for vetting content to be broadcast.<sup>10</sup> Once issued, this approval can be revoked or reviewed, usually due to public complaints but may also be at the request of government officials, usually the Minister for Home Affairs.



Classification is used to determine the audience limits. For cinemas, this regulates who can buy tickets and enter the hall, and for television stations, it may determine when the content is scheduled for broadcast. It is a well-known adage in the media industries that a wider audience is better and so content producers will aim for a more general rating (U or P13) rather than the more restrictive 18 rating. As access to content becomes more 'on demand', for example, with streaming services, the mechanisms in place to physically restrict audiences become less salient.

## 2.2 Secondary Agencies of Censorship

In addition to the familiar and visible role of the LPF in the censorship process, several other state agencies are involved in the assessment and altering of content before it is released to the public. For many outside observers and members of the viewing public, these agencies performing a censorship function are not commonly discussed or acknowledged as having this kind of role. Numerous instances of these ‘secondary’ censorship agencies were revealed in the interviews with practitioners and from the literature review of 2010-2020. Here the report identifies four secondary agencies of censorship in Malaysia.

### 2.2.1 Jawatankuasa Rayuan Film (Film Appeals Committee)

According to the organisational chart of the LPF (see Appendix B), the JKRF sits alongside and in parallel to the LPF under the Ministry of Home Affairs. Established under Section 22 (1) of the Film Censorship Act 2002, the JKRF comprises the following members:

- A Chairman to be appointed by the Minister;
- A Vice Chairman to be appointed by the Minister;
- Chief of Police, or his deputy;
- The Secretary-General of the Ministry responsible for matters related to film censorship and film publicity materials, or their representatives;
- The Secretary-General of the Ministry responsible for matters relating to the regulation of broadcasting, or his representatives;
- Director General of Education, or his representative; and
- Thirteen other members to be appointed by the Minister.



The JKRF are a committee independent of the LPF and have “the authorisation to approve, alter or object the LPF’s decision”.<sup>11</sup> When an applicant wants to appeal their LPF decision, the appeal goes to the JKRF for consideration. This was revealed in the case of the Walt Disney animation *Beauty and the Beast* (2017) which was said to contain “elements that promote gay lifestyle” and was required to make three cuts and silence dialogue. Under appeal from the distributor, the JKRF reversed the LPF’s decision and passed the film uncut with a P13 classification (see Appendix C).<sup>12</sup> It must be noted that in this case, Malaysia came under domestic and international ridicule for its initial censorship decision and anti-gay hysteria, and this no doubt played into the JKRF’s decision on this occasion.

Whilst the LPF is somewhat transparent about its membership and members of the public are able to apply as LPF board members, the JKRF are not transparent about their operations and decisions.<sup>13</sup> They may be independent of the LPF, but the JKRF are not independent of the government and of the interests of state agencies as most of their members are active civil servants and appointed by relevant ministers. Whereas the LPF operate as 'moral guardians' (Haris Sulong) or 'moral police' (Al Jafree Md Yusop), the JKRF can be said to operate in the interests of the state as interpreted by the Minister of Home Affairs. As in the case of *Beauty and the Beast*, this may be to respond to negative publicity, but more often than not, the JKRF will seek to protect political positions of the ruling government, promote and reproduce the dominant ideology, and perpetuate culturally conservative positions.

Although the permanent members of the committee are all linked to government, the "thirteen other members" come from a variety of backgrounds. According to the 2010 report *Garis Panduan Penapisan Filem* the following seven names are listed as members of the JKRF: Shaari bin Haji Mohd Noor, Mohamad bin Md Yasin, Mohd Zain bin Haji Hamzah, Mat Saad Baki, Jins Shamsudin, Wan Ibrahim bin Wan Ahmad, and Hajjah Zalillah binti Mohd Taib. It is unclear if these members are representatives of Ministries or the "thirteen other members". Whilst active members of the film or television industry are not explicitly forbidden from serving on either the LPF or the JKRF, it appears that they are rarely if ever appointed.

### 2.2.2 Federal Ministers

Since the LPF is an agency under the Ministry of Home Affairs, the Minister is able to make executive decisions to override the LPF if and when necessary. As a result, the LPF cannot be said to be an independent body as its decisions can always be over-ruled by an elected political figure. For filmmakers like Aziz M Osman, the problem is not the board and its members:

**"Kalau orang bantai, dia boleh bagi jawapan. Asalkan dia ada alasan, boleh lepas. Jadi saya tak kata LPF yang menghalang. Tapi orang-orang bos di atas. Sebab LPF bukan badan persendirian, dia di bawah kerajaan."**

**"If people question (the LPF's decision), they have a response. As long as there is an explanation, the LPF will allow it. But it's their bosses above them that are the problem. LPF is not an independent body but is answerable to the government."**



PHOTO: Aziz M. Osman Instagram

Home Affairs minister Ahmad Zahid Hamidi (2013-2018) for example was a particularly vocal proponent of censorship and often made public statements defending the LPF and its censorship decisions or made statements that pre-empted LPF decisions. In 2014, Zahid implored film producers: "Don't just look to making a profit by producing films based on superstitions, toyol and ghost stories as we must balance art with social responsibility."<sup>14</sup> Subsequent Home Affairs minister Muhyiddin Yassin who served for almost two years (2018-2020) was much less prominent in terms of the censorship side of his portfolio. Over the past decade there are a number of notable cases where the Home Affairs Minister has exercised his powers.



It's not just the Home Affairs minister that will comment and intervene in cases of contentious films. A number of other elected members of parliament – at both the federal and state levels – have been known to get involved in media matters. This came out most noticeably in the twin cases of *Tanda Putera* (Shuhaimi Baba, 2013) and *The New Village* (Wong Kew Lit, 2013). The release of *Tanda Putera*, a FINAS funded film, was initially delayed because of the proximity to an election and the fear that the film would provoke negative backlash amongst ethnic Chinese voters as the film was said to promote a racialized history of the 1960s.<sup>15</sup> It came under sustained critique from Lim Guan Eng, then governor of Penang state, who wanted to forbid the film from screening in his state.



Around the same time, another historical fiction film *The New Village* was set to be released. On 29 July 2013, the filmmakers announced that *The New Village* “has undergone all due processes including LPF screening, and was given a P13 classification with no cuts.”<sup>16</sup> However, *The New Village* became the subject of political commentary after allegations circulated that the film promoted a pro-communist version of The Emergency period. Communications and Multimedia Minister Ahmad Shabery Cheek was the first to intervene, saying publicly that “For me, if the movie promotes communism and causes racial misunderstanding, we will not hesitate to stop its screening. I have directed Finas to relook [at] the film to see [if] there are issues which could bring undesirable consequences and we will not hesitate to take the appropriate action.”<sup>17</sup> Clearly here the conclusion was reached by the Minister before due process, thereby pre-determining the FINAS investigation. He was followed by Umno Youth chief Khairy Jamaluddin who compared *The New Village* case to *Tanda Putera*, promising to “bring up this matter to the Cabinet because I see a clear case of double standards here.”<sup>18</sup>

On 6 August 2013 an unnamed member of the LPF reported that “After the minister passed the instruction on July 28, the FCB [Film Control Board] received second delivery [of *The New Village*] from Astro Shaw on July 29 for its second review.”<sup>19</sup> During this review process, Home Minister Ahmad Zahid Hamidi made veiled threats to the LPF, saying they needed to be “prudent” in their decision. This was a warning for the LPF to make the ‘right’ decision or be responsible for any public reaction to the film.<sup>20</sup> An official decision was finally announced in May 2015, banning the film from public broadcast and exhibition. A November 2014 statement from the Home Minister indicated the decision to come: “Tapi kajian LPF mendapati memang ada unsur-unsur tersembunyi dalam dialog yang pada hemat mereka tidak sesuai untuk dipertontonkan.” [LPF’s probe found that there were hidden elements in the dialogue which according to them was not suitable to be screened].<sup>21</sup>

In the case of *The New Village*, ministerial prerogative clearly came to the fore in making presumptive statements to the media ahead of the LPF’s own decisions. The Minister for Home Affairs remained somewhat obtuse to the ongoing debate, preferring instead to rely on the institutional lead of the LPF. Other ministers however put forward the government’s position to shape the media narrative about the film, and direct public opinion towards a politically beneficial outcome. It showed that the LPF’s decision acted in concert with prevailing methods of state discourse that often falls back on vague statements about content containing “hidden elements”, “undesirable consequences”, and its potential to “cause unrest and threaten unity”.

Ministerial power over the media is not limited to the Minister of Home Affairs. The Minister of Communications and Multimedia whose portfolio includes both FINAS and other communications media platforms (e.g. radio and broadcast television) also intervenes in cases of creative content, typically if it uploaded online or is broadcast. An earlier case of a minister intervening was the *Undilah* (2011) video that was denied airtime on local television stations. *Undilah* is a Public Service Announcement (PSA) video produced by indie musician Pete Teo, intended to encourage young people to register to vote. The PSA featured a variety of public figures including comedian Afdlin Shauki, singer Namewee, and politician Tengku Razaleigh Hamzah. Members of the government took umbrage with the PSA, claiming that it “offended certain segments” and contained anti-establishment subliminal messages.<sup>22</sup> In this case, the MCMC claimed that since the PSA had not obtained LPF approval to air, the problem “is one of compliance by the broadcasters rather than the content of the PSA.”<sup>23</sup> Unable to release *Undilah* on broadcast television, Pete Teo decided to release the PSA online. To date the official upload on YouTube has over 550,000 views.<sup>24</sup>

At other times, Ministers have advocated for a different approach to censorship policy, often to counter more conservative voices. In a reply to Ahmad Marzuk Shaary (PAS Bachok) in parliament, Deputy Home Minister Nur Jazlan Mohamad stated that “Kita tidak boleh menyekat kandungan semua rancangan yang dihasilkan kerana ini akan memberi kesan yang tidak baik kepada masyarakat. [...] Masyarakat perlu diberi ruang untuk mengembangkan fikiran mereka.” [*We cannot restrict the content of all programmes as it will negatively impact society... Society needs to be given space to expand their minds.*]<sup>25</sup>

During the Prime Ministership of Najib Razak, a new ‘creative industries’ policy was launched, prompting some ministers to advocate for a relaxation of censorship. Former head of FINAS and Minister in the Prime Minister’s Office Azalina Othman Said reflected this new approach to content in July 2015:

***"Isu ini dah jadi agak merepek kerana sesebuah drama atau filem merupakan industri kreatif dan apa yang dipaparkan di televisyen adalah sebuah lakonan. [...] Kalau nak cakap babak-babak itu (berpelukan) boleh mengundang perlakuan tidak senonoh, rasanya tidak perlu medium televisyen, (kerana) di internet, hanya di hujung jari saja sudah boleh mempengaruhi masyarakat. [...] Kita tidak boleh berfikiran sempit. Kalau semua tak boleh, takkan nak bercakap dengan bantal?"***

*"This issue has become quite ridiculous as a film or drama series is a product of the creative industry and what is shown on television is staged. If we say that these acts (of hugging) will encourage indecency, we don't need to blame television (because) the internet, which is at our fingers tips, can already influence society. We cannot be narrow-minded. If everything is forbidden are actors supposed to talk to pillows?"*<sup>26</sup>

Her call to ease censorship tries to balance the creative industries approach which relies on making Malaysia’s content industries globally competitive and managing domestic political concerns including restrictions on content and speech. This position does not address substantive issues of censorship and its regulations and changes were not made to LPF regulations. This call for easing of censorship restrictions remained at the level of virtue signalling by the BN government.

### 2.2.3 PDRM (Royal Malaysian Police)

Of all the agencies discussed here, the PDRM have the most sophisticated means of conducting oversight and review of creative content. Within the Bukit Aman Headquarters, a dedicated department operates to assess representations of the Malaysian police and matters to do with law and criminality. Officers within the department reportedly have film education from institutions of higher learning including from overseas. They therefore “know storytelling. They understand the need for a certain narrative.” (Mo Bahir). As director Liew Seng Tat says:

***"If you were to make a film that has police force in it or military, we have to send our script to Bukit Aman first and they will censor it before the censorship board censor it. So, they will have to okay the film and check whether you're making fun of the police force or not. Whether they are doing things properly or not. If you're giving them a bad name, you can't."***



PHOTO: Liew Seng Tat

Whilst the police may advise on procedural and operational matters to ensure accuracy, their focus is on depictions that potentially represent the police force negatively such as corrupt officers, bribery, and abuse of power. They want to avoid negative depictions and portrayals of the police force, and to enforce the message that “crime does not pay” by showing proper legal closure.

Although there is no legal stipulation, gaining PDRM approval is not only required, but in fact seems to override the LPF itself in some instances. Producer Mo Bahir of the two recent police films *Motif* (Nadia Hamzah, 2019) and *Fly by Night* (Zahir Omar, 2019), says that

***"when it comes to uniform bodies, no matter what, the LPF cannot say yes or no until the police say yes or no. So that's what happened with Motif. Once we had the letter from PDRM that says that, you know, everything's fine with this film, they don't even bother to call the police into our censorship viewing."***



PHOTO: Mo Bahir

In another case for documentary filmmaker Ahmad Yazid though, PDRM approval did not stop the LPF:

**"We have to deal with them [the police], but they didn't censor anything. Which was surprising, but it was also not surprising because we had a letter. So, the police were watching all our shows and they issued [a] letter that says they were okay with the content. [...] The Censorship Board, then they cut something, they've cut things like, there were officers who were doing... were holding the device wrongly, or like, you know, saying something that was not really according to procedure."**



PHOTO: Ahmad Yazid Facebook

Having police approval is therefore not a guarantee of exemption of LPF excisions. Either way, it amounts to a layering of government censorship: first by the police, and secondly by the LPF. They may have overlapping requirements in some instances as they are both under the Ministry of Home Affairs but operate according to their different sets of interests and concerns.

It is unclear on what legal basis the PDRM operate here, but the PDRM have asserted their authority based primarily on coercive forms of power in potentia. Firstly, the police may refuse to cooperate if a production requires the use of police cars, insignia, buildings, and other police property. This may limit the believability of the characters and disconnect them from a Malaysian reality. Though as in the case of *Fly by Night*, the police told them of workarounds:

**"To make this film with Malaysian police, it's just impossible for them to approve but, [...] what you can do is [...] just change their uniform, [...] change the car and everything to make it as seem that is not Malaysian Police, even though we all know it's Malaysian Police. [...] If it doesn't portray the Malaysian Police, then it's fine. [...] We had to submit all the designs for the uniform, [...], the police cars and motorbike, and then they will approve every single thing. [...] Don't show KLCC don't show KLIA, and don't show any iconic Malaysian building. And you will be fine."**

- Mo Bahir



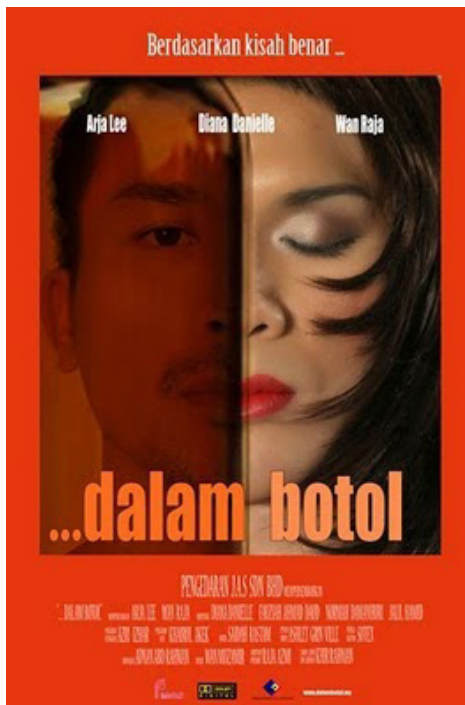


Secondly, once the film is submitted to the LPF for review, the LPF may in turn ask the police if the film has cleared their permissions. If not, the LPF may refuse to consider the film. Thirdly, the police are represented on the JKRF and can easily assert their authority and position in that forum. Given the punitive behaviour of the police in Malaysia, these actions are within the realm of possibility, and filmmakers err on the side of caution by engaging with the PDRM as early as possible.

### 2.2.4 JAKIM (Islamic Development Department of Malaysia)

JAKIM gets involved in cases where Islam and Islamic teaching or practices are portrayed, or content comes under the purview of ‘religion’ such as ghosts in horror film. The LPF have a religious department and may make decisions over cases of ‘blasphemy’ or ‘insult to religion’ but may also refer content requiring religious verification to JAKIM.<sup>27</sup> In other instances, filmmakers will proactively seek out JAKIM prior to submission to the LPF, either at the scripting stage or during post-production to ensure compliance and avoid possible delays later. JAKIM may provide feedback, advice, or in some cases, editorialization of content. As with the PDRM in 2.2.3 above, this is not a statutory requirement but is a risk mitigation strategy to avoid potential controversy, censorship, or banning at a later stage.

In Malaysia, Islamic religious authority is centralised in the federal body JAKIM and in state-level religious agencies such as JAIS in Selangor. They work to promote a religious orthodoxy that is both ideological and institutional, including operating Syariah courts, formulating Friday sermons, and making deliberations on religious matters. Practices, beliefs, and actions outside orthodoxy are often labelled as “sesat” (wayward) and seen as dangerous to Malaysia’s Muslim population. This is not narrowly confined to scriptural or legal matters as religion is seen to extend to cultural and social practices such as sexuality.



Some of the clearest examples include depictions of LGBTQ characters especially if they are Malay and therefore by default Muslim. For *Anu Dalam Botol* (2011), writer Raja Azmi submitted her script to the LPF and consulted with JAKIM before production for her film: “I told them the title of the film was ‘Penis in A Bottle’ and that it was a gay movie about a transsexual [Ruby], and they said why are you doing this?”<sup>28</sup> JAKIM approved the script after alterations which included Ruby’s character arc ending in her regret over her sex-change operation. Story arcs ending in regret, death, or a return to gender normativity are common.



Religious authorities have representatives on the LPF review board who specialise in Islamic matters. According to actor-director Nam Ron, their inclusion is a relatively new development:

**"JAKIM juga bukan dari awal-awal dulu lagi ada dalam censorship board. Tapi selepas ada beberapa kes yang membabitkan agama. [...] Maknanya ada orang buat aduan, ada orang tulis surat ke dengan mengatakan ada... contohnya menghina agama Islam dalam filem ni misalnya. Selepas ada kes barulah JAKIM dimasukkan."**

*"In the past, JAKIM did not sit on the censorship board. But after there were several cases involving religion, where people complained or wrote in and said there were elements that insulted Islam in so-and-so film, only then did JAKIM join the board."*



PHOTO: Nam Ron Twitter

In response to public complaints, the LPF have also called in JAKIM to assist in cases, notably the Turkish drama *Magnificent Century* (2011) which screened on Astro in 2017 and the 2013 Indian Tamil-language film *Vishwaroopam* (Kamal Haasan) released in cinemas. Both had already been approved for public viewing but received public complaints when released. *Vishwaroopam* was subsequently banned by the LPF but the director was able to edit the scenes identified by LPF and JAKIM in order to have the film re-released.<sup>29</sup>

Since many horror films evoke religious themes and content, usually to fight and defeat ghosts or evil spirits, JAKIM may get involved. The horror film *Munafik* (2016) produced by Skop Productions underwent additional vetting by JAKIM because of the use of Koranic verses. Director Syamsul Yusof described the process as follows:

**"Ketika filem ini ditonton oleh wakil Lembaga Penapisan Filem (LPF), mereka terpaksa merujuknya kepada JAKIM dan beberapa babak diminta supaya diubah kerana dibimbangi menyentuh sensitiviti agama. [...] Begitupun, saya memiliki alasan kukuh untuk menampilkan babak sedemikian, yang dirasakan tidak menyimpang dari landasan agama. Malah, saya mendapatkan banyak pandangan daripada alim ulama, selain ia jelas terkandung di dalam hadis dan kitab suci."**

*"When this film was reviewed by the LPF, they referred it to JAKIM as they were worried that some elements touched on religious sensitivities ... But I still had solid reasons for including those elements which I felt did not stray from mainstream (teachings of Islam). In fact, I had already sought a lot of views from religious experts and these elements were in holy texts and the hadith (sayings of the Prophet)."*<sup>30</sup>



PHOTO: Syamsul Yusof Instagram

Following these consultations, Syamsul Yusof reported later that *Munafik* had been passed in full by LPF and JAKIM.<sup>31</sup>

The consultation with JAKIM may occur at an even earlier stage in the production process during story development and scripting. Director-writer Osman Ali spoke of his engagement with JAKIM during the production of the drama *Jalan Sesat ke Syurga* (2020) which aired on Astro:

**"Saya kena berjumpa dengan pihak JAKIM, saya kena pergi dengan team saya [berjumpa] mufti, untuk mendapatkan kebenaran dengan tajuk itu dulu dengan tema cerita yang kita nak gambarkan sebelum kita terus [ambil gambar]. [...] Kita berjumpa dengan JAKIM dan Jabatan Mufti untuk mendapat persetujuan atau mereka faham apa yang kita nak hasilkan tu. Contohnya cerita yang saya nak hasilkan tu tentang kumpulan yang terlibat dengan ajaran sesat, kan? Jadi gambaran-gambaran yang boleh kita tunjukkan, dialog-dialog yang kita tak boleh sebutkan dalam naskhah tersebut, kita present dulu pada pihak JAKIM dan jabatan agama dan barulah kita teruskan penggambaran."**

*"I had to meet with JAKIM, and the Mufti to get their approval to use this title (Jalan Sesat ke Syurga) before we even started shooting the film. We met with JAKIM and the Mufti's office to get their approval and for them to understand what we wanted to create. For example, my story was about a group that was involved in deviant teachings. So the visuals we wanted to shoot, the dialogue we wanted to use, had to be presented to JAKIM first before we could start production."*



PHOTO: Osman Ali Nuansa Facebook

This kind of consultation is becoming more and more common across a range of genres. Another producer recommended: "if I were to tell a story that is heavily on religious matter right now, I would say I would go to the JAKIM people and talk about it and get it signed" (Mo Bahir). It figures as a kind of insurance against later problems both with the LPF and with religious organisations.

JAKIM's involvement in the censorship process seeks to ensure that Islamic content and messaging is consistent with JAKIM orthodoxy. It's not just a process of providing advice though, because it needs to be seen for its ideological role in legitimising and perpetuating JAKIM's authority into and across pop culture. It serves to replicate a consistent set of ideas and practices in Malaysian Islam that aligns with what the state sanctions, narrowing the possibility for on-screen exploration of ideas, characters, and social situations.

### 2.2.5 Conclusions

Our review of censorship cases from 2010 to 2020 reveals that formal censorship in Malaysia is not simply conducted by the LPF, the legally assigned statutory body that issues the Censorship Certificate to film and television content. Instead, there is a matrix of state institutions (the police, religious authority JAKIM, JKRF and various Ministers/Ministries) that work to influence and shape content and the work of its creators.

It suggests a pervasive state apparatus that extends its censorial and editorial influence into the creative process itself – with a record of altering content in pre-production stages, including script writing and development. Whereas the LPF is legally mandated to evaluate and censor completed work, these other agencies often shape artistic and cultural texts before filming even takes place. Similarly, the LPF staff seconded to television stations are also reported to

***'memberi khidmat nasihat dan bimbingan [...] kepada penerbit dan pengarah drama, telemovie serta program-program 'in-house production' tentang adegan serta dialog yang tidak sesuai ditonjolkan.'***

*provide advice and guidance to producers and directors of dramas, telemovies and in-house productions on scenes and dialogue that are inappropriate.<sup>32</sup>*

Increasingly therefore, state agencies become embedded and institutionalised in the content production process providing editorial advice on what should be changed and how content should be presented and created.

Framed as 'advice' by the agencies involved or as 'risk mitigation' by content creators, these censorial interventions are additional forms of state censorship. They have little basis in law but have become standard practice within the content creation process. It also implies a much more nebulous and precarious matrix of institutions and processes that content creators need to grapple with. Thereby creating increasing uncertainty and more points of possible conflict during the approval process. JAKIM and PDRM undertaking censorial functions appear extra-legal and rely on the authority of the agencies to threaten, criticise, and ultimately invalidate a piece of work. Therefore, making it in the filmmakers' interests to consult with them before production takes place.

Rather than a predictable and coherent censorship regime in which filmmakers know the regulations and have a clear guideline on procedure and appeal, the current censorship regime in Malaysia operates in an institutional grey area. This is a form of consultative acquiescence to de facto authority in which government agencies ensure compliance from content creators. Ultimately this intrusion into the creative process is concerning as it erodes artistic and creative autonomy. It also works to reinforce the authority of two coercive state institutions (the police, and Islam) that work to maintain state ideological and hegemonic power.

### 2.3 Internal Forms of Censorship

Other interests within the motion picture industries also shape content and provide 'censorial' or editorial influence over a film or television production. Because film and television productions the world over engage a range of stakeholders, and often involve significant capital investment, a film or television work is subject to a variety of interests and pressures. Balancing these pressures and interests is one of the challenges filmmakers (both auteur and commercial) face, but it can be complicated by capricious censorship, unpredictable public behaviour, and ministerial interference.

One of the most potent pressures is the "obligation to the people putting in the money" (Kabir Bhatia) to ensure a return on investment, if not profit. Investors and producers therefore work to reduce risks to market viability and take measures to access multiple channels of distribution and a wide an audience as possible. Marketing and advertising are used to promote audience interest and generate sales. Risk is reduced by avoiding controversy which may lead to negative publicity and consumer boycotts and by sanitizing content to safeguard against deleterious censorship decisions (including being banned). Investors and producers are notoriously conservative in this regard and work assiduously to reduce the risk of commercial failure and thus financial loss.

Malaysia's screen industries provide numerous cases of failed productions that serve as tales of caution for producers and investors. The most prominent of these was the 2013 film *Banglasia* by actor-director Namewee, a follow up film to his 2011 hit *Nasi Lemak 2.0*. *Banglasia* is an action-comedy that parodies racism in Malaysia with its Bangladeshi lead character and features a corrupt politician character and his wife, who looked like the then Prime Minister's wife (Rosmah Mansor). When submitted to censorship, the LPF demanded a large number of cuts. Director Namewee responded saying:

**"If you cut 31 scenes, you're left with 10 minutes of a 90-minute film. [...] I didn't know the movie was going to be banned, otherwise we wouldn't have spent so much on it, [...] Had I known, I would have made it a D-budget movie."<sup>33</sup>**



PHOTO: Namewee Facebook

Refusing to make the required cuts, *Banglasia* could not be released in Malaysia and therefore represented a financial liability for the producer Fred Chong, his company, and the film's investors. An attempt to raise financing on crowdfunding website Kickstarter failed to reach its RM2.2 million [US\$500,000] target in 2016. Following a change in government in 2018, the film was updated, passed censorship with a PG18 rating, and was able to be released commercially. *Banglasia* enjoyed some publicity from its 'banned' status but was a protracted saga for both Fred Chong and Namewee.

With the prevalence of these kinds of experiences and stories, producers and investors become more reluctant to fund or sponsor content that is risky, unconventional, or likely to encounter censure at the LPF or from other government agencies. From the interviews conducted for this research, this was an acknowledged reality that creative filmmakers encounter:

**"I'm not gonna make a film that is highly risky that we'll get banned. If we are spending like a million and a half on it, [...] I gotta be responsible to the investors. So, I will not do that. Of course, we push the envelope, sure, you know, the violence, sensuality, all that."**

- Woo Ming Jin



PHOTO: FINAS website

**"Normally, it is the producer who will self-censor [...] (As a producer), you are worried that if you allow your director to do (something) and sadly, if it gets cut, it will waste a lot of money and time. [...] 'This is sensitive, should we push it? Shall we double shoot it just to be safe? Just in case they reject it, we got an alternative to it'. So, you're kind of having (these questions) in your head. As a producer when you read (the script) and you go like, 'okay, this scene, maybe it won't be approved, therefore, can we just do a safe one also?'"**

- Haris Sulong



PHOTO: Haris Sulong Instagram

Risk aversion in the Malaysian content industry is arguably more pronounced than some other markets or countries because of the capricious nature of the LPF, the interventionist state, the politicisation of the content industries, and the low standing of arts and culture workers in the eyes of the public. These factors contribute to an environment of uncertainty and unpredictability which is uncondusive to unconventional content creation. Filmmakers thus find it hard to find domestic funding for more daring and critical work or face pushback from producers and others looking to avoid risk.

For television stations, editorial or executive employees acts as this gatekeeper over content. Their role within the company is to position the content within their schedule, to fit with their brand image, to mitigate risk of public complaints, and to ensure a return on investment for the station by attracting advertising. Producer Lina Tan suggests that their stakes are different:

**"I guess it's because it's the big corporation at stake. Astro, Media Prima, they have licenses and all that at stake. Nobody wants to take that kind of risk."**



PHOTO: RED Comm Website



To this end, television stations not only conduct internal forms of content selection and editing, but a number of stations house LPF personnel to monitor broadcast content and conduct censorship. This is also to reduce the risk of being fined, blacklisted, or having their broadcast license revoked by the Ministry of Communications and Multimedia.

Oftentimes the reasoning given is one about the Malaysian 'market': either it is not ready or not interested in new kinds of stories or content and wants only content that is familiar.

**"It's often not really sensitive per se. It's more like what people perceive what the market is. They think the market doesn't accept it. That's a more powerful deterrent than censorship. [...] I think the market is a bigger deterrent or, push or motivator than censorship."**

- Amir Muhammad



PHOTO: Amir Muhammad Facebook

**"Kenapa mereka tak boleh terima produk Malaysia macam mana mereka terima dan bayar menonton produk luar negara yang perisiannya sama sampai kita ada kebebasan dalam membuat filem? Tak ada orang yang berani nak memaparkan isu politik, keagamaan dan isu komuniti di Malaysia. Sebagai orang Malaysia, kita tak ada kebebasan dalam pembikinan filem."**

*"Why can't they accept Malaysian productions the same way they accept and pay for foreign productions whose content is similar so that we will have freedom to make films? No one is brave enough to show political, religious or community issues in Malaysia. As Malaysians we have no freedom in filmmaking."*

- Steven Sarath Babu



PHOTO: Steven Sarath Babu Facebook

This belief places limitations on ambition and creativity and condemns those with more adventurous ideas from finding funding. Thus, perpetuating a vicious cycle.

## 2.4 The Public

Against the conflict between the state (LPF, JAKIM, PDRM, Ministries, etc) and the content industry, the public are an additional source of censorial demands. Public demands or complaints can provoke state actions including retrospective censorship and banning. Public complaints weigh heavily on the decision makers at television stations and producers because "if you get complained, the censorship board they have to act on it" (Lina Tan). Speaking from his experience ShamyI Othman says:

***"When I was doing stuff for RTM they're always like, 'yeah, we're okay, but we have to make sure that no one, you know, writes in and complains about it. We need to, you know, because that's our asses on the line'. That kind of thing. So that seems to be kind of a common theme. Even from RTM censors and also the Film Censorship Board in a sense. They will always say things like, 'yeah, we understand where you're coming from, but in order to avoid, you know, any misconception or any complaints coming back, we have to kind of cover our asses as well'."***



PHOTO: RED Comm Website

In some instances, public complaints take the form of moral panics about content causing or inspiring anti-social or immoral behaviour. Moral panics are also picked up and amplified by the media which then heightens the perceived urgency of the issue, to provoke government response. This may originate from NGOs and other civil society bodies, including those linked to political parties, as well as vocal individuals, either those with an existing public profile or the new kind of online opinion leaders.

The feedback between the public and the state can be a healthy part of democracy if handled in a way that respects the interests and rights of affected parties, including content industries and minorities. These are the principles enshrined in The Communications and Multimedia Content Forum of Malaysia (CMCF) and industry body under the MCMC.<sup>34</sup> However, a provoked public can bypass these established mechanisms and procedures and demand immediate and executive intervention. Such that a film that has already passed censorship can be re-reviewed by the LPF to accommodate public demands:

***"Jadi sampai satu tahap kita bukan mengikut Censorship punya ni... kita lebih risau apa yang netizen akan komen dalam sosial media. Jadi, makin bertambahlah 'censorship board' di Malaysia ni, macam mana?"***

*"It is coming to a point where we are not even following what the censorship rules dictate ... but we are more worried about what Netizens will say on social media. So then there are more and more 'censors' in Malaysia."*

-Osman Ali



PHOTO: Osman Ali Nuansa Facebook

In this process of negotiation between censorship and the public, which is usually an accommodation of the complaint, prior decisions about content may be reversed or altered, usually affecting the applicant (content producer) in an adverse way. Film and television are easy targets because of their visibility, popularity, and widespread belief that media shape and influence behaviour. Having a centralised censorship board is meant to institutionalise moral standards and norms as it applies to media content and remove instability and uncertainty caused by capricious public complaints.

Over the past ten years, three cases provide insight into the process of public complaint, and how the LPF and filmmakers respond. In all three cases, public outrage centres on publicity material released ahead of the film's release in cinemas. From this material, members of the public make inferences about content, often relying on existing frames of reference including race and religion.

### 2.4.1 Lelaki Harapan Dunia

Liew Seng-Tat is an independent filmmaker associated with the Da Huang collective of young filmmakers that includes James Lee, Amir Muhammad, and Tan Chui Mui. His first feature – *Flower in the Pocket* (2007) – provided Liew insight into the censorship process and thinking when a scene in which the main characters carry a puppy home also included the diegetic sound of a mosque amplifying the call to prayer. The LPF decided that these two elements (dog and prayer call) could not be in the same scene together and wanted the sound muted (see Appendix D). Unwilling to remove the sound, Liew negotiated a compromise by instead pixilating the dog, thereby complying with the LPF's requirements and highlighting the absurdity of the LPF's criteria.<sup>35</sup>

His second film *Lelaki Harapan Dunia* is set in a Malay village (*kampong*) against the backdrop of the 'angkat rumah' [*transplanting old houses*] custom in which villagers help to carry a recently completed wooden house to a new site. As a comedy, the film pokes fun at a range of character types. In our interview with him, Liew says: "one of the purposes I make films because I want us to talk about what's going on in this country. What's happening in the society, and *Lelaki* [*Harapan Dunia*] is made in the same spirit." After passing censorship with a PG13 rating and released in cinemas, actor Khir Rahman posted a tirade on twitter against the film, accusing it of "menyindir agama Islam".<sup>36</sup> Implicit in his critique was the belief that a non-Muslim, Chinese director like Liew had no right in making fun of Malay customs and by extension Muslim characters.

Responding to the mounting controversy Abdul Halim Abdul Hamid from the LPF assured the public that the film would not be re-assessed:

**"Buat masa ini, filem *Lelaki Harapan Dunia* tidak akan dinilai semula. Tiada cadangan mahu pun permohonan yang diterima berkenaan filem tersebut. Setakat ini tiada apa-apa maklumat yang diterima berkenaan filem tersebut. [...] Yang membuat permohonan untuk menilai semula adalah Jawatankuasa Rayuan Filem dan mereka boleh membuat keputusan yang berbeza."<sup>37</sup>**

*"At this time, the film *Lelaki Harapan Dunia* will not be reassessed. There is no proposal or application to do so. At this point there is no new information that has been received on the film. Applications to reassess are made by the Film Appeals Committee (JKRF) and they can make a different decision."*



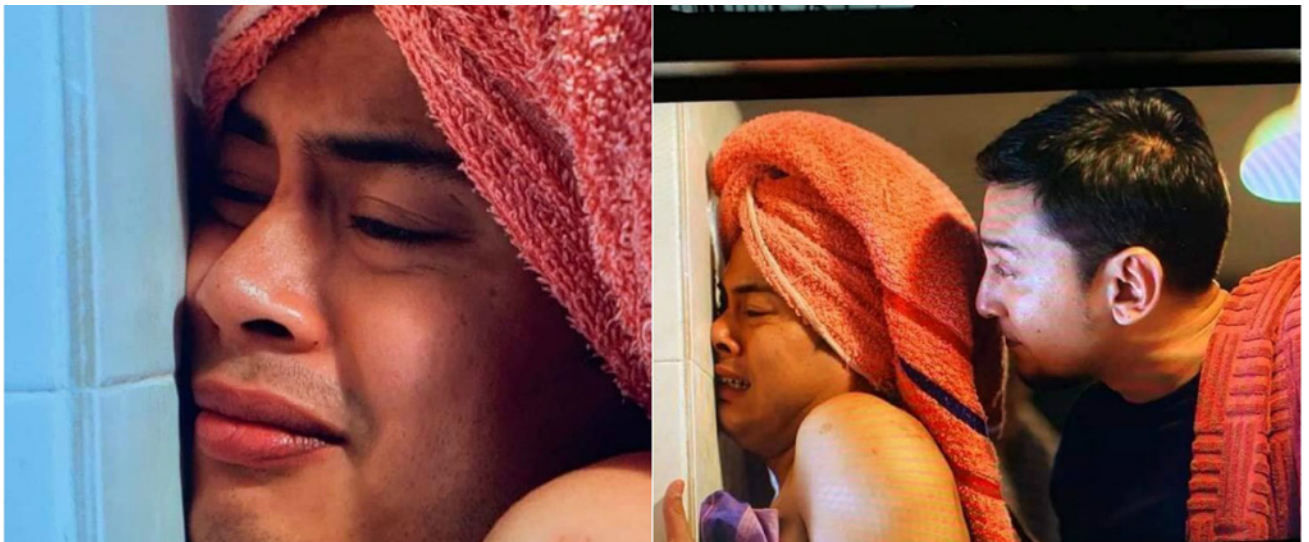
But only two days later on 10 December, producer Sharon Gan reported that the LPF had indeed re-watched the film “berdasarkan artikel-artikel yang tersiar di media” [based on articles in the media]. Luckily for the film however the LPF were “kekal dengan keputusan mereka yang awal. Tiada sebarang unsur kontroversi yang terdapat dalam filem itu.” [“we affirm our original decision. There is no controversial element in the film].<sup>38</sup>

#### 2.4.2 Demi Tuhan Aku Bersaksi

In August 2019 the RTM telefilm *Demi Tuhan Aku Bersaksi* sparked controversy when a trailer was posted online. In one image [see below], actor Shafie Naswip appears to “membelakangi seorang lelaki” (offer his bottom to another man) leading to accusations that the film contained ‘songsang’ (gay) content. In *Demi Tuhan Aku Bersaksi* Shafie Naswip plays a *mak nyah* (transgender) character who enrolls in an Islamic boarding school (tahfiz) to understand Islam better and return to the ‘right path’. Based on a true story, the film follows a standard narrative of bertaubat (repentance) for the LGBT character.

After circulating on the internet, it caught the ire of Mohd Zahid Mahmood, president of Gabungan Persatuan Institusi Tahfiz al-Quran Kebangsaan (PINTA) who vehemently “menolak sebarang persepsi buruk yang boleh mencemarkan imej pendidikan tahfiz.” [oppose any negative perceptions that can tarnish the image of Islamic boarding schools]

A number of other Islamic organisations also joined in opposition and an online petition calling for the film to be banned reached over 50,000 signatures.<sup>39</sup> PINTA proclaimed that they would complain to FINAS, LPF, and RTM. To them, a film of this nature should be shown to “pihak berwajib seperti Jabatan Kemajuan Islam Malaysia (JAKIM) dan pakar agama serta mematuhi semua syarat LPF sebelum diluluskan tayangannya” [the relevant parties such as the Islamic Development Department and religious experts, as well as fulfil conditions set by the LPF before they can be approved for screening].



**PHOTO:** Screen shot from *Demi Tuhan Aku Bersaksi* that caused an uproar among Islamic education groups.



In response, the filmmakers tried to reason with the complaints, saying that the film had been passed by the LPF, and approved by the internal content controls in RTM itself. Seemingly not cutting through, the filmmakers were forced to seek additional support and turned to Zulkifli Mohamad Al-Bakri, the mufti of the Federal Territories. About three weeks after the initial controversy erupted, producer Fadzil Zahari was able to announce that the panel, including Zulkifli Mohamad Al-Bakri,

**menyatakan pengarahnya, Eyra Rahman, dapat menyampaikan mesej yang hendak dinyatakan menerusi olahan menarik dan amat baik. [...] Mereka juga menegaskan, segala sentimen negatif diperkatakan netizen sebelum ini, hingga mencetuskan polemik, lebih bersifat andaian kerana pihak terbabit belum melihat keseluruhan cerita atau memahami mesej ingin disampaikan.**

said that director Eyra Rahman, managed to deliver a message in a good and interesting way. The panel also stressed that all the negative sentiments by netizens that sparked polemics were based on assumptions as they had not watched the full film or understood its message.<sup>40</sup>

After this extra-ordinary intervention and appeal to religious authority RTM appeared to sit on the film.<sup>41</sup> After controversy subsided, *Demi Tuhan Aku Bersaksi* was aired on TV1 on 31 October 2020.<sup>42</sup>

### 2.4.3 Polis Evo 2



*Polis Evo 2* (Ghaz Abu Bakar, 2015) followed the highly successful *Polis Evo* (Joel Soh and Andre Chiew, 2015) police action film and transplants the story to an island off the east coast of Peninsular Malaysia where an Islamist group called Al-Minas led by Saif Hasyam (Hasnul Rahmat) are holding the island's residents hostage.<sup>43</sup> A police team infiltrate the island, kill the terrorist group and their leader, and liberate the island. A promotional trailer for the film released on October 30 featured Saif Hasyam in his Islamic garb. Several individuals and organisations took offence with this imagery, arguing that the character of an Islamist terrorist defamed Islam.

Despite a media statement from the LPF explaining that *Polis Evo 2* "tidak mengandungi sebarang elemen yang boleh ditafsirkan sebagai memberi imej buruk agama Islam" [did not contain any elements that could be interpreted as giving a bad image of Islam],<sup>44</sup> the producers of *Polis Evo 2* nevertheless turned to religious figures to provide media statement in support of the film. The Muftis of the Federal Territories and Perlis were invited to watch the film at a special screening. The Federal Territories Mufti not only defended the film and explained how it was not offensive to Islam, he also praised the film for its depictions of women police officers and covering of aurat (parts of the body that have to be covered according to Islam). In addition, the Mufti implored filmmakers to engage a Syariah consultant at all stages of production (from scriptwriting to editing) and to include on-screen text to clarify the misinterpretation of religion in the story.<sup>45</sup>



Using religious figures to counter-act public outrage and controversy has become a standard tactic for filmmakers seeking to counteract accusations that their film violates Islamic teachings or offends Islam. By appealing to a higher authority (e.g. a Mufti) the filmmakers trust that their religious authority will be respected. Whilst usually successful for their production, filmmakers are unwittingly giving legitimacy to religious authorities as arbiters of film content. Not only does it allow religious authorities to insist on a need for their increased involvement in production (from scripting to editing), it also advances a more permanent role for religious authority in the production process. To date, most of these engagements have been ad hoc responses to incidents but at some point, this may trigger a more sustained attempt to institutionalise religious authority in the content production process.

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## 2.5 Self-Censorship

One of the key motivations of this report is to report on practices of self-censorship amongst Malaysian creative producers. Self-censorship is a difficult concept to define and even harder to prove. At one level, all individuals self-censor to some degree in order to operate within the normative horizons of a society and their intended market. Pragmatic filmmakers also know that excess nudity in a film for example will either be removed or cause the film to be relegated to an adults-only rating. This is non-controversial, and filmmakers often accept prevailing limits of violent or sexual content to fit current market norms.

However, one of the more insidious and pervasive forms of self-censorship is the internalisation of LPF rules and sanitising content to pre-empt LPF decisions. This is the 'voice' of the LPF in the content creator's mind that asks "okay, will they cut it off or where?" (Haris Sulong) or "this is the invisible line, okay, we have to be more cautious while we cover that, you know, we have to apply for these permits and then we cannot cover this issue in such an openly, really open way, you know?" (Jules Ong) or "yeah, this one go through, you know, this, we can't show this" (Shamyl Othman) or "sekarang ini, saya fikir benda ini akan lulus atau tidak" [*Nowadays I think about whether this will be approved or not*] (Aziz M Osman).

Willingness to self-censor can depend on the filmmaker's intent and purpose in their work, their personality, as well as their power vis-à-vis the funder or producer. Some see their obligation to broaden audience horizons, introduce new ideas, and to push boundaries of content by introducing new ideas. Others, often more commercial in their orientation, prefer to "play within the limits to stay mainstream" (Kabir Bhatia). But for both, there is always some negotiation with the boundaries of acceptability.

**"We ourselves as a Malaysian, whether you're making film or you're doing other things, you should know in this country what you can do, where the line is, where the clear line is. There a lot of other lines everywhere too, but just make sure that you don't cross that. The rest of the thing falls in the grey zone, we can argue. You know, there's always a gamble, whether this pass or not. This got pass or not depending on who's on the board. Who is censoring the film, who has stronger opinions on certain things. So, the outcome sometimes can be surprising. Sometimes you can predict. But the grey zone is the most fun zone as a filmmaker to operate."**

- Liew Seng Tat



Similarly, cultural producers position themselves and their work in the market of available outlets and interests, often divided between the mainstream and the alternative (e.g. festivals) but increasingly complicated in the fractured and multi-polar world of distribution and audiences including streaming platforms. There are fewer reasons to self-censor given that the media landscape has opened up and is no longer limited to the LPF regulated channels of distribution (cinema / home video / television).

An example of this is the film *Daulat* (Imran Sheik, 2020) which premiered on iflix in 2020. *Daulat* is a political drama that portrays politicians, their staff, and other powerful figures engaging in political conspiracy, corruption, and deal-making. Made and released in the period after the change of government in 2018, the film was seen as a possible new direction for the film industry and the depiction of political behaviour. Submitted to the LPF for censorship, *Daulat* was required to make a number of cuts and changes that the filmmakers do not want to do: "Oleh kerana susah sangat hendak mendapatkan pelepasan LPF kerana tidak menepati cita rasa mereka, tidak mengapalah, lebih baik kita diam dan simpan sahaja (emosi)." [Because it was so difficult to get LPF approval as I did not meet their liking, so never mind, its better just to keep quiet and swallow our feelings.]<sup>46</sup> Instead, they abandoned plans to release the film in the cinemas and sold it to iflix where it was able to stream uncensored. There was no public backlash or controversy.

In at least two instances filmmakers have taken a break from filmmaking in part due to their negative experiences of the censorship process. Raja Azmi, who was behind *Anu Dalam Botol*, said she stopped making films for a number of years "Due to all these feeling of hurt and bitterness I go through". Similarly, Amir Muhammad who had his documentary works *The Last Communist* and *Apa Kabar Orang Kampung* banned, gave up on filmmaking and switched industry (to publishing) to sustain his livelihood. He has returned to film recently through new company Kuman Pictures making exclusively low-budget horror films. Although both have returned to the film industry in some form, their experiences should be worrying for others because of the personal toll that the current censorship regime can take on individuals.

Given the arbitrary rules of censorship and the capricious nature of the state and the public, self-censorship can be a rational risk mitigation strategy. It presents three broad options for filmmakers: play safe by internalising the censorship regime, negotiate and consult with the relevant government agencies to find loopholes or alternatives, or not think about censorship and push whatever limits there are. Producer Mo Bahir suggests:

***"don't self-censor, write your story. Actually go and meet them and ask them whether this is actually allowed or not cause a lot of people, even during the writing process itself, kinda like stop themselves from telling stories that they want to tell because they think, 'Oh, this might not go through'."***



Self-censorship is learned behaviour. Over time and through interactions and encounters with the censorship proves, filmmakers internalise the boundaries of censorship and operationalise these at the point of content creation. In an unpredictable context like Malaysia, it is this instability that is problematic.



# PART 3

## WHAT IS CENSORED?

PHOTO: Behind the scenes, Interchange

# 3 What Is Censored?

From the review of publicly available news sources for the period 1 Jan 2010 to May 2020 the researchers compiled information about cases of censorship as applied in Malaysia. This was to log and understand how and when the censorship law is used, as well as the responses to censorship processes and producers on motion picture products and filmmakers.

## 3.1. Using the Censorship Law

Apart from its statutory duty to assess film and television content before it is broadcast or publicly distributed and exhibited, the LPF also has additional powers under the Censorship Law. Exercising those powers also involves the enforcement division of the LPF which have police powers to enter premises, confiscate property, and make arrests. Although these cases are not frequent, and not as regular as the process of content censorship, they nevertheless give insight into the operations of the LPF, the reach of its statutory powers, and the ways in which the LPF administers public and private spaces.

### 3.1.1 Illegal DVD Sellers

The LPF houses an Enforcement Division who conduct police actions to shut down premises and business operations that do not comply with Section 18 of the Film Censorship Act. Section 18 requires anyone who “exhibits, distributes or sells” a film to “affix on the film the Board’s mark of approval”. In practice, Section 18 targets the selling and distribution of unlicensed (i.e. uncensored) content – typically in the form of parallel imports or ‘pirated’ content, usually in disc (VCD or DVD) form.

Over the decade from 2010 to 2020 there were a number of instances where sellers of DVDs were detained following raids on their premises in relation to the sale of DVDs and VCDs not carrying a “B License”.

- 13 October 2012 a DVD store was raided in Kota Kinabalu. Owner and assistant arrested.
- 14 January 2013 a raid on a DVD store in Pandan, Johor yielded an estimated 500,000 discs of pirated and pornographic content.
- 16 November 2013 a number of raids are conducted on illegal DVD shops in Kota Kinabalu.
- 28 October 2013, 15,000 pirated and pornographic discs are seized during a raid on a store in Tampoi, Johor.
- 2 July 2014, a raid on an apartment in Cheras, Kuala Lumpur yields 30,000 DVDs without a B License. Two men are arrested.
- 29 February 2020, the Penang police crush 360,737 discs seized in raids between 2006 and 2017 relating to 302 investigation papers.



With the declining popularity of discs as a medium of content consumption, these raids are increasingly less common. Enforcement action by American-backed copyright industries such as the MPAA and WIPO, prominent in the early 2000s, have also diminished. With many people now using the internet to access content – either via paid streaming services (Netflix, iflix, Viu, etc) or “pirate” sources such as streaming and torrents – there may be a push towards increased surveillance of internet content and an expansion of LPF operations into cyberspace.

### 3.1.2 Sexual Content on Mobile Devices

Since 2010, a number of cases involving hand phone recordings of sexual activity have also been prosecuted under Section 5 of the Film Censorship Act, often in parallel with the Communications and Multimedia Act 1998. Section 5 forbids “possession, custody, control or ownership” or to “circulate, exhibit, distribute, display, manufacture, produce, sell or hire [...] any film or film-publicity material which is obscene or is otherwise against public decency.” Here, mobile phones, personal computers, and other digital recording and storage equipment fall under the LPF’s jurisdiction.

There are two cases of recorded material being seized as part of an investigation into obscene material under Section 5 of the Film Censorship Act. In 2009, a civil servant from Penang lodged a police report after finding sexually explicit images of herself on a WordPress blog. The man responsible was identified and arrested, and video material was confiscated from his home, including other home-made sexual content.<sup>47</sup> In 2017, a security guard was charged for possessing video of his sexual activity with a young woman. The woman’s mother had complained to police about their sexual activity, and when the man was investigated, sexually explicit recordings of the sexual activity were found on his phone providing actionable evidence.<sup>48</sup>

In both cases, a complainant was involved that brought the sexually explicit material to the attention of the police. It is also the case that sexually explicit and obscene material circulates frequently in chat groups (WhatsApp, WeChat, Telegram, etc) and on social media sites, people make explicit recordings either of themselves or with/of others, and material is stored on personal equipment.<sup>49</sup> According to reporting from R.Age,<sup>50</sup> the number of cases involving online sexual content could be massive and so the police and/or LPF do not actively pursue this unless a police report is made.

The other, and more publicly salient case was of ‘sex bloggers’ Alvin Tan and Vivian Lee who recorded and uploaded a number of sexually explicit images and videos to their blog Sumptuous Erotica. For a while they became minor celebrities for their brazen acts and challenge to the law and decency. In 2013, they also posted a controversial Ramadhan greeting that showed the two of them posing with a plate of Bak Kut Teh, a dish containing pork. This instantly became the subject of intense public outrage and the couple were arrested and charged under the Sedition Act. They also faced charges under Section 5(1) of the Film Censorship Act for pornographic pictures uploaded to their blog. Tan fled to the United States in 2014 and Lee was tried and convicted in 2016 of insulting Islam, and on appeal in 2018 was issued with a RM5,000 (USD200) fine in lieu of jail time.<sup>51</sup>

### 3.1.3 Public Screenings

Censorship requires content to be approved by the LPF before it is broadcast or exhibited to the public, making unauthorised exhibition illegal under the 2002 Film Censorship Act. Although numerous screenings of unapproved (i.e. uncensored) motion pictures continue across the country at film clubs, on campuses, and in private venues, there is still scope within the law for the Enforcement Division to raid, shutdown and arrest those involved. This does not occur frequently. As with other sections, the Censorship Act is incredibly broad, and serious enforcement would not only be costly and frequent, but it would bring public attention to the scope of the Censorship Act, thereby bringing its validity into doubt. As a result, the Censorship Act as it pertains to unauthorised screenings has only been enforced once in the past decade.



This one case was the 3 July 2013 raid on a screening of *No Fire Zone: The Killing Fields of Sri Lanka* (Callum Macrae, 2013) and the arrest of Pusat KOMAS staff member and event organiser Lena Hendry. *No Fire Zone* was screened at a KOMAS (a local human rights NGO) event held at the Kuala Lumpur-Selangor Chinese Assembly Hall (KLSCAH) for activists and concerned citizens interested in the political violence and possible war crimes involving the Tamil Tigers and the Sri Lankan Army. By the time the film was screened in Kuala Lumpur in July 2013, the Sri Lankan government had already embarked on a campaign of discrediting the film and pressuring national governments around the world to halt screenings.

It appears that Sri Lankan government complaints about the screening prompted the raid by 30 police officers and representatives of the LPF.<sup>52</sup> Two days before the screening, Lena Hendry had been contacted by the LPF instructing her to stop the screening of the unauthorised/unapproved film. She declined their request on the basis that it was a private screening by invitation only. The Sri Lankan Embassy had also contacted the KLSCAH to have the screening cancelled. Following the raid, three members of KOMAS were taken to the police station where they were also arrested. On 19 September 2013 Hendry faced charges in the Magistrate Court under Section 6 (1) (b) of the Film Censorship Act before being released on bail of RM1,000.

Lena Hendry's case became a cause célèbre of sorts. The raid and arrest provoked international condemnation from over 100 international groups and the filmmaker, Callum Macrae, himself. It provided Hendry and her lawyers Joshua Tay, Edmond Bon and New Sin Yew a platform to challenge the constitutionality of the Film Censorship Act and she lodged cases with the Federal Court and the High Court. Her case at the Magistrates Court was suspended pending the Federal Court appeal. Although the challenge failed, Hendry was acquitted on 10 March 2016 by the Magistrates Court. But after an appeal by the prosecution,

her acquittal was reversed by the High Court on 21 September 2016. She was convicted on 21 February 2017 and sentenced to pay a fine of RM10,000.

Despite the outpouring of support from the NGO sector, both locally and internationally, the local film industry was conspicuously quiet on Lena Hendry's arrest, the raid on the screening, and its possible knock-on effects. The case produced something of a chilling effect across several screening groups and on university campuses since it had become apparent that the Police and the LPF's Enforcement Division were willing to raid 'unauthorized' screenings, especially if provoked by a complaint. Some event organisers, such as Freedom Film Network (who have commissioned this report) adopted techniques to continue screenings of unapproved films, by operating in the grey areas of the law such as private/public distinction and using online rather than physical media. However, these tactics might be insufficient in preventing police actions. Lena Hendry's case also showed the lengths the state would go to ensure a conviction through a lengthy and drawn out legal process.

In a test of the law some eight years after Hendry's arrest, the organisers of the Cooler Lumper festival proposed a screening of the banned film *The Last Communist* (Amir Muhammad, 2006). The film had originally been banned after a crusading journalist from *Berita Harian* denounced the film as pro-communist,<sup>53</sup> bringing it to the attention of parliament. Despite having passed censorship, the Minister of Home Affairs, Mohd Radzi Sheikh Ahmad, used his executive powers to ban the film.

The Cooler Lumper organisers felt confident that a recent change in government following the May 2018 election had altered the political space enough that this screening would be allowed. It would have marked a sea change in how the state acted against unauthorised media content and provided the public access to a film never screened in public before. However, following the public announcement by Cooler Lumper Executive Creative Director Hardesh Singh, the LPF issued a notice (see Appendix E) declaring that the ban on *The Last Communist* remained in place. In response, Cooler Lumpur organisers cancelled the proposal screening. No arrests or legal action followed.

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### 3.2 Four Broad Themes

According to its website,<sup>54</sup> the mission of the LPF is to "Memastikan Filem Yang Diluluskan Tidak Bertentangan Dengan Kepentingan Awam dan Tidak Mengancam Keselamatan Negara." [*Ensuring That Approved Films Would Not Be Detrimental to Public Interest and Would Not Threaten National Security*].

To operationalise this mission, an extensive list of contentious content is included in the *Garis Panduan Penapisan Film (Film Censorship Guidelines 2010, pp. 6-17)* which also contains a list of "nilai murni" or noble values (pp. 18-19) for content makers to include in their work. Because the *Garis Panduan* is both exhaustive and open to interpretation, a review of all publicly known cases of censorship from 2010 to 2020 was conducted to see how censorship operates in practice. This review reveals what can be called the SIVA of objectionable content that is consistently censored: namely depictions of Sex, Islam, Violence, and Authority.

Both sex and violence are common categories of censored or regulated content worldwide, and this is evident in content warnings that accompany classification in many jurisdictions. Violent content is often censored when it is too 'ganas' [*brutal*] or deemed to be inspirational for audiences (i.e. that viewers will imitate what they see on screen).<sup>55</sup> The Indonesian silat action film *The Raid* (2011) for example was banned for its violence, and other films have scenes edited to remove violent imagery. Here the LPF focusses on on-screen representations of violent acts and whether they are justified within the context of the story such as whether a criminal character gets his comeuppance, or the violence is within the bounds of religious norms.

However, some forms of gender-based and sexual violence, are less rigorously policed, and even overlooked allowing for a noticeable proliferation of stories that normalise gender, sexual, and mental violence, and abuse. Public controversy over films such as *Ombak Rindu* (Osman Ali, 2012) in which the main female character is raped and then falls in love and marries her rapist was criticised for trivialising sexual violence and seemingly justifying the criminal act of rape because of the ‘happy ending’. This raised questions about the promotion of rape culture in film and television series, ingrained misogyny, and a lack of awareness of broader moral and ethical concerns. In these instances, the censorship board seems to focus more heavily on direct imagery on screen while overlooking certain kinds of violence despite often claiming to make censorship decisions based on morality and cultural norms.

Sexual content is also censored, not just for explicitness e.g. nudity and depictions of sexual activity, but also an expanded normative morality. Censored sexuality and sexual behaviour include forms deemed ‘immoral’ such as infidelity, youth sexuality, pre-marital sex, as well as ‘deviant’ sexualities such as homosexuality. Content of this kind is allowed if it is not deemed to be ‘promoting’ or ‘encouraging’ but is presented as a moral lesson in why deviance is wrong in storylines that emphasize punishment, regret, and/or bertaubat [*repentance*]. Alternatively, many critics have pointed out that stories involving rape and sexual violence are often normalised by the (female) victim marrying her assailant thereby ‘sanctifying’ the sexual violence as a precursor to a state-sanctioned heterosexual union. Policing sexuality in this way to ensure correct forms of sexual practice is ideological and enforces forms of normativity. It seeks to limit representations of non-normative sexual practices, desires, and activities thereby invalidating their legitimacy.

As discussed in the section on JAKIM above, representations of Islam remain sensitive to censorship practice in Malaysia. Representations of Islam and Islamic practice that do not conform to orthodoxy are censored, including practices deemed *sesat* (unorthodox) as they are said to influence religious practices of audiences. In the case of the *Padmaavat* (Sanjay Leela Bhansali, 2018) which was banned, the LPF argued that the film “memberikan gambaran buruk terhadap agama Islam melalui watak seorang Sultan di sebuah Kerajaan Islam di India dalam era Kesultanan Khilji iaitu Sultan Alauddin Khilji.” [*gave a negative portrayal of Islam through the character of a Sultan of an Islamic kingdom in India during the era of Sultan Alauddin Khilji*]<sup>56</sup>

Positive representations of Islam and Islamic institutions are also enforced. Increasingly this necessitates the involvement of religious authorities and advisors in the creative process to ensure correct Islamic interpretation.

Finally, representations of authority are critically important to the Malaysian censorship regime. This includes representations of state agencies and officials as well as established narratives of history, nation, and established ‘truths’ of Malaysian culture and society. Content challenging these norms of authority such as the role of the

MCP in the Emergency (*The New Village*, discussed in section 3.4), police corruption (*One Two Jaga, Fly by Night*), the operation of politics (*Daulat*), or perceived racial norms (*Banglasia*) can come under additional scrutiny and face censorship. The state views the maintenance of these ideas and proper interpretations of history, culture, and society as integral to the maintenance of its ongoing legitimacy and authority. Through SIVA, the censorship board acts as part of the ideological state apparatus by shaping a worldview on screen. This is in keeping with the LPF being an agency of the Home Ministry whose remit is to “Memastikan filem yang diluluskan tidak mengancam ketenteraman awam dan keselamatan negara” [*Ensuring that approved films would not be detrimental to public interest and would not threaten national security*].<sup>57</sup>

Clearly, censorship as currently practiced is not just a negative operation removing content, but an active process that shapes and perpetuates a worldview that the Malaysian state sees as its responsibly to enforce and uphold.





### 3.3 Reasoning Censorship

Beyond the typical reasoning for the existence of censorship and the need for state censorship, there are particular reasons given in the Malaysian context by the LPF, the Home Ministry, and other authorities about the necessity for censorship and the rationale behind its operation. Important in this is the conceptualisation of the public and the general viewer, as this importantly shapes the way in which the LPF sees its role and purpose, and by extension, how the LPF sees the power or effect of media. This is encapsulated in the slogan "Setiap Babak, Ada Impak" [Every scene has an impact] which was used for the LPF's 60th anniversary held in 2014.<sup>58</sup>

In many instances where censorship needs to be justified, the public are described as "easily confused", "vulnerable", "susceptible", or "likely to get the wrong idea".<sup>59</sup> The *Garis Panduan Penapisan Filem* says that "filem boleh memberikan pengaruh terhadap pemikiran dan perlakuan masyarakat, terutamanya kanak-kanak dan remaja" [films can influence ideas and behaviours in society, especially those of children and teenagers] (p.x).

This positions the LPF as a bastion between the vulnerable public and malignant or dangerous content. Not only does this infantilize the public, it removes agency from them as citizens able to differentiate between fact and fiction, to interpret a range of media messages, and apply their own moral decision-making processes. This frustrates some filmmakers:

**"Bahagian mana yang saya tidak setuju dengan censorship adalah, di mana mereka terlalu mudah meletakkan persepsi yang mana apa yang kita buat mesti akan jadi tiruan. Di mana sebenarnya, tak semua akan jadi tiruan. Adakah filem itu akan mengongkong atau mempengaruhi penonton? Atau sebenarnya masyarakat yang mempengaruhi pembikin filem?"**

*"Where I don't agree with censorship is when they simply hold the perception that whatever we produce will be mimicked by viewers. Where is the proof of this? Not everything in a film becomes a trend. Does a film constrain or influence the viewer? Or is it actually society that influences the filmmaker?"*

- Raja Azmi



PHOTO: Raja Azmi Instagram

It suggests that the LPF conceptualise the media as having a direct influence or effect on the audience. In this formulation, media images become direct inspiration to viewers who uncritically take on or adopt ideas, attitudes, and behaviours seen on screen. The argument goes that media content can inspire or provoke immoral, illegal, and deviant behaviours and actions, leading to social problems such as violence, extra-marital sexual activity, religious deviation, and a breakdown in order and social harmony. As a result, the LPF see their duty as one of protection through pre-emptive censorship.

Hence the rationale often given following a censorship decision that it is made to "avoid public backlash" or "menjaga sensitiviti dan keharmonian" [taking care of sensitivities and social harmony].<sup>60</sup> Other times, reference is made to "certain quarters" or "certain communities" who might be offended without specifying who exactly is referred to. Rather, these are 'imagined' communities that are convenient fictional constituencies who easily take offence or are particularly susceptible to the effects of media content. Moral breakdown, the erosion of the family, and other social problems also become means to fear certain content. Often cited here are the 1969 Race Riots and the 'fragile' race relations in the country that could be disrupted if certain content is allowed on the screen. Harmony is seen as an important valance that covers for a lot of public policing and fearmongering by the state and its agencies.



These forms of audience conceptualisation and media effects have been routinely debunked by scholars and in external government reports on censorship, but they continue to persist in Malaysia as they offer simple cause-and-effect explanations about the media and provide ready justification for censorship. Occasional cases, such as *Rempit* (Ahmad Idham, 2006) and its offshoots, offer easily identifiable cases where it seems true that audiences watch and then imitate: "apparently, after the movie came out there were these kids *rempit-ing* in the car park. [...] And the word *rempit* became a part of our vocabulary" (Lina Tan).

It's important to keep in mind that the "LPF is not serving the creative industry, they are setup under the Home Ministry to PREVENT any potential uproar from public, particular group or even not to jeopardise bilateral/diplomatic relationship with other foreign countries. It's complicated and delicate in a multiracial country like Malaysia" (Bront Palarae). Whilst censorship deals with practical issues of content, it has deeper ideological resonance across culture:

***"In Malaysian film and television, censorship is practiced in the name of protecting its body politic from untruths and immoral elements. But the truth is, censorship is practiced by the state to convey to the supporters of the state that they adhere to certain strict moral codes and would not condone such practices. It is also done in order to protect their stranglehold on power and hide their misdeeds. "***

- chi too



PHOTO: chi too

This is part of a broader effort to create and protect a 'moral community' in Malaysia. It often recalls a mythical past, rooted in the Malay *kampong* [*village*], that was peaceful, moral, and in which everyone knew their place. Following the intervention of colonialism and the modern world including its forces of globalisation, westernization, and liberalism this moral community has fragmented. An idea of a moral community is used by political parties, state agencies, and individuals to project a sense of anxiety and to justify an interventionist and paternalistic approach to media content regulation.

### 3.4 Local, Malay, and Foreign

A common criticism levelled at the LPF relates to the different standards applied to content based on where it is from, what language it is in, and who has made it. In a report for the *Buletin KDN*, Hasniah Rashid reports on a townhall meeting in which members of the film industry complained about the LPF’s double-standards between film and television content and the “do’s & don’ts” for local and imported content.<sup>61</sup> This was confirmed in June 2015 when the LPF issued an updated Panduan Khusus Penapisan Filem Stesen Televisyen [*Specific Guidelines on Film Censorship for Television Stations*] that detailed not only new standards for television content, but clearly shows more restrictions for Malay language content (see Appendix F). Although it was already a common perception, these regulations cause significant resentment against the censorship board and its standards. Many of the filmmakers interviewed for this report spoke of different experiences and standards applied to their work based on non-objective factors or factors external to the film itself, including personal rapport with LPF members, language used in the content, and ethnicity of the applicants.

Many Malaysians perceive that foreign films – especially those from the United States – are censored differently to local, Malaysian products. Liew thinks that the LPF are “less strict about Hollywood films, but they go all out to censor local films. I don't know why” (Liew Seng Tat). Haris Sulong offers an answer: “The mentality of the people in LPF “*Itu negeri lain, tak apa. Bukan kita*” [*That is their country, who cares. It's not us*]. This is justified by claiming that foreign films are from a different culture and therefore have different values and morals compared to Malaysia.

***"But having different set of rules for foreign film and local film is something I find a bit unfair. We can have Brad Pitt smoking, drinking or even kissing but you can never see Rosyam Nor doing it in our films."***

***- Bront Palarae***



PHOTO: Bront Palarae Twitter

This works to justify stricter censorship guidelines in Malaysia because of the self-imposed idea that Malaysians are more conservative, have ‘Asian values’, must respect religion and the state, maintain social harmony, and so on. This also serves to reinforce perceived civilizational or essentialised differences between us (Malaysians) and them (foreign cultures).



Even within Malaysian-made content, other differences are reported. Filmmakers operating in Malay language feel that there is greater scrutiny on their work than others making Tamil, English, or Chinese content. Mo Bahir reports that the LPF are “very specific about what Malays can do and cannot do.” This means that “the Malay is the one that is not evolving. The other two [*Chinese and Tamil*], however, I feel personally that they are more and more daring when they do pasangan gay [*gay couples*]” (Haris Sulong). Amir Muhammad who produced *Two Sisters* (James Lee, 2019) “knew it wouldn't have any censorship problems, even though it has incest and all that because it's Chinese. So Chinese language, they are more flexible.” For “Chinese show the only thing they look out for is violence. [...] But if you want to show... ghost, there's no issue” (Lina Tan).

But this perpetuates a widely held belief that only Malay filmmakers can make films about Malay issues and about Islam. This belief of racial heterogeneity persists and underlines how filmmakers are perceived in relation to culture and to their work – both by the LPF and the wider public. It also enables a kind of exclusivity of Malay content and Malay language.

**"I'm not a Muslim producer, but if you're a Muslim producer you'll be more daring than us cause we're Chinese, we're non-Muslims. We actually are very scared cause we don't want to really cross the line. [...] So all the non-Muslim producers, we are a little bit more wary and we need the guidelines because we don't know what's right and what's wrong. So, either that or you stay away from anything that's Islamic content."**

- Lina Tan



This not only works to limit what a non-Malay or non-Muslim filmmaker can portray or discuss, but it also silos the Malay audience within a heterogenous cultural space that limits the participation of 'outsiders' in ways that limit cross-cultural connection and dialogue. It is also indicative of how the LPF prioritises content and who they see as their primary constituency requiring protection through censorship.

This concern over the Malay population and their susceptibility to media suggestion was evident in the censoring of the Singapore documentary film *SingaporeGaga* (Tan Pin Pin, 2005). *SingaporeGaga* was to play at Titian Budaya festival in 2010, and so the organisers submitted the film to the LPF for approval. In a scene recorded in a Malay school in Singapore in front of school children, a ventriloquist's puppet makes a joke by replacing "kawan-kawan" [friends] with "binatang-binatang" [animals] in banter with the ventriloquist. On viewing this, the LPF requested the dialogue be muted and the subtitles erased citing Section 2.1.1 of the 2010 Guidelines,<sup>62</sup> that "makna kata-kata ini boleh disalah faham oleh rakyat Malaysia yang menonton dan ia mempunyai potensi untuk dieksploitasi menjadi isu sensitif di kemudian hari" [the meaning of these words can be misunderstood by Malaysian viewers and it has the potential to be exploited and turned into a sensitive issue in the future].<sup>63</sup>

The LPF undertook some logical gymnastics to try and explain why these lines of dialogue needed to be excised – especially since the scene in the film is shot in a Malay school – but even on appeal did not reverse their decision. As a result, Tan withdrew her film calling the censorship requests "arbitrary and nonsensical".

At other times, preferential treatment is seen to be accorded larger, more influential companies compared to smaller, independent, and first-time producers. In October 2013 a public twitter feud erupted between actress Sharifah Amani and Syamsul Yusof from Skop Productions. Amani complained that her film, *Psiko Pencuri Hati* (Nam Ron, 2013) had been censored more harshly than the Skop Productions film *KL Gangster 2* (Syamsul Yusof, 2013). Amani wrote:



**"My film only has a bit of blood but it got PG18. Your film has drugs, fights, rape, foul language and it gets PG13. [...] I love my industry. But it has to be fair. If you can do it, others should be allowed to do it, too."**



PHOTO: Sharifah Amani Instagram

Syamsul Yusof rejected these allegations, accusing Amani of being 'rude' and not knowing her 'manners'.<sup>64</sup> Reportedly, *KL Gangster 2* had initially been rated 18, but after a copy of the film leaked online, Skop Productions appealed to the JKRF to change the classification in light of the potential loss of revenue.<sup>65</sup> According to LPF Board chairman Datuk Raja Azhar, the instruction for the re-rating to PG13 came from the Home Ministry. If true, it indicates that a film's censorship and classification decision take into considerations beyond content. Nam Ron, the director of *Psiko Pencuri Hati* found the experience frustrating:

**"yang ada darah sikit pun mereka suruh buang. Kita patuh saja dan kita buang dan buang. Harapkan dia akan bagi 13 tapi masih bagi 18. Tapi kalau KL Gangster yang sepatutnya dapat 18, dia kasi 13."**

*"(our film) had a little blood but even then they asked us to cut it out. So we complied and we cut and cut. We hoped to receive a P13 classification but they still gave us an 18 age rating. But with KL Gangster, which should have received an 18 age rating, they gave P-13."*



Decisions like this fed rumours and suspicions that the LPF practice double standards, favouring well-connected, high-profile, or commercial producers over others. It does little to assure content makers that their content will be censored in an impartial and objective way.





# **PART 4**

## **POSITIONS ON CENSORSHIP AND CREATIVITY**



# 4 Positions on Censorship and Creativity

Debates around censorship in Malaysia are different to those taking place in other countries around the world, because of the unique historical, legal, and cultural factors at play. Partly it is the result of Malaysia's social and political history shaped by the legacies of British colonialism, The Emergency, multiracialism, and post-independence modes of governance. At the same time, Malaysia has been an important node in the global economy with a relatively open economy, an English-speaking populace open to the world, with cosmopolitan social and cultural spaces. In recent years, Malaysia has embarked on a national policy agenda to become a high-income nation, which includes becoming an exporter of cultural content such as film and animation. This globally ambitious agenda is often in conflict with a more inward-looking ethno-nationalism that seeks to create an ethno-state with laws and governance derived from more traditional and Islamic sources. These currents are reflected in the media industry and in content production and are evident in a variety of opinions and positions about censorship.

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## 4.1 Positions

In response to this legacy and based on their own experiences and understandings of censorship, film and television workers adopt a range of positions in relationship to the practices and institutions of censorship. These positions extend from pro-censorship positions that agree with current standards, reform positions calling for changes to censorship regulations and practices, to anti-censorship positions that call for the abolition of state-based censorship. Filmmakers often adopt positions when they experience censorship and make public responses which may be reflective of their beliefs and/or a strategic positioning. Interviews with filmmakers developed these ideas further. As a result, this research identifies eight different positions that filmmakers adopt as they articulate their relationship to censorship.

## 1) Liberalism (Cultural and Market)

Liberalism is a misunderstood concept in Malaysia as it is associated with a “free for all” culture in which people can do what they like with few limitations.<sup>66</sup> Liberalism is often associated with media from the United States and other Western countries which contains themes of moral decadence and individualism such as drug-use, nudity and sexual proclivity, swearing, and violence. As an “Asian” country with majority Islamic population, Malaysia is said to subscribe to a different set of norms and values, incompatible with Western culture. Such understandings set up irreconcilable civilizational and cultural differences between East and West, in turn justifying a more limited range of representations on screen. Moreover, since Western culture is globally dominant its influence and pervasiveness can only be countered with strong state censorship.

Liberalism however is a long-established political and cultural tradition founded on a recognition of individual rights and self-determination against powerful institutions such as the state and church, and a civil respect for the rights of others who may have different beliefs or opinions. Political debate and contestation take place in the public sphere or through a democratic political system which guarantees voice to all citizens. Whilst these principles are enshrined in the Malaysian constitution with its basis in British law, in practice these principles have been eroded by a political system that asserts the need for state intervention into the lives of citizens.<sup>67</sup> Many Malaysian citizens do promote the principles of liberalism either in politics to assert the rights of citizens or in culture to enable free expression.

In the film industry two forms of liberalism can be identified: cultural liberalism and market liberalism. Cultural liberalism is a position closest to a ‘free speech’ position that advocates for the rights of the artist and content creator to make, distribute and exhibit their work without the interference of the state or other sources of authority (such as organised religion) and rejects any form of content excision by the state. This may be a radical liberal position (no constraint at all) or a moderate liberal position that accepts some necessary regulation (e.g. over pornography and extreme violence) or may advocate for classification (rather than censorship). The cultural liberal position places the filmmaker at the centre of concern since the filmmaker uses his or her work to express ideas, critically reflect on culture and society, or create art.

Market liberals see film as an economic product that should only be subject to market forces and that the state should not intervene, or only minimally intervene, in the market relations governing production, circulation and consumption. This position is most publicly advocated by Norman Halim of KRU Studios. In 2011 he advocated for the Persatuan Penerbitan Filem Malaysia (PFM) [Film Producers Association of Malaysia] to become Malaysia’s classification body in the same way that the MPAA in the US self-regulates the American film industry.<sup>68</sup> In 2018 he repeated these ideas, noting that: “Sebelum filem dibuat, pengkarya terpaksa berfikir apa yang Lembaga Penapisan Filem (LPF) akan potong... Situasi begini boleh menghadkan idea.” [*Before a film is made, filmmakers have to think about what the Film Censorship Board will cut... This situation restricts ideas.*]<sup>69</sup> Norman Halim advocates in favour of the market being the mechanism that determines what gets made and places responsibility on viewers themselves to decide their own consumption choices.

Liberal positions are widely supported by those in the screen industries and by audiences, including those outside the middle-class enclaves in major cities. The challenge for the liberal position is to overcome deep-seated prejudice and misunderstanding of ‘liberalism’ that circulates amongst the broader public. Liberalism is often associated with a Westernised cultural elite, centred in the suburb of Bangsar, and therefore dismissed as not being reflective of the real Malaysia. A successful campaign of associating liberalism with immorality has poisoned the concept and made it hard to articulate a liberal cultural policy.

## 2) Culturalist (Reclaiming Adat)

In arguing against censorship and to support their own work, a number of filmmakers use a 'culturalist' argument that grounds their work in traditional or indigenous culture. Here their appeal is to an authentic past that predates the values and norms expressed in the censorship regulations. Traditional culture covers a range of content including mysticism (in horror films), traditional practices (*angkat rumah [transplanting old houses]* in *Lelaki Harapan Dunia*), and expressions of cultural identity (e.g. transgender *mak nyah* characters). Attempts to censor this kind of content denies Malaysia's rich cultural heritage and traditions.

Any example of a culturalist film is the comedy *Lu Gua Bro* (Ismail Bob Hasim, 2014) which contained a scene showing a Tok Mudim wielding a Pisau Sabit (curved knife) in a Berkhatan (Circumcision) Ceremony. After the scene was cut by the LPF, director Ismail Bob Hasim argued for the inclusion of the scene in his film and against the LPF's decision:

**"Pengaruh filem mana yang tidak kecewa apabila karya mereka dipotong tanpa alasan yang kukuh. Tetapi dalam hal ini saya rasa babak menunjukkan pisau sabit tidaklah terlalu serius dan kanak-kanak tidak perlu takut kerana sekarang ini mereka berkhatan tanpa perlu rasa sakit di klinik. [...] Dalam filem ini pula, saya mahu menunjukkan budaya berkhatan yang dilakukan pada zaman dahulu memandangkan ada segelintir masyarakat kini tidak tahu adat-adat tersebut. [...] Filem ini memaparkan isu-isu semasa masyarakat kampung yang mungkin tidak ramai golongan bandar tahu. Selain itu adat-adat Melayu seperti upacara berkhatan, seni silat dan semangat setia kampung juga dipaparkan."**

*"Which film director is not disappointed when their work is censored without a solid reason? In this instance, I feel that the scene where a curved knife is shown is not too serious and children should not feel afraid. These days they are circumcised painlessly at a clinic... In the film I wanted to show the ritual of circumcision that was done in the past as there are some in the community that do not know of this tradition.... This film portrays current issues in village life that maybe a lot of city folk don't know about. It also portrays Malay traditions such as the circumcision ritual, silat and the rural community spirit."<sup>70</sup>*



Ismail Bob Hasim not only justifies the inclusion of the scene in his film, he also sees his role as a filmmaker to provide representations of these disappearing cultural practices. He argues that because they are traditional culture their censorship is unjustified.

Filmmakers may include traditional cultural practices or beliefs in order to preserve them through representation. Following cuts to his film *Pelepas Saka* (2016), Hashim Rejab expressed confidence in his work and his audience:

**"Saya rasa masyarakat sekarang lebih bijak menilai apa yang baik dan buruk. Jika kita tidak tunjukkan budaya Melayu dahulu mengamalkan ilmu syirik, bagaimana masyarakat akan tahu tentang pengetahuan ini?"**

*"I think today's society is wiser at determining what is good and bad. If we don't show how Malay communities of the past practiced syirik (idolatry), how are today's Malays supposed to know?"<sup>71</sup>*



PHOTO: Hashim Rejab Instagram

Many Malay cultural practices are being lost or forgotten amidst rapid modernization and Islamisation. Here the moving image and fictional representation is positioned as an important medium for the depiction and expression of these forms of traditional speech, culture, practice, and belief. This includes syncretic forms of Islamic practice that blend Islam with pre-Islamic beliefs such as adat (*traditions*). Scholar Gaik Khoo has defined this activity as 'reclaiming adat' (2005).

Horror films are often the most contested site between advocates of traditional culture and current norms as defined by the state and religion. Horror films posit the existence of spirits, jin, and other supernatural forces and entities which can be controlled or vanquished through forms of mysticism and magic (e.g. by a *bomoh* or shaman) sometimes in admixture with Islam. In 2012 Ahmad Idham Ahmad Nazri expressed his support for horror films saying:

**"Horror movies are the type that will be close to our culture. [...] In any country, for you to understand the culture, where they come from, you watch horror movies."<sup>72</sup>**



PHOTO: Ahmad Idham Facebook

Idham's horror film *Hantu Bonceng* (2011) came under sustained attack in the media from Islamist Party PAS for its use of Islamic verses to fight ghosts.<sup>73</sup> A cultural conflict is evidently playing out between cultural producers who draw on traditional and indigenous belief and culture to make their films and others (often outside the film industry) who reject these representations and want to see cinematic output more in line with their beliefs.

### 3) Theocratic

Those advocating a stronger religious line view their cultural work and cinema through the lens of *dakwah* (propagation) and view the cinema as a medium for the expression and promotion of Islamic values and imagery. Censorship can be an important agency in the realisation of this ambition as for example in the praise actor Nazim Othman gave the LPF in this tweet from August 2015:

**"Sebagai pelakon, saya bersyukur lembaga penapisan filem keluarkan "guidelines" agar tiada adegan bersentuhan bukan muhrim dalam drama/filem."**

*"As an actor, I am grateful to the Film Censorship Board for its guidelines so that there is no improper touching between Muslim individuals who are not muhrim (married or blood-related) in films or dramas."*<sup>74</sup>



PHOTO: Nazmi Othman Facebook

Here, the LPF, JAKIM and other religious authorities play an important role as arbiters and guides of content. A more extreme theocratic position argues for an expansion of religious authority over media and an increased policing of media content, including its Islamisation on and off screen. Here state-funded television station Al-Hijrah plays an important role as "sebuah platform tv untuk mendidik, menghibur dan menyatukan ummah [as a TV platform to educate, entertain and unify the Muslim community]."<sup>75</sup>

Following the release of *Hantu Bonceng* (2011), PAS youth chief Nasrudin Hassan, launched a public complaint against the film and the LPF. In his view, the use of the *Kalimah Syahadah* in *Hantu Bonceng* was inappropriate saying: "The declaration of Islam is not a statement that can be the butt of jokes or the subject of puns, for it impinges upon the state of one's faith, even if it was only an act. [...] Such a film that is screened to the general public can lead to confusion and a misrepresentation of Islam. It is even more risky when it can affect the faith of the general public."<sup>76</sup> Criticising the LPF for being too lenient and to avoid such incidents in the future, Nasrudin Hassan advocated for a special "syariah panel" at the LPF.

Many productions act as forms of *dakwah* by offering storylines and content that is designed to preach and propagate Islamic teachings or contain Islamic moral messages. For some filmmakers, their duty to Islam is also a factor in their art and practice. This position balances competing interests and may express an accommodation between an artistic practice and a set of religious beliefs. These kinds of explorations are also found in the cinemas of Indonesia and Iran. In Indonesia, Inaya Rakhmani (2016) finds a 'mainstreaming' of Islam in Islamic-themed pop culture in which ideas around piety, belief, and faith are materialised in screen content. In Malaysia, these depictions are much more tightly regulated by a religious authority.

In response to a perceived lack of control and monitoring of existing streaming content,<sup>77</sup> a new Syariah-compliant streaming platform called Nurflix was launched in Malaysia in 2020. Their aim is to adopt "a different approach to preaching" through "family oriented and family friendly" entertainment content that "will carry the right message in the right way". To monitor and supervise content, a special advisory panel will be established called Nurpath headed by Habib Ali Zainal Abidin. They will ensure compliance to Syariah standards covering scripts, acting, and production processes.<sup>78</sup> Although streaming services are outside the purview of the LPF, the creation of Nurflix is a response to a perceived lack of content control and the push for a stronger theocratic foundation to content.



#### 4) Statist

Others take a non-confrontational position towards the censorship board and may also express support for the state and its censorship regime. They may also agree with the rationale and justification of censorship in Malaysia, repeating similar talking points and expressing similar reasoning as found in state discourse. The statist position for some may also be strategic, as filmmakers avoid confrontation or criticism of a censorship decision by agreeing with the cuts and decisions and being thankful to the help and insights provided. This is to avoid punitive or vindictive response from the LPF or other state agencies.

A statist approach is evident in this quote from Faizul A Rashid who had his film *Anak Jantan* (2014) censored:

***"Memang agak mengecewakan, tetapi saya terpaksa terima. Atas alasan penceritaannya dapat memberikan pengajaran kepada penonton, akhirnya mereka lepaskan juga. [...] Bagi saya, apa yang dilakukan LPF ada sebabnya dan ia membuatkan saya lebih berhati-hati dalam berkarya. Dalam hal ini, kita belajar daripada produksi filem di Iran yang sangat menjaga sensitiviti dalam berkarya."***

*"It is quite disappointing but I am forced to accept their decision. In the end, they approved the film because the story has a moral lesson for viewers. For me, there is a reason behind what the LPF does and it makes me more careful as a filmmaker. In this way, we learn from Iranian productions who are very careful in protecting sensitivities in their work."<sup>79</sup>*



Although it is a safe position to take, it sees the filmmaker becoming a mouthpiece and conduit of state censorship discourse. It gives state ideology greater credence because it comes from a member of the film industry itself. They become complicit in the propagation of state ideology.

## 5) Pragmatists

Among those who work with censorship are the pragmatists who accept censorship for what it is, see little prospect for change, and instead work with the rules and procedures in place. This is seen in both older commercial filmmakers as well as younger more independent-minded filmmakers. Shuhaimi Bhaba for example takes a pragmatic approach saying:

***"Censorship is like a way of life of a filmmaker. You want to make films, you have to deal with it. It doesn't take away your creativity, it just gets in the way. Censorship is there. You just make your film and don't think about it. Instinctively you kind of pick at which point in the film you want to push your borders. But sometimes you do get away with it. Sometimes you would be surprised at a shot or shots that are censored, when you thought they were harmless."***



Pragmatic knowledge can come from experience working with the censorship system or from a more self-reflexive approach to work that tries to advance self-expression and artistic vision by bureaucratic manoeuvring. Pragmatists often see little hope for change, recognising the larger interests and forces at play, and instead choose to deal with censorship as a reality of their work that needs to be worked through rather than seen as an impediment that one fights.

Being pragmatic does open the opportunity for innovation and challenging work as pragmatists learn to understand the grey areas of censorship and find ways to tell their story without succumbing to the state's ideological reading or imposition. Liew Seng Tat for example told us that he sees it as a "game" that he has to play with the LPF and other interests in order to make his vision a reality. Examples of this include the recent films *One Two Jaga* and *Fly By Night* which both involved lengthy negotiations with the police because of the content of the films, finding ways to stay true to the story without succumbing to state demands.

## 6) **Balancist (organicism)**

The balancist shares similarities with the statist, is acutely aware of the uneasy social peace and harmony of Malaysia and supports the status quo in order to maintain the balance between the competing interests within Malaysia. These opinions were evident in 2015 when the LPF issued new guidelines for on-screen romantic relationships. For actor-director Azmi Hatta the new regulations are easily rationalised:

**"Mulanya ia dianggap menyekat kreativiti pengarah dan pelakon, tapi apabila difikir semula ada baiknya tindakan LPF itu. Ia sebenarnya memberi peluang buat tenaga produksi tampil lebih kreatif dalam menghasilkan sesuatu karya sekaligus mencabar sejauh mana kehebatan pengarah itu berkarya. [...] Dalam drama ini, masih ada adegan mesra tapi tidak semestinya perlu bersentuhan. Pada saya ia tidak mendatangkan masalah pun. Apabila semua pihak faham kehendak pihak berkenaan, saya percaya lama-kelamaan ia akan menjadi perkara biasa."**

*"At first, it was thought of as restricting the creativity of actors and directors but on second thought, there is a positive aspect to LPF's actions. It actually gives the opportunity to the production to be more creative when producing content and challenges directors to see how good they actually are. There are still intimate scenes in this drama but we don't need to touch. It is not a problem for me. When everyone understands what the authorities want, I believe that as time goes by, this practice will be normalised."<sup>80</sup>*



PHOTO: [diva.my](http://diva.my)

This means a support for the current censorship regime which errs on the side of caution, demands that filmmakers respect the censorship process, and works to avoid the possibility of controversy, or worse, social strife. They understand that the current censorship regime is there for a reason, but they do not always buy into the rationale – rather they see a fragile relationship existing between progressive and conservative forces, between the industry and the government, and between culture and society.

## 7) Comparatists

Some arguments for and against censorship involve a comparison with other media domains to either question the necessity of censorship or to argue that the Malaysian censorship regime is mild by world standards. Comparing Malaysia to other countries is a common rhetorical trope used to justify censorship and its current regulations. The most common comparisons are made to the United States which is seen as too liberal (“we are not like them”) or to China and Iran which are far more controlling and stricter (“censorship is worse there”). This works to position the Malaysian context as unique and therefore requiring its own set of institutional and regulatory arrangements and its approach to ‘sensitive’ content. It positions the Malaysian censorship regime as the right balance between too liberal and too strict.

A comparatist argument however is an ahistorical approach to censorship that does not consider changes over time and the contingency of current institutional arrangements and regulation. Moreover, by comparing to extreme cases (US, China, Iran), comparisons are not made to similar countries (e.g. Singapore or Indonesia) which offer more appropriate comparisons. Lastly, country-to-country comparisons elide discussion of actual censorship standards, decisions, and arrangements. The irony is that both China and Iran have high levels of censorship and control but also commercially successful and award-winning content – so in fact this comparison not only justifies current censorship standards in Malaysia, it suggests that the problem lies elsewhere in education, training, government support, and so on.

Comparatists can also express nationalist sentiment by taking the line that Malaysian films suffer more at the hands of the censors than foreign films and that Malaysian films are structurally disadvantaged in the market. This is used to advocate for an equalization of censorship standards between foreign and local films. Skop Productions producer Yusof Haslam made this complaint when his film *Abang Long Fadil* (Syafiq Yusof, 2014) still received an 18 rating after the LPF made 9 cuts:

**"Saya rasa sangat kecewa apabila LPF tidak terbuka dengan filem-filem Melayu, sebaliknya mereka lebih terbuka dengan film luar negara. [...] Saya harap isu filem ditapis tanpa alasan relevan tidak berlaku lagi. Bukannya saya nak minta pihak LPF bersikap terbuka sehingga melanggar adat dan tatasusila budaya negara Timur."**

*"I feel very disappointed when the LPF is not open towards Malay films while being more open towards foreign films.... I hope that the issue of films being censored without a relevant reason do not occur again. It is not that I am asking that the LPF be open to the point where films are allowed to offend Eastern traditions customs."<sup>81</sup>*

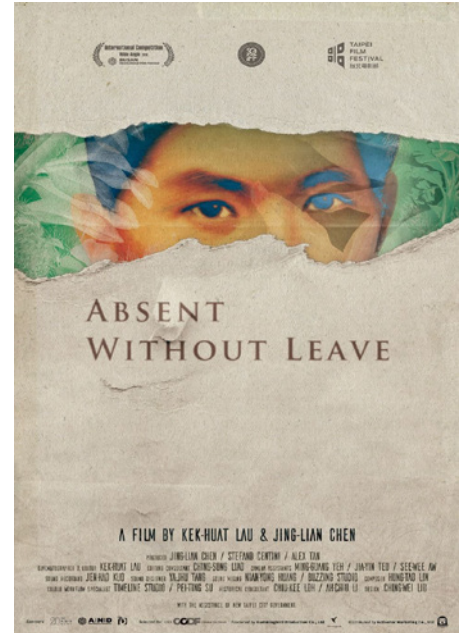


Yusof Haslam reveals that his desire is to see the same standards applied to foreign films as they are to local, Malay films. This position does not advocate any change to the censorship system, just that there be a level playing field.

## 4.2 The Internet as Panacea

The internet has been offered as a panacea for artists and filmmakers dissatisfied with the domestic censorship regime to distribute their work and find an audience. To some extent this is a viable proposition and some content creators do work online, often by doing commissioned or sponsored work. In 2011, it was also a successful strategy for Pete Teo's PSA video *Undilah* which arguably had a stronger cultural impact as an internet video after it was 'banned' for broadcast, with the free publicity giving it more views that it might have otherwise received. Others have used the internet to make their work available to a Malaysian audience, such as Lau Kek Huat who streamed his documentary *Absent Without Leave* (2016) online after it was banned from domestic distribution and exhibition because of its communism theme.

Some argue against the LPF by comparing the current regime of censorship to content available via the internet. Censorship, it is argued, is now anachronistic or ineffective because uncensored content is available on the internet (e.g. free video) or on streaming services such as Netflix, MUBI, Viu and iflix. If Malaysians can find all sorts of content online, what use is censorship?



***"The problem is not whether there's a need for censorship, the problem is how relevant is censorship now? Because, you know, you go the internet, you go Netflix, you go on all these things, you can't censor everything, you can't censor the entire internet."***

- Lina Tan



This recognition can however elicit calls for expanding the scope of the LPF to include online streaming services or to block certain websites (by the MCMC).<sup>82</sup> In Indonesia for example, the video sharing website Vimeo, often used by content professionals has been blocked, and in Malaysia some have called for the censorship of Netflix and other streaming services to bring them into line with domestic censorship standards. FINAS CEO Ahmad Idham Ahmad Nadzri, was heard to call for the censorship of Netflix in late 2019, promoting a strong backlash from members of the public and content creators. As Amir Muhammad points out, online streaming is still quite exclusive to those who can afford to pay but "imagine a Netflix where the fee is like one ringgit per month. So, every poor person would have it. They would ban it." Currently the government's official position expressed in a statement to Parliament by former Deputy Minister of Home Affairs Nur Jazlan bin Mohamad sees LPF censorship applied to free-to-air television whilst for subscription-based OTT services, viewers are expected to practice self-censorship.<sup>83</sup>

However, the internet is something of a double-edged sword for creators. Whilst the internet can offer an uncensored space to upload and distribute content that may otherwise be censored or banned, the internet is not free from trouble nor is it outside state jurisdiction. Content uploaded to the internet may still fall under the jurisdiction of the Communications and Multimedia Act and content creators can face criminal and civil prosecution. Public complaints can still be made, and the content can be blocked.



Moreover, internet distribution does not guarantee income in the same way as traditional forms of distribution do. Income from online-only distribution usually relies on advertising revenue or sponsorship. Success online can also depend on the whims of virality which are often not as stable as traditional avenues of distribution. Even if a film is picked up by a streaming service, the full cost of production may not be amortized.

At best, the internet is an option. It gives young and new content creators an outlet and a means to connect with an audience, build experience, and gain a reputation. For others, it is an avenue of last resort as seen recently with the political thriller *Daulat* (Imran Sheik, 2020). *Daulat* was submitted for censorship for cinema release but was withdrawn after the LPF requested numerous cuts. OTT streaming service iflix picked up the film for its platform, streaming the film for free and uncensored. However, it is unlikely that this covered the RM500,000 production costs. Different kinds of audience mechanisms operate online, including building a subscriber base and producing constant and sustained output over a long period of time – a model of content production anathema to the established practices in film and television.



### 4.3 Advocates for Change

Advocacy for institutional and structural change in Malaysia has been advanced in recent years, but overall, it lacks cohesion and a platform. Whereas in the US for example, there are traditions of free speech and first amendment protections and a wide range of political actors and organisations advocating for media freedom, Malaysia has a very different set of political and historical conditions and social actors that complicate the push for change to the censorship regime. In nearby Indonesia for example, the political change initiated by the fall of the Suharto regime in 1998 and subsequent period of Reformasi galvanised a generation of filmmakers who pushed for changes in the regulatory regime around cinema, and have been vocal advocates of the film industry's need for creative latitude and supporting filmmakers rights to expression.

In Malaysia, the state and its agencies retain ideological dominance over this domain of culture and media, and it can enlist a variety of actors and discourses to maintain its regime of information control and regulation. Inhibiting the formation of a coherent opposition or platform for opposition to censorship are several structural factors:

- The “Bangsar bubble” phenomena in which progressive and liberal voices circulate within a small community in middle-class areas of Kuala Lumpur and have little reach to or influence on broader sections of the national community.
- Small market characterised by internal linguistic divisions (Malay, Tamil, Chinese, and English) that create enclaves rather than common interests.
- Capitulation to state paternalism by filmmakers and others, often out of fear of retribution or accepting the status quo.
- Weak filmmaker voices in the media; lack of consistent and credible voices able to articulate industry interests including regulatory or institutional reform.

- Political disempowerment of the public and their disengagement from policy issues especially in arts and culture.
- Common misunderstandings of concepts such as censorship, liberalism, and free speech.
- Disconnect between traditions in art and culture with the film and television industry, weakened solidarity, and less historically informed cultural positions.

Few filmmakers are vocal advocates of change and are generally not leading public discussions about the importance of art and culture and the role of creativity. Few filmmakers stand out as vocal defenders of cultural work, its importance as a reflection of society, and its relevance to the public at large. Aziz M Osman puts it the following way:

**"Kalau tidak berani bermain ombak, jangan berumah di tepi pantai. [...] kita perlu bertanggungjawab dengan karya sendiri yang kita hasilkan. [...] Mengapa kita hasilkan karya ini? [...] Saya rasa itu penting bagi seorang karyawan filem untuk memiliki pengetahuan mendalam tentang karya mereka."**

*"If you cannot take the heat, stay out of the kitchen. We need to be responsible for our work. Why did we create this piece of work? I think it's important for a filmmaker to know deeply what they produced."*



This is not for the lack of intelligent and articulate filmmakers, but their role as public advocates and intellectuals is severely dampened. Often the more vocal voices are those 'offended' by media and film content, namely reactionary, and conservative groups or online vigilantes. As a result, filmmakers often expend a lot of energy to appease censorial agencies (JAKIM, public, the state etc) and convince them that they are responsible, careful, and respectful artists.

Conversely the industry organisations that represent the interests of different occupations in the film industry have not been vocal advocates for censorship reform. Numerous complaints can be heard about how the associations are often MIA, especially in representing occupational interests in matters of contracts, work conditions, and the like. Industry organisations represent a platform for change as they can rally members, articulate common positions, and lobby government. A reform and reorientation of these bodies to take on stronger advocacy and policy-engagement, through for example, establishing media officers and policy development departments might assist in pushing for regulatory reform.

Some NGOs such as Freedom Film Network and KOMAS work to advocate for increased freedom of expression in the media and for the recognition of minority and marginalised voices. FFN are also the sponsors of this report. In April 2017 KOMAS, FFN and the Society for the Promotion of Human Rights hosted a public forum on censorship which elicited significant public and industry turnout, revealing the depth of interest in the topic of censorship and its effects on cultural production.<sup>84</sup> The concern lies in reforming censorship in a way that enables and encourages diversity of content, and the shift to a classification system.

Lena Hendry's case also momentarily galvanised support from a broader spectrum of activists and filmmakers, both domestically and regionally but failed to coalesce into a coherent anti-censorship front between activists and filmmakers. Content creators and others in the film and television industries did not recognise the salience of Hendry's case to themselves as content creators, even though Hendry's case was perused under the Film Censorship Act. It revealed a disconnect between creative workers and the NGO and activist sector. It speaks to a depoliticization of the screen industries more generally and the lack of political organisation amongst workers, but also speaks to the ongoing concerns of content workers themselves which still focus on work conditions, employment stability, and funding rather than issues such as creative freedom.

#### 4.4 Realism and a Critical View

Censorship plays into the field of cultural production that includes institutions such as broadcasters, cinemas, producers, government agencies such as FINAS, audiences and the general public, as well as content creators including those making commercially orientated product and others making art or critical work. Without a doubt censorship as practiced in Malaysia impacts all parts of the screen industries and this report has suggested the ways in which this has discouraged artistic and critical exploration, fostered forms of self-censorship, and introduced forms of instability that produce additional risk and uncertainty for screen industries.

At the same time, this matrix of censorial activity identified throughout the report also discourages forms of realism in content. This is not to say that all content must be realist, as escapist fantasy is an established part of the fictional landscape of media, and there are alternatively some very good realist production including *Satte* (Ray Dinesh David, 2019), *Jagat* (Shanjey Kumar Perumal, 2015), *Bunohan* (Dain Said, 2011), *Songlap* (Fariza Azlina and Effendee Mazlan, 2008), amongst others. Accurate and realist depictions of life are an important dimension of artistic practice:

***"Cause you cannot sugarcoat everything. You cannot sugarcoat everything. I mean film is about reality. It's the mirror of the reality. I mean you can have the soap opera, the fun fun... and happy romcom. That's why I say go by genre. You will have the K-pop whatever the handsome jambu people, but you must have the other part."***

- Zuli Ismail



PHOTO: Zuli Ismail

Lack of realism is evident in the need to infuse creative content with a message, teaching, or moral lesson. This need often overrides the actual content, logic, or a solid basis in real human motivations and community diversity.

When the LPF updated their guidelines in 2015 for television content, many in the content industries were struck by the enforcement guidelines that extended beyond depictions of sex and violence to enforce a set of cultural norms (see Appendix F). Normashayu Puteh of Pencil Pictures complained about the updated LPF guidelines issues in 2015 that forbids kissing and hugging scenes for Malay language films:

**"Rasa tak masuk akal sebab nama pun filem, kalau kita tidak boleh memuatkan babak seperti ini, itu bukan namanya filem. Macam mana kita nak hasilkan filem kalau mesej yang nak disampaikan tak sampai kepada penonton."**

*"I feel that it does not make sense because we are producing films. If we cannot include such scenes then that is not cinema. How are we supposed to produce films if the message we want to convey does not reach the audience?"<sup>85</sup>*



PHOTO: Normashayu Puteh Instagram

The reliance on the idea of a message (mesej) however as justification does not get to the problem that depictions of real-life behaviour are being excluded from the screen as if they do not exist.

Filmmakers who do try and put on screen a reality they see around them, often encounter a censorship regime unwilling to accept this kind of imagery, influencing both critical work as well as mainstream productions. For television producer Zuli: "I just want a simple story, honest story about what's happening in our culture, *even itu pun kena sensor*. So, it's really frustrating for me." Activist and documentary filmmaker Yati Kaprawi similarly opines that:

**"The problem in Malaysia you can't even show images of buildings of worship other than mosques. Temples, churches and other places you can't show on television. Pig you can't show, or even dogs. You live in a multi-racial and multireligious society, how can you have that kind of censorship?"**



PHOTO: Yati Kaprawi

Raja Azmi continues to see this in her work too:

**"I tell them (the censors) again and again: I make films influenced by society; I make what I see in the world. Society gives me ideas on how to make films ... My films are not trying to make society be like what is shown (on film). I make LGBT films because I have good friends from the LGBT community, so I come up with ideas. It's not because of the films that I make that half of all Malaysians are gonna turn LGBT. But their (the censors) thinking is like that."**



Seeing media as a form of cultural or moral propaganda, produces censorship decisions that insist that media must be didactic and promote "nilai-nilai murni" or noble values (Film Censorship Guidelines, pp.13-14). This limits content to being a kind of lesson rather than material for reflection, or recognition and celebration of diversity.

Lau Kek Huat is one filmmaker who encountered the difficulties with realism when making his documentary *Absent Without Leave*. "I don't really define it [*Absent Without Leave*] as a political documentary" Lau says, "because it's just about me searching for my grandfather who is lost and who we didn't know about because since I was kid." But when he submitted the film to the LPF "it was banned and no appeal. [...] We thought this is about a family story. It should be fine with the censors. It was a shock actually to me, like we were totally banned, no appeal from the censorship (board)." Lau has continued to pursue topics about Malaysia's past, challenging the top-down national narrative of history. His own method for dealing with Malaysian censorship has been to relocate to Taiwan and "learning from that experience, I didn't send my *Tree Remembers* for censorship."

Others choose to escape Malaysia either by leaving the country or sending their films overseas and bypassing domestic release altogether. The most well-known figure is Tsai Ming Liang who moved to Taiwan in the 1980s and is now regarded as a Taiwanese rather than as a Malaysian filmmaker. Many of his films contain sexual and gay content. *I Don't Want to Sleep Alone* (2006) which Tsai shot in Malaysia, was banned by the LPF for its scenes "deemed to be bad for the image of Malaysia".<sup>86</sup> On appeal, the film was allowed to screen in art house venues with five cuts.<sup>87</sup> Others following Tsai's path include Lau Kek Huat and Namewee, and both retain an interest in Malaysia. Namewee continues to provoke Malaysian sensibilities with controversial content including his recent film *Babi* (2020). Other indie filmmakers such as Woo Ming Jin and Edmund Yeo, have released films overseas to avoid domestic censorship.



For others, censorship is less of a restriction that inhibits creativity but rather a necessary provocation to creativity. Documentary filmmaker Ahmad Yazid told us that restrictions are a reality of the documentary genre and censorship is merely another barrier that he considers a challenge to how he tells his story. Similarly, Aziz M Osman who experienced censorship in 1992 for his debut feature *Fantasia*, is now more circumspect:

**"Saya rasa menjadi lebih kreatif dan saya akan sentiasa cari alternative untuk visualize imej saya."**

*"I feel that I became more creative and I will always find alternative ways to visualise my images."*



These filmmakers deal with the regulations and restrictions in a practical way, but the danger with this position is that it normalises censorship, accepting it as part of the status quo. It can also be a recognition of perceived powerlessness on the part of filmmakers, here in the words of producer Normashayu Puteh:

**"Saya berfikiran positif dan tidak boleh nak lawan apa yang sudah ditetapkan. Kalau saya boleh lawan, saya akan lawan, tetapi memandangkan saya ini kerdil dalam industri, jadi saya ikut saja apa yang sudah ditetapkan."**

*"I think positively and don't oppose what has already been set. If I can fight it, I will fight it, but given that I am a small voice in the industry, I just have to follow what has been set."<sup>88</sup>*



This should not remove the motivation to reform the censorship system.

What it points to is the need for serious conversations about art and culture in Malaysia and its importance to the intellectual and cultural life of the country. By drawing on traditions in art and culture, contemporary cultural workers can challenge how the censorship board makes and justifies its decisions by appealing to a rich local repertoire of ideas and concepts, rather than solely relying on contested concepts such as 'freedom of speech' which often provoke slippery-slope arguments and accusations of foreign interference. This requires a much deeper engagement with local cultural practice and traditions. Evident in work such as *Bunohan* and *Hanyut* (U-Wei Haji Saari, 2012), filmmakers that engage with lived realities embed their work in reality, rather than work based in fictionalised modern non-places, operating at superficial levels of representation, character, and dialogue. This also requires further education and reflection about film and its meanings, rather than the simplistic idea of a 'message' that a filmmaker intends to encode within his or her film. Filmmakers need to think more thoroughly about the ways in which their films contain rich imagery and ideas, as reflected in characters, dialogue, mise-en-scène, and storylines.

## 4.5 Social Filmmakers and Activism

If filmmakers have difficulty showing reality on screen, the space for critical and activist video work is even more limited. Within a market-based system with significant government control, opportunities for funding, screening, and distribution for non-mainstream work is limited. Malaysia does not have in place a funding and support system for innovation for documentary or fiction film as in Canada (National Film Board of Canada) for example. Rather, documentary as with other content is seen as safe entertainment or as a platform to reiterate dominant narratives of history, and expository style documentary that inform and entertain rather than challenge or experiment.

Social and activist filmmakers face additional pressures and constraints due to censorship. This report identified the SIVA of censored content earlier in section 3.2, and the same applies to critical documentary made to explore and challenge accepted truths and wisdoms of the dominant ideology in Malaysia. One activist filmmaker interviewed for the report describes her dilemma as follows:

***"My job is to say how it is. [...] My role is to challenge that censorship by highlighting it through audio visual. [...] As an activist it's par for the course. It's a part of activism work. Especially when you highlight something that's against what is being upheld by the authorities, especially the religious authorities."***

- Yati Kaprawi



By directly challenging authority and existing power structures, activist filmmakers constantly encounter and navigate these issues in their work. This is the additional challenge that critical and activist filmmakers face.

Oftentimes activist filmmakers work at the interface of filmmaking and activism, journalism, and radical politics. Under Malaysia's current political system, this idea of 'radical' can cover a broad swathe of ideas and content because of the ideological imperatives of the state and its agencies. Activist filmmaking is nevertheless important as a means of investigation and exposure, as well as participating in the fight for human dignity and emancipation. Filmmaker Jules Ong puts it as follows:

***"Uncovering the layers of deception. ... a universal value that we hold on to as people and as journalists as conveyors of the message: What is actually happening? How is it impacting people? How is it affecting people that are different from you that have a different way of life? How is it like to step in the shoes of somebody who is a Rohingya refugee or Uighur refugee? You know, how it like is to be in their shoes and this is the role of journalists, of writers, of artists, in order to expand the imagination of the people that are the viewers, the audience that they may know what it's like to be in another person's shoes. What is oppression? What is being victimized? What is justice, you know? What is freedom? This is our role. It's our role as journalists, artists, filmmakers, to expand the imagination and the consciousness of people who read our work, watch our films, and listen to our radio reports."***



PHOTO: Jules Ong Facebook



# **PART 5**

## **FUTURES AND RECOMMENDATIONS**

# 5 Futures and Recommendations

This report makes recommendations and policy suggestions in relations to censorship. This report advocates for a more reflective and responsible media that is attentive to its role as an honest reflection of society, to help understand its problems, and be a voice for marginalised, disadvantaged, and disempowered groups and individuals. The rights of all Malaysians to create media work and to be able to distribute that work needs to be respected, recognising the balance of concerns and interests, and the role that a classification system can play. However, we oppose vigilantism, ad hoc and reactionary policy and decision making, and disregard for the rights of storytellers and content makers. We advocate for the expansion of dialogue, and the role of media imagery to offer images of alternative ideas and plural realities. In place of the current censorship and classification system, we advocate for a classification system on par with Australia where the Classification Board is an independent statutory body or New Zealand where the Classification Office is an independent Crown entity. In both instances, classification occurs independently of government or ministry influence, with accountability to the public through transparency and clarity.

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## 5.1 Filmmaker Voice

Based on the interviews conducted, content creators and others working in the screen industries have a depth of experience, and strong opinions about censorship and its impact on their creative practice. Not all agree or have the same opinion, but all feel frustrated by censorship in some way or another. This may stem from perceived unfair treatment, bad personal experience, or an internalisation of censorship values.

So far there is no platform for advocacy or a sense of solidarity around this issue (and many others affecting creative workers). Many filmmakers are left to defend for themselves, and it is rare for industry figures to speak up for others in the media and defend work and its creators. It also suggests a need for content creators to be more articulate about their work and know how to advocate for their rights and positions. Too easily people capitulate to the dominant narratives and to government pressure, and fail to advance their own interests, as well as that of the industry as a whole. Lacking a platform or an agreed upon set of values and positions within the screen industries themselves, filmmakers will continue to flounder in public under pressure, unable to articulate coherent and consistent positions on their work, its value, and their rights as content producers.



Industry bodies have a role to play in advancing and protecting member's interests, which include developing positions and policy towards censorship and other forms of content regulation. Many are frustrated with associations and their absence from these issues:

***"What are the associations doing?" I don't know myself. I'm a member of PFM. What did they do? I'm not told what they do. I'm not given a report what did they do?"***

- Zuli Ismail



For others, associations like the PFM are themselves reluctant to support filmmakers who don't simply want to play safe:

***"The PFM will say something like "Oi, this one very sensitive lah". I say, "Well, you don't try. You never know how much we can push the envelope."***

- Haris Sulong



Associations can take on more active roles and become advocates for the rights of their members, and defend them as and when necessary, and speak on their behalf in the media and at forums and in meetings. This report also advocates for an awareness and training program for filmmakers and others in the film industry to understand censorship and how they may better navigate it.

## 5.2 Transparency and Consistency

In terms of its operation, this report calls for increased transparency and consistency from the LPF as to its decision-making processes and determinations. Increasing transparency in decisions would include making all censorship reports freely available to the public and include clearer rubrics on classification decisions. An updated website that focuses on public engagement would assist greatly here. Transparency would also need to extend to the JKRF and to JKRF meetings either in the form of published minutes and/or public/industry observers in the meetings. Best practice examples include The Office of Film & Literature Classification in New Zealand.

Membership of the LPF and JKRF should be opened to a greater variety of applicants and be populated by a more diverse representation of Malaysian society. Membership details of boards and review panels should be known publicly. Review board members should be trained to consider content objectively and impartially, and not subject to personal bias or preferences.

Consistency is also called for in terms of censorship/classification decisions to avoid accusations of impartiality and leniency. This would extend to imported films as well as domestic productions. But it should also recognise the interests of the filmmakers as just as important as the interests of the state and "certain groups".

**"So, there are groups who will always go on the attack and go to the Censorship [Board]. Therefore, you know, they (LPF) just take the easy way out, okay to shut up these groups let's just say no."**

- Haris Sulong



PHOTO: Haris Sulong Instagram

Consistency also extends to the LPF not caving to public pressure when a film is protested or creates controversy – rather than placate loud minorities – the LPF is called upon to be a defender of creative work.

### 5.3 Censorship to Classification

Many are unsure about the scope and purpose at the LPF often confusing censorship and classification. Even as the LPF has modernised and adopted classifications, it has also retained its prior function and mindset as a censorship (i.e. content excision) agency. Effectively then, content is subject to both processes – content is assessed, and excisions are recommended and then a classification is given. Content creators complain that even after removing 'offending' content, a restrictive rating is still given. They see these two as contradictory. The suggestion here is for the LPF to be a classification body only.

As a classification-only body, the LPF would also need to be transferred from the Ministry of Home Affairs to Communications and Multimedia or be an independent government agency, outside direct control of a Minister. In Home Affairs, the emphasis is on order, stability, control which are coercive state actions more suitable to the police rather than media content. The fact that censorship stubbornly remains in Home Affairs marks a continuation of colonial governance and is indicative of a state afraid of the work of its own citizens. Moving the LPF and transforming it to a classification-only body would bring it into line with other Commonwealth nations.

### 5.4 New Spaces

The media industry of which the LPF is a part of, needs to recognise the diversity of media audiences and the growing need for a plurality of media spaces. Currently, the censorship model works on a mass media paradigm in which content is assessed for the "lowest common denominator" (Shamyl Othman) meaning that content is sanitised for an imagined uneducated, rural, audience who take fiction for reality and who are prone to imitate what they see on screen. By treating the national audience in this way, the LPF and media regulators deny recognition of a diversity of audiences and multiple points of access. The current censorship regime leaves the internet and streaming somewhat 'untouched', but it is precisely this inattention that can be leveraged to expand censorship.

Content does not always need to be sanitized centrally but can be regulated at the point of access. For example, at film festival screenings in Malaysia, censorship is often manually conducted by the projectionist physically blocking the image. Not only does it look awkward, it is an affront to that select audience in those screenings.

Instead, this report advocates for a recognition of different spaces – both physical and in programming – that cater



*PHOTO: Behind the Scenes, Ular*

to different needs and different types of audiences. In physical terms, this includes the recognition of film clubs, art cinema, and film festivals that cater to specific audience tastes. This fosters the development of new venues and communities who can share values and interests. This also requires a respect for different interest groups within the country and an acknowledgment of their rights. This is not an advocacy for pornography or other forms of excessively extreme content but rather a call to recognise a diversity of interests.

These spaces are important venues for the incubation of new creative ventures, the sharing of ideas, and a community of support. It will provide important community interaction and feedback for new voices and develop communities of interest who can support and sustain the activities of new and emerging voices and creative talents who can develop their craft within a community of shared interests. This helps develop new forms of creative practice and trains content creators to develop their art and practice in ways that can support the development of Malaysia's creative industries.

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## 5.5 Depoliticization and Independence

For the LPF to meet the challenges of the new media age and to support government policies, reform is necessary in the way the LPF is put together, in its scope, and in the way it operates. This report advocates for the board to be moved from the Ministry of Home Affairs to the Ministry of Communications and Multimedia as an important first step. Secondly, this report advocates for its increased independence from Ministry activity to avoid ministerial interference. The LPF should operate according to clear guidelines, not to the whim of political representatives. Ministerial operations should be at the level of policy and law, not at internal operations or decision-making.

Based on suggestions from a number of interviewees, we also call for regular meetings between screen industry representatives and the LPF. These dialogues can assist with developing relationship between the board and the content creation community, allow content creators to provide feedback to the LPF, and enhance mutual understanding and trust. One producer puts it this way:



PHOTO: Behind the Scenes, Ular

**"I don't think there's ever been taklimat (briefing) by LPF to filmmakers ever. [...] I think it would be great [...] at least once a year do a workshop on censorship, especially for the younger filmmakers, cause I think, people who make films they make films probably once, twice a year at most, most of the younger filmmakers, they take four or five years to make their film. And if their interaction with LPF is limited to once every five years, I think a lot of them would be in a situation, where they will find LPF as the enemy. [...] If they (LPF) could hold that once a year do their PR, their workshop and meet these people again and say, "Hey, we are here. These are the guidelines. If you are not sure about anything, just ask." I think people would be less argumentative with them."**

- Mo Bahir



## 5.6 Conclusion

This report recognises the need for some regulatory control over the media and media content however this should not be at the expense of diversity, accuracy, and the development of a plural media space appropriate to Malaysia's national ambitions.





# APPENDIX



# Appendix A

Interviews were conducted during the months of April to August in 2020.

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## List of interviewees (in alphabetical order)

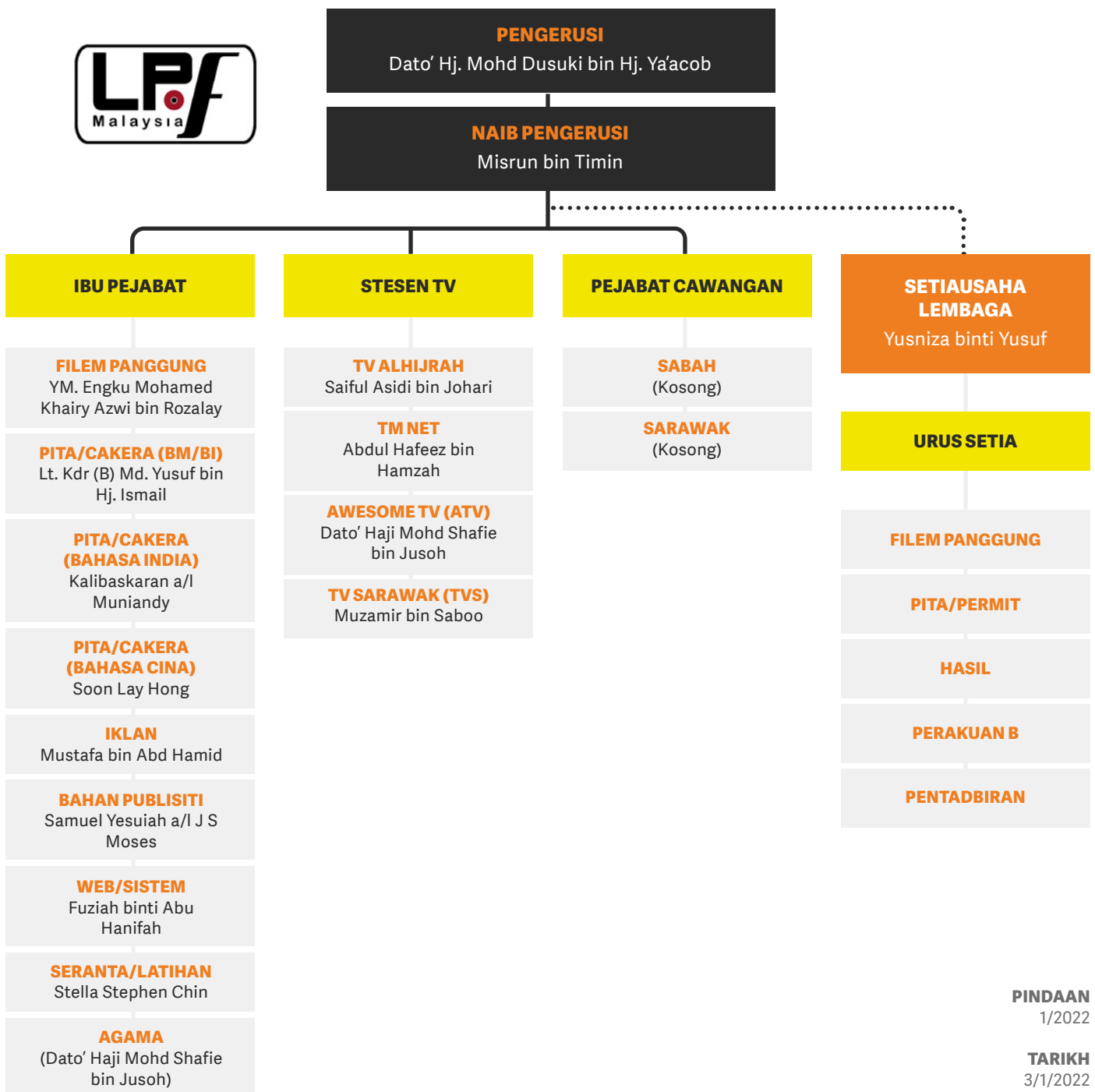
Ahmad Yazid  
Al Jafree Md Yusop  
Amir Muhammad  
Aziz M. Osman  
Bea Tanaka  
Bront Palarae  
chi too  
Fred Chong  
Haris Sulong  
Jules Ong  
Kabir Bhatia  
Keoh Chee Ang  
Lau Kek Huat  
Liew Seng Tat  
Lina Tan  
Mo Bahir  
Nam Ron  
Osman Ali  
Raja Azmi  
Shamyl Othman  
Shuhaimi Baba  
Steven Sarath Babu  
Woo Ming Jin  
Yati Kaprawi  
Zuli Ismail

# Appendix B

Film Censorship Board Organisation Chart, January 2022.

[http://lpf.moha.gov.my/lpf/images/carta\\_organisasi/CARTA-LPF\\_PINDAAN-JANUARI-2022.pdf](http://lpf.moha.gov.my/lpf/images/carta_organisasi/CARTA-LPF_PINDAAN-JANUARI-2022.pdf)  
(accessed 23/01/2022)

## Carta Organisasi Lembaga Penapis Filem



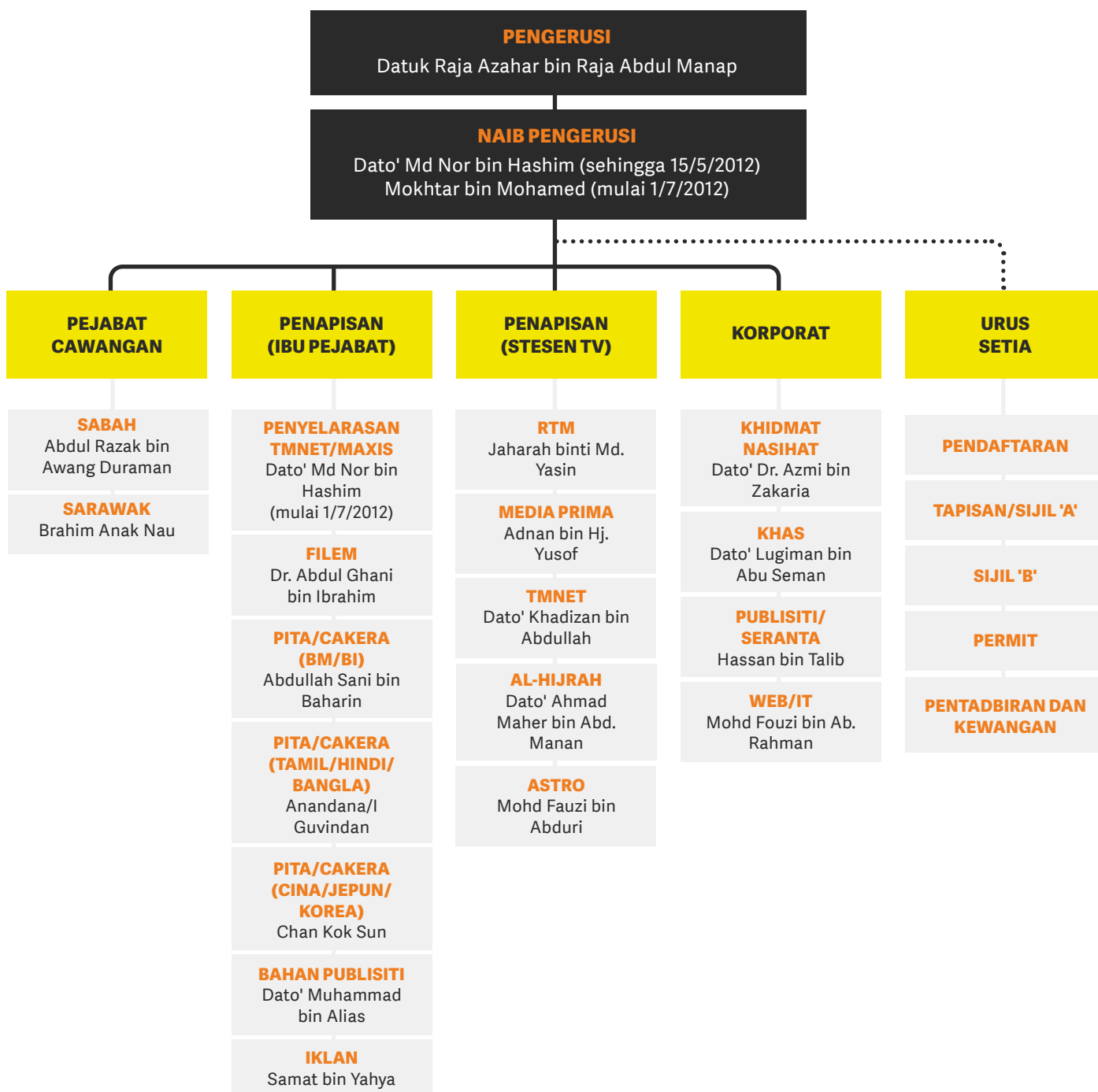
**PINDAAN**  
1/2022

**TARIKH**  
3/1/2022

# Appendix B

Film Censorship Board Organisation Chart, 2013, p. 14, Ministry of Home Affairs  
[http://www.moha.gov.my/images/maklumat\\_bahagian/LPF/content\\_lpf\\_2012.pdf](http://www.moha.gov.my/images/maklumat_bahagian/LPF/content_lpf_2012.pdf) (accessed 03/072020)

## Struktur Organisasi



# Appendix C

## KENYATAAN MEDIA MENGENAI PERANAN LEMBAGA PENAPIS FILEM DAN ISU RAYUAN FILEM BEAUTY AND THE BEAST

### KENYATAAN MEDIA

#### KEMENTERIAN DALAM NEGERI MENGENAI

#### PERANAN LEMBAGA PENAPIS FILEM DAN ISU RAYUAN FILEM BEAUTY AND THE BEAST 29 MAC 2017

Kementerian Dalam Negeri mengambil perhatian dan ingin memberi penjelasan berhubung isu penapisan filem *Beauty and The Beast* yang dibangkitkan oleh pelbagai pihak akhir-akhir ini. Ini termasuk ulasan di media massa dan bantahan beberapa badan bukan Kerajaan (NGO) terhadap tayangan filem tersebut yang dijadualkan mulai pada 30 Mac 2017.

Lembaga Penapis Filem (LPF) berperanan menonton tapis filem-filem sebelum ditayangkan kepada umum di negara ini sebagaimana kuasa yang diperuntukkan di bawah Akta Penapisan Filem 2002. Dalam menjalankan tanggungjawabnya melaksanakan tonton tapis dan menetapkan klasifikasi filem, LPF diberi kuasa untuk

- i. meluluskan filem tanpa perubahan;
- ii. meluluskan filem dengan apa-apa perubahan; atau
- iii. enggan meluluskan tayangan filem.

LPF juga menggunakan Garis Panduan Penapisan Filem, Kementerian Dalam Negeri yang memberi tumpuan kepada empat (4) aspek utama iaitu:

- i. Keselamatan dan ketenteraman awam;
- ii. Keagamaan;
- iii. Sosiobudaya; dan
- iv. Ketertiban dan ketatasusilaan.

Bidang kuasa LPF adalah terhad kepada filem-filem yang ditayangkan secara konvensional seperti di panggung dan saluran televisyen. Sebaliknya, kawalan ke atas kandungan yang ditayangkan atau disebarluaskan secara online menggunakan teknologi internet adalah di bawah seliaan Suruhanjaya Komunikasi dan Multimedia Malaysia (SKMM).

Berhubung filem *Beauty and the Beast*, Lembaga Penapis Filem (LPF) telah menonton tapis filem tersebut pada 17 Februari 2017. Selanjutnya, LPF telah memberikan keputusan Lulus Dengan Pengubahan (LDP) melibatkan tiga (3) potongan dan satu (1) dialog disenyapkan (mute). Pengubahan tersebut dibuat atas asas ianya mengandungi elemen-elemen mempromosi gaya hidup gay.

# Appendix C

Isu berkaitan dengan penangguhan tayangan filem ini di Malaysia adalah merupakan keputusan pihak pengeluar iaitu Walt Disney Pictures dan pengedar filem, Buena Vista Columbia Tristar Films (M) Sdn Bhd. Keputusan penangguhan tayangan filem berkenaan tiada kaitan dengan LPF.

Sebagaimana diperuntukkan di bawah Akta Penapisan Filem 2002, mana-mana pihak yang tidak berpuas hati dengan keputusan LPF boleh mengemukakan rayuan kepada Jawatankuasa Rayuan Filem (JKRF) dalam masa 30 hari dari tarikh keputusan LPF. Pihak pengeluar filem iaitu Walt Disney Pictures, Amerika Syarikat melalui syarikat Buena Vista Columbia Tristar Films (M) Sdn Bhd telah mengemukakan rayuan kepada JKRF pada 20 Mac 2017.

Selanjutnya, JKRF telah menonton tapis filem tersebut dan menimbang rayuan daripada pihak pengeluar filem pada 21 Mac 2017. Keputusan JKRF ialah memberi kelulusan untuk tayangan filem tersebut di Malaysia di bawah klasifikasi P13 tanpa potongan (Lulus Bersih dengan klasifikasi P13) atas alasan elemen gay dalam filem tersebut adalah ringan dan tidak menjejaskan elemen-elemen positif yang dipaparkan dalam filem tersebut.

JKRF ialah sebuah jawatankuasa yang bebas daripada LPF yang ditubuhkan berdasarkan Akta Penapisan Filem 2002 dan tidak terikat dengan keputusan LPF. JKRF diperuntukkan kuasa untuk mengesahkan, mengubah atau mengkas keputusan LPF.

Oleh yang demikian, pandangan bahawa LPF telah membuat u-turn atau mengubah (reverse) keputusannya dalam menonton tapis filem *Beauty and The Beast* adalah tidak berasas. Kewujudan LPF dan JKRF secara berasingan berdasarkan undang-undang iaitu Akta Penapisan Filem (2002) menunjukkan terdapatnya elemen check and balance dalam proses penapisan filem di negara ini.

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**KEMENTERIAN DALAM NEGERI**

**PUTRAJAYA**

*SOURCE: <http://www.moha.gov.my/index.php/ms/maklumat-korporat22-4/kenyataan-media-kdn/3306-kenyataan-mediamediaengenai-peranan-lembaga-penapis-filem-dan-isu-rayuan-filem-beauty-and-the-beast> (accessed 03/09/2020)*



# Appendix D

Censorship decision for *Flower in the Pocket* (Liew Seng Tat, 2007) as published on the Da Huang website. The film was requested to make four changes.

NO. PENDAFTARAN : PCMM200720575  
TAJUK: FLOWER IN THE POCKET

TARikh : 30.08.2007  
MUKA SURAT: 2

BIL.	MASA		BIL. POTONGAN	CATATAN
	DARI	HINGGA		
	00:00:00	01:36:35		TAYANGAN MULA DAN TAMAT
	00:20:00	00:20:04	1	SEMASA ADEGAN SEORANG BUDAK CINA SEDANG DUDUK MENGCANGKUNG BUANG AIR BESAR PADAMKAN DIALOGNYA "WO DE GUO YU BU ZI" DENGAN SEORANG BUDAK CINA YANG YANG MEMINTA MENGOYAKKAN KERTAS DARI BUKU MALAYSIA UNTUK DIJADIKAN BAHAN PENCUCI NAJISNYA. PADAMKAN JUGA "MY BAHASA MALAYSIA EXERCISE BOOK" DI PAPARAN SARIKATA
	00:46:33	00:46:36	2	PADAMKAN DIALOG LUCAH "GAM YONG LEN YEONG ..LI" ANTARA DUA LELAKI CINA DALAM KILANG MEMBUAT PATUNG MANUSIA.
	00:59:01	00:59:09	3	PADAMKAN SUARA LATAR AZAN YATKALA DUA BUDAK CINA SEDANG MENURUNI BUKIT SAMBIL MEMEGANG ANAK ANJING.
	01:00:01	01:02:03	4	POTONG DAN PENDEKKAN ADEGAN DUA BUDAK CINA MANDI BOGEL TERUTAMANYA PAPARAN YANG MENUNJUKKAN ZAKAR BUDAK TERSEBUT YANG SEDANG MENEGANG.

SOURCE: <http://www.dahuangpictures.com/blogs/hana.php/2007/11/09/p373> (accessed (21/08/2020))


# Appendix E

Letter from LPF to Hardesh Singh informing him that the ban on *Lelaki Komunis Terakhir* remains in place.  
SOURCE: <https://twitter.com/coolerlumpur/status/1048429600735289344/photo/1> (accessed 13/08/2020)





# Appendix F

New guidelines issues by the LPF in June 2015 for television content.



KEMENTERIAN DALAM NEGERI  
LEMBAGA PENAPIS FILEM  
ARAS 7, BLOK D7, KOMPLEKS D  
PUSAT Pentadbiran Kerajaan Persekutuan  
62546, MITRAJAYA

MRC

Ruj. Kami : KDN. BKF. 03/862/7(12)  
Tarikh : **23** Jun 2015

**SEPERTI SENARAI EDARAN**

YBhg. Dato'/Tuan/Puan,

RECEIVED  
TV3  
30 JUN 2015  
Airtime Management Group

**PEKELILING LPF STESEN TV BILANGAN 1/2015**

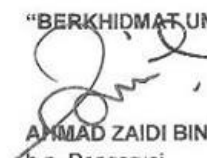
Dengan segala hormatnya saya merujuk kepada perkara di atas.

2. Adalah dimaklumkan bahawa Lembaga Penapis Filem (LPF) telah mengeluarkan satu pekeliling mengenai garis panduan khusus penapisan filem stesen televisyen. Pekeliling ini dikeluarkan bagi memudahkan pihak stesen membuat rujukan semasa membuat perolehan kandungan filem keluaran tempatan disamping memudahkan lagi proses membuat keputusan serta memberi klasifikasi.

3. Sehubungan dengan itu, bersama-sama ini disertakan Pekeliling LPF (Stesen TV) Bil. 1/2015 seperti di Lampiran untuk makluman dan rujukan pihak YBhg. Dato'/Tuan/Puan.





Sekian, terima kasih.

**"BERKHIDMAT UNTUK NEGARA"**



**AHMAD ZAIDI BIN MOHD ILIAS**  
b.p. Pengerusi  
Lembaga Penapis Filem  
Kementerian Dalam Negeri

(Sila rujuk rujukan Kementerian ini apabila berurusan)

12 000007

# Appendix F



LEMBAGA PENAPIS FILEM  
KEMENTERIAN DALAM NEGERI

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PEKELILING LPF (STESEN TV) BIL. 1 /2015

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## PANDUAN KHUSUS PENAPISAN FILEM STESEN TELEVISYEN

### 1. TUJUAN

Pekeliling ini bertujuan memberikan panduan kepada pihak stesen TV yang terlibat dalam proses penapisan filem bagi filem keluaran tempatan yang akan ditayang di stesen TV masing-masing.

### 2. LATAR BELAKANG

2.1 Pada masa ini Akta Penapisan Filem 2002 (Akta 620) dan Garis Panduan Penapisan Filem 2010 dijadikan dokumen rujukan semasa Ahli Lembaga Penapis Filem membuat penapisan filem samada di Ibu Pejabat LPF atau di stesen TV. Sebagai tambahan kepada dua dokumen induk yang dinyatakan, LPF mengeluarkan Panduan Khusus Penapisan Filem bagi penapisan filem panggung, VOD stesen TV dan jualan. Sementara itu bagi stesen TV (saluran *linear*), LPF menggunakan kaedah "tapisan halus". Aspek utama yang digunakan sebagai asas penapisan adalah seperti berikut :

- i. Keselamatan dan Ketenteraman Awam ;
- ii. Keagamaan ;
- iii. Sosiobudaya ;
- iv. Ketertiban dan Ketatasusilaan

# Appendix F

2.2 Memandangkan konsep penapisan akan berubah yang mana pihak stesen TV akan juga terlibat dalam proses "Pratonton" maka adalah wajar suatu rujukan khusus disediakan kepada pihak stesen TV bagi menentukan keseragaman penilaian di dalam dan di antara stesen TV.

2.3 Panduan Penapisan Filem Stesen TV ini digubal untuk kegunaan semua saluran *linear* stesen TV samada bagi stesen TV *free to air* atau TV berbayar. Panduan ini dirangka dengan mengambikira faktor kepelbagaian penonton TV dari segi kumpulan umur, agama dan kaum. Piawaian tapisan yang digunakan untuk filem tayangan pawagam dan jualan termasuk VOD adalah tidak sesuai untuk tontonan terbuka stesen TV. Justeru, suatu Panduan khusus untuk kegunaan stesen TV (saluran linear) perlu diwujudkan.

2.4 Adalah diperakui bahawa filem yang akan ditayangkan di TV perlulah diteliti dan diawasi bagi mengelakkan kontroversi di kalangan masyarakat.

### 3. ARAHAN

3.1 Semua pihak stesen TV yang terlibat dalam proses penapisan filem hendaklah membuat rujukan dan mengguna pakai dokumen seperti dalam Jadual 1 apabila memproses filem keluaran tempatan.


### 4. PENUTUP

4.1 Dengan adanya Pekeliling ini diharapkan penapisan filem menjadi lebih mudah dan proses membuat keputusan serta memberikan klasifikasi terhadap filem keluaran tempatan menjadi lebih seragam dan meyakinkan.

### 5. TARIKH KUAT KUASA

5.1 Pekeliling ini berkuat kuasa mulai 15 Jun 2015.

"BERKHIDMAT UNTUK NEGARA"

  
(DATU' ABDUL HALIM BIN ABDUL HAMID)  
PENERUSI LPI



# Appendix F

**JADUAL 1 – PANDUAN PENAPISAN FILEM STESEN TV**

Panduan ini adalah untuk digunakan bagi penapisan filem yang diterbitkan produksi tempatan. Bagi filem berbahasa Cina, Tamil dan Inggeris, sekiranya melibatkan pelakon berbangsa Melayu, mereka tertakut kepada kriteria filem Melayu. Panduan ini adalah merupakan penjelasan terperinci terhadap Garis Panduan Penapisan Filem 2010.

**1) ELEMEN : SEKS / LUCAH / KELAKUAN SUMBANG**

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan ghairah antara lelaki dan perempuan atau sejenis	Potong			
ii	Adegan ciuman pada pipi, dahi, tangan antara lelaki dan perempuan	Potong	Tiada Potongan		
iii	Adegan ciuman mulut dan leher atau ciuman ghairah.	Potong			
iv	Adegan intim, ghairah dan romantik secara pelukan dan dakapan antara lelaki dan perempuan atau sejenis. (kecuali adegan pelukan yang memaparkan nilai-nilai kekeluargaan)	Potong	Tiada Potongan		
v	Adegan meraba tubuh, menyentuh kemaluan serta menjilat anggota badan antara lelaki dan perempuan atau sejenis	Potong			
vi	Adegan rogol dan perlakuan seks (kecuali adegan di balik cahaya, kelambu dan bayangan yang samar dan tidak jelas tanpa aksi seks)	Potong			

# Appendix F

## 2) ELEMEN : TAHYUL / KHURAFAT

Definisi Tahyul : Kepercayaan kepada kuasa ghaib dan mistik serta menjurus kepada syirik

Definisi Khurafat : Amalan yang bertentangan dengan akidah Islam

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan manusia berinteraksi dengan roh atau jin secara jelmaan fizikal.	Potong	Tiada Potongan		
ii	Adegan pembomohan dengan membaca mantera atau jampi	Potong jika bercampur ayat Al-Quran	Tiada Potongan		
iii	Adegan ajaran sesat yang tidak diikuti dengan pembalasan atau pengajaran.	Potong	Tiada Potongan		

# Appendix F

### 3) ELEMEN : ROKOK, MINUMAN KERAS DAN DADAH

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan merokok, penyalahgunaan dadah (contoh : menghisap, menghidu, menelan atau menyuntik dadah) <i>Definisi rokok: shisha, e-cig, curut</i>	Potong			
ii	Adegan minum minuman keras	Potong	Tiada potongan kecuali adegan mabuk dan bertindak liar serta ganas		
iii	Adegan memproses dadah	Potong			
iv	Paparan jenama minuman keras	Dikaburkan			

### 4) ELEMEN : KEROSAKAN AKHLAK

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan lelaki Islam memakai anting-anting, rantai leher, subang dan tatu	Kabur			
ii	Adegan membunuh diri dengan apa cara sekali pun.	Potong			
iii	Adegan lelaki melakonkan watak perempuan kecuali adegan penyamaran	Potong			

# Appendix F

## 5) ELEMEN : KESESUAIAN PAKAIAN

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan wanita berpakaian yang memaparkan susuk badan, bentuk payu dara, kemaluan, peha, punggung dan pakaian dalam (kecuali wanita India memakai sari)	Potong			
ii	Adegan lelaki dan wanita yang memakai pakaian yang menampakkan bonjolan kemaluan (kecuali aktiviti sukan)	Potong			

## 6) ELEMEN : PERILAKU TIDAK SOPAN

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan menunjukkan isyarat lucah	Potong			
ii	Adegan tarian erotik dan lucah	Potong			
iii	Adegan berbaring atau duduk di atas peha atau bersandar di badan pasangan	Potong	Tiada Potongan		

# Appendix F

## 7) ELEMEN : GANAS / KEJAM / NGERI

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan keterlaluan penggunaan senjata api / senjata tajam untuk membunuh	Potong			
ii	Adegan ngeri kesan dari tembakan, dipancung, ditikam, dipotong, dipenggal anggota badan dan dilanggar kenderaan	Potong			
iii	Adegan yang memaparkan penganiayaan / kekejaman terhadap haiwan	Potong			
iv	Penderaan fizikal ke atas wanita dan kanak-kanak	Potong			
v	Adegan berupa ugutan yang mengancam nyawa mangsa menggunakan senjata api atau senjata tajam	Potong			

## 8) ELEMEN : BERBAUR POLITIK

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA (Tempatan)	TAMIL (Tempatan)	INGGERIS (Tempatan)
i	Adegan yang memaparkan lambang, logo, bendera parti politik Malaysia	Potong			
ii	Adegan dan dialog yang menyindir, mempersendakan, mengkritik kerajaan dan sensitiviti politik negara	Potong			

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# Appendix F

## 9) ELEMEN : SERAM / MISTERI / MENAKUTKAN

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA	TAMIL	INGGERIS
i	Adegan yang memaparkan wajah makhluk yang sangat mengerikan dan menakutkan	Potong			
ii	Adegan yang memaparkan perbuatan yang sangat mengerikan, meloyakan, menjijikkan	Potong			

## 10) ELEMEN : PEMATUHAN UNDANG-UNDANG & INTEGRITI KERAJAAN

BIL	ADEGAN	KEPUTUSAN			
		MELAYU	CINA	TAMIL	INGGERIS
i	Adegan melanggar undang-undang negara kecuali paparan watak jahat dan ada pembalasan	Potong			
ii	Adegan dan dialog yang mencemarkan imej kerajaan (contoh : menerima rasuah dan salah guna kuasa)	Potong			

# Appendix F

## 11) FORMAT TONTON TAPIS DIALOG

NOTA : Panduan tonton tapis yang membolehkan dialog harus dinilai dalam konteks jalan cerita dan kesesuaian dialog dengan **memadam** keseluruhan dialog atau perkataan terbabit.

BIL	ADEGAN	KEPUTUSAN
i	<b>DIALOG LUCAH</b> : merujuk kepada kemaluan lelaki dan wanita / hubungan seksual / dwi makna . <i>Contoh:- "Barang baik, main, kekah, nasi lemak 30 sen, macam pondan, jom projek"</i>	Dipadam
ii	<b>DIALOG KESAT</b> : menunjukkan kebiadapan/ maki hamun / mencerca. <i>Contoh :- "dasar perempuan jalang, kau orang ni anjing-anjing Dragon"</i>	Dipadam
iii	<b>DIALOG SENSITIF</b> : hubungan antara agama / bangsa seperti mengkritik dan menghina bangsa atau negara asing serta bacaan ayat Al-Quran yang tidak betul. <i>Contoh:- "Sembahyang tonggang-tonggek, bangsa makan babi, salah takdir, anak sakai, janji Melayu"</i>	Dipadam
iv	<b>DIALOG EROTIK</b> : bunyi atau suara ghairah dan memberahikan	Dipadam
v	<b>DIALOG POLITIK</b> - Dialog yang menyindir / mengkritik kerajaan atau parti politik.	Dipadam

# Appendix F

## KATEGORI BAHASA DAN DIALOG BERUNSUR KESAT DAN LUCAH

KATEGORI	MELAYU	INGGERIS
<b>RINGAN</b>	Bodoh Bahalul Kepala Hotak Lembu Pondan Puaka Skodeng Sotong Tolol Si Penkid	Damn Shit Stupid
<b>SEDERHANA (Padam)</b>	Binatang Bohjan Celaka Dayus Barua Bangang Dayus Bangsat Berambus Iblis Mangkuk Hayun Perempuan / Betina Jalang Sial Mampus Jahanam	Asshole Bastard Bloody ass Fuck / Fucker Fucking Disaster Handjob Jackass Jerk off Mother Fucker Scumbag Son of a bitch Sucker Whore
<b>BERAT (Padam)</b>	Anak haram Anak sundal Anjing Babi Bajingan Betina garit Beruk mak yeh Haram jadah Gampang Ibu / Bapa ayam Jin Afrit Jubur Ayam Pelacur Setan Butuh Kafir Kepala Butuh Pukimak Pantat Main Buntut	Blowjob Cunnilingus Cunt Dick Fellatio Fuck You/her/him Holy shit Pussy You dick sucker

# Appendix F

KATEGORI BAHASA DAN DIALOG BERUNSUR KESAT DAN LUCAH

KATEGORI	MANDARIN	KANTONIS	HOKKIEN	TEOCHEW
UMUM	Ni ma te pa tze (kemaluan ibu)	Tiu (Fuck)	Kan (fuck)	Pu bor (fuck your mother)
	Chau (fuck)		Kan ni nya (fuck your mother)	
	Chau ni liang (fuck your mother)		Kan ni lau mu (fuck your mother)	

KATEGORI	TAMIL	HINDI
SEDERHANA	Saniyan/ Saniyane (Sial)	Harami (Scoundrel/Rascal).
	Porukki (Suka Merayau)	Harami Ki Aulad (Anak Seorang Penjahat/Scoundrel).
Tindakan :	Porukki Naaye (Merayau Seperti Anjing)	Harami Ka Bacha / Harami Bacha (Child of Scoundrel).
	Arupeduthavan/Arupedathaval (gatal)	Haram Khor (An untrustworthy person / Idiot).
U – Padam	Odukali (Prempuan Yang Suka Merayau)	Sur Ka Bacha (Anak Babi / Khinzir).
P13 - Kekaikan	Naai (Anjing)- Merujuk kepada orang	Lucha / Luchi (Orang Yang Gatal)
	Kaluthe (Donkey) - Merujuk kepada orang	Kutti (Anjing Betina / Bitch)
	Pisasu (Hantu) - Merujuk kepada orang	Kutte Ki Aulad / Kutti Ki Aulad (Anak Anjing)
		Bahen Ka Thaka (Sister's pimp).
		Rendi (Pelacur).
		Kothe Wali (Ibu Ayam)

# Appendix F

KATEGORI	TAMIL	HINDI
		Haram Zada / Haram Zade / Haram Zadi (Anak Haram).  Kanjar / Kanjare / Kanjari (Pelacur Lelaki / Perempuan).  Deiah (Ibu Ayam / Pimp)
<b>BERAT</b>	Mayiru/Mayir Pudunggu (Bulu Kemaluan mengikut konteks dan nada disebut)  Unggammaleh  Thevidia/Vesi  Thevedia/Vesi Magan (Anak Pelacur)  Oru Appanukku Piranthirunthal (Anak Haram)  Thaaoli (Mother Fucker)  Koothindamohne (Malayalam)  Pattiyinde Mone (Son Of A Bitch )  *Fuck  *Mother Fucker  *Asshole  * Perkataan B.Inggris tetapi perlu dipadamkan (mandatory).	Teri Maa Ki / Teri Maa Ka (Sebutan Lucah Yang Menjurus Ke Kemaluan Wanita/Emak).  Teri Bahen Ki / Teri Bahen Ka (Sebutan Lucah Yang Menjurus Ke Kemaluan Wanita/Kakak/Adik).  Maa Chot (Seks dengan Emak).  Bahen Chot (Seks dengan Kakak/Adik).  Chuliya ( Liwat )



# Appendix F

KATEGORI	TELEGU
<p><b>BERAT</b> Tindakan : Dipadam</p>	<p>Bochu (Bulu Kemaluan)</p> <p>Bokka (Burit)</p> <p>Dobbu (Bersetubuh)</p> <p>Gutha (Arse)</p> <p>Landikoduku ( Anak haram)</p> <p>Lanja/Munda ( Pelacur)</p> <p>Lanjakodka (Anak pelacur)</p> <p>Nee yamma/ nee yabba (Emak hang...)</p> <p>Pikuthadoo (Cabut bulu)</p> <p>Dhola (Gatal )</p>



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# ENDNOTES

ACT 2

# Endnotes

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- 2 Sejarah, Lembaga Penapis Film, <http://lpf.moha.gov.my/lpf/index.php/ms/maklumat-koporat/sejarah-lpf> (accessed 2/3/2021).
- 3 [http://lpf.moha.gov.my/lpf/images/Perundangan/GARIS\\_PANDUAN\\_PENAPISAN\\_FILEM\(1\).pdf](http://lpf.moha.gov.my/lpf/images/Perundangan/GARIS_PANDUAN_PENAPISAN_FILEM(1).pdf)
- 4 Laporan Tahunan 2013 / Annual Report 2013, Lembaga Penapis Film, Kementerian Dalam Negeri, [http://lpf.moha.gov.my/lpf/images/laporan\\_tahunan/LPF\\_Laporan\\_Tahunan\\_2013\\_BM-English.pdf](http://lpf.moha.gov.my/lpf/images/laporan_tahunan/LPF_Laporan_Tahunan_2013_BM-English.pdf)
- 5 In another source, this mission is written as: "Memastikan Filem Yang Diluluskan Tidak Mengancam Ketenteraman Awam dan Keselamatan Negara" Lembaga Penapis Filem (2012) Kementerian Dalam Negeri, [http://www.moha.gov.my/images/maklumat\\_bahagian/LPF/content\\_lpf\\_2012.pdf](http://www.moha.gov.my/images/maklumat_bahagian/LPF/content_lpf_2012.pdf) (accessed 27/09/2020)
- 6 See "History & Mission" <http://cmcf.my/history-mission>
- 7 Details of the required documentation can be found at the following link: Soalan Lazim, <http://www.moha.gov.my/index.php/ms/maklumat-koporat22-4/122-maklumat-bahagian/lembaga-penapis-filem/189-soalan-lazim>
- 8 U for general audiences (umum), P13 is parental guidance recommended for children below 13 years old. 18 is for adults aged 18 years and over and contains mature content (violence, horror, sex, politics, religion, counterculture).
- 9 In 2012, of the 1114 films reviewed by the LPF, nine (9) were banned (TUT). This included feature films, previews, trailers, and advertisements.
- 10 Representatives in Astro, Al Hijrah, RTM, HyppTV, and Media Prima (TV3, NTV7, 8TV, TV9).
- 11 Gay moment in Beauty And The Beast is 'light', says Malaysia, Today Online, 29 March 2017, <https://www.todayonline.com/entertainment/movies/gay-moment-beauty-and-beast-light-says-malaysia>
- 12 See the official KDN twitter account 29 March 2017 <https://twitter.com/kdnputrajaya/status/846931704702894084>.
- 13 A name list of seven members is available in Bahagian Kawalan Penapisan Filem dan Penguatkuasaan, Garis Panduan Penapisan Film, 2010, [http://lpf.moha.gov.my/lpf/images/Perundangan/GARIS\\_PANDUAN\\_PENAPISAN\\_FILEM\(1\).pdf](http://lpf.moha.gov.my/lpf/images/Perundangan/GARIS_PANDUAN_PENAPISAN_FILEM(1).pdf), p.57. In January 2018, Hj Mohd Zamberi Abdul Aziz was appointed as director of the LPF.
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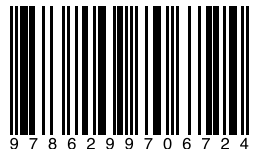
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