

CHAPTER V

CONCLUSION

In this research, the author sees that porn industry in Japan is a complex, complicated industry which has a long history on itself. How such a big industry is still able to operate until today? There are legal, economic, and cultural factors that enable this business to continue. The problems do not only come from the industry itself but also from the regulation taken by the Japanese government, which is the Article 175 of the Japanese Penal Code or often called as Obscenity law.

Its obscenity law in its current state has both negative legal and social consequences. The law's ambiguity obstructs the court system in analysis and unnecessary cases, causing uncertainty especially on the side of filmmaker and artist of the porn industry. There are some potential solutions to the problems created by Article 175 of the Japanese Penal Code.

The first one is revision of the Article 175 of the Japanese Penal Code. It may state that the display of male or female genitals engaged in the act of sexual intercourse in film, photography, or art is considered obscene material. Another example would be the detailed description of genitals involved in the act of sexual intercourse along with the description of the sensation of intercourse creates obscene 'feel' in any written material with the exception of scientific and educational materials. This would give the courts better guidance in applying the code, which could lead to more consistent rulings.

The second one is the courts may fix the problems with the obscenity rule. The confusion that exists now is unacceptable and found in few other areas of the law. The courts could set out clear guidelines for what does and does not constitute obscene material. This would provide for more consistent rulings in the future and also increase the confidence of the Japanese public in its court system and uphold the integrity of the judicial system.

Finally, Japan could completely abolish the porn industry altogether. While this industry has earned Japan up to 500 billion yen each year, this industry still holds many problems inside, such as woman rights abuse; with woman trafficked from another country (usually from less developed country) to work as prostitute that run by local Yakuza or deceive woman into performing in porn film, by offering them to work as model only to threaten them to perform in porn later. The agency in porn industry even threaten woman with financial charge as penalty for “contract violations” if they refuse to perform. Japan has other big industries, such as automobile and electronics industries, that can support its economy better than porn industry. So, rather than rely on porn industry, it is better for Japan to improve more of its other big industries.