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## Book Reviews

### New Literature on Law and Political Institutions in Indonesia

Butt, Simon, and Tim Lindsey (2012), *The Constitution of Indonesia: A Contextual Analysis*

Oxford: Hart Publishing (Constitutional Systems of the World Series), ISBN-13: 978-1849460187, 292 pages

Kimura, Ehito (2012), *Political Change and Territoriality in Indonesia: Provincial Proliferation*

London: Routledge (Routledge Contemporary Southeast Asia Series), ISBN 9781136301810, 171 pages

Lindsey, Tim (2012), *Islam, Law and the State in Southeast Asia: Volume I: Indonesia*

London – New York: Tauris I. B. (Islam, Law and the State in Southeast Asia Series), ISBN-13: 978-1848850651, 565 pages

Lukito, Ratno (2012), *Legal Pluralism in Indonesia: Bridging the Unbridgeable*

London: Routledge (= Routledge Contemporary Southeast Asia Series 48), ISBN 9780415673426, 288 pages

### Introduction

Contemporary research on Indonesia is a potential source of very high analytical yields. The political transformation of the last 15 years not only induced the establishment of new – or the modification of old – state institutions, but also brought about visible changes in Indonesian society, and political and social scientists are rushing to capture these dynamics. However, forming a clear picture of the current Indonesian legal and institutional structure is a challenge in itself. Three new books attempt to systematize the current reforms of the institutional and legal canvas of the state, while another argues that in some areas nothing new has happened. A common pattern in three of the reviewed books is that they all adopt the stepping down of Suharto as a cut-off point or a critical juncture. One would think that the 15 years since Suharto's fall has been enough time for things to settle and arrive at a stage where the fluidity subsides, letting normalcy take

over. Therefore, these new works on Indonesia are not about transition anymore, but deal rather with the current reality in its relative stability. Simply put, *The Constitution of Indonesia, Political Change and Territoriality* and *Islam, Law and the State* are all about the results of the transition. *Legal Pluralism in Indonesia*, on the other hand, examines a more abstract and theoretical level of the law in Indonesia; in this book, Lukito builds his argument around the idea that the state in Indonesia has been – despite regime change – consistent in its approach to legal pluralism. Lukito's book clearly diverges from the three other works in that it takes a theoretical-legal approach and provides a more historical analysis, and through this, it offers an interesting dialogue with the other works.

Among the lot, *The Constitution of Indonesia*, by Butt and Lindsey, covers the widest ground and gives insights into nearly all institutional elements of the public sphere in Indonesia. Ehito Kimura's *Political Change and Territoriality in Indonesia* narrows down the topic of new institutions and the new relations among them to the issue of province formation under the amended constitution. *Islam, Law and the State in Southeast Asia* (Volume I on Indonesia by Tim Lindsey) looks beyond the state institutions and analyses the space that Islam occupies in the country and in its legal framework. *Legal Pluralism in Indonesia* takes on the historical development of state vs. religious and customary (*adat*) law, the incorporation of alternative normative orderings into the state legal system and the theoretical possibilities of their coexistence. Below, I discuss each of these books individually, and subsequently I attempt to draw a picture of contemporary Indonesian scholarship arising from these new publications.

## ***The Constitution of Indonesia: A Contextual Analysis***

Simon Butt and Tim Lindsey are both long-time experts on Indonesian law, and their book draws extensively on their previous publications in the field. This new work demonstrates that as irrelevant as the country's constitution was during Suharto's New Order, its importance was restored in the democratic Indonesia and it indeed came to be the respected reference point for political actors in the country.

The book is structured as follows: The first chapter presents the legal-ideological rift surrounding the creation of the first (and currently in force) Indonesian Constitution. Chapters 2, 3 and 4 are devoted to the central institutions of the state: the presidency, legislatures and judiciary. The subsequent chapters, while discussing the constitutional provisions on particular issues (Constitutional Court, decentralization, human rights, religion and

economy, in that order), also include statutes regulating the issues at hand, as well as decisions of the Constitutional Court relevant to each of these given issues. In each chapter, the authors proceed step by step from the text of the original Constitution of 1945 through the four amendments passed since 1999.

The book is far from being a dry legal analysis. The authors show the Constitution in action, how it was shaped by the political events of transformation and how the amended document changed Indonesian politics. Butt and Lindsey show not only how each amendment was prompted by real-life issues (take the dismissal of Abdurrahman Wahid as president, which led to an amendment of the section regulating the presidential impeachment procedure), but also what controversies they sparked, which civil society groups engaged in the process and how the constitutional changes played out in later events.

The cases discussed in the book are primarily invoked to unveil the legal rationales by which the Constitutional Court reached its decisions. Moreover, by studying the reasoning of the Court in these cases the authors delineate a wider pattern in the new Indonesian judicial review. These cases, as well as the political background of specific amendments presented in other chapters of the book, fulfil the title's promise of providing a "contextual analysis". The book is as compelling a read for legal comparativists as it is for those interested in history, the social sciences and politics.

*The Indonesian Constitution* by Butt and Lindsey also offers an evaluation of the Indonesian *Reformasi* in the fields of the judiciary and legislation. The authors offer a substantial examination not only of the Constitution, but also of a number of new or amended laws (on political parties, elections, etc.) and discuss not only their substance but also their judicial strengths and weaknesses. Among the institutions they tackle, Butt and Lindsey hail the Constitutional Court as a particularly "critical part of the maintenance of the separation of powers, constitutional order, democracy and human rights in Indonesia" (p. 157), making the Court one of the pillars of success of the *Reformasi*. While the authors speak highly of the competences of the Constitutional Court, they also point to the conflict between the national legislature and the Court and suggest that the legislature may in the future attempt to restrict the competences of the Court (p. 157).

Not surprisingly, about half of the book is dedicated to the rulings of the Constitutional Court. Through these cases, Butt and Lindsey analyse not only the substance of each case and the Court's decision, but also the position the Court assumed – sometimes beyond the scope the legislature intended – within the larger judiciary system of Indonesia. The authors notice that the Court's judges expanded the scope of their jurisdiction by ruling on

cases that – according to a statute – the Court should not have even been eligible to hear (Chapter 5). The Constitutional Court, argue the authors, was also found to have “discover[ed]” rights in the Constitution (Chapter 7). The Court referred in its rulings to rights merely “implied” in the text of the Constitution, of which the best example is the concept of “rule of law” (*negara hukum*), albeit used in the Constitution, but without a definition or explanation of its contents. The Court, however, has employed *negara hukum* in its rulings as a basis, deriving from it several rights not explicitly articulated in the Constitution itself. The Court, found Butt and Lindsey, through its implication of rights, may be leading to the “undermining [of] the legitimacy of judicial review” (p. 219). The authors do not shy away from evaluation and criticism, and this makes the book particularly valuable. Butt and Lindsey observe the process of legal reforms in Indonesia not only in order to give a precise account of the facts, but also to offer warnings of mishaps, fallbacks and traps.

Arguably, among the four books reviewed here, Butt and Lindsey’s is directed at the widest readership, and the book will likely become a must-read for students and researchers of Indonesia. The book can be read both as a mini-lexicon of Indonesian institutions and as a dynamic tale of Indonesian constitutional reforms after Suharto. Each chapter of the book ends with a collection of “Selected Reading”, suggesting that the work is aimed at university students and persons unfamiliar with Indonesian scholarship. Indeed, *The Constitution of Indonesia* can be a good introduction to comparative and area studies, as it gives an excellent overview of the institutional framework of the country and its socio-political debates. Butt and Lindsey prove that an analysis that takes the Constitution as its lens can produce a balanced and well-rooted picture not only of the legal-institutional structure of a given country, but also of its social and historical backdrop.

## ***Political Change and Territoriality in Indonesia: Provincial Proliferation***

Ehito Kimura studies one of the most discussed topics in contemporary Indonesia – decentralization – and focuses on an important element of it: the political aspects of the creation of new provinces. Given the proliferation of provinces in Indonesia since 1998, Kimura asks what forces drive provincial splits and what interests are at stake when new provinces are proposed. This question is particularly valid because in the process of institutional devolution in post-Suharto Indonesia, provinces actually lost political importance, to the benefit of districts and municipalities. Therefore, asks Kimura, what is the rationale for provincial proliferation? As the author

rightly dismisses the functional explanation of efficiency as a rationale for provincial splits in Indonesia, he sets off to analyse factors of identity, economics and security as explanatory factors.

Kimura's work is, among the books analysed here, the narrowest in terms of scope – understandably so, as it is based on the author's Ph.D. dissertation. The book also touches on a much less contested topic than the other three books: Although provincial proliferation sparks debates about its financial and administrative soundness as well as about the corruption involved in the process, the new and proposed provinces are not sources of ideological rifts and are unlikely to matter in national politics, or to be of importance for an extended period of time within the provinces themselves. That having been said, it needs to be underscored that Kimura's book and all further studies of provincial (and more so, district and municipality) proliferation, are necessary for creating a fuller picture of the decentralized and reformed Indonesia as well as useful to political scientists as test cases for a number of politically and socially relevant questions.

The structure of the book is straightforward: The first four chapters focus on the research question, conceptual framework on territoriality, territorial policies of the colonial period, and pre-*Reformasi* territorial changes and politics. The next three chapters deal with the particular backgrounds of each of the selected case studies (newly created provinces): Gorontalo, Riau Islands (*Kapulauan Riau*) and West Papua. In the concluding chapter, Kimura offers a comparative overview of the three cases, and briefly shows Indonesian provincial proliferation from a wider perspective of provincial splits, taking India and Nigeria as control cases.

The author proposes an explanation of the proliferation that rests on the idea of a "territorial coalition". Territorial coalitions are based on vested interests of actors at three levels: central, provincial and local. In Kimura's analysis of the three selected case studies, he shows how these central-regional (and/or local) coalitions of provincial proponents became successful. In each case, it is a different combination of factors. Gorontalo, as Kimura argues, was historically poised to separate from the rest of North Sulawesi. While Gorontalo's Muslims readily joined the Indonesian nationalist movement prior to independence, the Christian Minahasa people expressed their wish to join the Netherlands as an overseas province in 1945 (p. 72). Strong backing from prominent figures in Jakarta (most notably, the then-president, Yusuf Habibie) was another critical factor boosting the cause of Gorontalo to separate from North Sulawesi. Most importantly, the relevant ethnic division within North Sulawesi between the Christian Minahasa people, well educated through missionary schools, and the Muslim Gorontalo people, politically marginalized within the province, coincided with geo-

graphical distribution. As soon as the window of opportunity to create a separate province opened in 1999, the people of Gorontalo “declared” (p. 67) the establishment of the new province of Gorontalo before the proper administrative procedures of province formation were completed. Therefore, Kimura attributes the creation of Gorontalo to ethnic identity.

The case of separation of the Riau Islands Province from the Riau Province on the island of Sumatra is less straightforward. Kimura finds that economic elements played a role (most notably, the special economic zone of the island of Batam, which brings significant revenue to the Riau Archipelago), but that they were not crucial in the process of provincial separation. The author argues that the movement to separate the Riau Islands was a reaction to the earlier call of Sumatran Riau activists to separate the province from Indonesia. The Riau Islands Province not only rejected the idea of an independent Riau state, but wished to “embrace the idea of being ‘*orang Indonesia*’” (“Indonesian people”, p. 105). From this case, Kimura draws a new and interesting conclusion that newly formed provinces may seek closer and tighter relations with the central government, and through this they may contribute to strengthening Indonesia’s cohesion. Consequently, proposes the author, new provinces may indicate the exact opposite of separatism. Many opponents of provincial proliferation in Indonesia fretted that the creation of new provinces is motivated by separatism, but given Kimura’s findings, their worries may now be rendered unfounded.

The case of separation of West Papua from the mother province of Papua shows different interests at play. Here, Kimura demonstrates, the formation of a new province mostly served the interests of the central government, chiefly related to security and economy. The formation of West Papua was a top-down operation informed by a divide-and-rule strategy. Again, the author shows, state cohesion was strengthened rather than weakened.

The element most strikingly missing in the analysis is the author’s explanation of the case selection. The provinces chosen for studies are three among the eight (or seven, at the time of the book’s publication) created since 1999 in Indonesia. These three do indeed offer exciting cases, and the differing explanatory factors identified for each case by the author may be representative of the variety of driving forces in the provincial proliferation in Indonesia. It would, however, have been more convincing if the author had included some basic information about the processes of the formation of the other provinces as a way to provide evidence that the three selected cases are demonstrative for all the remaining ones. Nevertheless, the author’s conclusions are extremely significant for a wider discussion of state coherence and new centre–periphery relations in Indonesia.

## *Islam, Law and the State in Southeast Asia: Volume I: Indonesia*

This is the first of three volumes in a set including Volume II on Singapore and Volume III on Malaysia and Brunei. The series is co-authored by Tim Lindsey and Kerstin Steiner, but the volume on Indonesia is the work of Tim Lindsey alone. The volume is precisely what the publisher promises it to be: “[of a] comprehensive form not attempted for decades, including coverage on a range of areas including legal doctrine, substantive laws, judicial decision-making, the administration of religion, intellectual debate and state policy developments”. *Islam, Law and the State* draws heavily on Lindsey’s earlier works, some co-authored. This review looks only at Volume I of the series, on Indonesia.

While the main aim of the book is to be a complete analysis of Islam-related regulations, the book starts with an important, ideologically loaded question which has enormous relevance for contemporary Indonesian society: What is native or indigenous to Indonesia, and what is an import from other cultures? There are politicians in Indonesia who see Western legal thought as (forcibly) transplanted onto the Indonesian archipelago, either during the colonial period or through the IMF and World Bank during *Reformasi*. According to their argumentation, being an imported product makes these laws less suitable for the Indonesian state, which, they argue, should follow the Islamic law tradition, as that is more indigenous to Indonesia. Lindsey points out, however, that also Islam, albeit predominant and long-established in Indonesia, was also unquestionably transferred to the country from other cultures, but having been present in the archipelago for centuries, is now by many seen as native to Indonesia. Lindsey cites reasons explaining why the purported indigeneity of Islamic laws in the country is an unsound premise and points out that this debate is more than just an academic discussion; it contains an answer to the question of what kind of society Indonesia should be (p. 7).

*Islam, Law and the State* consists of four parts and 13 chapters. Part I concentrates on the sources of Islamic regulations. In Part II, Lindsey analyses regulations pertaining to non-legal Islamic institutions (state-endorsed ones, like the Ministry of Religion, as well as regulations on philanthropic, financial and educational Islamic institutions). Part III, on the Islamic judiciary, covers the institutional structure and judicial decision-making of religious courts, along with the specific Sharia court in the province of Aceh. Part IV takes up the issue of Sharia and the state, discussing the regional and national Sharia-inspired laws. Each part and chapter contains an exhaustive overview of the issue at hand, its historical development, current controver-



sies, positions taken by important political players and the social resonance of the issue. The writing is rich and the amount of information provided is impressive; the author covers the central and regional perspectives, and no institution or law is too minor to be included in the analysis.

By studying Islamic educational institutions (Chapter 7), Tim Lindsey finds that the state has been able to expand its influence on Islamic schools on all levels, leading most of them to incorporate more secular curricula, and at the same time, to diminish the influence of extremists on Islamic education. In the analysis of Islam-related financial institutions (traditional Islamic charity, *zakat* and *waqf*, as well as Islamic banking), Lindsey observes that the state exercises significant control over these informal, unregulated practices. The author points out, however, that the state's involvement in these traditional religious forms and their statutory regulation indicates two elements: 1) an increased influence of the Muslim lobby on the government and 2) the state's wish to regulate areas "where wealth is involved" (p. 213). From these and other examples in the book, we find that the Islam–state relationship has a two-way directionality. As Muslims, through their mass organizations and parties, attempt to influence the state, the state also seeks to expand its influence on Islam. While the state defies its own secular character by engaging in religious regulations, it also gains the advantage of being able to exercise greater control over the tens of millions of Muslims in the state.

The volume is composed as if it were intended to be read in separate units – in this case, chapters. Not only does each chapter have its own bibliography, but loan words (for instance, *fatwa*) and acronyms (for example, DPR) are also defined in every chapter in which they are used, despite the volume having a glossary to that end. The strategy of clearly separating units produces a selection of very coherent chapters on important topics; however, this happens at the expense of the coherence of the work as a whole, which in the end remains a lexicon that does not attempt to piece together the puzzle and answer what seems to be the underlying question of the book: What is the place of Islam in the Indonesian state and its laws?

The book ends with an analysis of the Anti-Pornography Law (Chapter 13). The case itself proves very compelling, and by detailing its context the author demonstrates the various stands taken by important political actors in Indonesia; he also discusses the normative moral role the state plays by passing laws. The unfortunate element of this last chapter is that its theme is carried over to the book's final section, "Volume Conclusions". The very short "Volume Conclusions" would have been better suited to be the conclusions of Chapter 13. Lindsey's book does answer many questions in the chapter conclusions, but he fails to aggregate them in a comprehensive final statement. By not taking a decisive, clear stand on the nature of the Islam–

law–state nexus in Indonesia, Lindsey makes his book more of a lexicon than a conclusive analysis. Nevertheless, he points out two invaluable, general patterns: First, as soon as the secular state takes up the regulation of Islamic traditions in legal statutes, it assumes the normative role and finds itself a judge in substantial religious debates (p. 482–483). Second, says the author, “Muslim groups, particularly conservative ones, have (perhaps ironically) sought to use the legal mechanisms the state has developed to restrict Islam in their efforts to force the state to accept a normative religious role and, of course, adopt the conservative norms they propose” (p. 483).

Tim Lindsey’s book, a result of his and his colleagues’ work over the course of many years, is an excellently researched and analysed compendium of Islam-related laws in Indonesia. The book will be a reference point for scholars studying Indonesian society and the Indonesian legal system, and for students of comparative Islam for years to come.

## *Legal Pluralism in Indonesia: Bridging the Unbridgeable*

*Legal Pluralism in Indonesia* is – despite the similarity of the question posed by the authors – a very different work from *Islam, Law and the State*. Importantly, Ratno Lukito sets off to study the “interplay between legal modernism vis-à-vis legal pluralism” (p. 7) – meaning, the interplay between two doctrines, and not between the legal orderings. However, as Lukito’s book shows, his search for the interplay between legal modernism and legal pluralism still comes down to the main issue of determining what the positions are of the state’s modern law, Islamic law and customary *adat* law within the greater Indonesian judiciary. To narrow it down even more, the book is mostly devoted to placing Islamic law within the legal puzzle in Indonesia. Therefore, for Lukito, the Islam-derived laws are important not because of their substance, but because they are a litmus test for the state’s legal doctrine pertaining to legal pluralism. The problem presented in the book in general is not new – the author’s explanation of the particular position of the Islamic legal tradition in Indonesia is familiar, and the cases he studies are over 20 years old. Despite this, the book still remains an interesting read, and is analytically solid, giving a good overview of the state’s approach to the problem of legal pluralism.

In the first part of *Legal Pluralism in Indonesia*, Ratno Lukito asks two, related strictly legal-theoretical questions: How can several law systems be practically maintained within a state, and how can the state remain secular, unified and coherent while allowing an alternative, not state-created, legal system to exist within it? On top of that, Lukito ventures to study the role of

this interplay between legal systems vis-à-vis state legitimacy. The first part of the book deals with the issue “in historical retrospect” (p. 15): chronologically. The first three chapters of the book focus on these theory-drawn questions, and the answer to them is given in a chronological way through the analysis of subsequent legal orderings of the Dutch colonial state, the Sukarno regime and Suharto’s New Order.

Changes in the law’s substance are only tools with which Lukito explains the dynamic relationship between the state, the religious and the *adat* jurisprudence in Indonesia. Lukito makes no attempt to be exhaustive in his study of Islamic or *adat* laws and is selective in presenting them. However, he does look into the circumstances and political climate in the state, in which the changing governments approached the question of how to recognize, codify, incorporate and execute laws drawn from traditions alternative to the modern, Western (Dutch)-derived legal codes.

The book focuses on the problem independent Indonesia faces in unifying and centralizing the state while simultaneously accommodating the requirements of the strong Muslim community in the country. Lukito first presents the legal legacy of the Dutch in the country, with the established practice of legal pluralism, which in the case of the colonial state meant separate jurisdictions for different ethnic, religious and national categories. As this system was incompatible with a nation-state with a strong unifying agenda, the author demonstrates that steps were taken to bring religious and *adat* courts into the state-operated judiciary system. The difference between *adat*- and Islam-derived law lies in the fact that the state did not see the necessity to codify any of the *adat* rules (which would be impossible, given the number of diverse sets of customs among the ethnicities), whereas it found it suitable or useful to compile and systematize the Islamic rules.

*Adat* law, argues Lukito, has never been a strong bargaining chip in the hands of its respective communities, chiefly due to its inherent feature of being specific and particular to each community. Just as there are hundreds of *adat* communities, there are hundreds of unique legal traditions functioning in these communities. Unlike Muslims, who are able to unite within powerful state-wide organizations, the subjects of *adat* or customary law are dispersed and their lobbying capabilities are weak. Therefore, the state has continued to accommodate the Islamic legal tradition to a much greater extent than the *adat* customs, mostly for legitimacy reasons. Lukito’s book, in sum, gives very little insight into *adat* and offers few new or interesting facts on the topic. The customary law, as the third legal ordering in the state, is given limited prominence in the book, likely as little as the Indonesian state has in reality given *adat*. The customary law, however, plays an important role in Lukito’s book: It is a strong control case that helps the au-

thor prove that legal pluralism in Indonesia was and remains upheld chiefly, if not entirely, due to the strong bargaining position of the Muslim community.

Ratno Lukito's account of the historical interplay between different legal orderings could be a valuable starting point for an informed and deeper analysis of *Reformasi*-era adjustments of the substance of the law as well as the judicial structure in the country. However, in *Legal Pluralism in Indonesia*, only seven pages (p. 114 to 121) are devoted to the legal reforms of the last 15 years. While Lukito's conclusion, that the current government's approach to legal pluralism represents "different strategies, continued logic and the same results" (p. 114), may be correct, the analysis lacks the strength of conviction demonstrated by other parts of the book.

In the second part of the book, the author demonstrates the straddled legal traditions by analysing legal cases. Here, Lukito presents case studies (pertaining to interfaith marriage, interfaith inheritance and gendered inheritance) to demonstrate the conflicting areas in the two (Islamic and modern) law traditions. Despite the contradictory legal orderings, Lukito shows, the state has made almost no attempt to regulate the matter. The state, argues the author, has chosen at times to not take a definite stand when the regulations were found to straddle Islam-informed and modern-informed legal traditions. This is the case, Lukito demonstrates, in regard to interfaith marriages (specifically, those between Muslims and non-Muslims). The Marriage Law (promulgated in 1974) is not precise in its regulation on the permissibility of marriage between a Muslim and a non-Muslim, leading to a vacuum of law and divergent interpretations of various courts. Lukito cites a ruling by the Indonesian Supreme Court, which found that interfaith (Muslim with non-Muslim) marriage is not, in fact, forbidden by the Marriage Law, contrary to most common legal interpretations of the Marriage Law in Indonesia. However, it is well known that Islamic tradition strictly forbids such unions, and the state's explicit approval of interfaith marriage (for instance, in the form of passage in a statute) would antagonize the politically important Muslim organizations. Therefore, argues the author, the state is not interested in clarifying this legal vagueness.

Two cases dealing with interfaith inheritance also demonstrate Superior Court rulings that are contradictory to Islamic teachings; Lukito shows that the same pattern was displayed in cases of gendered inheritance, in which the Court ruled that a daughter's inherited estate should be equal to that of the son, a notion clearly disparate to the Islamic tradition. Through these and other cases, argues Lukito, the Supreme Court of Indonesia has been continuously inclined to interpret the teachings of Islam "in such a way as to correspond positively with state legal norms, even though in so doing the

judgement may contradict the opinions of most Muslim jurists in the country” (p. 197). Therefore, according to Lukito, the Islamic legal tradition is observed only insofar as it can be aligned with existing state norms, and not the other way around.

The author concludes that the building of state law can only succeed if the state shows an ability to assimilate the alternative legal traditions into the state norm. Lukito argues that if there is no political capital involved in the alternative normative ordering, as in case of *adat*, the state refrains from the assimilation strategies and in the end neglects the ordering. Consequently, “civil and Islamic laws therefore now seem to occupy one camp, while *adat* law is in the other. Thus legal supremacy is no longer measured according to the degree to which a legal tradition is peripheral to the central law, but to the degree of national application that a given tradition enjoys” (p. 201). It needs to be underscored, however, that these very interesting findings would be much more powerful if they were supported by examples of doctrinal debates in recent years in Indonesia, or even more so, by legal case studies from the last few decades.

*Legal Pluralism in Indonesia*, by Ratno Lukito, and *Islam, Law and the State*, by Tim Lindsey, two books focused on Islam-inspired laws, partly cover the same ground. Since one of the aims of Lindsey’s volume was to “[survey] Islam, legal pluralism and the state” (p. xxiii), and one of the questions he asked was “how modern and essentially secular nation states respond to the legal traditions of their Muslim communities” (p. xxv), the book partly takes up the same problem as Lukito’s does. Both authors seek to identify the position of the Islamic legal tradition within Indonesian state law. The two authors go about this, however, in very different ways and for different reasons. Whereas Lukito approaches the question through the legal doctrine, or, colloquially, by looking at the “big picture”, Lindsey’s main aim is to give a complete and exhaustive account of Sharia-derived regulations; through this meticulous process of gathering of small pieces, Lindsey arrives at his answers. He presents the ideological and political backdrop of the discussed bills and regulations and, in this way, contributes to the wider debate of legal pluralism, but shies away from giving an overall assessment. Lindsey’s complete account of the existing laws and institutional competencies gives an alternative and no less informative picture of the interplay of different legal traditions in Indonesia, and in particular, presents more recent developments in the field. Lukito, on the other hand, does not focus on the substantive laws, but through his analysis, derived from legal theory, he is nevertheless closer to giving a more general, universal explanation of what the exact place of Islamic law in secular Indonesia is.

The two books should therefore be seen as complementary due to their differing approaches. Lukito seems to strive for an ahistorical picture of the state, which despite certain dynamics has maintained its ideological or doctrinal character over time. Regime changes in Indonesia matter to him only to the extent that they provide a differing climate within which the plot unravels. The subsequent regimes, however, have not been able to change the course of events. Lindsey, on the other hand, aims to understand the current regime and to capture legal pluralism as it is currently manifested. This leads him to the following question: What difference does it make for legal pluralism to operate under a democratic, liberal regime? Lindsey, in the final sentences of his book, invokes the words of a renowned Indonesian journalist to shed light on the issue: The state, we read, is not above or dominating the society anymore, but exists between different sections of the civil society, with their respective, often conflicting, visions of an ideal society (p. 483).

## The New, the Former and the Perpetual in Indonesia

What is the overall picture of the Indonesian state scholars have drawn after 15 years of democratization? Unsurprisingly, it is an image of a decentralized state, and decentralized in more ways than one. Not only has the central government devolved its power to lower administrative units, but it has also allowed for the proliferation and decentralization of non-state, political and civil society organizations, which have also been able to influence the state's decision-making. As Ehito Kimura, Simon Butt and Tim Lindsey showed in their books, all these new centres of influence must be considered in an analysis of state policy and institutional changes. There is also a new interplay between the state's centre and regions, and this interplay is as crucial for the explanation of provincial proliferation as it is for capturing the Islam–state juncture in Indonesia. The imperatives of unification and uniformity, present in the nation-state ideology of the early years of independence and the efficiency-driven Suharto regime, have now been replaced by a carefully measured dose of ideological pluralism. On the one hand, the state maintains its legal grip, precluding the regions from introducing Sharia-informed local laws (as Butt and Lindsey show), but on the other, the state acts as the religious moral guard and lets its national laws be informed by Islamic *fatwas* (see the pornography bill cited in *Islam, Law and the State*).

There is also an alternative voice that downplays the groundbreaking character of *Reformasi*. Ratno Lukito – albeit through only one aspect of legal pluralism – argues that the reforms of the recent period in Indonesia

brought about changes that still fit within the same spectrum that was established in Indonesia around the time of independence, and Lukito's book indicates inertia rather than continuous change. Following his argument, one may ask in what areas the new liberal-democratic Indonesia transgresses the ideological and conceptual borders drawn by Indonesian state ideologues in the mid-twentieth century. In other words, we may be slowly approaching the moment when scholarly attention will shift from attempting to capture changes within the Indonesian state to describing its continuity.

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