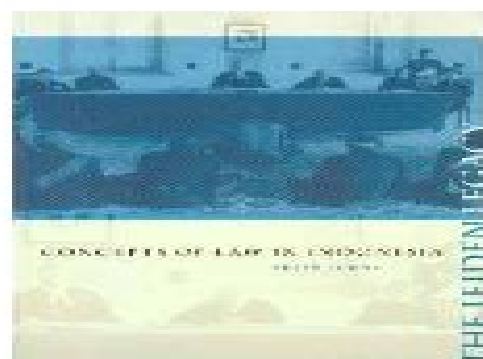


BOOK REVIEW

THE LEIDEN LEGACY: CONCEPTS OF LAW IN INDONESIA



The Indonesian civil law system is often taken for granted, when it is actually a product of “institutional transplantation” and inherited from the Dutch Colonization. Long before the arrival of colonial powers in Indonesia several centuries ago, many local communities had operated within their self-regulating systems with multiple political entities.¹ When colonization came to power, however, there was a massive shift from judge-made law to a centralized statute-based legal system imposed by the colonial order.

After the independence in 1945, the new republic had to deal with a pluralist legal system consisted of a combination of colonial inheritance, various kinds of *adat* laws,² and Islamic legal influence. Despite the reality of legal pluralism, Indonesian legal scholarship has been dominated by a legalistic approach focusing

on legal analysis from above. Indonesian contemporary literature that systematically investigates debate over legal unification versus legal pluralism is surprisingly thin. The uncritical attitude toward the legal system as colonial legacy continues to persist among Indonesian legal academia and practitioners. Systematic efforts in identifying the problem in Indonesia’s legal system ironically come from Western scholars such as Adriaan Bedner,³ Sebastiaan Pompe,⁴ and Dan S. Lev.⁵

Against this backdrop, Peter Burns’s book entitled *The Leiden Legacy: Concepts of*

¹ Jamie Davidson and David Henley (eds.), *The Revival of Tradition in Indonesian Politics: The Deployment of Adat from Colonialism to Indigenism*, Routledge Contemporary Southeast Asia Series, 2012.

² Adat literally means customs or traditions. In the legal discourse, Adat generally can be defined as sets of principles and values as well as local wisdoms that are embedded in the society. Adat including Adat Law have been integral parts of indigenous social orders that serve to create and to maintain peace and harmony within the society.

³ See for example: Bedner A.W. (2013), Indonesian Legal Scholarship and Jurisprudence as an Obstacle for Transplanting Legal Institutions, *Hague Journal on the Rule of Law* 5(2): 253-273; Bedner A.W and Stijn van Huis, “the Return of the Native in Indonesian Law: Indigenous Communities in Indonesian Legislation,” *Bijdragen tot de Taal-, Land- en Volkenkunde* (BKl) 165-2/3 (2008).

⁴ Pompe’s work includes *The Indonesian Supreme Court: A Study of Institutional Collapse* (Southeast Asia Program Publications, 2005).

⁵ Dan S. Lev, for example, has been a consistent proponent of an interdisciplinary approach to legal studies. He critically examines the history of the Indonesian legal system through the lens of real politics, in which power plays a dynamic role over the course of the development of legal institutions. This analytical stance can be seen in his essays on various legal issues, see: Daniel S. Lev, *Legal Evolution and Political Authority in Indonesia: Selected Essays*, (London-Leiden Series on Law, Administration, and Development, 4, London: Springer, 2000).

Leiden Legacy Concepts Of Law In Indonesia

Thomas Sikor,Christian Lund



Leiden Legacy Concepts Of Law In Indonesia:

The Leiden Legacy Peter Burns, 2021-09-20 Contemporary Islamic Law in Indonesia Arskal Salim, 2015-02-10

Indonesia has probably the fastest changing legal system in the Muslim world This ethnographic account of legal pluralism in the post conflict and disaster situation in Aceh addresses changes in both the national legal system and the regional legal structure in the province Focusing on the encounter between diverse patterns of legal reasoning advocated by multiple actors and by different institutions local national and international official and unofficial judicial political and social cultural it considers the vast array of issues arising in the wake of the December 2004 earthquake and tsunami in Aceh It investigates disputes about rights to land and other forms of property power relations the conflict of rules gender relationships the right to make decisions and prevailing norms These disputes are presented on multiple levels and in various forums either through negotiation or adjudication regardless of whether they are settled or not The cases involve various actors from villages the courts the provincial government and the legislature the national Supreme Court and the central government of Indonesia

Concepts of Law in Indonesia Peter Burns, 1997 **Sharia and Social Engineering** R. Michael Feener, 2013-12

Arguing for new consideration of calls for implementation of Islamic law as projects of future oriented social transformation this book presents a richly textured critical overview of the day to day workings of one of the most complex experiments with the implementation of Islamic law in the contemporary world that of post tsunami Aceh *Islamic Law in Circulation*

Mahmood Kooria, 2022-03-31 Circulation networks Circulatory texts Architecture of encounters The Code The commentary

The autocommentary The supercommentar The translations *The Politics of Possession* Thomas Sikor, Christian

Lund, 2010-01-15 The Politics of Possession investigates how struggles over access to resources and political power constitute property and authority recursively Such dynamics are integral to state formation in societies characterized by normative and legal pluralism Includes some of the latest theoretical work on the dynamics of access and property and how they are joined to questions of power and authority Explores how access to resources is often contested and rife with conflict particularly in post colonial and post socialist countries Offers a thought provoking approach to the study of everyday processes of state formation Shows how the process of seeking authorization for property claims works to legitimize the authorizers and the

efforts undertaken by politico legal institutions to gain legitimacy underpin and undermine various claims of access and property Contributors explore from a wide empirical compass of original research spanning Latin America Africa South East Asia and Eastern Europe *Political and Legal Transformations of an Indonesian Polity* Franz von Benda-Beckmann, Keebet

von Benda-Beckmann, 2013-08-15 This book explores the relationships between matrilineal Islamic and state law and investigates the dynamics of legal pluralism governance and property relationships Law and Custom in Korea Marie

Seong-Hak Kim, 2012-08-27 This book sets forth the evolution of Korea's law and legal system from the Chosŏn dynasty through the colonial and postcolonial modern periods This is the first book in English that comprehensively studies Korean

legal history in comparison with European legal history with particular emphasis on customary law Korea's passage to Romano German civil law under Japanese rule marked a drastic departure from its indigenous legal tradition The transplantation of modern civil law in Korea was facilitated by Japanese colonial jurists who created a Korean customary law this constructed customary law served as an intermediary regime between tradition and the demands of modern law The transformation of Korean law by the forces of Westernisation points to new interpretations of colonial history and presents an intriguing case for investigating the spread of law on a global level In depth discussions of French customary law and Japanese legal history also provide a solid conceptual framework suitable for comparing European and East Asian legal traditions

The Cultural Dimension of Peace Birgit Bräuchler, 2015-08-03 This study outlines the emerging cultural turn in Peace Studies and provides a critical understanding of the cultural dimension of reconciliation Taking an anthropological view on decentralization and peacebuilding in Indonesia it sets new standards for an interdisciplinary research field

Shari'a Politics Robert W. Hefner, 2011-04-04 One of the most important developments in Muslim politics in recent years has been the spread of movements calling for the implementation of sharia or Islamic law Sharia Politics maps the ideals and organization of these movements and examines their implications for the future of democracy citizen rights and gender relations in the Muslim world These studies of eight Muslim majority societies and state of the field reflections by leading experts provide the first comparative investigation of movements for and against implementation of sharia These essays reveal that the Muslim public's interest in sharia does not spring from an unchanging devotion to received religious tradition but from an effort to respond to the central political and ethical questions of the day

Fluid Jurisdictions Nurfadzilah Yahaya, 2020-09-15 This wide ranging geographically ambitious book tells the story of the Arab diaspora within the context of British and Dutch colonialism unpacking the community's ambiguous embrace of European colonial authority in Southeast Asia In *Fluid Jurisdictions* Nurfadzilah Yahaya looks at colonial legal infrastructure and discusses how it impacted and was impacted by Islam and ethnicity But more important she follows the actors who used this framework to advance their particular interests Yahaya explains why Arab minorities in the region helped to fuel the entrenchment of European colonial legalities their itinerant lives made institutional records necessary Securely stored in centralized repositories such records could be presented as evidence in legal disputes To ensure accountability down the line Arab merchants valued notarial attestation land deeds inheritance papers and marriage certificates by recognized state officials Colonial subjects continually played one jurisdiction against another sometimes preferring that colonial legal authorities administer Islamic law even against fellow Muslims *Fluid Jurisdictions* draws on lively material from multiple international archives to demonstrate the interplay between colonial projections of order and their realities Arab navigation of legally plural systems in Southeast Asia and beyond and the fraught and deeply human struggles that played out between family religious contract and commercial legal orders

After Orientalism, 2014-11-27 The debate on Orientalism began

some fifty years ago in the wake of decolonization While initially considered a turning point Edward Said's Orientalism 1978 was in fact part of a larger academic endeavor the political critique of colonial science that had already significantly impacted the humanities and social sciences In a recent attempt to broaden the debate the papers collected in this volume offered at various seminars and an international symposium held in Paris in 2010 2011 critically examine whether Orientalism as knowledge and as creative expression was in fact fundamentally subservient to Western domination By raising new issues the papers shift the focus from the center to the peripheries thus analyzing the impact on local societies of a major intellectual and institutional movement that necessarily changed not only their world but the ways in which they represented their world World history which assumes a plurality of perspectives leads us to observe that the Saidian critique applies to powers other than Western European ones three case studies are considered here the Ottoman Russian and Soviet and Chinese empires Other essays in this volume proceed to analyze how post independence states have made use of the tremendous accumulation of knowledge and representations inherited from previous colonial regimes for the sake of national identity as well as how scholars change and adapt what was once a hegemonic discourse for their own purposes What emerges is a new landscape in which to situate research on non Western cultures and societies and a road map leading readers beyond the restrictive dichotomy of a confrontation between West and East With contributions by Elisabeth Alls L on Buskens St phane A Dudoignon Baudouin Dupret Edhem Eldem Olivier Herrenschmidt Nicholas S Hopkins Robert Irwin Mouldi Lahmar Sylvette Larzul Jean Gabriel Leturcq Jessica Marglin Claire Nicholas Emmanuelle Perrin Alain de Pommereau Fran ois Pouillon Zakaria Rhani Emmanuel Szurek Jean Claude Vatin Mercedes Volait Islamic Law and Society in Indonesia Alfitri, 2022-04-07 No corporation is enthusiastic about paying tax yet Islamic banks in Indonesia voluntarily pay corporate zakat Why The book analyzes corporate zakat norms and practices in Indonesia by investigating how Muslim jurists have interpreted shar a of zakat and how these have been imposed through the legislative and regulatory framework It also presents original case studies based on sociolegal field research on the reception of the new obligations in the Islamic banks that choose to pay and choose not to pay what is effectively a new tax The book argues that the dynamics of shar a interpretation imposition and compliance in Indonesia are too complex to be defined using the binaries of the religious versus the secular public versus private or tradition versus modernity The corporate zakat context has revitalized the existing governance strategy in Islamic legal tradition and created a shared Islamic law vision between Islam and the state Consequently this fusion generates a mixed legal and religious consciousness toward corporate zakat Addressing broader discussions on Islamic law and modernity the book will be of interest to academics working on Asian and Comparative Law sociolegal studies anthropology of Indonesia business studies of the Islamic world Islamic shar a economics Islamic law and politics Islamic legal studies Muslim society and Islam in Southeast Asia **Routledge Handbook of Asian Law** Christoph Antons, 2016-11-03 Law and legal institutions in East Asia's high growth episodes Conclusion East Asia law and development

and today's developing countries Chapter 4 A new China model for the era post global financial crisis Legal dimensions Introduction The East Asian model its progeny and their problems The emerging post Washington post Beijing consensus PWBC Implications of the PWBC for the China model The decision in light of the PWBC The implications of the decision for legal reforms Conclusion The Revival of Tradition in Indonesian Politics Jamie Davidson, David Henley, 2007-03-12 The Indonesian term adat means custom or tradition and carries connotations of sedate order and harmony Yet in recent years it has suddenly become associated with activism protest and violence This book investigates the revival of adat in Indonesian politics identifying its origins the historical factors that have conditioned it and the reasons behind its recent blossoming It considers whether the adat revival is a constructive contribution to Indonesia's new political pluralism or a divisive dangerous and reactionary force and examines the implications for the development of democracy human rights civility and political stability The Revival of Tradition in Indonesian Politics provides detailed coverage of the growing significance of adat in Indonesian politics It is an important resource for anyone seeking to understand the contemporary Indonesian political landscape *The Oxford Handbook of Comparative Political Theory* Leigh K. Jenco, Murad Idris, Megan Christine Thomas, 2020 Chapters emphasize exploration of substantive questions about political life in a range of global contexts with attention to whether and how those questions may be shared contested or reformulated across differences of time space and experience An interdisciplinary volume that bridges the gaps between various traditions regions and concerns regarding political theory Provides tags and keywords to aid navigation of the handbook and help readers trace disruptions thematic connections and conceptual contrasts across entries **Transwar Asia** Reto Hofmann, Max Ward, 2021-12-16 This volume considers the possibilities of the term transwar to understand the history of Asia from the 1920s to the 1960s Recently scholars have challenged earlier studies that suggested a neat division between the pre and postwar or colonial postcolonial periods in the national histories of East Asia instead assessing change and continuity across the divide of war Taking this reconsideration further *Transwar Asia* explores the complex processes by which prewar and colonial ideologies practices and institutions from the 1920s and 1930s were reconfigured during World War II and crucially in the two decades that followed thus shaping the Asian Cold War and the processes of decolonization and nation state formation With contributions covering the transwar histories of China Indonesia Korea Japan the Philippines and Taiwan the book addresses key themes such as authoritarianism militarization criminal rehabilitation market controls labor regimes and anti communism A transwar angle the authors argue sheds new light on the continuing problems that undergirded the formation of postwar nation states and illuminates the political legacies that still shape the various regions in Asia up to the present **Language and Superdiversity** Zane Goebel, 2015-06-11 Scholars of language ideology have encouraged us to reflect on and explore where social categories come from how they have been reproduced and whether and to what extent they are relevant to everyday interactional practices Taking up on these issues this book focuses on how ethnicity has been semiotically constructed valued

and reproduced in Indonesia since Dutch colonial times and how this category is drawn upon in everyday talk In doing so this book also seeks to engage with scholarship on superdiversity while highlighting some points of engagement with work on ideas about community The book draws upon a broad range of scholarship on Indonesia recordings of Indonesian television from the mid 1990s onwards and recordings of the talk of Indonesian students living in Japan It is argued that some of the main mechanisms for the reproduction and revaluation of ethnicity and its links with linguistic form include waves of technological innovations that bring people into contact e g changes in transportation infrastructure introduction of print media television radio the internet etc and the increasing use of one to many participation frameworks such as school classrooms and the mass media In examining the talk of sojourning Indonesians the book goes on to explore how ideologies about ethnicity are used to establish and maintain convivial social relations while in Japan Maintaining such relationships is not a trivial thing and it is argued that the pursuit of conviviality is an important practice because of its relationship with broader concerns about eking out a living

Living Law Marc Hertogh, 2008-12-13 This collection of essays is the first edited volume in the English language which is entirely dedicated to the work of Eugen Ehrlich Eugen Ehrlich 1862 1922 was an eminent Austrian legal theorist and professor of Roman law He is considered by many as one of the founding fathers of modern sociology of law Although the importance of his work including his concept of living law is widely recognised Ehrlich has not yet received the serious international attention he deserves Therefore this collection of essays is aimed at reconsidering Eugen Ehrlich by bringing together an interdisciplinary group of leading international experts to discuss both the historical and theoretical context of his work and its relevance for contemporary law and society scholarship This book has been divided into four parts Part I of this volume paints a lively picture of the Bukowina in southeastern Europe where Ehrlich was born in 1862 Moreover it considers the political and academic atmosphere at the end of the nineteenth century Part II discusses the main concepts and ideas of Ehrlich s sociology of law and considers the reception of Ehrlich s work in the German speaking world in the United States and in Japan Part III of this volume is concerned with the work of Ehrlich in relation to that of some of his contemporaries including Roscoe Pound Hans Kelsen and Cornelis van Vollenhoven Part IV focuses on the relevance of Ehrlich s work for current socio legal studies This volume provides both an introduction to the important and innovative scholarship of Eugen Ehrlich as well as a starting point for further reading and discussion

Land and Post-Conflict Peacebuilding Jon Unruh, Rhodri Williams, 2013-07-18 Claims to land and territory are often a cause of conflict and land issues present some of the most contentious problems for post conflict peacebuilding Among the land related problems that emerge during and after conflict are the exploitation of land based resources in the absence of authority the disintegration of property rights and institutions the territorial effect of battlefield gains and losses and population displacement In the wake of violent conflict reconstitution of a viable land rights system is crucial an effective post conflict land policy can foster economic recovery help restore the rule of law and strengthen political stability But the

reestablishment of land ownership land use and access rights for individuals and communities is often complicated and problematic and poor land policies can lead to renewed tensions In twenty one chapters by twenty five authors this book considers experiences with and approaches to post conflict land issues in seventeen countries and in varied social and geographic settings Highlighting key concepts that are important for understanding how to address land rights in the wake of armed conflict the book provides a theoretical and practical framework for policy makers researchers practitioners and students Land and Post Conflict Peacebuilding is part of a global initiative to identify and analyze lessons in post conflict peacebuilding and natural resource management The project has generated six edited books of case studies and analyses with contributions from practitioners policy makers and researchers Other books in the series address high value resources water livelihoods assessing and restoring resources and governance

Reviewing **Leiden Legacy Concepts Of Law In Indonesia**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Leiden Legacy Concepts Of Law In Indonesia**," an enthralling opus penned by a very acclaimed wordsmith, readers attempt an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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