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Recommended Citation
DOI: 10.58837/CHULA.ARV.30.2.5
Available at: https://digital.car.chula.ac.th/arv/vol30/iss2/6

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**The unbound postcolonial leviathan**

*Pranoto Iskandar*

**Abstract**—This paper discusses the overlooked dimension of the aboriginal discourse that serves as the genesis of Indonesia as a postcolonial state. More pointedly, it argues that the nationalist’s appropriation of European romanticism should be seen as the last attempt of the local aristocracy to preserve their hegemony in the postcolonial order; post-coloniality does not necessarily mean positivity. In fact, in Indonesia’s case, the repeated failure to embed liberal values is arguably a result of the half-hearted commitment to enlightenment values of the early nationalist intellectuals. Some of the early nationalist figures blatantly imbued the 1945 Constitution with pre-colonial feudalism. More recently, the illiberalism of the 1945 Constitution and its communalism has been joined by the rise of nativist discourses. This piece critiques these developments as fundamentally problematic for the democratization of Indonesia’s public life.

**Keywords:** state-building, nationalism, political theory, law and development, national identity, Third Worldisms

**Introduction**

... real freedom is not within the boundaries of security but on the high-road of adventures, full of the risk of new experiences. (Tagore 2010, 3)

The Indonesian independence elites made a promise to start anew a political life that would liberate former colonial subjects from the
bondage of foreign exploitation. In this vein, it was formally claimed in the preamble of the 1945 constitution that “the moment of rejoicing has arrived in the struggle of the Indonesian independence movement to guide the people safely and well to the gate of the independence of the state of Indonesia which shall be independent, united, sovereign, just and prosperous” (Indonesia 1945). This aspiration provided a rallying cry that expanded the original swathe of brooding nationalist intellectuals and which is now manifested in many different forms from religious-conservatism to radical Marxism. Under the banner of *bhinneka tunggal ika* (unity in diversity), this band of the emerging “Europeanized” or, better yet, the literate elites have found themselves constantly rebirthing their own call to act in service to a higher calling.

However, in bondage to the elusive notion of “Indonesia,” some of the members of this grouping, having successfully turned the colonial dialectical feud between the privileged few and the peasants into a broader war of the colonists on the oppressed side and the heinous colonial masters on the other side, then ingeniously as post-indepen-dent elites they saw the opportunity to turn back the clock and relive the golden age of the pre-colonial days. Some might say that it was in this spirit that the mythical 1945 Constitution was written. Reason-ably enough, one commentator has suggested that the ideation of the 1945 Constitution “is best seen as an attempt to ward off both political Islam and those within the nationalist movement who were inspired by democratic principles [with Supomo as its main drafter] as a threat to the social status quo inherited from the Dutch colonial state and maintained, in large part, through the Japanese occupation” (Bourchier 2016, 69).

From this insight, the main argument that I advance in this explor-atory essay is that a plethora of populist-cum-nationalist rhetoric under the guise of the aboriginal “indigeneity discourse” that has been advanced by nationalist politicians and non-governmental activ-ists alike in the postcolonial state of Indonesia masks a preposterous regression that might lead to the revival of precolonial feudalist values (Sangaji 2007). Admittedly, while there has been some previous work that exposed the authoritarian leanings of this discourse (Simand- juntak 2003; Bourchier 2016), this paper takes the subject further by suggesting that the masked remnant feudalism expressed in new
village communalism poses an imminent threat to the advance of
democratic political reform, in contrast to those who see in it a grass-
roots decentralization. In this regard, the introduction of the 2014
Village Law, that has been praised by, among others, the Asia Founda-
tion as “a step toward inclusive governance” (Anggriani 2017), actu-
ally reflects a democratic perversion that paradoxically legitimizes the
marginalization of individual participation in the name of collectivism
as reflecting indigenous values. Indeed, despite the nominal claim that
the law is “democratizing village governance,” the promotion of the
Musyawarah Desa as the main forum of decision-making, worryingly
recognizes the participation of representation groups rather than the
individual members of the village (Interior 2016). Thus, it is highly
desirable to examine the modern arguments that have championed
legal pluralism as a solution to post-colonial problems.

This essay is written in the hope that it may encourage other crit-
ical accounts of the locally produced discourse of “post-coloniality”
that is mostly based, ironically, on essentialist thinking in the form of
nativism. The urge that propels the paper to take up the subject is the
populist surge around Adat law, which has been years in the making.
To be specific, it is my contention that Supomo’s widely shared nation-
alist discourse is a mere disguise for the preservation, through Euro-
pean ideas, of state-feudal class interests in the postcolonial era. The
more ambitious objective of this paper is to provoke future scholarship
in the fashion of a well-rounded critical examination of the national-
ists’ visions of nationalism. In that sense, it seeks to break through the
now conventional mores of the academic article; it is both a polemic
and an intervention.

The prevailing scholarly literature unwarily serves to corroborate
the claim of the Bandung spirit as the ultimate alternative approach
that is deemed as liberating the Third World (Young 2005; see also
Umar this volume) with no critical sense regarding the feudalist
values present in third world states. To establish the claim, in the next
section I aim to show that the postcolonial project of Indonesia is
driven mainly by an elitist attempt to preserve the exploitative colonial
arrangement of state to masses to their benefit. With that in mind,
the third section problematizes Indonesia as a postcolonial project.
The fourth section presents my contention that the current revival of
the politics of indigeneity is a populist activist reading of the nation-
alist vision of the ideality of the postcolonial cosmos of Indonesia. It furthers that project.

“The ghost in the machine”

That there are irreconcilable understandings of the distinguishing characteristics of being “Indonesian,” does not mean that there exists no consensus on what every Indonesian should aspire to. In fact, it may be argued that the idea of creating the Indonesian “man” has been central to the project of Indonesia from time to time. The implicit manliness of the Indonesian conception of its ideal postcolonial citizen may have something to do with the strong political influence of right-wing Islamists in the independence movement. For a start, one might recall Sukarno who introduced marhaen, or his metaphor for the everyday Indonesians, as the “source legitimacy for the nationalist movement” (Vu 2010, 214), or Suharto’s “Pancasila man” that embodies the desired national character (Sumarno 1984). Even critical works with a darker tone that view Indonesian man in a sad state, evoke a deep longing for the ideal of Indonesian man (Lubis 1986; Rosidi 1984). More recently, the campaigning presidential candidate Joko Widodo confirmed that his “revolusi mental” in support of his program of “human development” was influenced by the negativity of Lubis’ pejorative account of the Indonesian people as deficient (Syaifullah 2014). On the scholarly front, a sizeable proportion of academic publications have provided insightful interpretative accounts on the esotericism of the Javanese worldview as contributing to pejorative assumptions regarding the Indonesian people in political thought (Magnis-Suseno 1985; Geertz 1976; Anderson 2007; Anderson 1965; Mulder 2005).

To be sure, it is difficult to dispute the idea of Indonesia as nothing more than a political projection of the cultural values of Javanese weltanschauung, which animates political and cultural discourse. Most prominently, the predominating status of the Javanese ethnos on the political scene has helped to set the course of postcolonial nation-building into the reification of the Javanese ideal. It should be no surprise then that even an early generation of non-Javanese nationalists such as Muhammad Yamin in his yearning for “Greater Indonesia” was a fierce proponent of a postcolonial Indonesia that should be built
in the image of the imperial kingdom of Majapahit. That Majapahit's imagined geographical boundaries, stretched far beyond the colonial state's, would in post-independence days ironically become the crux for the allegation of Javanese imperialism (Wood 2011). As fiercely remarked by one of Indonesia's greatest literary figures, Pramoedya Ananta Toer, this has resulted in a much more wicked form of colonialism for the inhabitants of the archipelago compared to those of anything that had ever been done by the foreign colonial powers (Toer 2006). More poignantly, this sentiment was also shared by Hasan Tiro who used it as the basis for his claim that the invocation of the federal republic of Indonesia is a breach of the other ethnic groups' rights to exercise their right to self-determination (Elson 2009).

As a modern worldview, kejawen (Javanism) is “a product of the meeting of Islam with older Javanese civilization; of the domestication, or pacification, of Javanese royalty by the United-East-Indies Company (VOC) of the colonial encounter of Javanese and Dutch” (Mulder 2005, 18). At its core, the authenticity of kejawen that serves as a focal point for the source of pride and identity is essentially related to its abiding respect for a tradition that is presumed “to hark back to the Hindu-Buddhist period of Javanese history” (Mulder 2005, 16). In consequence, it is believed that as a tradition of system of thought, kejawen is “extremely rich and draws on a vast literature that spans at least a thousand years, from the oldest, highly Sanskritized sources to historical and legendary accounts of the old kingdoms” which then absorbed Muslim influence (Mulder 2005, 16-17).

In particular, it is common to refer to the popular shadow theatre play (wayang) that uses Hindu materials as the authentic reference in order to comprehend national politics (Brandon and Guritno 1993). Traditionally, the epics of Mahabharata and Ramayana have been the subject of analysis as they are the most frequently performed, including by the pre-colonial Muslim evangelists (Marsadi 2016). As Anderson has put it: “The endless variety and sharp individuality of its dramatis personae indicates that wayang reflects the variegation of human life as it is felt by the Javanese” (Anderson 1965, 17). Again, the wayang play entitled Déwa Rutji is considered “an exact dramatization” of the process of the initiation of a Javanese individual transiting from ignorance to a later stage of knowing (Anderson 2007). Thus, it is plausible to develop a theoretical account of the “indigenous” politico-moral
theory that conforms to current Indonesian politics from the plays (Magnis-Suseno 1982; Meyer 2016). It would be no exaggeration to claim that *kejawén* is “the idea underlying the creation of the Complete Indonesian Man” (Mulder 2005, 17). Given the high level of its acceptance, Magnis-Suseno has wittily employed *wayang* as his main point of reference in making the case for progressive political changes in the era of the authoritarian New Order (Meyer 2016; Magnis-Suseno 1982).

The driving element of the Javanist worldview is the achievement of a unitary wholeness within the cosmos; and this view has played its part in legitimizing authoritarianism (Zoetmulder 1990). Accordingly, Javanism perceives the will of the individual person as subject to the collective will. By implication, every individual must consistently rest in their own presupposed societal position. The failure to adhere to one’s societal position may be perceived as a disturbance to cosmic harmony. In other words, any disturbance to cosmic harmony is to be seen as threatening the society itself (Magnis-Suseno 1985). Suffice it to say, Javanism has put a premium on harmony (*rukun*) at the expense of creative critical thinking. To be clear, it is only natural to suspect that the nationalist’s espousal of Javanism is a way for the defense of conservatism, i.e., the precolonial feudal values that serve hierarchy. In this light, it makes sense to extrapolate that the basic idea for the adoption of the ideology of the family state is simply “to preserve the aristocracy-linked administrative apparatus of the colonial era intact” (Bourchier 2016, 69).

Worse, the efforts in preserving feudalism went further with the conceptual appropriation of a fascist model of statehood which was then fashioned as Indonesia’s indigenous political theory (Simanjuntak 2003). For that matter, Supomo unabashedly cited Nazi Germany and Imperial Japan as the exemplary model of what he meant by “integralist theory” (Kusuma 2004). As a result, there has been a rampant conceptual appropriation of many of the so-called traditional terms with a fascist flavor introduced into Indonesian political discourse. For instance, the term *gotong royong* or mutual assistance, which has been ascribed to peculiarly Javanese wisdom, “is more likely an Indonesian construction of relatively recent vintage” (Bowden 1986, 546). It should be no surprise, therefore, that *gotong royong* is open to abuse as happened in Suharto’s New Order where it
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was deployed as a qualifier in the exercise of political rights in order to stay true to the spirit of implementing the 1945 Constitution and Pancasila in a pure and consistent manner.

**The mythical “Negara”**

Historically speaking, precolonial Indonesia is widely regarded as one of the “Indianized” states as evidenced in the fact that “Early Malay literature was influenced by Indian epics such as the Mahābhārata and the Rāmāyana” (Allen 2013). It is hardly a surprise that the Hindu model has been dubbed the “traditional” concept in Indonesia’s discourse on statecraft. Unsurprisingly, the modern Indonesian word for “state” or “nation” has Sanskrit origins (*nagara*) that imply a much broader definition, that on occasion may refer to the idea of civilization, compared to what one can infer from Western political theories (Geertz 1980). As another form of Hinduism, the Javanese adopted the hierarchical society where the aristocracy (*priyayi*), as the gate-keeper of culture, serves as the ruling class and the ordinary people (*kawula*) are at the bottom of the heap. The designation of *priyayi* as the ruling class is solely based on the perception that they are the cultured class. It is understood that “hierarchy in this sense was not bureaucratic in that certain powers were differentiated, delegated and subdivided, creating for each bureaucrat his specific area of competence” (Remmelink 1989).

Arguably, the first attempt that has been carried out to carve out a theoretical construction of the authentic statehood was fully displayed, most notably, during the debate surrounding the drafting of the 1945 Constitution among the members of the Investigating Committee for Preparatory Work for Indonesian Independence, better known as BPUPKI (Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia). The absence of a pre-colonial template for the nationalists’ idea of a political entity that fits in with the modern conception of the state led them arbitrarily to covet the imperialistic Javanese kingdom Majapahit as their ideal past which in turn guided them in constructing the post-colonial state. This fascination with Majapahit was also fully displayed among non-Javanese nationalists. More specifically, the reference to the Javanese state model was most pronounced in the exposition of the Sumatran Mohammad Yamin and his conception of “Greater
Indonesia” which he professed took Majapahit, the last Indianized kingdom in the archipelago that ended due to the rapid Islamization of Java, as a precedent that served as a form of anti-colonial aspiration and which became Sukarno’s starting point for his vision of modern Indonesia (Liow 2006, 45).

Worse still, the fervent anti-colonialism, animated by former glories, arguably provided a sentimental justification for the nationalists to build an imperialistic postcolonial state that was unbounded by colonial delimitation. Yamin, a Minangkabau nationalist propagandist who authored the much disputed travaux préparatoires of the 1945 Constitution, bewilderingly, in his attempt to find the historical precedent for a post-colonial Indonesia, succumbed to glorifying the imperial ambition of Gadjah Mada, mapatih (or the prime minister) of Majapahit, who vowed not to have intercourse until he had colonized a large swathe of Southeast Asia. At this point, it is worth pondering whether the Hindu notion of “complete” sovereignty where the “state can exercise its internal authority unobstructed by, and independently of, other states” (Sarkar 1919) still holds its sway? Furthermore, it may also be considered if the fascination of many nationalist legal scholars, one of the foremost of all being Djokosoetono, towards Carl Schmitt, a “Crown Jurist” of the Third Reich, was a natural extension of the compatibility of the Hindu theory of the anarchic state of nature with those of Hobbes.

In public life, collectively, these legacies lead to politics being interpreted as the exclusive realm or privilege of the higher class. Put differently, in the Javanese worldview “power does not raise the question of legitimacy . . . , without moral implications” (Anderson 2007). The detachment of power from the popular might be argued to be the result of the conflation of the state to cosmic order which leaves the ruler as “the center of the state from whom all power and authority emanate and around whom all activities of the state are concentrated,” the ruler is unrestricted and undisturbed (Moertono 1968, 5). As a result, the legitimacy of power rests on the so-called “magico-religious concepts” that have been considered as “the primary means of implementing the king’s authority and of asserting and preserving the integrity of the State” (Moertono 1968). Put simply, “States were not secular political organizations based on a social contract between ruler and ruled but magico-religious realms underpinned by divine kingship” (Howe
Moreover, in Javanese political philosophy, order or peace of mind (tentrem) is the supreme objective of the existence of any political entity: “The Javanese, therefore, would not consider the state to have fulfilled its obligations if it did not encourage an inner psychological order (tentrem, peace and tranquility of heart) as well as enforcing the formal order (tata)” (Moertono 1968, 5). On top of it all, “The state’s task, therefore, was not only to destroy the source of this chthonian power but to tame the population, so that it would not stray from its ruler again” (McVey 1999, 19). The pre-colonial state was meant to be anything other than serving the people’s needs (Moertono 1968). Unsurprisingly, “In pre-colonial times, ideals of political unity and independence were focused primarily on states and their rulers, and only to a much lesser extent on ‘peoples’” (Henley 2016, 281). Accordingly, “state efforts have been bent to removing or minimizing any sources of ideological leadership other than the state itself” (McVey 1999, 19). In its extreme form, it is unsurprising, therefore, that even pre-World War II the young revolutionary Sukarno had been under the spell of Alfred Rosenberg who served as the evangelist of German fascism (Alisjahbana 1969, 170).

It is tempting, therefore, to assume that conceptions of the Indonesian state are largely inspired by the fascist model (Simandjuntak 2003). As it happens, Professor Djojodigoeno of the Yogyakarta based Universitas Gadjah Mada, colloquially known as the vanguard of feudalism, has unabashedly appropriated Tönnies’s gemeinschaft as “paguyuban” in a favorable tone as reflected in his utopian notion of masyarakat hukum Adat where every member of society with his or her kindred-spirit contributes to societal wellbeing regardless of social status in opposition to the abominable “patembayan” (gesellschaft) where both individualism and rationalism reigns supreme. As a relentless advocate of the primeval Adat law himself (Djojodigoeno 1961), Djojodigoeno’s paguyuban has been widely considered as the basis for the existence of the so-called Rukun Warga (Population Association) and Rukun Tetangga (Neighborhood Association), the two lowest level divisions of governance at the village level, which is a further translation of the concept of rukun or harmony that in the past has
been abused as an instrument of big brother’s population surveillance mechanism (Sullivan 1992). Some may see equivalence with the social control mechanisms used in Nazi Germany (Caplan 2014). We might say that the original intention behind the invention of the concept of “harmony” is supposedly nothing more than the blatant suppression of discord rather than a utopian statement of the absence of antagonism as a corollary to humdrum social life where “neighbors [live] together without conflict or in a spirit of helpfulness” (Guinness 1999, 88). Needless to say, Djojodigono’s appropriation has become immemorial in that it has become part of the chanting gospel of Indonesia’s contemporary students of sociology.

It is worth mentioning that Dr. Supomo, a scion of Javanese aristocracy, veiled his support for the installment of fascism as a smoke-screen to preserve Javanese feudalism (Bourchier 2016, 69). Strategically speaking, Supomo’s invention of the “integralist state” has done a big favor for the nationalist cause against the far-right Islamists that championed an Islamic state. While it may seem to support a progressive course when set against that alternative, as a political theory Supomo’s conception of the uninhibited power of the state is authoritarian. In the long run, however, the most shocking revelation from a recent publication is that Supomo’s theory is an uncanny disguise for preserving “the social status quo inherited from the Dutch colonial state and maintained, in large part, through the Japanese occupation” (Bourchier 2016, 69). It is arguably fair to imply, from the discussion above, that Indonesian nationalism has a strong devotion to feudalism as a set of indigenous values. Given this background, I will argue further below that it is unreasonable to expect that indigeneity based discourse can be used in support of promoting a progressive cause.

**Reviving the invented tradition?**

The most powerful argument that sustains the nationalist claim to independence is their belief in the irrefutable existence of an old nation in the colony. So much so that even without the introduction of colonialism, so the argument goes, a nation is already there just waiting to be found. This claim undoubtedly earned its inspiration from the elites who had an opportunity to study in the metropole. To support this claim, one cannot do any better than to look at the historical account
of *Adat Law* as an intellectual enterprise that had strong support from the colonial administration (Lev 1985). In today’s context it is interesting to note that many foreign scholars have stubbornly insisted on the autochthonous nature of the so-called *Adat law* by which the post-colonial state-building project might benefit (Benda-Beckmann and Benda-Beckmann 2011; Hooker 1978). The more troubling aspect of *Adat* law is none other than the fact that “Once written, moreover, the *Adat* research violated a primary principle of *Adat* theory, that the *Adat* lived in local tradition” (Lev 1985, 66). Ultimately, this aspect has provided a conservatizing role which was eventually viewed favorably by those who benefited from the colonial arrangement, such as the *priyayi* (aristocracy) who served in the colonial government. Interestingly enough, Indonesia’s commitment to legal pluralism has been praised as a strong commitment to a multiculturalism that a liberal country such as Canada must emulate (Bell 2006).

Given the positive appraisal of *Adat law* it is no surprise then that many of Indonesia’s legal scholars do not recognize Adat’s constraint on the contemporary development of the Indonesian democratic legal system (Lukito 2013; Hartono et al. 2001). Some have even gone further. A law lecturer at Universitas Sumatera Utara, one of the most respected law schools in the nation, is strongly convinced that the main objective of the 1998 political reform was to return to the supremacy of *Adat law* in the national legal system (Sembiring 2003). More worringly, the academic case for *Adat law* has inspired an overwhelming demand for its inclusion in a revision of criminal law which has resulted in some legislators fretting that this was an invitation to infinite debate (Anon 2015). It might be argued that the struggle of academics for legal pluralism is reminiscent of the Leiden-Utrecht controversy, a pivotal debate in Indonesia’s legal history during the colonial period between those favoring a unified legal system and those pressing the case for legal pluralism that resulted in a racially segregated legal system in the name of diversity (Takano n.d.).

In this light one must cautiously be heedful of the gung-ho activism for the reintroduction of *masyarakat adat* under the guise of indigenous people’s rights as there will be some risks to the human rights of children, women and other vulnerable individuals. Sandra Moniaga, an activist who now serves as a member of the state-sponsored human rights commission, has argued that this new *adat* activism does not
glorify “a concrete body of rules and practices inherited” from the
good old days, but aspires “rather to a set of ideals . . . which can be
summed up as authenticity, community, harmony, order, and justice”
(Henley and Davidson 2007); yet, it is hard to downplay the precocity
of this modern-day radical communalism. To be specific, the advocacy
by Moniaga and others has also pushed for the communal right to
self-governance for each masyarakat adat, which will very likely lead to
individual subjection to the abuses of collective rights—the ugly side
of identity politics (Indigenous Peoples Pact 2014). Indeed, the vague
general idea that Aliansi Masyarakat Adat Nusantara, or the Alliance
of Indigenous Peoples of the Archipelago, fights for “the sovereignty
of masyarakat adat over land and natural resources, socio-cultural life
according to adat law, and adat institutions that uphold the preser-
vation of their way of life as adat communities” (Aliansi Masyarakat
Adat Nusantara 2017) may backfire as a serious setback for some hard
won individual human rights. Additionally, this widespread naivety
is perhaps best seen as the sheer disregard of the very historicity that
underpinned the operation of Adat law itself as it was meant to rein-
force Dutch-controlled institutions (Lev 1985, 66).

No less important is that the civil society’s populist discourse of
adat is related to a devil-may-care adoption of the international law for
indigenous people (Arizona and Cahyadi 2013). For example, Monia-
aga’s ELSAM, a self-described NGO that has a “spiritual commitment
... to develop a democratic political order in Indonesia” (Institute for
Policy Research and Advocacy (ELSAM) 2015), haphazardly equates
“indigenous” with “pribumi” and “masyarakat adat” with “tribal”
(Tsing 2009). This lack of caution is raising eyebrows given the fact
that both of the terms may have disparaging, if not discriminatory,
connotations for those so described. The use of “pribumi” normally
emphasizes the racial, and possibly cultural, superiority of the Malay or
specifically non-Chinese Indonesians with the exclusion of the Mel-
anesians, that eventually serves as a legal barrier, most prominently, for
Chinese Indonesians’ political, cultural and economic advancement
(Lev 2000; Artharini 2016). To make it more complicated, the fight
for “masyarakat adat” has also been marred by some of the long-
forgotten aristocrats who long for the resumption of their glory days
(Tsing 2009). Thus, it is safe to conclude that the contemporary advoc-
cacy of Adat law in its romanticized form represents the good old days:
harmony, authenticity and communalism, has become synonymous with advocacy in the international law of indigenous rights (Sangaji 2007).

What is more interesting is that the recurrence of adat in post-Suharto Indonesia marks a populist surge among civil society organizations and individuals that normally have been described as having a liberal conscience (Lubis 2005). Additionally, another related yet discrete issue is the growing support of the orthodox civil society groups, supposedly in the vanguard of the advancement of liberal democracy, for legal pluralism. Apparently, they ignore the historical reality that legal pluralism was the main driver in the oppression of the colonial population, which is to say that legal pluralism was a legal policy to establish a segregated colonial society (Lev 1985, 58). This populist turnaround among civil society has unwittingly legitimized the illiberal discourse in post Suharto Indonesia. In this vein, it is worth examining the recently adopted Law on the [Governance of] Village that garnered the support of democratically elected legislators (Indonesia 2014). As this 2014 Law deals with the lowest level of governance, it could shed light on the kind of society that is being sought after by postcolonial Indonesia. While it undoubtedly contains every best intention of decentralization, the law has the potential to bring feudal values back to the fore (see White 2017). No less disturbing is that one of its gimmicks aims at “empowerment”: Articles 54 and 56 mandate that the only supervisory body, the BPD or Badan Permusyawaratan Desa (a nod to the Jakarta’s Majelis Permusyawarahan Rakyat), is comprised of appointed rather than elected representatives of social groups (see also Iskandar 2016c).

At a theoretical level, as one can easily infer from the abundant local literature, the nationalist project’s ultimate aim is to create a utopia based on the template that has been provided by the organizational sociologist Ferdinand Tönnies’ communal society (gemeinschaft) where non-transactional relationships are the norm. Bluntly speaking, Tönnies’ gemeinschaft, that is locally celebrated as paguyuban, (Indonesia’s pie in the sky), has been incessantly in vogue even in today’s Indonesian academic community, which may count as its most dangerous aspiration to date. Coupled with Supomo’s earlier fascination for indigenizing fascism, this might be a worrying signal for the further entrenchment of democracy in Indonesia. Unfortunately, the persistence of the authoritarian leaning scholarly discourse in post-Suharto
Indonesia is largely overlooked. Thus, it is unsurprising that despite its absurdities the myth of the 1945 Constitution is self-sustaining (Ellis 2002). More disturbingly, the lack of a clear reform agenda among democracy and rights activists regarding state ideology and Pancasila has unwittingly justified some serious conceptual aberration of human rights with regards to religious freedom (Iskandar 2016a; Iskandar 2016b).

In this regard, the effort of reviving *adat* discourse may be viewed as demeaning, if not dehumanizing for Indonesia’s lower social classes that perceive the idea of independence or more specifically the 1998 political reform as, first and foremost, an opening up of the opportunity for social mobility. Through this lens, the *Adat* proponents downplay the reality that continues to persist where the “whole concern for customary law ... [has] brought the development of Indonesian law and Indonesian legal thinking to a hopelessly confused and tangled impasse” (Alisjahbana 1969, 74). *Adat* inhibits social progressivism in these postcolonial days. Rather than seeing the past as an indication of a strong tradition of cosmopolitanism (Taylor 2012), the *Adat* proponents’ conception of the caricaturized past has arguably lent their voice to the rise of a new-feudalism in many regions (Arizona and Cahyadi 2013). In this vein, it is unsurprising that a self-proclaimed group of Riau Malay aristocrats demanded a greater role in the public management of a new province that seceded from Riau (Faucher 2005). At a certain distance, it may also be plausible to claim that identity politics has significantly contributed to the further fragmentation of the regional administrative entities (Kimura 2010).

Admittedly, the *adat* may provide a ready-made activist slogan and strategically convenient, politically correct appeal to Indonesia’s national identity consciousness. However, it is not entirely unproblematic should Indonesia pursue its stated postcolonial foundational virtue, i.e., not to repeat, to say the least, the inhumane practices of colonialism. As a matter of fact, pre-colonial Indonesia is a story of waves of different peoples into the archipelago, starting from the first wave of human colonization from Africa by the Melanesians who were “indigenizing” the eastern part of Indonesia and who were then displaced by the immigrants from Southern China who also made status claims as the “indigenous population” of the archipelago. Because of this fact alone it should be hard enough to rationally
maintain the claim to any form of indigeneity. Then again, culturally speaking, it would be unwise to be headstrong about the idea of Indonesia as something that has been frozen in time. Thus, it is reasonable to accept the historical fact of the “good old days” where Indonesian empires reached their pinnacle largely due to their ingeniousness in rationalizing their positions within a broader context. Meaning now, that postcolonial Indonesia should be treated as a common project of the conscious evolution of its population in which equal consideration of interests is supported by rational discourse which serves as its ultimate guide.

**The aftermath**

As the previous paragraphs have indicated, in the legal context some historical records show that the adoption of Hindu law was rampant in precolonial Indonesia. In fact, two of the most important political concepts in today’s Indonesian political discourse that have been recognized as indigenous political vocabularies, that is *musyawarah* and *mufakat*, are imported from Arabic, which is neatly an early effort of “legal transplant” (Antons 2009). This means that the state of the hybridity of precolonial Indonesia is not only a strong indication of cosmopolitanism but, more importantly, it would be difficult to defend the nationalists’ claim that there exist locally authentic features of statehood. More importantly, this fact prods us to be more critical of anything that has been traditionally ascribed as “indigenous” or “local.” Failure to acknowledge this simple contention, as in the case of the recently adopted 2014 Law on Village, has taken us on a detour. Also, this failure has shown that post-Suharto Indonesia has failed to substantiate the programmatic dimension of *reformasi* itself. As a result, once we got to the details of making a new system work, we faltered easily.

On the bright side, as history shows, Indonesia’s conception of nationality is constantly in the making. This implies an ongoing process of national identity transformation that reflects its response to the challenges that it faces. Naturally, it is important to make sure that the next turn in the project of *reformasi* is to recognize the fact that the devil is in the detail. Even “the best intention” is not enough, as various post-*reformasi* policies have unleashed a variety of inconceiv-
ably damaging initiatives that are in contradiction to the very objective of reformasi (Butt 2010). In addition to that, it is worth reiterating here that “the distortion of reformasi cannot be separated from Indonesia’s failure in taking a principled stand, which eventually resulted in the mistranslation of big ideas such as ‘constitutionalism,’ ‘human rights,’ and ‘negara hukum’ or the rule of law” (Iskandar 2016b, 733).

References


