



Political and Legal Transformations of an Indonesian Polity

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The book ["Political and Legal Transformations of an Indonesian Polity: The Nagari from Colonisation to Decentralisation"](#) by Franz von Benda-Beckmann and Keebet von Benda-Beckmann is a result of an extensive, multi-local and 'multi-temporal' (Howell and Talle 2012: 17) fieldwork conducted in Minangkabau starting in the mid-seventies up to the present (p. 31). Observing Minangkabau in different

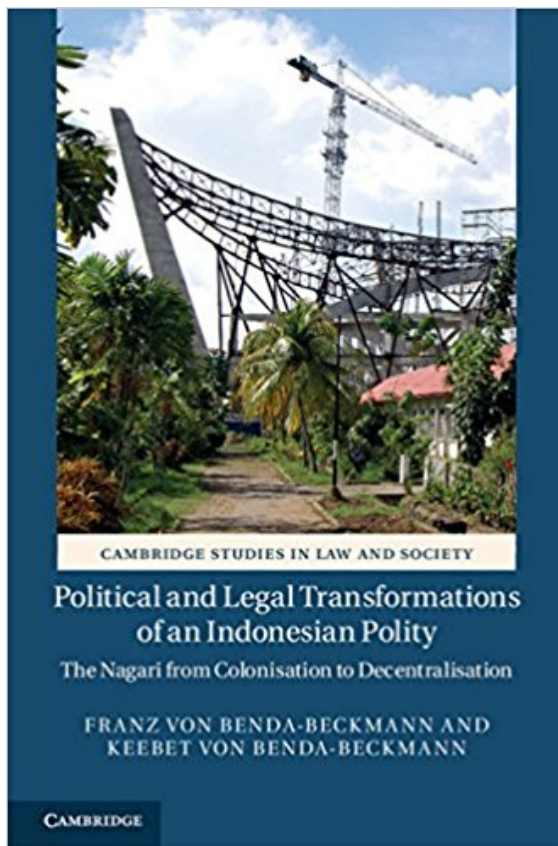


contexts and following various case-studies, the authors present over fifteen chapters a chronological overview of political and legal changes in West Sumatra. The focus lies on *nagari* (from Sanskrit and old Malay *negara*, state (p.1)), the Minangkabau polity - the most important political and territorial unit in Minangkabau (p. 48) - and their legal order based on adat, a “way of life or ‘culture’ in the widest sense” (p.1).

West Sumatra, also called Minangkabau, is populated by the Minangkabau people who were for centuries recognized as the world’s largest matrilineal ethnic group (p.11). The coexistence of the matrilineal organization and patriarchy-based Islam, which started to influence Minangkabau from the sixteenth century onwards, was a puzzle for many scholars. As the authors explain (p. 12), previous scholarship considered the Minangkabau “a remarkable paradox in the sociology of Islam” (Bousquet 1938: 241) and “an enigma for Southeast Asian scholars” (Kahn, 1993: 1).

By analysing internal changes and external influences, constitutional alterations, legislative transformations and political re-organization, the authors show how Minangkabau became a synthesis of adat law, Islamic law and the state.

They describe and analyse *nagari* governance structure in the pre-colonial (Chapter 2), the colonial period (Chapter 3), and Old and New Order regimes before the reforms (Chapters 4 and 5). They show how the national level administrative changes affected the transformations of the *nagari* in domains of family, property and inheritance, land rights and social life, and how adat elements got incorporated into state organization.



Although some scholars have questioned whether adat law can be considered as law, and rather interpreted as custom, the authors argue in Chapter 3 that Minangkabau adat did have clearly developed rules, principles and institutions in the pre-colonial times, and that the Dutch influence and (mis)interpretation of adat led to the emergence of two versions of adat: one used by the colonial administration (“lawyers’ adat law”), and another used in rural settings (“adat folk law”). The legal pluralism within village (folk) adat was brought about not only when the Dutch started to incorporate the territory into the colony of the Dutch East Indies, but also when Islam spread over West Sumatra. Both

developments largely influenced transformations of the *nagari* and general debates about the “adat-Islam-state triangle” (p. 62). Introduction of the *desa* system of village government in West Sumatra in 1983 (generally in Indonesia in 1979), during the New Order regime, had a major impact on *nagari* structure and it was considered that “*desa* destroyed adat” (p. 130). After the end of Suharto’s regime in 1998, the *Reformasi* period (reformation of the Indonesian state) introduced new laws on political and administrative decentralisation (Chapters 6 and 7), which encouraged discussions about the revival of *nagari* and replacing the *desa* with new *nagari* structures (Chapters 8, 9 and 10).

Two cases of transition from *desa* to *nagari* are described in Chapter 8 to give a reader an impression of the complexity of the process itself.

The transition increased autonomy of villages, refigured the relations between adat, Islam and state law, and changed the relationship between village government and the state administration.



Yet it also had some shortcomings, such as re-emergence of old boundary conflicts and inequality between villages.

The following chapters detail struggles over property and natural resources, property law uncertainty (Chapters 11, 12 and 13) and identity politics (Chapter 14) after the return to *nagari*. Finally, in Chapter 15, the authors state that their research contradicts the general idea that adat was completely lost due to the *desa* structure (p. 436) and conclude that adat “remained intact as a cognitive and normative system defining important kinship and property relations” (p. 437).

Finally, the authors suggest that the other researchers of this issue focused mainly on national political and legal level, which brought them to conclusions and false comparisons that the similar regulations were applicable on local levels.

To visualise the present state of this complex relationship, the authors chose a photograph of a construction site in a small street as the book’s front cover image, which they explain on the back cover:

“[T]he architecture of the newly built Grand Mosque in Padang combines the characteristic roof structures of mosque and adat lineage house as an expression of the close relationship between adat and Islam. The picture symbolises the fact that this relationship is continuously under construction.”

The significance of this ethnography lies in its elaborate analysis of Minangkabau political and legal history and complex periods of change and continuity by pointing out the importance of observing those changes and continuities in the context of all three pillars of Minangkabau social organization, i.e. adat, Islam and state.

Moreover, it is also relevant to wider discussions on topics such as law and society, customary laws, property relations and relationship between religion and state, and remains as an elaborate base for further research on Minangkabau’s political, legislative and social issues.



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References:

Bousquet, G. H. 1938. "Introduction à l'étude de l'Islam Indonésien", *Revue des Etudes Islamiques* 2-3: 135-259

Howell, S. and Talle, A. (eds.) 2012. *Returns to the field. Multitemporal research and contemporary anthropology*. Bloomington and Indianapolis: Indiana University Press

Kahn, J. S. 1993. *Constituting the Minangkabau peasants, culture, and modernity in colonial Indonesia*. Providence and Oxford: Berg

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