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Universitair hoofddocent

ACCESS TO JUSTICE  INDONESIE  RECHT EN SAMENLEVING IN INDONESIE
RECHT, BESTUUR EN ONTWIKKELING  RECHTBANKEN EN GESCHILLENBESLECHTING

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Ooratie

"Sempre rubato ma non a piacere: de voortdurende noodzaak van rechtsdifferentiatie in Indonesië"

Adriaan Bedner

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'Sempre rubato ma non a piacere': De voortdurende noodzaak tot rechtsdifferen- tiatie in Indonesia

Mijnheer de Rector Magnificus, mevrouw de Decaan van de Faculteit der Rechtsgeleerdheid, leden van het curatorium, collega's van de Universiteit Leiden, KITLV en daarbuiten, studenten, lieve familie en vrienden,

On a bad day in August 2009, 55 year-old Grandma Minah from Darmakraden (Central Java) is harvesting soy beans in her vegetable garden. While at work she sees cocoa hanging from the shrubs on the adjacent plantation of Rumpun Ltd. Grandma Minah decides that she can take a few cocoa fruits with her to plant in the garden behind her home. She picks three of them, lies them on the ground and continues her soy harvesting.

Somewhat later supervisor Nono comes by and asks her how these cocoa fruits ended up on the ground. Grandma Minah answers that she put them there and that she means to use the beans as seed. The supervisor lecturs her that she cannot do this, as the cocoa belongs to Rumpun Ltd. In response Grandma Minah returns the fruits and promises not to pick any anymore. That seems like the end of the story.

Alas, no. One week later Grandma Minah is summoned to the police station of Ajabrang. She is interrogated and on the basis of the report the police impose home detention on her. The public prosecutor in Purwokerto decides to sue her because of theft. The charge demands a sentence of 6 months imprisonment. After three sessions the court finds Grandma Minah guilty and convicts her to one and a half months prison on probation for a period of three months. [So she does not have to go to jail].

Meanwhile, the media get to know about the case. The passing of the judgment is broadcast by several TV-stations. Publications in newspapers such as Kompas, Detik and Jawa Pos lead to dozens of indignant reactions on social media. Most of them address the issue of inequality before the law: a poor old granny is convicted for taking three cocoa fruits, whereas corrupt Indonesian officials, politicians and judges pocket trillions of rupiah without usually getting caught.

TP (speaker turns page)

This finding supports the thesis of political economists such as Richard Robison and Vedi Hadiz that the Indonesian state is dominated by 'predatory elites'. Equality before the law is an illusion. And indeed, it is clearly evident that there is much inequality before the law in Indonesia. In criminal law this inequality stretches along the full justice chain, from the first contacts with the police to the prison. There many rich and powerful enjoy all kinds of privileges. Every now and then this leads to some turmoil, for instance when newspapers reported how corruption-convict Ms. Artalya occupied a posh apartment inside the prison compound, including a special karaoke-room. And on 5 November 2010 another influential convict, Gayus Tambunan, was not present in the prison of Kelapa Dua, where he was supposed to be, but disguised with a wig and a false moustache was watching the tennis match between Daniela Hantuchova and Yanina Wickmayer at the Champions tournament on Bali.

Yet, it is nonsense to allege that the entire Indonesian criminal law system is worthless. In 12 years time Indonesian courts have convicted 25 secretaries of state, 17 governors and 58 district heads for corruption. And certainly not all of them to insignificant sentences. Former Secretary of State of Religious Affairs Suryadharma Ali, for instance, has been sent to prison for ten years and Brigadier-General Teddy Hernayadi has been sentenced to life. And neither of them has been spotted near a Balinese tennis court.

These two sides of the legal system – negative and positive – is something we not only see in criminal law, but in all fields of law. Against the influence of Robison and Hadiz’s predatory elites we find opposition by media who publish about injustices; students, officials and judges who take their task seriously; and activists and academics who take efforts to reinforce the legal position of the poor and disadvantaged in society. Finally, these poor and disadvantaged themselves increasingly champion their rights. In short, what we witness is a struggle: a struggle about the law.
The next half hour I will go more deeply into this struggle. Using the case of Grandma Minah, I will elaborate a number of the problems involved. I will discuss the notion of legal differentiation and explain how legal differentiation may prevent the struggle about the law to run out of hand. The various aspects of legal differentiation constitute a guideline for the research that I intend to do during the coming years with my colleagues at the VVI and the KITLV. This research addresses two fields: the first is family law and the second land law. Finally, I will address the core of my research: the relation between the functioning of legal institutions on one hand and legal differentiation on the other. In my view this relation is the key to a better understanding of the autonomy of law; how law can resist attacks from for instance politics. This autonomy is a precondition for realising a balance between justice, legal certainty and effectiveness.

So, I will start my story with the problems of Grandma Minah. Striking in this case is that it drew a lot of attention from the media, but that rather obvious questions were not addressed. Why did the public prosecutor decide to sue Grandma Minah in the first place? What was the motivation of the judgment? Was this case in fact not a good example of a judge who rapped the knuckles of the police and the public prosecutor by only imposing a conditional sentence? And couldn’t the judge have gone even one step beyond by declaring Grandma Minah guilty without imposing a sentence or even acquitting her?

Neither have Indonesian criminal law jurists answered these questions. In their articles they consider this case mostly as a reason to argue against legal positivism in general, which in their view reduces judges to mechanical rule appliers. They hardly address the background of the case, nor do they look at the way of prosecution or even motivation of the judgment.

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There is one exception. When this case occurred, the Van Vollenhoven Institute was conducting a large project on Access to Justice, sponsored by the Dutch Embassy in Jakarta. We were trying to map to what extent poor and vulnerable citizens in Indonesia could realise their rights. One of the researchers in this project, Widodo Dwi Putro, went to Central Java to interview Grandma Minah, the chairman of the council of judges and others involved in the case. This has yielded interesting new information, which makes us look at the case in a different manner – and it helps me to shed light on the importance of legal differentiation.

But let me first define this concept. By legal differentiation I refer to the process in which an official attaches different consequences to the same act or the same constellation of facts for one group of persons or an individual than for another. It concerns the application of different legal rules to cases that at first sight look similar. An example is for instance juvenile penal law: in the Netherlands other rules are applied to persons below the age of 18 than to adults. Another example is to declare applicable religious law on marriages, for instance Shariah for Muslims, canonical law for Roman-catholics and the Halacha for Jews.

But at least as important is legal differentiation in individual cases. For instance, when a judge rules that a Sikh does not have to pay a fine for not wearing a helmet when he rides a motorbike. Such a helmet does not fit very well when you are already wearing the turban prescribed by your religion. In this case the judge weighs the different interests involved in the case. In short, legal differentiation is a broad concept that serves to bring diverse processes in a single category. It includes the creation of legal pluralism by the legislator. But is also includes what Van Gerven has called ‘lawmaking for a concrete case’ – where the judge constructs, replenishes or moulds a norm to a concrete case. And in such a manner that this new norm can serve as a guideline for judging new cases.

Legal differentiation can be problematic from a rule of law perspective. According to some it has a tenuous relation with the principles of equality for the law and legal certainty. Not everyone agrees if Sikh have no duty to wear a helmet. Careless legal differentiation leads to discrimination and class justice. But on the other hand legal differentiation is inevitable to achieve a just outcome in individual cases; where a generic application of the rules leads to injustice. What is essential is that it is made explicit why an act of differentiation is carried out. I will show this in the further discussion of the case of Grandma Minah.
Time to go back to Darmakraden. Were there perhaps any reasons not to apply Article 362 of the Criminal Code, the provision on theft, to Grandma Minah? According to the villagers this was indeed the case. In interviews they argued that Rumpun Ltd., the police and the public prosecutor acted in violation of the local law. In this part of Central Java the use of another’s fruits as seeds is allowed on the basis of customary law if it remains within reasonable limits. Even more, if someone asks for such seeds, one ought to provide the best seedlings available. However, firms such as Rumpun Ltd. do not care about such local rules. And judges in Indonesia are continuously transferred from one place to the other, so they usually do not know anything about local law. In court only employees of Rumpun Ltd. Took the witness stand and Grandma Minah did not address this. Would it have made any difference if the defendant would have called into use the local law as a justification? That seems certainly possible, in particular when we take into account that the judge thought favourably of her. In that case Grandma Minah would have been acquitted.

Local law may constitute a guideline for the process of legal differentiation. An important founder of this approach finds himself in this hall, at my left hand side, in the stained glass. His name is Kees van Vollenhoven. Up until today the struggle between national and local legal norms is a core theme in the study of law and society. This legal pluralism – or polynormativism as some prefer to call it – is at the basis of a line of research that started more than 140 years ago in Leiden.

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Van Vollenhoven was the champion of local norms. He was the most important opponent of the colonial government’s plans to impose a unified law to the Indonesian population which is so diverse. In his own words:

‘the obstacle [...] which lies in the many coloured character of the population itself, that obstacle can not be shoved aside arbitrarily’.

In cases such as the one of Grandma Minah, Van Vollenhoven would have argued, the government should honour the local law. Never should the judge be allowed to conclude that Grandma Minah was guilty of theft. In a famous pamphlet ‘The Indonesian and his land’ – Van Vollenhoven relates one appalling injustice after the other, committed by a colonial government that does not know anything about local law and therefore does not take it into account. In all cases the net result is that the land no longer belongs to the Indonesian, but to the colonial government.

When Van Vollenhoven gets truly indignant he writes: ‘imagine something similar in the Netherlands!’ Om pages 12-14 of ‘The Indonesian and his land’ he writes this four times. A lack of legal differentiation – mindless application of state legal rules – leads to bitter inequality for the law; in Van Vollenhoven’s days between Dutch citizens and Indonesian subjects, today between the cosmopolitan elite in cities such as Jakarta and the peasants in villages such as Darmakraden.

Fortunately some things have changed for the better since Van Vollenhoven wrote these words. You can criticise the functioning of the current political order in Indonesia, but it is incompatible with the authoritarian, undemocratic and racist colonial system imposed by the Dutch state on its nationals in the Netherlands East Indies. Independence and nation-building have undoubtedly brought Indonesia more unity and national identity. Yet, within the framework of the unification, there is always the danger that the national legislature imposes rules that might have been established in a democratic manner but which are considered to be fundamentally unfair by large sections of the population. There is a danger that the state will thus increase the existing fault lines in society.

This problem is strongly reflected in family law - the first area in which I want to focus my research. Legal differentiation is inevitable here in order to accommodate what is appropriate and fair in the eyes of the different parts of Indonesian society. Allowing polygamy or not, banning marriage between cousins or not, criminalising sex outside marriage or not: if the state does not take into account the different feelings about this in society, it jeopardises not only its legitimacy but also its influence.

At the same time, Indonesia has attempted to unify its family law from independence onwards, and in recent years this family law must also be
brought into line with international human rights treaties. An extra complication is that in addition to local customary law, Islamic law also plays an important role here. Conservative Islamic groups resist secularisation and formal unification of marriage law referring to the authority of the Shariah.

In order to achieve equal rights for women, the Indonesian legislator has therefore followed a pragmatic course. Marriages are concluded according to religious rules, but must be registered with a state office. And the latter is only possible if a marriage between Muslims complies with the version of Islamic law codified by the state, in a process of consultation with prominent Islamic jurists. And an official divorce can only be pronounced by a state court. In this way, the rights of women in marriage in Indonesia have now expanded to the extent that they are almost equal to those of men.

Has this legal differentiation at the level of legislation now ensured that state marriage law is respected everywhere? The answer is - of course - no. But we do see a lot of variation between different regions. Stijn van Huis has shown in his PhD-research that the percentage of divorces before the court among the Sundanese in West Java is much lower than that of the Buginese in South Sulawesi. This is because, among other things, in West Java, there is a lot of divorcing and remarrying and many people find it too much trouble to go to a court for this. However, on top of that some local religious elites resist any state interference.

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Similar research is now carried out by PhD-students Muhammad Fauzi, Al-Farabi and Afriansyah in East Java, Bencoolen and Aceh. Here again, other factors play a role.

This research demonstrates how important it is that the state takes into account local conditions in promoting social change. And it shows how judge and civil registrar play a key role in "seducing" citizens to join the state. One of the key questions in this research is the role that legal differentiation by judges and registrars plays in achieving social change.

This question is also central to the research on child marriages conducted by Mies Grijs and Hoko Horii at VVI and KITLV. International law is an additional complicating factor here. According to international law, any marriage in which one or both parties are under the age of 18 is, in principle, considered to be child marriage. Those child marriages are high on the UN list of "harmful cultural and traditional practices". One of the UN Special Rapporteurs has even said that all forms of child marriages are slavery. The question is whether that is not too general an approach. What does it mean if you speak of slavery when it comes to self-chosen marriage between a 17-year-old boy and his 16-year-old neighbor sweetheart in a village in West Java?

The problem is the strict 18-year limit - especially if you take into account that in most parts of Indonesia according to local and religious standards, sexual relations may only happen within a marriage. If you look at it this way, it seems as if the UN wishes to eradicate all Indonesian sex under the age of 18. That does not seem very realistic to me. Because marriages then go underground, international law in this manner makes it more difficult for the Indonesian state to provide protection for those who need it.

Here too, we need to differentiate: is it the marriage of a poor 13-year-old girl with a rich 70-year-old religious teacher, or is it a 15-year-old Adina and her 18-year-old Saidjah? And can the spouses still part if they later find that they do not fit well together after all? In West Java, for example, this is not a problem. A child marriage there can very well resemble the love relationships between Dutch teenagers. In short, the law should provide sufficient space for the colourful social reality.

After this trip along family law on Java, Bali and the Outer Islands, we return to Central Java and Grandma Minah. There is more to be told about this case. What did not appear from the court files, but became clear from the interviews with Oma Minah and other residents, was that in the background, as in many other places in Indonesia, there was a property conflict going on. This conflict dates back to 1890, when the Netherlands Indies government increased the land rent for the villagers. As the yield of their harvest was insufficient to pay for this increase, the population was forced to transfer the land to the state. The state subsequently granted a long lease for 75 years to the Dutch company Maryers / Van der Kroeff.

Attempts of the population to regain their land immediately after independence in 1945 were to no avail. In 1958 the plantation was nationalised and taken over by the Indonesian army. In 1967, a log lease was awarded to a company that worked closely with the army and later became part of Rumpun Ltd.
After the fall of Soeharto, in 1998, such plantations were occupied by locals everywhere in Indonesia. Sometimes they were grubbed up and planted with rice or soy. In Darmakraten it did not get that far, but inhabitants took empty parts of the plantation in use. This included Grandma Minah.

The core of the numerous land conflicts in Indonesia is who can claim land and on what basis. Is it up to the state to determine this as suggested in Article 33 of the Indonesian Constitution? Or do there exist rights that are much older than the state itself and should the state recognize these? How do ideas change about those rights in connection with the use of land under the influence of advancing capitalism?

TP

‘The Indonesian and his land’ is the second area in which my research will focus. It has a venerable tradition: legal anthropological research into different legal regimes concerning land began on Java more than 200 years ago. Of course, in these 200 years there has been a lot of change, but anyone who wishes to understand the current Indonesian legal practice must at least go back to 1870. In that year, the Dutch legislator determined that all land in the Netherlands Indies where others could not prove ownership belonged to the free domain of the state. The Netherlands Indies’ government could lease out this land as it wished to, for example, Dutch planters.

Soon the interpretations of the concept of “right of ownership” differed widely. The owners of capital argued that the locals owned but the land they inhabited or cultivated. This was taught by our colleagues at Utrecht University. The progressives found that the concept of ownership had to be taken up more comprehensively, and that it also included collective rights on land that had not been taken into use for habitation or cultivation. This was - not surprisingly - the Leiden position. The disagreement about land ownership has not disappeared with Indonesia’s independence. Many of the countless land conflicts still turn around this question. VVI PhD-research by Myrna Safiri, Laurens Bakker, Santy Kouwagam, Willem van der Muur, Feby Kartikasari and Yance Arizona indicates how the Indonesian government is very reluctant to acknowledge local rights and explains what strategies local people use in bringing about change.

Of course times have changed. Indonesia is no longer the patchwork of legal communities that it was in the 19th century. But we also see new forms of legal pluralism emerge. On land used by no-one, local inhabitants or migrants build a house, or they start growing soy, like Grandma Minah. They arrange their legal relations among themselves. Officially, the state does not recognize such self-regulation. But often the government will start to provide public services to the new users - and also to levy land tax.

VVI research by Gustaaf Reerink and Rikardo Simarmata shows how the local people then use the land tax receipts in a creative manner if they want to sell their land or house. These tax receipts expressly state the following: ‘This is not a proof of ownership’. But in practice they are used for this purpose all the time. If the government wants to act fairly and maintain its legitimacy in these cases, it will have to take into account such different legal regimes.

This means, for example, the recognition of land tax receipts as evidence in the process of granting state rights on that land, even though the text on the receipt says the opposite. Furthermore, the government must be careful in its spatial planning. As Nicole Niessen and Tristam Moeliono have shown in their dissertations, that is not self-evident. But it also means that you take into account controversial land ownership in criminal matters like the case against Grandma Minah, in determining the unlawfulness of her act. Once again, we come across the need for legal differentiation.

I have now discussed two areas where I hope to do research in the coming years. I have linked my discussion to various aspects of Grandma Minah’s case. But I have not dealt with the most obvious questions in that case. How did the legal process evolve? And how did the judge apply the law?

There were quite a few problems in this regard. To begin with, Grandma Minah was illiterate. Furthermore, she spoke only Javanese, while the process was largely conducted in Indonesian. No one assisted her in the interrogation by the police or during the trial. The solution seems simple: ensure good legal assistance and make the process more user-friendly. But there is a more fundamental side to this issue, which is related to the nature of the law.

TP

Law is not neutral. Democratic decision-making offers no guarantee that the law will not be an instrument of oppression. This is logical, as law is the result of a political interest and value struggle. Take the cleanup of the river
banks in Jakarta. Most Jakartans are pleased that the number of floods in the city will be reduced. But the residents of the river Ciliwung's banks have other concerns. For them, the law is represented by the riot police who evacuate their homes and the bulldozers who subsequently demolish them.

It is the legislator's task to make political choices that ensure a fair balance between different social interests and normative beliefs. But ultimately, those who interpret and apply the law must ensure that it connects to society. Legal differentiation should mainly take place at this level. And here it is jurists - and the judge in particular - who play an essential role. The question is to what extent Indonesian jurists are equipped for that role.

In the case of Grandma Minah, we see a judge who doubts the justice of the law. We see a judge who does not want to condemn the suspect, but feels forced to do this. On the other hand: it is only a conditional sentence he imposes. What can we learn from the judgment about this matter? After the court has come to the conclusion that all aspects of the offence have been met, he states that the suspect must be punished by law. But then he adds that - I quote:

"The sentence of punishment [...] is general in nature, and still abstract, in the sense that [...] the judge is obliged to give a spirit of justice [...] through his sentence."

The judge then considers that Oma Minah is old and poor, that to her three cocoa fruits mean a lot - whereas they hardly matter to Rumpun Ltd. - that it must be appreciated that she has always appeared on time during the courts sessions and that the whole case and the aftermath are already a severe punishment for her. The solution of the court is to impose a conditional sentence of 1 month and 15 days.

We see a judge who carefully deals with the determination of the punishment and connects the law to the suspect's specific situation. But it is striking that it seems as if he first needs to justify this. In the interview he says something interesting about this matter. He claims that he was not convinced in advance that his colleagues would be willing to follow this approach. The unwritten rule is that the judge imposes at least half of the penalty imposed by the Public Prosecutor - in this case, that would have been an unconditional prison sentence for three months. He expected his colleagues to automatically follow this unwritten rule, and he was pleasantly surprised that they were willing to deviate from it.

This unwritten rule is supported by an internal procedure of the public prosecutor. Public prosecutors have the obligation to appeal the judgment if the penalty is less than half of the charge. Hence, the prosecutor did not participate in the party immediately after the judgment was read in court. She had to think about whether she would appeal, she said. What she meant was that she had to get permission from her superiors. Luckily she did, but this is exceptional. And judges do not much like their judgments to be appealed in criminal cases. This situation limits their room for manoeuvre.

How the judge uses this room is usually unclear. The judgment in Grandma Minah's case is an exception. What considerations make judges take a certain decision is rarely found in court rulings. If there is a case of legal differentiation, it is not made explicit. As a result, the ruling does not provide guidelines for colleagues and other lawyers. They have to reinvent the wheel time and again. We also see this clearly in the previously mentioned scholarly articles on the Grandma Minah case. They do not go into the legal form of the verdict. They were also written without the authors having studied the judgment.

TP

Progressive Indonesian legal theorists usually blame legal positivism for outcomes they consider unfair. By argue that legal positivism causes judges to apply the rules like a machine. Conservative lawyers, by contrast, defend this practice. Their formalist approach dominates legal scholarship in Indonesia. Some defend their view by saying that Indonesia is a civil law country, and that judicial rulings therefore do not constitute a source of law. They seem to have forgotten the fact that in the 1950s Indonesian judges commonly referred to precedent. And that in all leading civil law countries case law is used as a source of law, is something they prefer to ignore.

Having said this, I should emphasise that judges do not always operate in a legal formalist manner. Sometimes they do exactly the opposite. In cases where the law leads to a solution that is manifestly unfair, the court may appeal to Article 4 of the Acti on the Judiciary. He or she then "digs to find the legal conviction living in the people." In practice, it often means that judges do whatever they like, without explaining why. There is therefore no question of lawmakers and promotion of legal certainty - let alone the real legal certainty that Jan Michiel Otto made a plea for 17 years ago in the same place.
And so I have arrived at the wondrous first part of the title of this lecture. How should judges deal with legal rules? In musical terms you can express it more beautifully than in Dutch (or English): 'sempre rubato' - always with freedom - 'ma non a piacere' - but not at will. The judge must never be bound by the legal role as if he were a metronome, but ought to link to that rule, its purpose, and the specific circumstances of the case.

That seems rather obvious. However, the jurist's thinking is strongly determined by legal institutions and their functioning. In other words, legal thinking is formed in practices grounded in the structure of the legal field. As Dan Lev and Sebastiaan Pompe have shown this structure in Indonesia has been formed by 40 years of authoritarian rule. It is extremely difficult to be changed, given the interests that dominate it. For example, corrupt judges are very pleased to be able to choose between formalist law enforcement or complete freedom. That is not exactly an incentive promoting legal differentiation.

I will clarify this somewhat further. Until recently, judicial rulings in Indonesia were generally not published at all and could not be studied. This has changed now, partly as a result of projects supported by Dutch development funds. You would expect academic lawyers to enthusiastically seize this opportunity and start analyzing the published judgments critically in order to enrich the arid legal doctrine, but this is hardly happening. It no longer forms part of Indonesian juridical praxis.

The working conditions at Indonesian law faculties and the academic practice resist change in that direction - those who try this do not get any benefits. It is financially and in terms of status much more attractive for a professor of law to give legal advice to companies than to write a scholarly opinion about a court ruling. Something similar applies to the judiciary. Within the Supreme Court, the main concern is to get cases done. As a result, even the judges who would like to change something have no time to read anything other than the files they are dealing with.

TP

The production of legal practices through the legal field is the core of my research. It is of course closely linked to the programs about family and land law. In particular, I want to focus on the role of academic lawyers. That begins with legal education: how do Indonesian law students learn to think as jurists? What are the consequences of this for the praxis of law? And what influence does the manner in which law faculties function have on legal education? Here too, the ultimate issue is legal differentiation: to which extent the legal field succeeds in encouraging the types of lawmaking that do justice to the "many coloured" society Indonesia still is today.

Of course, I will not carry out this programme only by myself. The most important work is to be done by a new generation of Indonesian jurists who have been trained to work in an interdisciplinary and manner and who can reflect critically on their own work. They are moreover the only ones that may be capable of actually changing the practice of law in Indonesia. By training and collaborating with these jurists, the Van Vollenhoven Institute continues the tradition of its godfather (naamgever).

In order to show how important thorough, interdisciplinary research is, if one really wishes to understand what is going on in Indonesian law practice, I take you back one final time to Darmakraden. Friday last week, I came to talk with our PhD-student Fachrizal Afandi about the Grandma Minah case. To my surprise, he told me that in the interviews for his investigation into the prosecutor's office, the case of Oma Minah had surfaced at some point. And the prosecutor whom he interviewed offered a very different perspective.

According to him, it was not the first time Ibu Minah had taken cocoa from Rumpun Ltd. - and not the last, they were afraid. She already had 200 cocoa plants in the garden near her house and she would have also set up a trade in stolen cocoa. So the reason she was prosecuted were not the three cocoa fruits that might be worth 2 euros together, but for all the thefts that had preceded this one. So, was the prosecution perhaps less unfair than everyone thought?

I am happy to leave it to you to exchange your thoughts about this during the reception.

Mr Rector Magnificus, valued audience, at the end of this inaugural lecture, I would like to say a few words of thanks.

I thank the College van Bestuur for their trust in me and the KITLV for making possible this special chair. Long ago, a chair for Indonesian law and society in Leiden was self-evident. This is no longer the case and it is an extra incentive to demonstrate what good things may come out of it.

I thank Keebet von Benda-Beckmann, Rex Arendsen, Willem van Boom and Henk Schulte Nordholt for their willingness to serve as members of the
curatorium of this chair and to engage in thinking about its research. I can reassure you about the progress: my first report is on its way.

Esteemed Otto! - Dear Jan Michiel. We’ve been working together for more than 25 years and I cannot remember any cross word in all those years. That is not due to a lack of memory. If someone has contributed to my education as a scholar it has been you. Over the years, you have increasingly entrusted me with the study of Indonesian law and society and finally you have been the dalang behind this appointment. I am very grateful to you.

Dear colleagues and former colleagues of the VVI. You are much more than colleagues! It is for good reason that I’ve been around here for 25 years and I hope to break Jan Michiel’s record. I have learned so much from you in all respects! I cannot mention the name of everyone, but I make an exception for the secretariat: Kari & Kora. You are the beating heart of the VVI, without you, the VVI would not be what it is now; that ought to be said. And without Dennis - our new Jan van Olden - I would long have succumbed under the pressure of all the Indonesia projects coming my way. I am looking forward to contributing to the new and exciting developments happening at the VVI right now and in the future.

TP

PhDs, PhD-students, Master-students & Bachelor-students. How amazing that so many of you are present! Together, we study law and society in Indonesia, and we moreover try to help improve both with the insights gained. And again, I keep learning from you. Without you, I would in Leiden like a perkenier on the island of Banda: in a golden cage but impotent and cut off from the outside world.

Dear colleagues from the KITLV. It’s an enriching experience to be in your midst on Tuesdays. Other questions, other disciplines, other discussions - area studies at its best. And after 25 years of VVI it is also interesting to experience another institute culture. Presentation, debate & ping pong, a great combination!

Dear colleagues at the Faculty of Law! For some of you, Indonesia is far away and law and society is still a vague notion. Nevertheless, many of you have come. I appreciate that enormously. As has become apparent from my speech, a Dutch contribution to Indonesian legal scholarship is still important, perhaps more important than ever before. Law in Leiden still has a big name in Indonesia. Together with you, I hope to contribute in the coming years to improving legal research and education, from Sabang to Merauke.

Dear colleagues from other faculties! We have always worked together, but the university policy of priority areas and regions has intensified and strengthened our cooperation. It is essential to continue this in a world where interdisciplinarity is becoming increasingly important. I especially want to thank the fellow members of the Asian Modernities & Traditions priority area for their collegiality and commitment.


Dear in-laws! When you met me for the first time, you never expected me to get so involved with your country of origin. You have been an unwavering flow of information and discussion for over 25 years. It is more useful to me than you may think and I hope we can still continue like this for a long time.

Dear Parents! Is is so great that both of you are here today, just as Manja & Peter. From th two of you I learned what is important in life: not money and business, but art and science. I may not be standing here with a violin, but I did manage to say something about music. Without your unwavering support I would never have made it to this pulpit.

Dear Ilan & Kirsten! Last year, you both have said that you learned from me to think critically and formulate precisely. I am very proud of that, even if you use that knowledge now to wash my ears from time to time. You cannot imagine how happy I am that you are here.

Dear Ki! What is it that you wouldn’t do for me? All attendees here have had to listen to my lecture once; you sat through it four times! Without you I had never gone to Indonesia and I would not have stood here. And without you, Ilan & Kirsten would not be sitting here. Without you - I cannot imagine.

And then finally. Our PhDs Myrna Safitri, Tristan Moeliono, Rikardo Simarmata, Herlambang Wiratraman and Surya Tjandra are one day lecturing at the law faculty. The next they’re providing legal advice to dispossessed farmers or climbing the barricades with them. Our PhD candidates Santy, Fachrizal, Yance, Anton, Feby, Fauzi, Abi and Arfian will
hopefully soon follow in their footsteps. May this chair provide you with some backing.

Ik heb gezegd.