

CHANGING LEGAL PLURALISM IN INDONESIA

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I. Introduction

The way out of the theoretical impasses of conventional legal sociology and anthropology leads into the "jungle of legal pluralism" (F.von Benda-Beckmann 1983a). If we let go the conceptual and theoretical handholds provided by conventional master concepts (law, the grand dichotomies law and reality, state and civil society) with which earlier scientists reduced social and legal complexity, we are faced with a jungle of complexity. Perhaps, we must find our way through this jungle, leave legal pluralism behind us; or we may come to like it and lose our fright and disorientation once we are better acquainted with it and share Griffiths' view that such complexity is "the omnipresent, normal situation in human society" (1986 : 39). But whether we intend to stay, or to leave as quickly as possible, we must get to know it first and find our way in it, in other words, have a good understanding of the complexity and find new and more appropriate ways of reducing it.

My paper on wants to make a contribution to the body of literature devoted to this objective. I do not so much want to join the explorers of the jungle of legal pluralism, although I shall fall back for illustration primarily on the researches which my wife and I have carried out in Indonesia. Rather, I want to join the guides

and map-makers (literally so, De Sousa Santos 1987; further Moore 1978, Merry 1988, Griffiths 1986, Fitzpatrick 1984, Vanderlinden 1971, 1990), look at where they have led us, and what they led us to see in, and to assume about pluralistic legal systems. I do not, however, intend to engage in extensive debate with the conceptualisations of others, but shall be more concerned with the complexities these concepts refer to. The plural number in the title of my paper, pluralisms, wants to draw attention to the empirical condition in which a plurality, or pluralisms, of legal pluralism, coexist in a given social space. Such play of words, alternations between an analytical and empirical understanding of legal pluralism, may stretch the concept too far. However, as I hope to demonstrate, stretching the concept may be helpful for the assessment of its value. Besides, such double use of a word as analytical concept and a descriptive reference to empirical phenomena, is probably unavoidable. Most scientific concepts like law, system, self-regulation etc., share this fate. What is important is that the different uses be consistent and sufficiently clear. Before I write about conditions in Indonesia, let me therefore briefly state my own assumptions.

Basic to the discussion of "legal pluralism" is the underlying concept of law. Even the most dogmatic lawyers will not deny that there is a variety of normative