

***International Journal of Indonesian Studies***

ISSN 2203-4692

**Volume 1, Issue 2, Autumn 2015**

“Joko Widodo”  
(acrylic on 50x70cm canvas, 2014).

**Dewi Candraningrum**



**When I painted Joko Widodo**

The portrait I painted of Joko Widodo in August 2014 was to open the story of resistance toward a general involved in the 1998 student shootings. I painted two portraits of Wiji Thukul the previous month. 1998's history and the massive sexual attack on Indonesian Chinese women have been denounced from official records and documents. History is written by the victors, and (her)story is written on muted walls. The politics of memory, *Gesichtspolitik*, has never occupied a central place in our self-understanding of national history. Poetry is a measure, an attempt, an attest, that goes beyond a genocide memorial—a national monument to victims of past conflict, mass-rape, land-grab and massive angst under the repressive Authoritarian New Order regime. Hopes for Joko Widodo are dim at present with the weakening-function of KPK under his patronage. Colors in the portrait are intended to exhibit a poetic voicelessness. *Gesichtspolitik* is meant to give voice to those who are being disremembered. Painting addresses the role of politics in shaping collective memory. They connect the construction of identity and monuments to justice (Surakarta, 24 February 2015).

## Contents

### From the Editor

*Yacinta Kurniasih* .....3

### RESEARCH ARTICLES

#### Indonesia's Foreign Politics 1955-1965: Between decolonisation and beacon politics

Haryo Kunto Wibisono,S.AP,M.AP.....4

#### Homosexuality in Indonesia: Banality, Prohibition, and Migration

Wisnu Adihartono.....18

#### The Fiqh Paradigm and the Religious Justification for the Secular State: The Traditionalist Muslims and the Dutch Colonial Rulers

Saefur Rochmat .....33

#### Politeness: Front Counter Staff in "X" Mini Market

Mitha Dwi Djayanti & Ribut Wahyudi .....51

#### Indonesian and Translation: National Identity in the Global Border Contests

Elisabet Titik Murtisari.....70

#### Instructional Leadership Practices of the Excellent School Principals in Aceh, Indonesia: Managing the Instructional Program

Syarwan Ahmad & Maznah Hussain.....81

#### Diffusing Consumerism in Indonesia:

##### A study on the Yogyakarta Consumer Institute (YCI)

Abdul Rohman.....96

#### Promoting Intellectual Property Securitization for Financing Creative Industry in Indonesia: Challenges and Solutions

Mas Rahmah, S.H., M.H., LL.M.....110

#### *Pesantren Literature* as a Form of Ideological Discourse Countering Communism:

##### The Representation of Communist Figures in Ahmad Tohari's *Kubah*

Muhammad Taufiqurrohman.....128

#### The Role of Community Solid Waste Management in Achieving a Sustainable Final Disposal Site, Yogyakarta

Widodo Brontowiyono.....141

### ESSAYS

#### UIN Jakarta: Islam and the West, Democracy and Education:

Usep Abdul Matin.....148



**From the Editor:**

*To Whom It May Concern*

*I am a daughter of Indonesian history and I believe in 1965*

(A poem by Yacinta Kurniasih, September 2014)

*The International Journal of Indonesian Studies* [IJIS] is proud to present its Autumn Issue, 2015. It has been a long-learning process for all of us in the IJIS Coordinating Editorial Board, since we launched our inaugural edition in November 2013. We are grateful for everyone's patience as our "baby" overcomes the first and admittedly faltering steps in its development. There are of course many people to thank. We thank firstly our contributors who are mostly early career researchers, Phd students, and even 'first timers' to publish their work in English. We also thank our reviewers, without whom we could not begin to consolidate the academic credentials and integrity of IJIS.

The Autumn Issue again presents a variety of subjects in the field of contemporary Indonesian Studies: political history, linguistics, Islam and democracy, gay issues, the environment, education, intellectual property securitization, consumerism and literary and translation studies. We are particularly proud to present the study of the 'gay Indonesian migrant', as we feel it is an important, rare and encouraging contribution to a fairly marginalized discourse. And, congratulations to all contributors for whom English may well be their second, third and sometimes even fourth language. We are again very appreciative of the artistic contribution made by **Dewi Candraningrum**.

The basic philosophy of IJIS remains its commitment to promoting and helping disseminate new Indonesian scholarship especially from early career researchers and/or Indonesian scholars seeking opportunities to publish in English in a peer-reviewed journal. Again, we sincerely welcome your submissions and ask potential contributors **to closely adhere to the IJIS formatting guidelines**. We have had to 'indulge' some variations in formatting, citation and referencing techniques for this second issue and we trust our readership will be patient with us and our contributors as this element of IJIS is more stringently addressed in forthcoming issues.

We are very pleased to welcome Dr Howard Manns (Monash University) and Dr Elisabet Titik Murtisari (Satya Wacana University) as members of the IJIS Coordinating Editorial Board. Finally, we ask for your support firstly in disseminating news of IJIS's Autumn Issue through your networks; second, in constructive critique of this collaborative project; third, and most importantly, contributing **your** work for publication in future issues.

*Ms Yacinta Kurniasih, Dr Matthew Piscioneri, Dr. Roby Marlina and Dr. Baiq Wardhani*

Again, we especially thank the reviewers of the papers included in the Autumn issue of IJIS. You know who you are and we invite expressions of interest from others in reviewing for IJIS.

Yacinta.Kurniasih@monash.edu

**Special Acknowledgements:**

Elisabet Murtisari

Howard Manns

Faculty of Arts, Monash University, Australia

## Indonesia's Foreign Politics 1955-1965: Between Decolonisation and Beacon Politics

Haryo Kunto Wibisono, S.A.P, M.A.P

**Biodata:** Haryo Kunto Wibisono, S.A, M.A.P is an independent scholar. His research interests are Indonesian studies and Asia-Africa studies. His email is [wibisono\\_kunto@rocketmail.com](mailto:wibisono_kunto@rocketmail.com)

### Abstract

In Indonesian historiography, the period 1955-1965 was marked by the leadership of Ir. Soekarno facing the "end of parliamentary democracy chaos". The prevailing spirit of the period was to build a new Indonesia after acknowledgement of its sovereignty, especially to organise Asian-African-Latin American nations to balance the Western-Eastern Bloc. A foreign political experiment was designed by Ir. Soekarno and nationalist/Communist groups through their important posts in Indonesia's Government. It was a main factor in how Indonesia's foreign politics sought/were able to gain international acknowledgement. The aim of this paper is to explain why Indonesia was chosen as a new power between the Eastern and Western Bloc in 1955-1965. It also examines the internal conditions of Indonesia when holding this line in foreign politics. Finally, the paper assesses what were the risks of these choices.

**Keywords:** Ir. Soekarno's Leadership, Indonesian Foreign Policy, Decolonisation, Cold War

### Introduction

In his book titled, *A short history of Indonesia: the unlikely nation?* Brown (2003) explained that in January 1950, while Indonesia was politically independent, questions posed at the outset of the revolution concerning its aims and its methods remained largely unresolved in the eyes of many Indonesians. For some national leaders, the revolution had meant a change of regime, a change from Dutch rule to Indonesian rule, but little else. These leaders considered that the revolution was over, and the task now facing the government and the state was one of rebuilding Indonesia's political, economic and social bases.

After Independence Day, August 17<sup>th</sup>, 1945, Indonesia had not been directly acknowledged by other countries, especially the former colonial Dutch. Moreover, European powers had even formed the Allies/NICA (Netherland Indies Civil Administration) to occupy their former colonies and to regain the Netherland Indies with *Dutch Polisionale Actie Campaigne* (also known as *Operation Kraai* ["Operation Crow"]) resulting in Indonesia's focus at that early stage of independence on defensive warfare *vis a vis* the Dutch/Allies. Thus, during 1945-1949, the Indonesian Government focused on diplomatic strategies for many agreements, such as Linggarjati, Roem-Royen, Renville, until the Round Table Conference/KMB (*Konferensi Meja Bundar*) that took place in Den Hague on December 27<sup>th</sup> 1949. As the result, Indonesia gained much international sympathy and *de facto* acknowledgement from Great Britain, the United States of America, Australia, China, India, Iran, although Syria and Egypt were first to acknowledge Indonesian independence *de jure* (Snit, 1986, 23-25).

The period of 1949-1955 was a period after the Round Table Conference in which Indonesia's governance structure was arranged and the geographic spatial structure of the Republic of Indonesia defined. At the same time, between April 18-24<sup>th</sup> 1955 under the leadership of Ir. Soekarno, Prime Minister, Ali Sastroamidjojo supervised the inaugural *Asian-African Conference/Bandung Conference* and changed Indonesia's foreign politics in the direction of developing its status as a new leading power in the anti-colonialism-racialism movement based around newly independent Asian-African nations. It brought Indonesia closer to the Soviet Union and the People's Republic of China/PRC obtaining these superpowers' support to press the United Nations on Indonesia's West Irian problems and the campaign to reduce the influence in the region of the economic-political power of the Western Bloc.

However, a contradictory situation occurred after the PRC-Soviet Union was involved in conflict, leading to the Sino-Soviet split in 1962-1964. It caused turbulence in Indonesia's diplomacy and then pressed Ir. Soekarno's power along with the Indonesian Communist Party/PKI (*Partai Komunis Indonesia*) as his support base. At the same time, opposition groups and the army were backed by the Western Bloc to organize themselves to overthrow Ir. Soekarno's leadership.

This paper's aims are to establish the reason for Indonesia's declaration as a new power between the Eastern and Western Bloc in 1955-1965, what was the internal condition of Indonesia when holding this line in the international political sphere and, what was the risk of these choices? Finally, the paper looks to understand what was the main factor which shaped the direction of Indonesia's foreign politics at this time?

### **Dynamic of Indonesia in the period of 1949-1955**

1949-1955 was the period that positioned the Indonesian Government in a transitional phase. The international political situation had clearly changed since the Cold War. Indonesia itself stood between those polarities, namely the Western and Eastern Blocs. There were challenges which in the post World War II period had not yet been resolved in the region, such as West Irian. For this reason, Indonesia needed extensive international support in United Nations' forums to repulse the Dutch. Similar to its action in relation to Egypt and the Suez Crisis in 1956, the Soviet Union through its leader Nikita Khrushchev showed its support to Indonesia's movement to decolonise and in relation to West Irian. This support included promotion of 'zones of peace', announced by Khrushchev at the Twentieth Party Congress in 1956, coupled with his strong endorsement of the Bandung Conference the year before. These displays of solidarity were intended to "steer the emerging anti-Western Afro-Asian political identity along lines favorable to the socialist bloc" (Allison, 1988; Crockatt, 1995, 172).

From the political perspective and from the perspective of governance, at the beginning of 1955, Indonesia's cabinet was marked by many changes of leadership. The

Prime Minister implemented a large number of policies that ran ineffectively in the handling of educational issues, public services and economic development, for example. Consequently, processes of national consolidation in the period of post-acknowledgement of sovereignty in 1949-1955 faced many serious challenges in practicing parliamentary democracy largely caused by the great number of political parties. Additionally, Indonesia had been facing several separatist rebellions and the transition of the nation's format from *RIS/Republik Indonesia Serikat* to *NKRI/Negara Kesatuan Republik Indonesia*.

The representation of the national leadership, the *Dwi-Tunggal* of Ir-Soekarno-Mohammad Hatta, only stood when forming the *Komite Nasional Indonesia Pusat/KNIP* until 1956, after Hatta resigned as vice president. However, the governance of the Republic of Indonesia was still under the control of political groups based on religion, as well as nationalist, socialist, Communist, regionalist and military interests. Domestic political affairs, such as the National Election/*Pemilu* 1955, Presidential Decree 1959, and the overthrow of President Ir. Soekarno, were directed by members of the Indonesian elite whose groups in the Indonesian Government had a role to determine the direction of the policy of the state, domestic or foreign.

The international situation also pressed the position of Indonesia in the constellation of global politics, especially when several Asian-African nations began to struggle for their sovereignty. The USA and the SU started conditioning "new satellites" in the Cold War as they struggled for political, economic, ideological, cultural, knowledge, and technological influence.<sup>1</sup>

One issue that emerged from the competing claims to the title of "World War II winner" was the clash of interests in South-East Asia and Indonesia as analysed by Gouda and Thijs Zaalberg (2002) in their book *American Visions of the Netherlands East Indies/Indonesia, US Foreign Policy and Indonesian Nationalism, 1920-1949*. The book's argument is that Soviet involvement in Vietnam could be clearly identified and Indonesia provided American officials with a confirmation of their worst fears. On May 22<sup>nd</sup> 1948, the Soviet Union announced its intention to establish consular relations with the Indonesian Republic, despite the fact that the Netherlands had not yet conceded its independence.

### **Beacon politics: a world experiment in 1955**

1955 was the time when Ali Sastroamidjojo from the Indonesia National Party/PNI (*Partai Nasional Indonesia*) was installed as Prime Minister and introduced state policies that characterised the nationalist group. For instance, the Bandung Conference which was held

---

<sup>1</sup> The Cold War in its Third World manifestation was a proxy conflict between the West and the Soviet Bloc (or between the USA and the USSR) for influence and strategic position in the regions outside Europe and North America. The principal instruments deployed in this struggle were diplomacy, economic assistance, ideology, and, more importantly, arms transfers and various forms of direct and indirect intervention. I argued that German division after World War II, NATO-Warsaw Pact rivalry, partition of Western Europe and Eastern Europe were the roots of Cold War in Europe (Fawcett et.al.,1999,16).

on the 18-24<sup>th</sup> April 1955 was part of a diplomatic strategy that expressed Indonesia's position that the decolonisation processes were not yet finished. After the declaration of Independence on August 17<sup>th</sup> 1945, the transfer of sovereignty in 1949 left the West Irian problems behind.

Prime Minister Ali Sastroamidjojo in a Policy Statement to the Parliament on 25 August 1953 stated that cooperation between Asia-Africa countries conformed to United Nations' regulations concerning regional arrangements. Moreover, those countries had the same views with regard to some international relations issues; they had common ground for the establishment of special groups. Hence, Sastroamidjojo urged Indonesia to continue and strengthen cooperation between these countries (1955). So, the *Panca Negara* Conference took place in Bogor on December 28-29<sup>th</sup> 1954.

The attendance of 29 countries at the later Bandung Conference, where racialism, colonialism, and self-determination issues were discussed, surely generated much curiosity due to the fact that neither the United States of America nor the Soviet Union were invited. The People's Republic of China, which at that time was still a close ally of the Soviet Union, was invited and represented by Prime Minister Chou En Lai. The attendance of Chou En Lai was based on the PRC's foreign policy to discuss the Taiwan problem, citizenship issues of *Tionghoa* and Indonesia, interest expansion in Africa and the Southeast Asia region, including the PRC's struggle for membership in the United Nations (Compton, 1992, 327-331).<sup>2</sup>

Sponsor countries were Pakistan, India, Ceylon, Burma, Indonesia and participant countries from Asia were Saudi Arabia, Afghanistan, Japan, Philippines, Lebanon, Thailand, Nepal, the People's Republic of China, Syria, Turkey, Yemen, Jordan, Iran, Iraq, Laos, the Democratic Republic of Vietnam, the State of Vietnam and Cambodia. From Africa: Ethiopia, Gold Coast, Liberia, Libya, Egypt and Sudan. After the conference on 24<sup>th</sup> April 1955, the Final Communique as the consensus of participants was born including the Bandung Ten Principles, the contents of which were as follows (Ministry of Foreign Affairs, 1955, 161-169).<sup>3</sup>

1. Respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations.
2. Respect for the sovereignty and territorial integrity of all nations.
3. Recognition of the equality of all races and of the equality of all nations large and small.
4. Abstention from intervention or interference in the internal affairs of another country.
5. Respect for the right of each nation to defend itself singly or collectively, in

---

<sup>2</sup> Compton, Boyd.1992.*Kemelut Demokrasi Liberal: Surat-Surat Rahasia Boyd R. Compton*. Jakarta:LP3ES p.327-331

<sup>3</sup> The Ministry of Foreign Affairs Republic of Indonesia. (eds). 1955. *Asia-Africa Speaks from Bandung*. Djakarta.p.161-169

- conformity with the Charter of the United Nations.
6. a. Abstention from the use of arrangements of collective defence to serve the particular interests of any of the big powers.
  - b. Abstention by any country from exerting pressures on other countries.
  7. Refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country.
  8. Settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial settlement as well as other peaceful means of the parties' own choice, in conformity with the Charter of the United Nations.
  9. Promotion of mutual interests and co-operation.
  10. Respect for justice and international obligations.

Through the Bandung Conference 1955, the prestige of Indonesia had increased, especially in the sphere of foreign politics. The ability to embrace Asian-African nations was seen as sign of a coming era of liberation by nations that had not yet gained their independence. The idea of the unification of coloured nations challenged the Western press's opinion of the Bandung conference, which it cast as a Communist or Leftist provocation against the West. According to Richard Wright (1956,14), an Afro-America writer who reported the conference, the call for the meeting had not been named in terms of ideology yet. The participants could not be categorised as proletarians; they comprised princes and paupers, Communists and Christians, Leftists and Rightists, Buddhists and Democrats, in short, just about anybody who lived in Asia and Africa.

The impact of the Bandung Conference, according to Podeh (2004,184), was first discernible in Africa. The Suez Canal Nationalisation in 1956 in Egypt marked the beginning of Nasser's aggressive campaign against the Baghdad Pact. His participation at the historic meeting at Bandung, the Czech arms deal, the nationalisation of the Suez Canal Company, and the end of the Anglo-French-Israeli joint offensive, out of which Nasser emerged as a hero-victor, all signaled defiance of the foreigner whether it be Western Imperialism or not.

On the other hand, Ghana's independence from British colonialism on July 6<sup>th</sup> 1957 also related to Ghana/Gold Coast's participation in the Asian-African Conference on April 18-24<sup>th</sup> 1955. The representation of Kojo Botsio continued with the Conference of Independent African States in Accra on April 15<sup>th</sup> 1958 and the All African People Conference on December 8-13<sup>rd</sup> 1958 attended by Patrice Lumumba (Congo) and Tomb Mboya (Kenya).

Those conditions led African nations to see the Bandung Conference as an opportunity to gain their independence. The joint statement in the Final Communique from the Asian-African Conference on April, 18-24<sup>th</sup> 1955 also talked about economic, political, and cultural processes between the two continents, emphasising a respect for national-sovereignty, the exchange of specialists to help advance both continents, inter-continental commodities stabilisation, and the development of political systems based on self-determination and human-rights. According to discussions during the Bandung Conference,

solidarity, unity, and the common needs of Asian-African nations to make up their position in the global society were prioritised. Thus, after gaining their independence, many Asian-African nations needed to recover from colonialism in terms of their cultural, economic, and political identity.

For Indonesia, the success of Bandung Conference and its impact in the international world made the Soviet Union and the United States of America pay attention to Indonesian diplomacy, especially the West Irian problems and Asian-African decolonisation movements. At the same time, Indonesia's foreign policies after the Bandung Conference came to be based on:

1. Cooperation among Asian-African countries to common ground and world-peace
2. Peaceful co-existence among the nations
3. Colonialism
  - a. General problems
    - Colonialism in Asian-African states
    - Racialism
  - b. Special problems: North Africa, Indonesia, People's Republic of China, etc
4. Economic cooperation between Asian-African countries
5. Cultural relations between Asian-African countries
6. Nuclear usage with a peaceful aim
7. Consideration around the United Nations (Bandaro,1958)

During the Bandung Conference, nationalist icons and PNI members, such as Ir. Soekarno, who delivered the opening speech, Prime Minister Ali Sastroamidjojo (Chairman of the Conference), Mr. Sunario (Foreign Minister) dominated the whole session of the conference that focused on the economy, politics, and culture. The meaning of the Bandung Conference, however, would be distorted politically by "opposition groups" who interpreted the values of that conference as an effort to improve the image of Ali Sastroamidjojo's cabinet and Ir. Soekarno for the Election/*Pemilu* in 1955 and to conceal the chaotic economy-political condition in Indonesia at the time.<sup>4</sup>

### **Towards guided democracy and global constellation**

After the diplomatic achievements of the Bandung Conference, Indonesia conducted its domestic election/*Pemilu* in 1955 with 28 parties as contestants. The People's Representative Council/*DPR (Dewan Perwakilan Rakyat)*'s election was held on September 29<sup>th</sup> 1955 and the Constituent Assembly/*Konstituante*'s election on December 15<sup>th</sup> 1955. According to Ricklefs (2001,p.304), the results positioned PNI 22,3 % (57 seats), Masjumi 20,9 % (57 seats), Nadhatul Utama 18,4 % (45 seats), PKI 16,4 % (39 seats), PSII 2,9 % (8 seats), Parkindo 2,6 % (8 seats), Catholic Party 2,0 % (6 seats), PSI 2,0 % (5 seats).

---

<sup>4</sup> Although Ali Sastroamidjojo's government had foreign policy achievements, domestic conditions had been focused around inflation, the country's unbalanced budget, corruption inside government, rebellion in many provinces, pseudo warlordism threatening in Sulawesi, and chaos in the Army (Compton, 1992, 321-334).

A large number of PNI seats in the parliament and the addition of Ali Sastroamidjojo's achievement at the Bandung Conference had made the PNI dominant and in a position to execute its economic-political policies. Moreover, because of the Bandung Conference, Indonesia's bargaining position had increased and it could more effectively negotiate the problems in West Irian and press the Dutch. Campaigns by Ir. Soekarno and PNI in relation to national economic policies were aimed at transforming what remained of the economic structures of the Dutch colonial system. Ricklefs (2001) argued that the cabinet also pressed for Indonesianisation of the economy, with encouragement for indigenous businessmen. In practice, however, many new firms were bogus fronts for arrangements between government supporters and the Chinese: the so-called 'Ali-Baba' firms, in which an Indonesian ('Ali') was a front man for a Chinese ('Baba') entrepreneur.<sup>5</sup>

The resignation of Muhammad Hatta in 1956 and the unfinished constitution's formulation by the Konstituante, which had lasted from November 10<sup>th</sup> 1956 until 1958, led to the creation of the Guided Democracy which placed total power in Ir. Soekarno's hands. In late 1956, President Sukarno became openly critical of the parliamentary system. In February 1957, Sukarno offered an extremely vague alternative with his *Konsepsi* speech, which proposed a *gotong-royong* cabinet (*gotong royong* meaning mutual help) comprised of all the political parties, plus a national council composed of representatives of functional groups (such as workers' groups, women's groups) that would advise the cabinet (Feith, 1962; Redfen, 2010, 34).

The break up of *Dwi Tunggal* and chaos in the parliament was the beginning of the transition to Guided Democracy through the Presidential Decree on July 5<sup>th</sup> 1959 which contained the dismissal of the Konstituante and the formation of the Advisory Board (*Dewan Perwakilan Agung Sementara/DPAS-Majelis Permusyawaratan Rakyat Sementara/MPRS*), and a return to the *Undang-Undang Dasar-UUD 1945* as Indonesia's basic constitution. The parliamentary condition that saw a polarisation of Nationalist/Secular groups and Islamic parties was taken advantage of by Communist groups/PKI as the 4<sup>th</sup> position holder in the DPR. The international situation and the Bandung Conference, in particular the PRC's/Chou En Lai's attendance at that event, had increased the prestige of the PKI. In addition, the peaceful-coexistence policy which was being promoted internationally by the CPSU/Communist Party of Soviet Union or Soviet Union, indirectly, offered a form of support to the Afro-Asian movement and encouraged closer ties between a number of emerging states, some newly independent, with the Eastern Bloc.<sup>6</sup>

---

<sup>5</sup> See Dick et al. (2002, 78) *The Emergence of a National Economy. An Economic History of Indonesia, 1800–2000*, Asian Studies Association of Australia in association with Allen & Unwin and University of Hawai'i Press Honolulu. The program was extended to nationalisation of 70% of the import trade. Nominally, this goal was achieved, but in early 1955 the head of the Central Office of Imports estimated that there were only 50 bona fide importers (Sutter, 1959, 1025–1026).

<sup>6</sup> Khrushchev noted the development of a new force for peace in world politics: the neutral and non-aligned movement of newly independent countries which had recently thrown off the shackles of colonialism in Asia and Africa. Nevertheless, PRC viewed de-Stalinisation and rejected Stalin's foreign policies and his cult of

Meanwhile, on June 29<sup>th</sup> 1954, relationships between Indonesia and the Dutch became worse after the Dutch officially refused to talk about West Irian problems. This Dutch intransigence led to the boycotting of several Dutch companies, the expulsion of 50,000 Dutch citizens in Indonesia, and the takeover of BPM (*Batafsche Petroleum Maatschappij*) in 1958 (Snit, 1986, 52-53). Indonesia's negotiation over the West Irian problems met with deadlock and was an opportunity for Indonesia to arrange the United States of America (John F. Kennedy), on one side, and the Soviet Union, on the other side, to press the Dutch in the United Nations. Indonesia's supporters included Asian-African countries from the created Non-Alignment Movement, with Yugoslavia as an addition.

Indonesia's capability in international diplomacy was supported by the Communists and the PKI's growing influence in domestic affairs after the Election in 1955. Aidit (1959,419) wrote that Indonesia's people along with PKI, nationalist-revolutionary, President Soekarno *Konsepsi*, the August Revolution 1945, democracy and Indonesia's nationalist interest, and the shift to the Left adapted to the international situation which moved to the Left also. Meanwhile, Masyumi/PSI were banned after being reputedly involved in the *PRRI-Permesta* rebellion in 1958; the PNI was disposed to enjoy Ir. Soekarno's patronage. It can be concluded that in the early stages of the Guided Democracy, PKI's pattern and Indonesia foreign policies were always related to each other, for example supported to and from the Afro-Asian nations, cooperation with the People's Republic of China, Cuba, Soviet Union, East Germany and North Korea: all identified as part of the Eastern Bloc.<sup>7</sup>

The shifting of Indonesia's foreign politics towards much closer alliances with Communist countries resulted in Indonesia being more extensively counted as a new power, one of the New Emerging Forces (NEFO). Indonesia was invited, alongside Egypt (Gamal Abdul Nasser), Ghana (Kwame Nkrumah), India (Jawaharlal Nehru) and Yugoslavia (Josiph Broz Tito) to be part of the Non-Alignment Movement declared in Beograd in September 1961. Basically, that movement was not part of the Eastern Bloc or Western Bloc, but the growth of the Communist Party in Indonesia, as well as Ir. Soekarno's leadership, had enabled foreign policies that facilitated closer ties with the Eastern Bloc against the United States of America's nuclear program which involved the Cuban Nuclear Crisis in 1961.

---

personality in Nikita Krushev's speech in Congress 20<sup>th</sup> CPSU/Soviet Union, which I argued were roots of the Sino-Soviet split in the early 1960s (Roberts, 1999, 45).

<sup>7</sup>Dokumen-dokumen Kongres Nasional VI. Partai Komunis Indonesia September, 7-14 1959. Djakarta: Jajasan Pembaruan. The Congress also discussed not "choice one Bloc but operated foreign politics which advantages Indonesian peoples". On page 85, its document quoted Ir. Soekarno's speech which said that in war and peace problems, in imperialism and independence problems, we were not neutral but explicitly stood for peace and independence. These conditions advantaged the PKI as the main supporter of the whole raft of Ir. Soekarno's ideas and policies, displaying enormous people power with a membership of more than 1,5 million which included youth, women, workers, peasants, artists and also the parliamentary DPR-GR (Bintang & Merah, 1960, 84-94)

### **Confrontation and peaceful co-existence (1960-1965)**

After the Presidential Decree on July 5<sup>th</sup> 1959, Indonesia's internal condition commenced to stabilise with the formation of the National Front and the new format of Indonesia's governance termed the DPR-GR (*Gotong Royong*) on June 1960 in *NASAKOM* (Nationalist, Agama/Religion, Communist) concept, without *Masjumi* and the PSI party. Ir. Soekarno was more impelled to liberate his ideas about Rediscovery to Our Revolution, National Revolution, Nation-character building, Trisakti, NEFO (New Emerging Forces), and To Build the World Anew, all concepts reflected in Ir. Soekarno's official speeches and legalised as the orientation of nation-state development or GBHN (*Garis-Garis Besar Haluan Negara*) in *Tap/MPRS/No1/1960*. Thus, in the domain of policy, a regulation in National Planning Department/Depernas, *Rancangan Pembangunan Semesta* and *MANIPOL-USDEK* (Politik Manifesto-UUD 45, Indonesian Socialism, Guided Democracy, Guided Economy, Nation Character) became the reference point around which development in domestic affairs and foreign affairs would commence.

The nuclear crisis in the 1960s was the first step for Indonesia to make itself a beacon in global conflict by bringing the issues of world peace and the finalisation of sovereignty in the Asian-African sphere to the forefront of international debate. In the post-Bandung Conference period, Indonesia initiated and participated in a wide range of international dialogues and conferences, such as the Asian-African Students Conference in Bandung (1956), the First Asian-African Writers Conference in New Delhi (1956), the Asian-African People Solidarity Conference in Cairo (1957), the First Asian-African Women Conference in Colombo (1958), the Asian-African Youth Conference in Cairo (1959), the Asian-African Law Master Conference in Conakry (1962), the Asian-African Journalist Conference in Jakarta (1963), the First Asian-African Workers Conference in Jakarta (1964), the Asian-African Pediatrics Conference in Jakarta (1964), the Asian-African Movie Festival in Jakarta (1964), the Seminar of Economic Asia-Africa in Aljazair (1965), as well as playing a role in the Non-Alignment Movement, and promoting the PRC's membership in the United Nations.

These ideas were supported by the Soviet Union and PRC in diplomacy, politics, economics and military matters which helped Indonesia to promote the Bandung Spirit to Asian-African countries in their struggles to break free of colonialism, in states such as the Congo, Algeria and Vietnam.<sup>8</sup> As a result, after the Bandung Conference until 1964, 35 countries in Africa declared their independence, making Indonesia's efforts more concerted in its conduct of the NEFO's conception and the Non-Alignment Movement with additional support from Latin American states. Those conceptions not only occurred in the domains of

---

<sup>8</sup> Roberts (1999, 46) writes that the 'practical face of Soviet policy in the third world was diplomatic support for the Bandung movement of non-aligned state... economic and military aid to newly independent states (for example, India and Egypt) and political encouragement of the radical tendencies in Third World nationalism; the latter effort being informed by the concept that there could be a rapid transition from national liberation to socialism'.

diplomacy and politics, but also related to the *blue-print* of economic cooperation, cultural exchange and also in the domain of sports (for example, GANEFO, the Games of New Emerging Forces) in 1963.

However, Indonesia was confronted in 1960 by the Dutch navy's provocation in the Arafuru Sea and by the Malaysia Federation in May 1961, a situation supported by Britain and the United States of America. This situation brought Indonesia to confront Malaysia after *Dwikora*/Two Commands of People and to defend West Irian through *Trikora*/Three Commands of People as campaigned in 1961. The culmination was the proposal for the Malayan state as a member of the Security Council that led Indonesia to withdraw from the United Nations in 1964.<sup>9</sup>

### **Turbulence, split, and the ending of confrontation**

In this period, the international position suddenly changed when the PRC-India were involved in border conflicts in 1962, following the Sino-Soviet split. The tensions between the Soviet Union and the PRC impacted on Asian-African nations' foreign politics and within the Non-Alignment Movement as many of these states had formed a dependency on the support offered by the Soviet Union and the PRC. According to *The Atlas on Regional Integration Report* (2006, 2-3), although China and the Soviet Union had cooperated to "lead Africa to revolution", their goals now diverged. The Soviet Union launched into "peaceful coexistence", putting peace and disarmament at the top of its strategic foreign affairs agenda. China's policy was to provide military and financial support to nationalist movements. However, China's ambitions in Africa were limited by its systematic opposition to the USSR and Western interests (See *Atlas on Regional Integration*, 2006, 2).<sup>10</sup>

Developments in Indonesia received aid in the form of financial capital and infrastructure technology from the Soviet Union and the PRC. For example, Indonesia received military aid in its confrontation with Malaysia and in the struggle to liberate West Irian. Ricklefs (2001,326) noted that in January 1960, Khrushchev had visited Jakarta and extended a US\$250 million credit to Indonesia. In January 1961, Nasution went to Moscow and received a Soviet loan of US\$450 million for arms. The army now began to grow in size for the first time since the Revolution, reaching about 300,000 men in 1961 and 330,000 by late 1962.

Sukma (1999, 30) noted that from March into early April 1961, Chen Yi visited Indonesia and talked about 'the perpetual Sino-Indonesian friendship'. He offered to supply

---

<sup>9</sup> *Conflict and Confrontation in South East Asia, 1961-1965 Britain, the United States and the Creation of Malaysia*. Cambridge. Cambridge University Press. In late December, the PKI's Central Committee passed a resolution condemning Malaysia as 'a form of neo-colonialism' which would 'suppress the democratic and patriotic movements of the peoples in [the Borneo territories] which aim at the attainment of national independence and freedom from imperialism', while with its British bases, Malaysia would be smuggled into SEATO (Jones, 2002, 99).

<sup>10</sup> See *The Atlas on Regional Integration. Africa and China* (2006). ECOWAS-SWAC/OECD©2006 - December 2006. p.2

economic aid for the new Indonesian development plan, and reiterated People Republic of China's support for Indonesia's claim over West Irian. In June 1961, Sukarno visited the PRC and was praised by Liu Shaoqi for his role in promoting "the great project of the bridge of friendship between People Republic of China and Indonesia".<sup>11</sup>

The impact of Indonesia's cooperation with the Soviet Union and the PRC was to eliminate Western Bloc influence. Such a situation also brought with it risks that became more apparent after the Sino-Soviet split that was triggered by Mongolia-PRC's conflict in 1964 and the Soviet's previous support of India in the border conflict with the PRC in 1962. Even more, the Soviet Union's foreign policies about peaceful coexistence were ideologically cast as Communist deviation/revisionism by the PRC.<sup>12</sup> I have argued that the Sino-Soviet split caused a hesitation to appear in Indonesia's foreign policies which up until then had been strongly supported by the PKI, but the Sino-Soviet conflict affected the PKI's internal policies which by that time had become dominant in Indonesia's Government. In addition, many of Indonesia's allies in Africa were experiencing turbulence, especially during the period 1961-1965. These countries included Algeria, Mali, Congo, and Ghana. This condition affected Indonesia's foreign agenda that was based around the Bandung Spirit and Non-Alignment.

The postponing of the 2<sup>nd</sup> Afro-Asian Conference was a result of the PRC's refusal to be involved in the conference that took place in Algeria. The clash of interests over the India-Pakistan-Soviet Union conflict also impacted Indonesia's bargaining position. It was weakened because Indonesia should choose between Peking and Moscow.<sup>13</sup> Weinstein (1965) argued that the most critical point came after the Asian-African Conference 1955, where political and ideological priorities were assumed to be important to the detriment of the economy and education sector. Those events assumed that economy policies inter Asia-Africa needed a supporting system that consists of stability, foreign politics and internal affairs. Nevertheless, the legacy of colonialism and the Cold War climate "turbulence"

---

<sup>11</sup> The relations between Communist Party Indonesia and Ir. Soekarno's foreign policy to confront Malaysia through connections among the leaders of Communist parties in South East Asia: in September (1964), the leaders of four Communist parties (Zhou Enlai from China, Ho Chi Minh, Le Duan, and Nguyen Chi Thanh from Vietnam, Kaysone Phomvihane from Laos, and D. N. Aidit from Indonesia) held a meeting in Chonghua, in China's Guang-dong province. In a keynote speech, Zhou Enlai pointed out that Southeast Asia had been the focus of a confrontation between international revolutionary and reactionary forces (Gadis & Lewis, 2001, 208).

<sup>12</sup> "The Leaders of the C.P.S.U Are Betrayers of the Declaration And the Statement. The revisionist line advanced by Khrushchev at the 20th Congress of the C.P.S.U. is the opposite of the revolutionary principles of the Declaration of 1957. The 20th Congress of the C.P.S.U. created grave confusion in the international Communist movement; Together with other fraternal Parties, the Communist Party of China conducted a principled struggle against Khrushchov's revisionist line at the Moscow Meeting" (Peking Review, 1966, 9).

<sup>13</sup> "The Second African-Asian Conference Should Be Postponed. If the Soviet Union can participate in the African-Asian Conference, then other countries in Europe, America and Australasia, too, can participate. What kind of an Afro-Asian conference would this be? Since a matter of principle is involved, we will never agree" (Peking Review, 1965, 8-11).

together and caused serial *coup d'états* amongst 29 countries who attended in Bandung, even war and civil war.

There was a series of *coup d'états* which positioned Western Bloc allies as leaders on the Africa continent. For example, Patrice Lumumba was assassinated and was replaced by Moïse Tshombe in 1961. In Indonesia, the Western Bloc's influence reinforced opposition and supported anti-Communist groups/anti-Ir. Soekarno forces. The Western Bloc created the Malaya Federation which took over North Kalimantan territories and West Irian problems were postponed until 1969. The Western Bloc also supported military and intelligence operations to overthrow President Ir. Soekarno along with the "catastrophe" of the October 1<sup>st</sup> 1965 Movement. The chaos masterminded by forces internal and external to Indonesia led to anti-PRC and anti-Communist demonstrations and the genocide of PKI members during 1966. This period would also see the dismantling of nationalist/PNI groups, and finally President Ir. Soekarno resigned and was replaced by General Soeharto after the *Nawaksara* speech on June 22<sup>nd</sup> 1966.<sup>14</sup> Those conditions severed Indonesia's diplomatic connection with the PRC in 1967; relations with the Soviet Union were frozen and Indonesia again joined the United Nations in 1966. General Soeharto began to normalise relations with Malaysia in August 1967. Thus, suddenly, foreign relations between the PRC and the United States of America became closer and were formalized in 1972. Meanwhile, the Soviet Union faced a leadership crisis after Nikita Khrushchev died and split with satellite states in Eastern Europe.

### Conclusion

It can be concluded that many of Indonesia's foreign policies in the 1955-1965 period were under the influence of Ir. Soekarno's leadership, as well as the growth in the influence of the Communists/PKI in Indonesia's socio-political life. These influences were made possible by the sense of nationalism that imbued Indonesia's population in that early post-colonial era. These conditions supported the parliament which was dominated by the PKI and which advised on Ir. Soekarno's foreign policies. The external statement of those policies were supported by the PRC-Soviet Union as the main power of the Eastern bloc, promoting Communism with peaceful coexistence policies to help many Asia-African nations to gain their independence and self determination after independence. However, the rivalry between the PRC and the Soviet Union was the main factor that caused the Eastern Bloc, as well as Asian-African nations allied to one or other Communist superpower, to clash with each other. The 2<sup>nd</sup> Afro-Asian Conference was postponed due to their rivalry. Indeed, the rivalry between the PRC and the Soviet Union brought advantages to the Western Bloc to spread their influence to Asian-African nations, including, for example, to Indonesia.

---

<sup>14</sup>The first of these, which goes at least as far back as 1952, was "to prevent the countries of Southeast Asia from passing into the Communist orbit" (Pentagon Papers 1971, 27). Here, in line with the domino theory, the emphasis is regional rather than national as the generalized enemy and, in line with the main thrust of American cold war foreign policy, targets Communism (Crockatt, 1995, 236-237).

The condition of Indonesia was destabilised when the PKI became confused over which axis to support, to choose between Peking-Moscow. Disputes over the leadership at the 2<sup>nd</sup> Afro-Asian Conference, rifts within the Non-Aligned Movement, and confrontation with Malaysia, all contributed to Indonesia's instability. These conditions worsened when opposition groups supported by the army took over Ir.Soekarno and PKI's power. At this time, the Indonesian economic-politic landscape was marked by inflation, unstable monetary conditions, and social chaos. By the end of the 1960s, Indonesia foreign policies totally changed. With the overthrow of Ir.Soekarno, the PKI were banned and diplomacy with the PRC and other of the Communist states, largely broken off. By this time, the power of the New Order led by General Soeharto had been established.

### References

- Aidit, DN.(1959). *Selected Works II. New Phase and Adapting Organisation with Situation*.Djakarta: Jajasan Pembaruan, pp. 378-444.
- Bintang, Merah (Eds).(1960). *Dokumen-dokumen Kongres Nasional VI. Partai Komunis Indonesia September, 7-14 1959*. Djakarta : Jajasan Pembaruan.
- Brown, Colin. (2003). *A short history of Indonesia: the unlikely nation?* New South Wales : Allen & Unwin.
- Compton, Boyd.(1992). *Kemelut Demokrasi Liberal: Surat-Surat Rahasia Boyd R. Compton*. Jakarta : LP3ES.
- Crockatt, Richard. (1995).*The Fifty Years War: The United States and The Soviet Union in World Politics 1941-1991*. London and New York : Routledge : Taylor and Francis Group.
- Dick, Howard. (2002). *The Emergence of a National Economy: an economic history of Indonesia, 1800–2000*, Asian Studies Association of Australia in association with Allen & Unwin and University of Hawai'i Press, Honolulu.
- Fawcett, Louise and Yezid Sayigh (Eds). (1999). *The Third World beyond the Cold War Continuity and Change*. Oxford : Oxford University Press.
- Gaddis, John Lewis. (2001). *Mao's China and The Cold War*. Chapel Hill & London : The University of North Carolina Press.
- Gouda, Frances and Thijs, Brocades Zaalberg. (2002). *American Visions of the Netherlands East Indies/Indonesia, US Foreign Policy and Indonesian Nationalism, 1920-1949*, Amsterdam : Amsterdam University Press.
- Jones, Matthew. (2002). *Conflict and Confrontation in South East Asia, 1961-1965: Britain, the United States and the Creation of Malaysia*. Cambridge : Cambridge University Press.
- Peking Review. (Jan. 1, 1966). A Weekly Magazine of Chinese News and Views. IX (1),Peking : Peking Review.
- (Oct. 29, 1965), VII (44), Peking : Peking Review.
- Podeh, Elie and Onn Winckler., (Eds.). (2004). *Rethinking Nasserism Revolution and Historical Memory in Modern Egypt*, USA : University of Florida.

- Redfen, William. (2010). *Sukarno's Guided Democracy and the Takeovers of Foreign Companies in Indonesia in the 1960s*. A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy (History) at The University of Michigan.
- Ricklefs, M.C. (2001). *A History of Modern Indonesia since c.1200* (3<sup>rd</sup> Ed), Hampshire : Palgrave McMillan.
- Roberts, Geoffrey. (1999). *The Soviet Union in World Politics Coexistence: Revolution and Cold War, 1945–1991*. London and New York : Routledge : Taylor and Francis Group.
- Snit, C. (1986). *Dekolonisasi Indonesia. Fakta dan Ulasan*. Jakarta : Pustaka Azet.
- St. Bandaro, Kamarsyah. (1958). *Asia-Afrika diantara dua pertentangan*. Djakarta : Soeroengan.
- Sukma, Rizal. (1999). *Indonesia and China. The Politics of a Troubled Relationship*. London and New York : Routledge : Taylor and Francis Group.
- The Atlas on Regional Integration. Africa and China.(2006). ECOWAS-SWAC/OECD©2006 -December 2006.
- The Ministry of Foreign Affairs Republic Of Indonesia. (1955). *Asia-Africa Speaks from Bandung*. Djakarta.
- Weinstein, Franklin. 'The Second Asian-African Conference: Preliminary Bouts'. *Asian Survey*, 5 (7). (Jul., 1965). University of California Press.
- Wright, Richard. (1956). *The Color Curtain. A report on the Bandung Conference*. University Press of Missisipi/Jackson : Banner Books.

## Homosexuality in Indonesia: Banality, Prohibition and Migration (The Case of Indonesian Gays)

Wisnu Adihartono

Ecole des Hautes Etudes en Sciences Sociales (EHESS) Marseille

**Biodata:** Wisnu Adihartono is a PhD candidate in sociology in Ecole des Hautes Etudes en Sciences Sociales (EHESS - Centre Norbert Elias (CNE) UMR 8562 CNRS), Marseille, France. His research interests are sociology of gender, gay studies, masculinity studies, sociology of migration, sociology of the family, and sociology of everyday life.  
[wisnuadi.reksodirdjo@gmail.com](mailto:wisnuadi.reksodirdjo@gmail.com)/[wisnu.adihartono@ehess.fr](mailto:wisnu.adihartono@ehess.fr)

### Abstract

A State and a national identity are formed on the basis of mutually unifying thoughts and beliefs through the processes of social imagination and social representations. Through these two processes, people also have rights to determine which thoughts and beliefs are acceptable and which ones are not. Thus, issues relating to homosexuality cannot be avoided. Most Indonesians consider homosexuality as a set of abnormal acts and contrary to their religions. In Indonesia, homosexuals are denied access to power and have almost no access to pursue their rights. Consequently, in order to survive, Indonesian homosexuals usually must hide their orientations, or in extreme cases, they move to other, more tolerant countries. Through face-to-face interviews with several *gay Indonesians* who lived in Paris, the study on which this paper reports sought to establish the reasons for the participants' migration to Paris. It also sought to establish the motives for the choice of Paris as a city of destination. I particularly focus on gays (gay masculine and/or gay feminine). This research was entirely conducted with qualitative methods. Thus, in this paper, several short stories that have been collected from the participants are recounted and analysed.

**Keywords:** Indonesia, Social Imagination, Social Representations, Homosexuality, Gay, Migration

### Introduction

The idea that homosexuality is a disease is widely shared in Indonesia. Many LGBTIQ (lesbian/gay/bisexual/transgender/intersexed/queer) suffer the consequences of a severely homophobic society. According to the report of International Gay and Lesbian Human Rights Commission (2007), Indonesian LGBT people are often targeted for human rights abuses due to their sexual orientation, gender identity and gender expression.

A straightforward example of how Indonesian LGBTIQs are discriminated against was when the "Queer Film Festival" was held in Jakarta in 2011 in cooperation with a number of European Cultural Centers. A very conservative Islamic organization -- the *Front Pembela Islam or the Front of Islamic Defenders* (FPI) -- went to the French Cultural Centers and attempted to close the festival. According to FPI, the movies that were being screened were pornographic or at least contained elements of pornography. To attempt to close the festival, the FPI threatened to burn some of the cultural centers that were responsible for

the organization of the festival. The only way the festival was able to continue was by going “underground”<sup>15</sup>

Another event that indicated the violent rejection of homosexuality in Indonesia occurred in June 2005. Members of FPI forcibly entered the “Miss Waria Indonesia 2005” beauty pageant and harassed contestants. In November 2005, the Jakarta Biennale was forced to close because of objections to the display of “Pinkswing Park”, an exhibit that depicted semi-clad actors and actresses in a fictional Garden of Eden.

Under the current circumstances, the international migration of Indonesian gays is understandable. Being open about their sexuality results in discrimination and violence being directed against Indonesian gays. Indonesian gays are particularly vulnerable to being discriminated against by society, religious leaders, and even by the state. Thus, in short, migration appears as a “natural way” to avoid being mistreated.

This paper examines Indonesian gays’ migration abroad, in particular to Paris, France. The data on which the following discussion is based is derived from a study of Indonesian gays in Paris based on the author’s on-going PhD research in *Ecole des Hautes Etudes en Sciences Sociales* (EHESS) – Marseille, France. Semi structured interviews with twenty Indonesian gays aged between twenty-four and forty-two in Paris, France, were used to explore why they migrate to Paris, as well as a question about why they have chosen Paris as a city of destination. The interviews were operationalized through questionnaires given to initial respondents. In general, interviews were recruited from four locations: fast food restaurants, university parks, public parks, and their residences. Each person was interviewed for an average of one to two and a half hours. The names and other identifying details of the research informants have been changed to protect their confidentiality.

The most difficult aspect of recruiting respondents was obtaining access to the potential participants and then to get to know them intimately because there is no statistical data. I was assisted by a *gate keeper* who has been living in Paris for more than two decades. He, at least, knew roughly of the existence of Indonesian gays in Paris. According to him, at present, there are approximately 450 Indonesian LGBTIQ with a wide range of social statuses in the city and immediate surrounds. In terms of respondents, this research focuses only on *gays* (biological males exclusively in male to male relationships). There are approximately 100 Indonesian gays in Paris, although it should be understood that the figures are approximations only based on surmise of anecdotal evidence.

Why in this study is “gay” used rather than the term “homosexual” in general? The word “homosexual” has a negative meaning. The term indicates a strong relation with

---

<sup>15</sup> Retrieved from <http://social.science.nl/2013/09/25/searching-security-migration-indonesian-gay/> on Tuesday, 17 December 2013

pathology, and humiliates the person to whom it is directed. Concerning the word “gay”, Whitaker (2011, p. 15) said,

Some people believe the word “homosexual” has negative overtones even that it is demeaning. Most homosexual men and women prefer the words “gay” and “lesbian”. Either word is acceptable as an alternative to homosexual, but “gay” should be used only as an adjective. “Gay” as a noun – “gays gathered for a demonstration – is not acceptable. If you wish to use homosexual, as adjective or noun, do so. It is also useful, as it applies to men and women.

On the other hand, on their website, the PFLAG Canada,<sup>16</sup> a Canadian organization that supports gay communities, describes the word “gay” as follows,

“Gay” is a term that describes same-sex attractions felt by both [men] and women; however, some women prefer the term lesbian. The word “gay” first crossed the gender/sex threshold in England during the 16<sup>th</sup> century, when it was applied to male actors who were cast into female character roles. During the 19<sup>th</sup> century, Europeans associated the term with heterosexual promiscuity; however, it did not cross into sexually diverse communities until much later. Under this meaning, “gay” projected an impression of perversity. In the early 20<sup>th</sup> century, American men and women experiencing same-sex attractions became the first to identify as “gay”, preferring it to the word “homosexual”, a term used primarily by mental health professionals.

It is clear that “gay” is used to represent selfhood, as in the sentence “I am gay”, “It’s who I am”, and “It’s what I label myself” (Savin-Williams, 2005, p. 7). Thus, being gay is a source of pride.

Before I commence discussion of the respondents’ accounts of their migration through their short stories (short narratives), I will present the traditional history of homosexuality in Indonesia, including the banning of ‘homosexuals’ existence based on the concepts of social representation and the hegemonic gender belief system.

### **The banality of homosexuality in Indonesian ancient times**

Homosexuality in Indonesia grew from a long and complex cultural and historical background. Its existence has been written in history as a part of Indonesian culture and tradition (Johan, 2011, p. 199). According to Boellstorff, Indonesia had been aware of the issue of homosexuality for at least a thousand years. Yet, clearly, as he states: “It is quite certain that no one in the archipelago called themselves gay or lesbi in the year 900, 1400, 1900, or probably even 1960. Yet by the early 1980s gay and lesbi existed in the archipelago as nationally distributed subject position” (Boellstorff, 2005, p. 36).

As an anthropologist, he categorized traditional/historical Indonesian homosexuality as an *Ethno localized homosexual and Transvestite professional subject Positions* (ETP). This term bonded with the concept of ethnicity and locality. Thus, the ETP, as Boellstorff stated, related to indigenous homosexuality and transgenderism (Boellstorff, 2005, p. 45). The

---

<sup>16</sup> Retrieved from [www.pflagcanada.ca/fr/](http://www.pflagcanada.ca/fr/) on Monday, 16 December 2013.

existence of Bissu in South Sulawesi, the tradition of Warok Gemblak in Ponorogo, East Java, and the traditional dance of Rateb Sadati in Aceh, are the cultures most related to homosexuality and regarded as an ETP.

The community of Bissu is a part of Indonesian's pre-Islamic tradition. In the tribe of the Bugis, Bissu is a hermaphrodite man. He is regarded as a sacred person because of his power to dialogue with the goddess. Bissus are mediators between the goddess and the people on earth. To conduct their rituals, Bissu wear androgynous costumes (Boellstroff, 2005, p. 38). They place Badi' (a big knife) and flowers as symbols of masculinity and femininity (Graham, 2002, p. 27). As a sacred person, Bissu usually is invited to a ceremony to bless some activities, for example, the birth of a baby, a marriage, the rice harvest ceremony, and so forth.

Ancient history explained that because of their function as a mediator, Bissu are created neither man nor woman. When Graham conducted her research into Bissu, she interviewed Haji Bacco' about the birth of Bissu:

You ask how this world came to be. Well let me tell you. Up there in the heavens, the God decided they would bring life to this lonely planet. They therefore sent down one of their most inspiring deities, Batara Guru. But Batara Guru was not at organizing things. To do all of this, two Bissu were needed. So the Gods sent down two Bissu who flanked Batara Guru as he descended. And when they arrived, the Bissu set about making everything blossom; they created language, culture, customs [adat], and all of things that a world needs if it is going to blossom. That's how the world began; you see. (Graham, 2002, p. 27)

It is difficult to be a good Bissu. They have to able to memorize all mantras for several rituals, in addition to understanding the sacred language, studying the ancient sacred books, and some dances particularly for Bissu. Graham described Bissu as a Man and Woman with divine and mortal characteristics (Graham, 2002, p. 27).

The condition suddenly changed completely when during the Guided Democracy period (1959-65) the old ideological divisions gave way to a left-right polarization, mirroring the Cold War struggle within which Indonesia politics became increasingly enmeshed. The army and the PKI (Indonesian Communist Party) emerged as the two main contending forces, with Sukarno attempting to prevent either from threatening his position. Sukarno supported his concept of Nasakom (the unity of nationalism, Islam and Communism) (Bourchier and Hadiz, 2003, p. 5). The resistance against PKI culminated when on the night of 30 September 1965 six of the country's most senior generals were kidnapped and killed. Since then, the political and social construction of Communism in Indonesia changed and turned so that people who do not have a religion have been characterized as Communist.

It is also happened to the Bissu when they were marginalized and considered as an atheist group, particularly when the *Operasi Tobat* was launched by Kahar Muzakar in the 1960s in South Sulawesi. As a consequence, Bissu were forced to convert to Islam, while those who did not obey the regulations, would have faced death (Boellstroff, 2005, p. 39).

Currently, the Bissu can be still recognized in the role of the person who offers the blessings in a number of key social and cultural ceremonies. But, mostly, they do it now only for the sake of tourism (Boelstroff, 2005, p. 39).

Besides Bissu, the banality of homosexuality in Indonesia can also be seen in the traditional relation between Warok and Gemblakan<sup>17</sup> in the performance art Reog Ponorogo in East Java. This narrative below indicates how that relationship is related to homosexuality, in particular in the concept of pederasty:

Ini bukan acara khitanan. Seorang remaja laki-laki sekitar 12 tahun, bersarung kain batik, tangan kirinya berarloji, sandalnya tertutup – bukan sandal jepit murahan. Ia bergigi emas.

Wajahnya bersih, jalan dan suaranya agak keperempuan-perempuanan. Di saku bajunya selalu ada rokok. Kadang-kadang ia berkacamata hitam pula. Satu atau beberapa laki-laki berotot mengawalinya. Itulah pemandangan yang hanya bisa dilihat kaitannya dengan khitanan, meski ada hubungannya dengan seksualitas. Adapun para pengawal, itulah warok. Kehadiran gemblak dan warok bermula pada pantangan: jangan menyentuh wanita, bila kamu ingin sakti. Maka, untuk meneduhkan gairah birahinya, selagi memantapkan ilmu, warok Ponorogo mengangkat pacar remaja laki-laki. Dari situ muncullah tradisi gemblakan, atau homoseksualitas...Boleh jadi di Ponorogolah, gemblakan atau homoseksualitas bukan saja tidak dikutuk, tapi malah jadi simbol status utama.<sup>18</sup>

(This is not a circumcision ceremony. There was a teenage boy about 12 years old, wearing batik, in his left hand wearing a watch, and he wore expensive sandals. His face was clean and his gesture is like a woman. In his pocket is always a cigarette. Sometimes he wears sunglasses. One or more muscular males escort him. Those guards are called Warok. The existence of Warok and Gemblak began on abstinence: do not touch a woman, if you want to have a magic power. Thus Warok has a Gemblak (those teenage boys). It may be that in Ponorogo, gemblakan or homosexuality is not condemned, but became a symbol of social status)

In the history of Warok, it is possible to establish a definition of Warok. Budiman explained that authentic Warok was derived from the word “Wewarah” or people who are able to advise others about the ‘good life’ (Budiman, 2012, p. 574). Warok is a mediator between the superior and the inferior in terms of cosmology. Warok are stereotyped by wearing “kolor ijo” and black dress (Budiman, 2012, p. 574). Some mythologies have suggested that Warok’s character is that of a rebel.

---

<sup>17</sup> The term Gemblak and Gemblakan basically have a same meaning. The term Gemblak refers to a person who acts as a Gemblak – a teenage boy aged between 12 to 15 years; meanwhile, the term Gemblakan refers to the system of the activity.

<sup>18</sup> *Dari Mata Turun ke Hati*. Retrieved from <http://majalah.tempointeraktif.com/id/arsip/1987/10/10/PRK/mbm.19871010.PRK32396.id.html> on Wednesday, 18 December 2013

Gemblakan is a teenage boy aged between 12 to 15 years old. Gemblak is always having a love relationship with Warok. For the Ponorogo peoples, that relation is normal and acceptable (Budiman, 2012, p 574). Having a handsome boy is a source of pride for Warok. Warok will dress his Gemblak with beautiful clothes and powder his face to maintain his good looks. However, their relationship can be stopped because of the maturity of Gemblak. Warok has a stake to find a woman for his Gemblak. When Gemblak marries, then he automatically loses his charm.

Another relation similar to the relation of Warok and Gemblak can be found from the origins of the dance of Rateb Sadati in Aceh. According to Dutch Islamologist, Snouck Hurgronje, the word "Ratib" was first introduced in Medina in the 18<sup>th</sup> century by Sammam, a mystical teacher. Ratib is basically a prayer or praise to Allah sung by groups of people. Ratib is usually sung in the afternoon, in particular during the Friday prayer (Hurgronje, 1906, p. 216–219). In its development, the tradition of singing Ratib has become a dance, called Rateb Sadati.

The dance of Rateb Sadati has an Arab-Malay characteristic. It was performed by 15 to 20 male dancers accompanied by a Syekh, called Ulee Rateb, Pangkay, or Ba'. At the same time, this dance is required to have two Radat who have the task of repeating what is sung by Syekh. A Syekh sings love poems to Allah in the local language (Hurgronje, 1906, p. 221). Thus, the word "Sadati" itself is derived from the Arabic language and means love poems (Hurgronje, 1906, p. 221).

Among the men who danced this dance, there must be a handsome boy who dresses as a woman. This handsome boy is named 'Dalem', 'Aduens', or 'Abang' (brother). In principle, historically, the three examples above indicate that ancient Indonesians accepted homosexuality as a fact. The term 'homosexual(ity)' was identified as emerging in Indonesia in the 1970s through the publication of a book "Jalan Sempurna", found by Ulrich Kratz in the National Library (Perpustakaan Nasional) in Jakarta. From the fragments that I will describe, we can see the indication that the "history" of homosexuality in Indonesia has already appeared at the beginning of the 1910s. This book tells the journey of life of Sucipto, a Javanese man who lived during the Dutch colonial era (Boellstroff, 2005, p. 48). Here, I show the feelings of Sucipto when he meets a man around twenty years old in Situbondo (East Java).

I walked by the front of the Regent's residence, intending to keep going past the railway station. But only a few steps after I passed the Regent's residence, a young fellow suddenly stepped out of an alley. He looked to be about twenty years old, but was still in school, judging from the schoolbag that he, like me, was carrying. The second our eyes met, my heart started to pound. I felt as if the blood was hissing (*berdesir-desir*) through my body. "Hey, why is your heart thudding like that?" I asked myself. Never in my life had it pounded so. And, at that moment, I lowered my head, puzzling over the beating of my heart. (Anderson, 2006, p. 47)

That day, I could not pay attention in my class. All I could think of was the meeting that had so shaken my heart. "Where does he come from? What is his name?" It was only natural, after all, that I didn't know where he came from, since we had never met before. And besides, when we were walking together, I never learned his name; since the whole time his eyes were fixed on me as if they could never be satisfied. (Anderson, 2006, p. 48)

"Why is he like this?" I thought to myself. I was sure that his desire was awakened. But why was I, too, aroused? Unmistakably, it was because his body was really amazing. Wherever I laid my hand, his skin felt so smooth and soft. Even though he was another boy, at whatever part of his body I looked, my desire and passion grew stronger. Especially, if I looked at his face. If I didn't quickly lower my head, my desire would surely explode. I would surely lay my head by his. I longed to nibble at his lips and kiss them. His body was like silk to my touch. Even this morning when I first met him, my heart was already pounding, as if something was beating inside my chest. (Anderson, 2006, p. 54)

Eventually, he explained to me that a man can satisfy his desire with another man. We became lovers, until he was transferred. After he left, I did with others what he had done with me. I was attracted to handsome boys, and in the end found a good friend, whom I had to leave when I came here. ... "How does one satisfy one's desire?" I asked him with a smile. He answered not a word, but began kissing my cheeks, while his hands caressed my body. At that point I could no longer control my desire, so I forgot myself and responded with kisses of my own. "This is what I've been waiting for for so long," I said to myself. Then gradually he took hold of my thigh, and inch by inch lifted up my sarung, till finally his hand touched my... "It seems you like me, isn't it so, Little Brother?" he said with a smile, and kissed me again. By this time my desire had become indescribable. (Anderson, 2006, p. 54 – 55)

From the fragments above, Sucipto did not say the word 'homo' or even 'gay'. He did not know that the romance between two men can be considered as 'homosexuality'. Until then, he began to realize that that kind of relation is unusual when he found his friend has a relation with a doctor who loved him.

At one time my friend, too had not understood. Just like me. Then he learned from the doctor who loved him. Ah, why would a doctor, with plenty of money, not feel like marrying? Other men would certainly have married a beautiful girl. But he didn't want to because he wasn't used to an attachment to women. The other thing was that I had no idea why he didn't go for women. Perhaps he was the kind of man who... And it was the same with my friend. He was accustomed to being attached to other boys. (Anderson, 2006, p. 59)

The emphasizing of 'homosexuality' between Sucipto and his boyfriend is more indicated in this fragment,

Can you really hear the bells from here? Amazing. In that case, I needn't stir till I hear them ring! Right now, the two of us have received a blessing. So we must be grateful to Him and give Him thanks. And now that we have received this blessing, let's not just run round and round from joy.... I thought it was I who had fallen in love with him. But now I see that his love for me is even greater than mine for him.... Listen to

me, Little Brother. My love for you is like nothing else in this world. If I try to hold it back, I feel my heart dissolve. (Anderson, 2006, p. 65)

However, what made homosexuals so distinguished from other social classes was the major contribution of the colonial Dutch government. The Dutch government ‘imported’ a new culture of homosexuality, when around the same time, homosexuality was banned in Europe. The very existence of the Dutch crackdown suggests that homosexuality was visible enough to catch the eye of the colonial apparatus at a time when the colony’s future was increasingly in doubt. Sex between men seems to have become seen as threatening the racial<sup>19</sup> hierarchy and as the product of global connection and a threat to social order (Boellstorff, 2005, p. 54).

### **Social representation and gender belief system**

The creation of the “State” contributed most certainly to the interdiction of homosexuality in Indonesia. Every State represents itself to its society through the mechanisms of social representation and the gender belief system. Social representations are about processes of collective meaning-making resulting in a common cognition which develops social bonds uniting societies, organizations and groups (Höijer, 2011, p. 3).<sup>20</sup> These social forms make it possible to classify persons and objects, to compare and explain behaviors and to objectify them as part of a shared social setting. While representations are often to be located in the cognitions of men and women, they can just as often be found ‘in the world’, and as such examined separately (Moscovici, 1988, p. 214).

Moscovici added that a social representation is as a “network” of ideas, metaphors and images, more or less loosely tied together (Moscovici, 2000, p. 153). They are embedded in communicative practices, such as dialogues, debates, media discourses and scientific discourses (Marková, 2003). Social representations participate each time in the global vision a society establishes for itself (Moscovici, 2000, p. 160), and operates at different levels, including large communities such as the nation and small subgroups of people (Höijer, 2011, p. 6). Thus, as Fairclough (1992) said, social representation proceeds in society and everyday life.

The system of representation has a power to classify, to assimilate, and to compare the society and the environment (Giust-Desprairies, 2009, p. 45). As a consequence, if social representation is embodied in the structure of society, it appears then as a gender system termed the *gender belief system*. This system is closely related to norms that dominate in a

---

<sup>19</sup> As an “academic product”, racial theory cannot be separated from its own historical moment: it was developed at a particular era of British and European colonial expansion in the nineteenth century which ended in the Western occupation of nine tenths of the surface territory of the globe (Young, 1995, p. 91).

<sup>20</sup> With the epithet « social » Moscovici wants to emphasize how representations arise through social interaction and communication between individuals and groups. “Social” also marks that the contents of representations are social. They reflect, in different ways, historical, cultural and economic contexts, circumstances and practices (See Höijer, 2011, p. 4).

society, which, in this case, is the emergence of the norm of heterosexuality. Rubin (2011, p. 151) underlined this norm as,

Sexuality that is “good”, “normal”, and “natural” should ideally be heterosexual, marital, monogamous, reproductive, and noncommercial. It should be coupled, relational, within the same generation, and occur at home. It should not involve pornography, fetish object, sex toys of any sort, or roles other than male and female. Any sex that violates these rules is “bad”, “abnormal”, or “unnatural”. Bad sex may be homosexual, unmarried, promiscuous, nonprocreative, or commercial. It may be masturbatory or take place at orgies, may be casual, may cross generational lines, and may take place in “public”, or at least in the bushes or the baths. It may involve the use of pornography, fetish objects, sex toys, or unusual roles.

This is what Gagnon and Simon explained as a sexual script theory where sexuality is produced, shared, and forced to follow a blue print and is used as a guide to analyze the perfect gender. As a blue print, sexual scripts serve as a cultural consensus to define sexuality. Such a dominant sexual script affects at the level of perception as to the good and perfect couple, the sexual relations that should appear and sexual emotions (Waskul and Plante, 2010, p. 151).

Indonesian’s understanding of contemporary sexuality is very limited. This situation is probably a result of the heteronormative norms dictated and sustained by the New Order Era (*era Orde Baru*) government. The New Order government based its Nation-State on the heterosexual archetype of the nuclear family consisting of a husband, a wife and children, with the nation’s president and his wife as parents (Johan, 2011, p. 200). Marriage is oftentimes viewed as the basis of society. Sexual intercourse aims primarily for procreation, which consistently serves to build a nuclear family (Yulius, 2013). Thus, according to the Indonesian government, the only legal marriage is a marriage between a man and a woman (Johan, 2011, p. 205). This notion has prevented the emergence of a homosexual culture in Indonesian society as homosexuality is considered a deviance and immoral practice against the norms of society (Johan, 2011, p. 200). For the reason stated above, gay, lesbian, and *waria* are considered deviants and their identity is perceived as *penyakit masyarakat* (social problems or illnesses). These people have been forced to ‘linger in the closet’ and it is deemed taboo to talk about them publicly (Johan, 2011, p. 200). It can be said, thus, that the LGBT peoples in Indonesia are victims of prevailing social norms (*une victime de normes sociales*) (Chauvin and Lerch, 2013, p. 12) that arise in a society and which are legitimized by the State through social representation and the hegemonic gender belief system.

In fact, in reality, people who behave homosexually are informally welcomed by most of modern Indonesian society. It means that a person who displays homosexual behavior will be accepted as long as he or she does not trigger any trouble in the society (Johan, 2011, p. 203). But, actually, according to Oetomo, cited by Johan (2011, p. 204), there are many problems facing gay men especially in current Indonesian society. The first issue is that many Indonesian gays, lesbians, and *warias* feel insecure and self-doubting.

They feel guilt-ridden, not normal, awkward, and unrighteous because of their condition. Their greatest fear is to be rejected by their family and condemned as a sinner by their religion. There are many negative stereotypes, judgments, and the misinterpretation of homosexuals in Indonesian society. Second, most homosexuals are afraid of their family's, friends' and society's perceptions and the risk of rejection. This circumstance forces Indonesian homosexuals to disguise their identities and sometimes to coalesce on the town outskirts and build new, exclusive communities. Some will leave their hometowns to live in larger cities such as Jakarta, Bali, Surabaya, Yogyakarta, and Bandung (Ellis, 2011, p. 204) and even may migrate overseas to cities deemed more tolerant such as Amsterdam, The Hague, Paris, London, San Francisco, Sydney, Melbourne, for example.

### **The myths of Paris**

Under the social representation and gender belief system, gay people in Indonesia instead of playing 'hide-and-seeK', have often decided to migrate to other countries, for example to Paris, the capital city of France. The Netherlands<sup>21</sup> is also known around the world for its liberal position on homosexuality.

Freytag (2008, p. 8) states that as a travel destination Paris evokes multi-faceted and particularly capturing imageries that are portrayed in countless travel guides: the iconic landmark of the Eiffel Tower and the controversial glass pyramid of the Louvre, impressive Haussmannian boulevards that dress the city in cream-grey limestone, numerous cafés and restaurants, the Montmartre hill with tiny lanes and squares filled with street painters, the glamorous Champs-Élysées boulevard that stretches from the Obelisk of Place de la Concorde to Arc de Triomphe, magnificent views of the River Seine from Pont-Neuf, and the famous cathedral of Notre-Dame. According to key tourist indicators, Paris can be identified as the European capital of tourism and one of the most important urban tourism destinations in the world (Freytag, 2008, p. 9).<sup>22</sup>

#### *Paris as a Destination for Gays*

As a destination, the city always makes images such as beauty, sorrow, pleasure, mystery, and violence (Clavel, 2002, p. 51). Paris has many places for homosexuals, so that Paris has become one of the capital cities of homosexuality in Europe (Leroy, 2005, p. 585). The City of Paris and its homosexuality reached its golden age in the 1920s, during which time

---

<sup>21</sup> Amsterdam, in particular, is often associated with gay emancipation, as it provided the setting for the world's first legally recognized 'gay marriage' in 2001, and hosts the famous gay parade with festively decorated boats floating through the city's picturesque canals each year. In cross-national survey research, the Dutch indeed indicate to accept homosexuality more than most other European peoples (See Buijs, Hekma, & Duyvendak, 2011, p. 633).

<sup>22</sup> With a ratio of almost 60 per cent of the overnight visitors to Paris, the city is an important destination for international tourists. The leading resident countries of international travelers are the US and UK, followed by Italy, Japan, Spain, and Germany. As a result of its function as the political and economic center of France, Paris attracts a large number of business travelers that are estimated to be more than 44 per cent of overnight visitors (See Freytag, 2008, p. 9 – 10).

appeared many famous homosexual artists, for example Proust, Colette, Satie, Gide, and Diaghilev (Leroy, 2005, p. 586).

Paris is considered as a major gathering place for homosexuals after Berlin and London (Leroy, 2005, p. 585). Areas of Paris which encourage the open meeting of homosexuals and the gay lifestyle are central and suburban Paris locations such as the *Hôtel de Ville* and *Place de la Bastille* (4<sup>th</sup> area), 9<sup>th</sup> area, and 11<sup>th</sup> area (Leroy, 2005, p. 588). Between those areas, the 4<sup>th</sup> area is the largest area for homosexual peoples: the *Le Marais*. In earlier times, this was an area for aristocrats until the 19<sup>th</sup> century (Clavel, 2002, p. 35). *Le Marais* has been growing rapidly since the 1980s as a commercial area, reserved in particular for gays. It is characterized by the creation of gay bars, gay boutiques, and other services for gays. In addition, this area is used as a symbol of the existence of homosexuality which can be seen from the rainbow flag (Giraud, 2011).

Indonesian gays prior to their arrival in Paris did not know of *Le Marais*. From the interviews I conducted, it is clear that the only images of Paris were connected to notions of a romantic city, the Eiffel Tower and the Louvre, Mona Lisa, a fashionable city, and the French kiss. Respondents almost totally answered in the negative when asked of their knowledge of Paris as also the city that represents freedom for homosexuals.

“For those who have never been to Paris, Paris is Eiffel Tower” (D, 27)

“Eiffel Tower, Monalisa, and Disneyland” (W, 29)

“Eiffel tower, who does not dream to see that famous tower?” (W, 31)

“For me, Paris is a romantic city. Here you can find many places where gays, lesbians, and transgender can express their expression. They can embrace each other, kissing each other” (M, 38)

“Paris is Eiffel tower. But now I am thinking that Paris is a city of tolerance” (H, 40)

#### *Why Should I Move to Paris?*

The discourse of migration is inseparable from the discourse of globalization. Larsson (2001, p. 9) explained that globalization is the process of world shrinkage, of distances getting shorter, things moving closer. It pertains to the increasing ease with which somebody on one side of the world can interact, to mutual benefit, with somebody on other side of the world. In other words, globalization not only compresses time and space (Harvey, 1989, p. 8) but creates a process of massive migration, multiculturalism, and cosmopolitanism (Szeman, 2003, p. 94).

The migration of gay people abroad is an example of the greatness of the effects of globalization. There are no organizations worldwide that have statistical data for LGBT migration, in particular the number of Indonesian gay peoples who move abroad. Concerning the condition of gay peoples in Indonesia who are discriminated against physically and psychologically, it is understandable that migration is not always a choice but

a necessity (Binnie, 2004, p. 88). The migration of Indonesian gays outside Indonesia seems to indicate that that this condition is the best way to avoid discrimination.

“I moved here because I think it’s impossible being a gay in Indonesia. Look at FPI! They attacked us. It’s rude! How can I live peacefully in Indonesia? That’s why I move. Thank God that I met a Belgian man in France. He takes care of me. Oh I forgot to explain to you that I move here as a student. I learned French for 3 months and the rest I work as a waiter” (Y, 33)

For some men, parental divorce becomes a trigger to move abroad. The conditions of stress and depression have inadvertently led them to stay in France.

“I love Indonesia but I hate it also. I am Indonesian but why do I have to live abroad just because I am gay? When I am in Indonesia, I have to play hide and seek. I confessed only with my best friends, but I didn’t confess with my family. In 2004 my parents divorced and I got stress. I went to some bars and I got drunk. When I took a pee, I met a French man. He helped me because I almost fainted. In sum, he asked me to move to his country. I think this is the way that I have to leave Indonesia while I love my country. In 2006, I move to France and living with him.” (K, 38)

“My parents divorced 15 years ago. I hate them, especially to my father. ... But although I hate him, I missed a father figure. I remembered when he taught me math. He explained very well until I understood math. ... One day I went to the bar with my gay friends. There I met French man. Since I can speak French, he was very excited to chat with me. I don’t know why I didn’t hesitate to tell my problems. In the end, I fell in love with him, and he did. He asked me to go to France. For me, why not? I am a gay and I understand that I can’t live in Indonesia; in addition I am in love with him. After taking care of all documents, I went to Paris. He picked me up at the airport. And now I am happy because it seems that I found the figure like my father.” (J, 35)

Some of the respondents moved abroad just to study. At first they did not want to stay in France, but their meeting with French men led them to decide to stay there.

“Actually I don’t have any plan to stay in Paris. I came here as a scholarships receiver. I studied Master in Communication. One day when I had a coffee in one of the best coffee shops in Paris, I met a French man. At that time, the café was full but I didn’t notice it. I continued reading a roman. Suddenly he asked me whether he could sit next to me or not. Ok, when I saw that the café was full, I directly said “yes, of course”. Time goes by, we fell in love. Now I stay with him. He works in...sorry I don’t want to mention his office...while I work as a waiter in a junk food restaurant. I don’t think so that when I stay in Indonesia, I can come out of closet. It’s hard to be a homosexual in Indonesia.” (A, 37)

From the respondents that I interviewed, it can be seen that at the first time they did not have the intention to migrate to France. They came to France with their competences as a student or because of they were invited by their partners. At present, what they feel is calmness, because they can live freely without pressure or discrimination.

### Conclusion

According to Romero (2012, p. 194 - 196), the United Nations noted that there are 72 to 86<sup>23</sup> States that still punish homosexuals. In addition, between 1979 and 1990, there have been 107 executions of homosexuals. Thus, the State and society became the greatest sources of discrimination against homosexuals. What the State does is to create and to form society through a hegemonic process of social representation embodied in a system that is trying to make a stereotype of every human. This systematic stereotyping can best be understood as a *gender belief system*.

The gay groups whose existence is challenged from all dimensions, they ought to be afraid. It is very reasonable if they accumulate a million questions; for example, how they can live in the homophobic society? What is the impact of society's view of their existence? Where they should look for security when they are discriminated against? The "contemporary" question to solve this problem for many Indonesian gays is to move abroad. It can be said that the gay migration cannot be prevented anymore because they are vulnerable to discrimination not only from Indonesian society but also by the Indonesian State.

Globalization opens the eyes of this vulnerable group and, as indicated in this paper, many move to France, in particular to Paris as a capital city of France. Borderless technology, assisted by the internet, offers chances to think more deeply about staying in Paris. As many of the respondents' comments suggested, they feel Paris offers a freedom for homosexuals, seen by Paris' popularity as a "queer city" (Binnie, 2004, p. 122). Paris is not overtly a gendered city that always puts men over women, over minority groups, over children's and the poor's rights, where they do not have any access to move freely (Low, 1996, p. 390). In addition, the contribution of their partners as the person who invited them to move to France is also a major trigger. The partners have contributed to allow many of the Indonesian gay migrants surveyed here to move immediately and to become settled in France. Thus, as I said before, the migration of Indonesian gays is not affected by a 'push factor' or a 'pull factor' but automatically; indeed, those two factors influenced them to move abroad.

---

<sup>23</sup> The number is still more and more developed since the pressure of sexual minority groups is high to insist the local government to pass the law of the recognition of homosexuality as well as to pass the gay marriage.

## References

- Anderson, Benedict R. O'G. (2006). First Love: The Opening of Soetjipto's *Djalan Sampoerna*. *Indonesia* 82, October, 39 – 74
- Bastié, Jean. (1992). Paris, Ville Mondiale. *La France Dans le Monde* (Under the direction of Gabriel Wackemann). Paris: Nathan.
- Boellstroff, Tom. (2005). *The Gay Archipelago. Sexuality and Nation in Indonesia*. London : Sage
- Bourchier, David and Vedi R. Hadiz. (2003). Introduction. *Indonesian Politics and Society. A Reader*. London : RoutledgeCurzon.
- Binnie, Jon. (2004). *The Globalization of Sexuality*. London : SAGE Publications
- Budiman, Muhammad Arief. (2012). Reog: Unique Dance. *Proceedings of the 4<sup>th</sup> International Conference on Indonesian Studies*. Jakarta: ICSSIS UI.
- Buijs, Laurens, Hekma, Gert and Duyvendak, Jan Willem. (2011). 'As Long As They Keep Away from Me': The Paradox of Antigay Violence in a Gay-Friendly Country. *Sexualities*, 14 (6), 632 – 652
- Chauvin, Sébastien and Lerch, Arnaud. (2013). *Sociologie de l'Homosexualité*. Paris : La Découverte.
- Clavel, Maité. (2002). *Sociologie de l'urbaine*. Paris : Anthropos *Dari Mata Turun ke Hati* (1987). Retrieved from <http://majalah.tempointeraktif.com/id/arsip/1987/10/10/PRK/mbm.19871010.PRK32396.id.html>
- Ellis, Justin. (2006). *Gay Life in Jakarta: Defining the Emerging Community*. Retrieved from [http://www.kyotojournal.org/gender/gay\\_jakarta.html](http://www.kyotojournal.org/gender/gay_jakarta.html)
- Fairclough, Norman. (1992). *Discourse and Social Change*. Cambridge : Polity Press
- Freytag, T. (2008). Making a Difference: Tourist Practices of Repeat Visitors in the City of Paris. *Social Geography Discussion*, 4 (1 – 25), 1 - 19
- Giust-Desprairies, Florence. (2009). *L'Imaginaire Collectif*. Paris: Erès
- Giraud, C. (2011). Enquête sur les lieux de residence des homosexuels masculins à Paris. *Sociétés Contemporaines*, (81), 151 – 176.
- Graham, Sharyn. (2002). Sex, Gender, and Priest in South Sulawesi, Indonesia. *IAS Newsletter* (29), 27.
- Harvey, David. (1989). The Condition of Postmodernity. In R. J. Holton, *Globalization and the Nation State*. London : Macmillan Press.
- Höijer, Birgitta. (2011). Social Representations Theory. A New Theory for Media Research. *Nordicom Review*, 32 (2), 3 – 16
- Hurgronje, Snouck. (1906). *The Achehnese*. Leyden : E. J. Brill
- International Gay and Lesbian Human Rights Commission. (2007). Human Rights Abuses Against Sexual Minorities in Indonesia. *Report*, November.
- Johan, Rizki Theodorus. (2011). Discovering the "Others": Unearthing Homosexual Identity Construction in Selected Indonesia Contemporary Novels and Short Stories. *The Asian Conference on Literature and Librarianship Official Conference Proceedings*. Osaka: Japan, 199 – 209.
- Larsson, T. (2001). *The Race to the Top: The Real Story of Globalization*. U.S : Cato Institute

- Leroy, Stéphane. (2005). Le Paris Gay: Élément pour une Géographie de l'Homosexualité. *Ann. Geo.*, (646), 579 – 601
- Low, Setha M. (1996). The Anthropology of Cities: Imagining and Theorizing the City. *Annual Review of Anthropology*, (25), 390
- Marková, I. (2003). *Dialogicality and Social Representations. The Dynamics of Mind*. Cambridge, UK : Cambridge University Press.
- Moscovisi, S. (1988). Notes towards a Description of Social Representations. *European Journal of Social Psychology*, 18, 211 – 250
- \_\_\_\_\_. (2000). *Social Representations. Explorations in Social Psychology*. Cambridge, UK : Polity Press
- Oetomo, Dede. 2001. *Memberi Suara pada yang Bisu*. Yogyakarta: Galang Press. Reksodirdjo, Wisnu Adihartono. (2013). *Searching for Security: The Migration of Indonesian Gays*. Retrieved from <http://socialscience.nl/2013/09/25/searching-security-migration-indonesian-gays/>
- Romero, Jean-Luc. (2012). *Homopoliticus*. Paris : Edition de la Cerisaie
- Rubin, Gayle. (ND). *Deviations. A Gayle Rubin Reader*. Durham, London : Duke University Press.
- Savin-Williams, Ritch. (2005). *The New Gay Teenager*. London : Sage
- Sidanius, Jim, & Pratto, Felicia. (1999). *Social Dominance: An Intergroup Theory of Social Hierarchy and Oppresion*. New York : Cambridge University Press
- Szeman, Imre. (2003). Culture and Globalization, or the Huma nities in Ruins. *CR: The New Centennial Review*, (3), 2, 94
- Waskul, Dennis D., & Plante, Rebecca F. Sex(ualities) and Symbolic Interactions. *Symbolic Interactions*, 33, 148 – 162
- Whitaker, Brian. (2011). *Unspeakable love. Gay and lesbian life in the Middle East*. London : SAQI
- Young, Roberts. 1995. *Colonial Desire: Hybridity in Theory, Culture and Race*. New York : Routledge

**The Fiqh Paradigm and the Religious Justification  
for the Secular State:  
The Traditionalist Muslims and the Dutch Colonial Rulers**

Saefur Rochmat<sup>24</sup>

**Biodata:** Saefur Rochmat is a lecturer at the History Department of the Faculty of Social Sciences, Yogyakarta State University (UNY). His research interests are Islamic groups and parties, religious studies, and Indonesian politic. His contact email is [rochmat@yahoo.com](mailto:rochmat@yahoo.com).

**Abstract**

Traditionalist Muslims understood that Islam is not identical to politics, so political Islam is not monolithic, in aiming at power and then at the establishment of the Islamic state. They believed that political Islam is to fulfil salvation in the world (*rahmatan lil'alam*)<sup>25</sup> so that the state is a tool, not the object, of religion, and accordingly, they were more concerned with the function of the state than that of the form.<sup>26</sup> Accordingly, they justified any existing political system for the purpose of maintaining public order, which constitutes a pre-requisite for religious order. In line with this, for example, they had justified the non-Islamic states of the Netherland East Indies.

**Key words:** the Traditionalist Muslims, the Fiqh Paradigm, Religious Justification, Political Justification, and the Indonesian Secular State.

**Introduction**

I would like to discuss the issue of Islam and the state, with a focus on those who support the secular state with religious justification in Indonesia. In this regard, I follow Talal Asad's advice that religious people should understand the meaning of the term *secular* from their own particular religious traditions as a way of constructing the picture of social interactions that involve secular and religious affairs.<sup>27</sup> Their understandings of secular may be slightly different from the modern theory of secular state, and accordingly they represent a moderate theory of secularization which accommodates the religious aspirations of people through public reasoning. *Nahdhatul Ulama* (NU) and other traditional organizations such as the *Persatuan Tarbiyah Islamiyah*<sup>28</sup> (*Perti*, Union of Islamic Education), *Persatuan Umat Islam*, and *Nahdlatul Wathan* adopted the paradigm following the Sunni tradition<sup>29</sup> which views the relationship between Islam and the state as not as an ideological paradigm, but

---

<sup>24</sup> The author would like to acknowledge the contribution Dr Richard Chauvel made through his comments on earlier drafts of this paper. Dr Chauvel was the author's PhD supervisor at Victoria University.

<sup>25</sup> Munib Huda, 1998, p. 17

<sup>26</sup> I will address these issues in greater depth later in the paper.

<sup>27</sup> Asad, 2003. Please see also Volpi, 2010, pp. 2-3.

<sup>28</sup> Please see: Latif, 2008, p. 164. Perti was founded in 1930 in West Sumatera and it successfully influenced the modernization of the traditionalists in Jambi, Tapanuli, Bengkulu, Aceh, Kalimantan Barat, and South Sulawesi. Please see also Jones, 1984, p. 10. Although Perti was a small Sumatra-based party, it was ideologically akin to NU, but even stricter than NU in its reliance on the *Shafi'i* school of orthodox Islamic law. Perti had received 24 seats in the 1971 election and this meant that Perti had a relatively strong following because it was the same number of seats as obtained by Parmusi, the modernist party.

<sup>29</sup> Please see: Effendi, 2010, pp. 19-26.

according to the Fiqh paradigm, for believing that Islam and the state constitute different identities, so that Islam does not always require an Islamic state.<sup>30</sup> Whereas, the Muslim modernists, in Indonesia often associated with *Muhammadiyah* and *Persis*, accepted the Sunni tradition just in specific religious matters (*ibadah*), not on societal life,<sup>31</sup> because they advocated the ideological paradigm, namely Islamic ideology, that idealized an Islamic state, implying the unity of Islam and state as one identity.<sup>32</sup> In this regard, NU and Perti were consistent with the background of the birth of Sunni, which is to say, out of its attempt to reconcile the damaging ideological conflicts following the death of Muhammad the prophet, especially with the killing of the Caliph Utsman. Accordingly, the traditionalists tried to behave moderately toward other religious paradigms as a way of reaching mutual understanding.

This section tries to elaborate how the Fiqh paradigm dealt with these political systems. In the discussion, I compare the Fiqh paradigm with other paradigms, namely the Islamic ideological paradigm and the secular paradigm. The birth of the Islamic ideological paradigm was to challenge the Dutch colonial rule with its political system; meanwhile, the secular paradigm challenged the method of the Islamic ideological paradigm to deal with the Dutch colonial rule, as it favoured a secular political system. As a prelude to this discussion, I would like to elaborate how the Fiqh paradigm justified as well as challenged the legitimacy of the pre-colonial Sultanates and Islamic kingdoms. By so doing, I am explaining how religious legitimacy intermingles with political legitimacy.

### **The pre-NU traditionalist Muslims and their Fiqh paradigm in relation to the Dutch colonial rule**

There is no agreement amongst Muslim scholars about the concept of an Islamic state and it is not surprising that Islam and the state are different identities. Following the Fiqh paradigm, the traditionalist Muslims aspired to an Islamic state which would implement Shari'a into the state regulations, apart from their acknowledgements of the different nature of Islam and the state. Accordingly, they did not dichotomize the political systems of the world into the 'territory of Islam' (*dar al-Islam*) and the territory of unbelievers' (*dar al-kuffar* or *dar al-hard*), but also recognized the third category of the 'territory of peace' (*dar al-sulf*).<sup>33</sup> From this perspective, indeed, we understand that they aspired to an Islamic state (*dar al-Islam*) where the state implements Shari'a, but they did not want to force its establishment so that they recognized the existence of the 'territory of peace' (*dar al-sulf*).

---

<sup>30</sup> Please see: Arkoun, 1994, pp. 20-21. In this regard I agree with Mohammed Arkoun who distinguishes between "ideas" and "ideology". This kind of distinction is similar to his distinction between "myth" and "mythology".

<sup>31</sup> Wahid, 1999b, pp. 153-154.

<sup>32</sup> Noer, 1985, p. 281 and 284. Muslim Modernists from *Persis*, *Permi*, and *Sarekat Islam* did not want to legitimize the NEI government because the latter was not an Islamic state. More moderate Muslim modernists such as *Muhammadiyah* did cooperate with the NEI government in their efforts of developing a modern Islamic education which would challenge the authority of the Muslim traditionalists.

<sup>33</sup> Hosen, 2005, p. 429.

This last category was based on a hadith that ordered the Muslims to obey the ruler of Ethiopia, although the ruler was not a Muslim.<sup>34</sup>

The Indonesian Muslims had established some Islamic kingdoms before the arrival of European colonisers such as Portuguese, Spanish and the Dutch, in which the Sultans implemented Shari'a into the state law. We recognize some Islamic kingdoms in what is now Indonesia such as the Sultanates of Aceh, Gowa, Deli, Mataram, Banten, Ternate, and Tidore. However, we also should notice the fact that in the history of Islam that there was no common and uniform Shari'a implemented by the Islamic states. These Islamic kingdoms each implemented a slightly different Shari'a as a result of the influence of different socio-cultural contexts.<sup>35</sup> This implies that a Sultan was not able to claim the rights as the only true interpreter of Islam. Indeed, the Sunni tradition recognized two elements of the societal system that are the clerics and the ruler. The role of the clerics was to reformulate Shari'a (Islamic laws) and the role of the rulers was to implement them in the societal life.<sup>36</sup> This implies that the state and Islam are different identities and, indeed, the traditionalist Muslims advocated the Sunni tradition: that the validity of religious practices is not related to Muslims' political affiliation, but it is based on its validity in the face of the Fiqh which is formulated by the clerics. However, they recognized the existing political system, namely the state, as a tool for supervising public order which constitutes a pre-requirement for a religious order.

The secular character of an Islamic state is clearly informed by the fact that not all Shari'a becomes state regulation and accordingly, the traditionalist Muslims understand Islamic law in terms of the Fiqh. Not all products of the Fiqh became the state regulations, as the coverage of Fiqh is wider than political affairs. Regarding the fact that not all clerics were incorporated into the state bureaucracy, this implied that the Sultan did not properly claim to represent the interest of Islam. This is also inferring that the Sultan was not able to claim the rights for an absolute religious legitimacy. In this regard, it is useful to quote Abdullahi Ahmed an-Naim who argues 'that framework and main principles of Shari'a were developed as an ideal normative system by scholars who were clearly independent of the state and its institutions.'<sup>37</sup> Accordingly, there exists disparity between the implementation of Shari'a by the state and the product of Shari'a by the clerics. This disparity informs us that

---

<sup>34</sup> Hadiths was narrated by HR. Abu Dawud, Tirmidzi, Ahmad that Abu Najih (Al-Irbadh) bin Sariyah *radhiyallahu 'anhu* said that Muhammad the Prophet PBUH gave heart-touching advice to us so that our heart became shaken, beating and our tears dropped, then we asked: hey Muhammad the Prophet, it is likely the advice of those who will die and leave us forever, give us your will! The Prophet, then, said: "I made myself will that all of you should be afraid of the God, besides listening and following orders, although they came from the ruler of Ethiopia (*Habsyah*). Really, those who have lived a long time amongst you will encounter with some conflicts. Accordingly, you should hold fast to my tradition (hadiths).

<sup>35</sup> The discussion of the pre-colonial Islamic political systems in Indonesia presents a generalised picture that does not explore the differences between the Hindu-Buddhist influenced states based in Java and the maritime states from Aceh through to Tidore and Ternate.

<sup>36</sup> Effendi, 2010, p. 26.

<sup>37</sup> an-Na'im, 2008, p. 325.

the state is not able to implement Shari'a completely and accordingly the production of Shari'a by the clerics might play the role of a normative critic of the ruler.

In line with the above mentioned categorization of state in Islamic civilization, there existed some Islamic kingdoms in Indonesia which implemented Shari'a into the state regulations. Sultan, the leader of an Islamic kingdom, positioned himself as a leader of an Islamic state as he/she tried to find legitimacy from Islam. By doing so, the Sultan as the leader of the political institution also tried to assume a religious leadership based on his role of the protector of Islam. For winning the religious legitimacy, Sultans always tried to find justification either from the centre of Islam, namely Mecca, or that of the existing caliph in Istanbul, Ottoman Empire, who they considered, inaccurately, a spiritual leader.<sup>38</sup> Whereas, the clerics considered the Sultan as a symbol for an Islamic theocratic state in terms of political leadership, not religious leadership. Accordingly, the Sultan's efforts for uniting both political and religious leaderships were related to the secular nature of politics. It was quite often that we find the cases of politicization of Islam for the purpose of maintaining power. Indeed, it was not easy for Sultan to acquire religious leadership as he/she should master Islamic sciences, namely understand Islam, besides practising Islam properly. However, religious leadership was not monolithic such as in the case of the existence of some schools of Islamic jurisprudence, and accordingly, he/she should tolerate other understandings of Islam if he/she expected that he/she would receive a wider political legitimacy from other religious communities. From this elaboration, we find that there is a subtle relationship between political and religious legitimacies.<sup>39</sup>

For the purpose of having a strong legitimacy from the Muslim community, the Sultans tried to develop cooperation with the clerics. As the leaders of Islamic states, they supervised both Islamic civil and criminal laws and they cooperated with some clerics for the purpose of governing both civil and criminal laws. For managing Islamic affairs, Sultans appointed a *Mufti* who was in charge of providing legal advice on Islamic affairs. However, it was very rare to have a monolithic view on certain Islamic laws as some clerics had a quite independent position from the state, especially in their rights of formulating Shari'a. This implies the existence of the plurality of Shari'a which would challenge the validity of Shari'a as formulated by the regime. The cooperation between the Sultans and the clerics did not mean that an Islamic kingdom represented the union of political and religious leaderships. It was due to not all clerics being subjugated into the state, as they were able to perform their

---

<sup>38</sup> This caliphate did not have a formal relationship with these Islamic kingdoms. Awkwardly, Sultans considered the caliph as a spiritual leader, besides the symbol of the unity of the Sunni Muslims. This term of unity is also awkward as the Shiite Muslims had their own leaders who unconvincingly claimed a political leadership as well as religious leadership.

<sup>39</sup> In the classical history of Islamic civilization we find that Muhammad the Prophet was able to establish an Islamic state, although he assumed himself as a religious leader, not a political leader. Regarding Muhammad's status as a Prophet, namely religious leader, he did not choose someone or provide the mechanism for choosing someone as his successor. In political affairs, the position of Muhammad was replaced by some caliphs and accordingly, this kind of political system was recognized as the caliphate. These caliphs were chosen by the Muslims for the purpose of implementing Shari'a (Islamic law) and they were not the formulators of Shari'a. Indeed, the authority of Shari'a is in the hand of the clerics who understand Islam.

role of Islamic leaderships outside the state apparatus, except in the case of criminal law in which they abided by the existing political system.

In an Islamic kingdom, the clerics had important role in the management of the state in matters of both civil and criminal affairs. The Sultan delivered an authority and appointed a cleric to occupy the supreme office of judge (*hakim*). Of course, this supreme judge appointed some clerics to implement civil and criminal law at lower levels. In other words, these clerics executed criminal law in the name of the Sultan; it did not rest on their authority as clerics. This was because the authority of the clerics was not based on power, but on their Islamic knowledge, so that if they punished the offender against criminal law, it might raise counter-violence produced by the other social powers in the society. In this regard, this criminal aspect of law does not bear in itself a specific feature of Islam, as a non-Islamic state also executes this kind of criminal law, which constitutes a tool for establishing public order.<sup>40</sup> This implies that this criminal law has a secular nature because it requires power to execute.

Apart from the help of the clerics to execute criminal law, the clerics were more concerned with the implementation of civil law which regulates the societal life as well as the family life of the Muslims, but not their political life. For that purpose, the Sultan facilitated the establishment of the Court of Religion (the *Penghulu* Court) which handled internal Muslims' affairs such as marriage, divorce, inheritance, alms, etc. In line with this, the Sunni clerics did not hesitate to support the existing political power as long as regimes gave the Muslims freedom to practice their religion. In the case of Indonesia, it happened before the Muslims were able to establish independent Islamic kingdoms and they organized their internal affairs under the leaderships of the clerics who recognized the sovereignty of non-Muslim rulers.<sup>41</sup> This implies that the traditionalist Muslims followed the Fiqh paradigm that Islam and the state were different entities, although both should develop mutual legitimacy.

The Sultans did not always have strong support from the clerics if the former did not rule following the Islamic teachings. It was quite often also that the Sultans ruled autocratically and neglected the advice of the clerics. This was due to the fact that the Sultans assumed the power by following the concept of the 'shadow of God' and they felt superior to the clerics who received their authority from Muhammad the Prophet. In the case of Mataram kingdom, Amangkurat I (1645-1677) ordered the killing of some 5,000 clerics who championed a non-syncretic Islam. Indeed, it was very often that the clerics were not able to provide checks and balances to the power of the Sultans, and, accordingly, the Sultans often violated the principles of Islamic law.<sup>42</sup>

VOC - *Vereenigde Oostindische Compagnie* (then the Netherland East Indies government - NEI) was very successful in expanding its influence over Indonesia because it applied the

---

<sup>40</sup> Kamil & Bamualim, 2007, p. 97.

<sup>41</sup> Wahid, 1999a, p. 54.

<sup>42</sup> Noer, 1978, p. 4.

tactic of *divide et impera* (divide and conquer). Some Islamic kingdoms were able to maintain their independence for long time, but they, then, were subordinated into the Dutch colonial rule.<sup>43</sup> In the second part of 19<sup>th</sup> century, the Dutch rulers were able to control most parts of Indonesia either economically or politically, apart from the fact that its territorial expansion took place after the occupation of Aceh in 1904. The Dutch rulers had tried to control the trade in Nusantara since 1602 with Batavia as its centre. For most parts of Indonesia, the Dutch rulers did not run the government directly, but indirectly through some native officers, who were under the direct command of some kings.<sup>44</sup> The Dutch ruler governed the people directly when they did not find any local rulers. If so, they made use of Islamic law to judge civil affairs amongst Muslims for the purpose of avoiding the frontal reaction of the Muslims and, on the other hand, the Muslims respected the criminal law executed by the colonial ruler.

This indirect rule enabled Muslims under the leadership of their kings to manage their internal religious affairs both in the matters of civil and criminal law, although they recognized the superiority of the colonial ruler.<sup>45</sup> For the purpose of the domestication of Islam, the NEI government tried to control the system of leadership within the Islamic community so that in 1882 it created the courts of religious affairs (*priesterraad*)<sup>46</sup>, and, then, elevated the status and authority of the religious officer (*penghulu*) by strengthening their aristocrat status with symbolic and feudalistic rights. Next, the clerics with their *pesantren* were placed under the control of these religious officers. This policy was also to enlarge the power of local rulers,<sup>47</sup> even though they were under the control of the NEI government.<sup>48</sup> In some cases, *resident*, the NEI officer, had authority to appoint *penghulu* (Islamic religious officer) in areas which were not under direct control of the Sultans.<sup>49</sup>

Following the Fiqh paradigm, the traditionalist Muslims respected the NEI government in matters of the implementation of the criminal law which would create public order. This was due to public order constituting a requirement of the religious order. They did not want to question the ideological philosophy of the state as the validity of pure religious practices was not dependent on a given political ideology.<sup>50</sup> They differentiated

---

<sup>43</sup> Gibson, 2007, p. 111.

<sup>44</sup> Suminto, 1985, pp. 183-184.

<sup>45</sup> Please see: Ali, 1987, pp. pp. 189-190. The VOC reign did not force the implementation of Dutch Law. It can be observed from the Jakarta Statutes of 164, Compendium *Freijar* of 1760, *Mogharraer* legislative manual, *Pepakem Cirebon* legislative manual, and B.J.D Cloutwijk's compendium of Bone and Goa Laws.

<sup>46</sup> Noer, 1978, p. 43.

<sup>47</sup> Abdullah, 1987, pp. 68-69.

<sup>48</sup> Kuntowijoyo, 1987, p. 110.

<sup>49</sup> Lev, 1980, p. 31.

<sup>50</sup> In the classical history of Islam, the Sunni tradition avoided challenging the political authority because it risked maintaining the religious order. Indeed, some Sunnis opposed the political authority but they did it for political reasons without theological justification. This stand is also adopted by the majority of Shiites affiliating with the *Itsna Asy'ariah* sect. They believe that *Imamah* is just a religious concept not an ideological concept so that they are not required to establish an Islamic state which unifies both political and religious leadership at once.

Islam from the state in which the religious authority was in the hand of the clerics and the rulers just had power for establishing public order. Following the Sunni tradition, they considered that it was justified to live under non-Muslim government as long as they had a degree of freedom to practice the basics of the religion and the government guaranteed the safety of the individual as well as his/her property; "but they are expected to manage their affairs in such a way that it did not contribute to the military strength."<sup>51</sup>

In 1888, the Clerical Party in the Netherlands won the election and governed the country.<sup>52</sup> These parties assumed the moral responsibility of developing Dutch East Indies people, but this spirit was not neutral, but rather grounded in the belief in the superiority of Christianity over Islam. Accordingly, the NEI tried to marginalize Shari'a systematically by deploying some methods such as confronting Shari'a with the local law (*adat*), introducing Western law, and issuing some policies related to Shari'a.<sup>53</sup> In line with this, the NEI government adopted the association policy which would unify the NEI with the Netherlands through the Cultural Association within the programs of Ethical Policy. This change in Dutch policy weakened the political legitimacy of the NEI government in the eyes of Muslim leaders as they favoured Christianity. The Muslim leaders also did not agree with the cultural association, in the form of an educational system, as they did not want to identify with Christianity. On the contrary, the Muslim leaders expected that the government would support, as well as develop, Islamic education in order to be compatible with modernization. This implies that the government did not want to transform the Islamic education to suit the modern changes and it signified the government's denial of a full participation of Muslims in education. The government was only concerned with the education of the limited people of the local elite, namely *priyayi* and other local elite groups outside Java, who would play the role of associating Indonesian culture with the Netherlands' culture. It introduced a secular education which would detach the local elites from Islamic tradition. Accordingly, this policy would eliminate the idea of Pan-Islamism as the government was convinced that those who have identified with the Dutch culture would be easy to convert by missionaries.<sup>54</sup> In line with this, the government was more concerned with controlling than developing religious education. The government, later, was willing to subsidize the private Muslim schools which followed the government educational system.<sup>55</sup>

---

<sup>51</sup> This stand point is justified by all big schools of Islamic laws, except *Maliki*, but it was not due to the matters of doctrines. Please see: Saeed, 2007, p. 21.

<sup>52</sup> In the 1888 elections in Holland the largest party in the lower house was the Liberal Union with 46 seats, followed by the Anti-Revolutionary Party 27 seats and the Catholic Party with 25 out of a Tweede Kamar of 100 seats. The government was formed around the Protestant Anti-Revolutionary Party and the Catholic Party. This alliance of Protestant and Catholic political parties dominated Dutch politics until 1918. So, the so-called Ethical policies and cultural association were introduced by governments dominated by these parties.

<sup>53</sup> Kamil & Bamualim, 2007, pp. 89-99.

<sup>54</sup> Suminto, 1985, pp. 39-40. This modern education was also to fulfil the demand for the skill labours as well as educated people following the introduction of modern capitalism.

<sup>55</sup> However, in the 1930s the government accommodated the wish of the Muslim leaders that the government schools provided religious lessons to the Muslim students as an extracurricular subject. Of course, it was a

This association policy was partly successful in augmenting modern intellectuals who challenged the Islamic ideological paradigm advocated by the Muslim modernists associated with Sarekat Islam. These Muslim modernists were the followers of the Middle East scholars such as Jamal al-Din al-Afghani, Muhammad Abduh, and Rasyid Ridha who had already adopted modern sciences and philosophy to make use of them for the purpose of Islam at the end of 19<sup>th</sup> and early 20<sup>th</sup> centuries. They tried to challenge the secular ideology of the West by introducing Islam as a kind of ideology which encompassed all aspects of life. The introduction of an Islamic ideological paradigm was a kind of a counter discourse, they hoped, which would prevent Muslims from adopting the secular Western ideologies.<sup>56</sup> In this regard, the secular intellectuals were able to provide a counter discourse to the idea of Islamic ideology. Their thoughts had a strong influence amongst the Indonesian people, although they were not able to attract a significant membership comparable to the Muslim organizations such as Sarekat Islam, NU, and Muhammadiyah because of the repressive colonial regime.

Another impact of the introduction of modern education was the fact that not all Western educated *priyayi* supported the idea of the acculturation policy. This was due to the fact that some *priyayi* had a strong Islamic background because they worked within an Islamic kingdom. This was the case of R.M. Tirtoadisoerjo who quit from the colonial bureaucracy. He was a modern intellectual who graduated from *OSVIA* (a training school for native government officials in the Dutch East Indies).

He, then, established *NV Sarekat Dagang Islam* in 1909. Moreover, the majority of these *priyayi* came from the families of religious officers who had a strong Islamic background and who advocated the Fiqh paradigm.<sup>57</sup> It was believed by Zaini Ahmad Noeh in his introduction to Daniel Lev's book titled *Islamic Courts in Indonesia*. In this regard, he challenged Lev's statement that *penghulu* were not in the forefront of an Islamic movement. He argued that the important founding figures of Muhammadiyah, the modernist Islamic movement, namely K.H. Achmad Dahlan and K.H. Abdullah Sajad, were respectively a *penghulu* at the Jogjakarta Sultanate and the Pakualaman Courts. Last but not least, he argued that many NU leaders graduated from *Madrasah Mamba' ul-Ulum*, a traditionalist training school for *penghulu*, established by the royal family of Surakarta Sultanate of Central Java as a part of the modernization of pesantren which had been in existence since 1906.<sup>58</sup> For that purpose, they copied the tactics and methods of their

---

result of the modernist and traditionalist Muslim leaders to unify under the auspice of MIAI in 1937 in the cause of Islam. Please see: Noer, 1978, pp. 26-27.

<sup>56</sup> Abdullah & Hisyam, 2003, p. 148.

<sup>57</sup> It was not surprising that many *priyayi* had strong Islamic background because majority of kingdoms were Islamic kingdom. It was the case of R.M. Tirtoadisoerjo who was quit from the colonial bureaucracy and established *NV Sarekat Dagang Islam* in 1909. He was an modern intellectual because he graduated from *OSVIA*. Pelase see: Abdullah & Hisyam, 2003, p. 152.

<sup>58</sup> Latif, 2008, p. 82. In 1914 it was then followed by the establishment of *Nahdlatul Wathan* by Abdul Wahab Chasbullah and Mas Mansur, the pesantren reform in Jombang, East Java, in 1916 by Kyai Ma'sum, and the pesantren reform in Padang in 1918 by Siradjuddin Abbas.

opponents, namely the Dutch and the Muslim modernists, to deal with the issue of modernity.<sup>59</sup> In this regard, he mentioned K.H. Masykur who was, then, a minister of religious affairs, many times, and vice head of DPR/MPR.<sup>60</sup>

In order to deal with the Muslims more effectively, the NEI government established another institution of *Het Kantoor voor Inlandsche Zaken*. Regarding the fact that the majority of the people were Muslim, this *Het Kantoor voor Inlandsche Zaken* was popular as *Kantor Urusan Agama (KUA)* amongst Indonesians.<sup>61</sup> It was established in 1899 in Java and later in 1918 in Sumatera. This institution was to provide advice on native people's affairs, especially related to Islamic movements, to the General Governor, and Snouck Hurgronje was appointed as the first chief. In this regard, Sayyid Utsman of the Muslim traditionalist accepted the offer of the Dutch as the Honorary Advisor for Arab Affairs at KUA as well as a religious officer in 1889 until his death in 1914. He also assumed the role of *Mufti* in Batavia. The traditionalist Muslims accepted this colonial interference in religious affairs as long as this helped in the establishment of public order as well as religious order. However, this appointment of *Mufti* did not nullify the rights of the clerics to issue religious laws.<sup>62</sup>

Sayyid Utsman had an important role in the legal recognition of *Sarekat Islam (SI)* by the NEI government. His role was related to his position as a *Mufti* besides his position as one of the SI leaders in Batavia<sup>63</sup>. Accordingly, he was asked by CSI to provide religious justification for the purpose of obtaining legal recognition from the government.<sup>64</sup> However, after SI obtained the recognition of the NEI government, it became more radical under the leadership of H.O.S. Cokroaminoto and at the 1917 national congress in Bandung it demanded Indonesian independence. However, SI obtained approval to become a political party from the NEI government, and it sent its representatives to *Volksraad*<sup>65</sup> (a form of parliament) which had just been established in 1917.<sup>66</sup> Then, the ideological paradigm advocated by the Muslim modernists dominated SI<sup>67</sup> and had directed SI to not accommodate the voice of the traditionalist Muslims at the Congress of Islam in 1924, which would send its representatives to the caliphate congress in Hejaz. Accordingly, the traditionalist Muslims quit from SI and established NU and consequently, this became the

---

<sup>59</sup> Latif, 2008, p. 162. The traditionalists tried to reform the pesantren; use local languages (mixed with Arabic) in the Friday sermons; introduce *madrasah* which teach general subjects; read newspapers and magazines using the Latin alphabet; adopt modern educational technology and so on.

<sup>60</sup> Noeh, 1980, pp. pp. 5-7. K.H. Saifuddin Zuhri, a Minister of Religious Affairs at the time of Soekarno's Guided Democracy era, also graduated from this *Mamba' ul-Ulum* in Surakarta. Please see: Saifuddin Zuhri, 1977.

<sup>61</sup> Suminto, 1985, p. 6.

<sup>62</sup> Kaptein, 2007, p. 102.

<sup>63</sup> There was also a strong Marxist influence faction within SI that became the PKI and SI encompassed a broad ideological and religious spectrum.

<sup>64</sup> Kaptein, 2007, pp. 100-102.

<sup>65</sup> A People's Council for the Dutch East Indies.

<sup>66</sup> Please see (n.a)

<sup>67</sup> Kaptein, 2007, p. 111. The dropping back of SI was due to its leadership's failure to reformulate its conceptual framework so as to tolerate the different ideologies within SI that were socialism, Communism, and Islamism. This was also due to its leadership's failure to formulate the Islamic movement relevant to the national interests; please see: Kuntowijoyo, 1987, p. 134.

beginning of the set back of SI, as its members who aspired to the Fiqh paradigm moved to Nahdlatul Ulama.<sup>68</sup> In this regard, NU continued Sayyid Uthman's Fiqh approach toward the NEI government while SI tended to follow HOS Cokroaminoto's ideological paradigm.<sup>69</sup>

### **The NU traditionalist Muslims and their paradigm in relation to the Dutch colonial rule**

The establishment of NU on 31 January 1926 can be viewed as a response of the traditionalist Muslims to both the global and national situations of the Muslim communities (*ummah*).<sup>70</sup> In the global context, NU was organized to send its representative to King Abdul Aziz ibn Saud in Hejaz because the former was worried about the latter's intention of having *Wahabism*<sup>71</sup> as the state ideology. It was feared that this adoption of *Wahabism* may lead to intolerance to different understandings of Islam, namely the Fiqh paradigm, which maintains the classical school of Islamic law. King Abdul Aziz responded positively to some NU requests and was relatively tolerant to the existing schools of Islamic law as he did not want to lose political support from the followers of the Fiqh paradigm.

In the national context, NU was organized to limit the influence of the Muslim modernists such as the followers of Muhammadiyah and Sarekat Islam who supported the movement of purification by the Wahabis, besides their advocacy of the modernization of Islam.<sup>72</sup> As the consequence of the Congress of Islam in 1924, NU was pessimistic about the idea of an Islamic state when the Muslim modernists would not tolerate any representative from the traditionalist Muslims to the caliphate congress. NU, then, was only concerned with the idea of the independence of Indonesia, although this idea was not a formal decision of this organization. Accordingly, NU leaders were willingly to develop cooperation with the secular nationalists, besides trying to develop a better understanding with the Muslim modernists. This establishment of NU also inferred that the traditionalist Muslims did not agree with the idea of transforming Sarekat Islam into both a political and religious organization which might be detrimental to Islam. Consequently, NU, organizationally, did not want to challenge the NEI government as it meant contrasting Islam to the state. However, NU respected its personal members in their involvement of nationalist

---

<sup>68</sup> Kuntowijoyo, 1987, p. 134.

<sup>69</sup> Kaptein, 2007, p. 111.

<sup>70</sup> Other traditionalists also established similar organizations: *Mathla'ul Anwar*, which was established in 1916 in Menes, Banten; *Persatuan Umat Islam* which was established in 1917 in Majalengka, West Java; *Persatuan Tarbiyah Islamiyah* which was established in 1926 in Minangkabau, West Sumatera; *al-Jami'iyatul Washliyah* which was established in 1930 in Medan, North Sumatera; *al-Khayrat* which was established in 1930 in Palu, Central Sulawesi; *Nahdlatul Wathan* which was established in 1934 in Lombok; and *Darud Da'wah wal-Irsyad* which was established in 1938 in Kendari, South Sulawesi Selatan. Compared with the above mentioned, traditional Islamic organizations, NU was the biggest as well as the most progressive one.<sup>70</sup>

<sup>71</sup> Wahabism was the religious purification based on scriptural understanding of the Qur'an and Hadiths so they were opposed to any activities considered as being *takhayul* (belief in superstitions), *bid'ah* (religious innovation) and *churafat* (myth), considered as the cause of the Muslims' decadency.

<sup>72</sup> Noer, 1985, pp. 246-248. NU was established on 31 January 1926, but in 1927 it just formulated its objectives which were signed on 5 September 1929 and registered by the NEI government on February 1930. NU means the revival of the clerics and accordingly, the clerics have the final decision in NU as they understand well how to live in this worldly life in the view of Islam.

movement. The Fiqh paradigm enabled NU to differentiate religious legitimacy from political legitimacy, and, accordingly, this enabled NU to have devotion to Islam and to a non-Islamic state.<sup>73</sup>

Being traditionalist Muslims did not mean that they were anti-modernization. They committed to modernizing their societies, but they wanted to preserve tradition, following the principle of the Fiqh paradigm, namely "*al-mukhafadzatu bil-qadimish-shalih wal-akhdzu bil-jadidil-ashlah*", meaning maintaining the good old methods and adopting the new better methods. In line with this, they accepted Indonesian local cultures as a means for the manifestation of Islamic teaching and challenged the modernist Muslims who accused this adoption of Indonesian local cultures of diverting from the true Islam. Wahid believes that it was due to NU's denial of judging the societal system as a dichotomy of black and white, namely the dichotomy of Islam and non-Islam, but acknowledging the area in between: namely that NU made uses of the existing societal system, including the political system, as a means of implementing Islam. In other words, NU did not see Indonesian local cultures as non-Islamic as it acknowledged an overlap between the societal system, namely the life in this world, and that of Islam, namely the guidance for a success life in hereafter. Accordingly, it is compulsory for Muslims to consider this worldly life, namely the societal system, including the political system.<sup>74</sup>

NU was concerned with politics in terms of a public order which constitutes a requirement for a religious order. Accordingly, NU was willing to accept the existence of the NEI government as a tool for establishing public order. Apart from the state only being a tool, it became compulsory in regard to its status as a tool for public order as a foundation for the establishment of religious order. NU viewed that what is important for religion is considered as compulsory; however, the state is not the main objective of NU. In this regard, NU was realistic towards worldly life and acknowledged that the societal system exists because of the realization of power in society.<sup>75</sup>

NU justified the NEI government because the traditionalist Muslims believed that it was the state, namely the government, which had the authority to establish public order, namely judging those who commit crime. Accordingly, it is not allowed for individual persons or a group to punish somebody else because it may directly lead to counter-violence. The supporters of the Islamic ideological paradigm often misunderstand this hadith: "Whoever observe wrongdoer, he/she should face it with his/her hand and if he/she is not able to do so, he/she should use his/her mouth to criticize him/her and still he/she is not able to do so, at his/her heart he/she should oppose him/her and it is the lowest level of faith (*iman*)."<sup>76</sup> What is meant by capability here is not physical strength to punish or hit, but capability based on Shari'a (Islamic law). Accordingly, it is the ruler who has the capability to

---

<sup>73</sup> Ricklef, 2006, p. 1.

<sup>74</sup> Wahid, 1999b, pp. 154-155.

<sup>75</sup> Ricklef, 2006, p. 1.

punish those who commit crime; meanwhile, the Muslim people only have rights to explain about the truth and restrain themselves from engaging in any misconduct or crime.<sup>76</sup>

Recognizing the fact that there is no definitive form of Islamic state, KH Hasyim Asy'ari, Rais Akbar NU, was accommodative towards the NEI government because he was concerned with the 'social order' as the prerequisite for 'religious order.' NU justified the existence of the NEI government after the latter's success in destroying Sultanates, because this implied that the NEI government had the power to establish public order. It was in line with the Sunni tradition which considered that political chaos (*fitnah*) was undesirable and worse than one century under a tyrannical ruler, such as believed by al-Ghazali, Mawardi, and also Ibn Taymiyah, a cleric often referred to by Muslim modernists.<sup>77</sup> Responding to the issue of a tyrannical ruler, KH Hasyim Asy'ari referred to the Sunni tradition such as written by Imam Mawardi (991-1031M) in his book titled '*al-Ahkamus Sulthaniah*' which mentioned the hadiths narrated by Hisyam bin Urwah from Abi Shalil from Abu Hurairah r.a.:

After my death there would be some rulers who ruled upon you. The good rulers would rule with their wisdom and the bad rulers would rule with their wits. And you should hear and obey their orders. If they rule over you with wisdom, you are lucky and they are also lucky. If they rule over you with the wits, you are free from their responsibility.<sup>78</sup>

In regard to the political system, KH Hasyim Asy'ari believed that Islam does not regulate a special societal structure and system for Muslims to follow. It is logical based on the fact that Muhammad the Prophet intentionally left the issue of succession open and Muslims had the freedom to solve the problem independently because it was not a part of Islamic teaching. Accordingly, he had an open mind on the plurality of the existing societal system which can be infused with Islamic values, and considered the state was not the only acceptable societal system. In this regard, he followed the Fiqh paradigm which classified three categories of state that are: an Islamic state (*dar al-Islam*), a war state (*dar al-harb*), and a peace state (*dar al-sulh*). Accordingly, he idealized an Islamic state that adopts Shari'a as the law of the state, apart from his belief in the plurality of Shari'a. Therefore, he was not ideological in terms of the political system because of its willingness to negotiate the form of the state based on the sociological context of the society.<sup>79</sup>

In 1936, NU categorized the NEI government as "peace state" because of three factors: Nusantara was previously ruled by Islamic kingdoms, the majority of its people were Muslim, and Islam was not in danger. Categorizing the Dutch East Indies into a peace state was based on a Fiqh paradigm such as interpreted by a Syafi'i jurist Syaikh Hasan al-Hadrami in his book *Bughyat al-Mustarsyidin* (those who get guidance).<sup>80</sup> NU should decide the

---

<sup>76</sup> Wahid, 1999b, pp. 152-156.

<sup>77</sup> Khuluq, 2000, p. 110.

<sup>78</sup> Saefuddin Zuhri, 1987, p. 135.

<sup>79</sup> Khuluq, 2000, pp. 108-110.

<sup>80</sup> The followers of Sunni in India under the rule of British al held the Fiqh paradigm: Saeed, 2007, p. 21.

status of the Dutch East Indies because it is related to religious affairs, such as how to treat someone who was found dead in the forest. NU assumed he/she was a Muslim because Indonesia was an Islamic country and accordingly, he/she would be buried by Islamic injunction. Moreover, if NU classified the Dutch East Indies into a non-Islamic state, it implied that all facilities provided by the state for managing the Muslim affairs became illegitimate.

Accordingly, Muslim affairs handled by clerics at the Court of *Penghulu* became unjustifiable. If this is the case, it would cause religious disorder. By so doing, NU did not unify the leaderships of politics and religion. For example, the validity of marriage, as a religious affair, could not be mixed with political matters. If NU considered as adultery the marriage held by the above mentioned court of *penghulu*, it would have other implications related to issues of inheritance and children. Theologically, NU had based its *fatwa* on public reasoning about the interest of a religious Muslim rather than that of the abstract political interest.<sup>81</sup> In this regard, Abdurrahman Wahid thought that the above fatwa on the status of the Dutch East Indies was concerned with two important things for the existence of the state: a) Islam requires freedom to practice the religion as *conditio sine qua non* for the acceptance of Muslims to the existence of state; b) on other hand, Islam leaves state affairs such as the form of state, the governmental system, and political ideology to the historical process of the society of the country. These two things make it possible for Muslims to have devotion to Islam and to a non-Islamic state. In other words, its members are capable of having both nationalist and religious orientations at once.<sup>82</sup>

NU as represented by K.H. Hasyim took an accommodative approach toward the NEI government as a method of avoiding a break in public order as well as to avoid premature rebellion. He instructed his students not to challenge the NEI government overtly and he was not reactive to the Dutch, although once he received unjust treatment when in 1913 his pesantren was burnt by The Dutch. This evolutionary method was also developed by the other Traditionalist Muslims in Sumatera, in the case of the cancelation of the establishment of *Persatuan Pendidikan Islam Indonesia* (PPII). This was due to the Dutch colonial ruler not agreeing with using the word *Indonesia* in this organization and considering it no longer a religious organization but a political party. In this regard, PPII was the further development of *Persatuan Madrasah Tarbiyah* (1928) which then changed into *Persatuan Tarbiyah Islamiyah* in 1930. Another clear example was K.H. Ahmad Sanusi's low profile response to the Dutch colonial ruler which forced him to leave for Jakarta from his hometown Sukabumi because of his involvement in SI and his close relation with some nationalist leaders. In Jakarta, he was not involved in any political activities; instead, he was active in many educational, social, and publishing activities, which, then, in 1931 were incorporated into the institution of *al-Ittihadiyah al-Islamiyah* (*Kesatuan Islam*). As a result, he was released from his exile in 1934.

---

<sup>81</sup> Suaedy, 2009, pp. 158-159.

<sup>82</sup> Ricklef, 2006, p. 1.

Politically, NU did not give strong support to the existence of this NEI government in regard to its policies which did not try to support the development of Islam as well as to identify with Islam. On the contrary, the NEI government tried to find legitimacy from the concept of the modern state emphasizing the episteme of liberal thoughts that advocates a secular state which is neutral towards the religions.<sup>83</sup> However, in practice, the NEI was not neutral to religion, but favoured the development of Christianity<sup>84</sup> and tried to halt the development of Islam by issuing some policies of Islamic affairs.<sup>85</sup> For example, it tried to incorporate Shari'a into *adat* laws and controlled the clerics' activities. Moreover, the government discriminated towards Islam and supported Christianity missionaries. It paid the priests and their staff highly, but it did not pay the clerics.<sup>86</sup>

Indeed, the NEI government also pursued discriminatory policies toward the majority of Muslim people so that the former did not receive strong political legitimacy from the latter. This discriminatory policy was manifested in the institution of the judiciary where *Landraad* was for the native people and *Raad van Justice* for the Dutch and those who were acknowledged as having the same status.<sup>87</sup> In this regard, *Penghulu*, the court of religion, was a part of the *Landraad* and the NEI government tried to reduce the authority of this court of religion and transferred it to the *Landraad*. First, it tried to reduce the scope of this office's affairs through the change of the name of the Court of Religion (*Priesterrad*) into the *Penghulu* Court (*Penghulu Gerecht*) in 1931. Second, in 1937 it reduced the authority of this office in dealing with inheritance cases and transferred them to the State Courts (*Landraad*). Apart from the NEI government's efforts of reducing the power of Islam clerics, there were less people filing inheritance cases with the State Courts and the majority filed their cases with the *Penghulu* Courts, but had to find the approval of the State Courts.<sup>88</sup>

Apart from the NU's acceptance of the NEI government, politically K.H. Hasyim Asy'ari did not want to identify with the Dutch. He encouraged the Muslims to build Islamic identity through cultural identity such as by not allowing the Muslims to imitate the Dutch customs. For example, he did not allow Muslims to put on ties.<sup>1</sup> He also did not send representatives to *Volkraad*, an institution similar to parliament, as he did not give political legitimacy to the NEI government.<sup>89</sup> KH Hasyim did not involve himself in political activities directly, but he prepared the students (*santri*) to take responsibility for political affairs in the future. He made efforts at fostering a feeling of nationalism amongst his students. He even trained former students who had dedicated their knowledge to society, when, periodically, they came back to his pesantren at certain times. These occasions were very useful for his

---

<sup>83</sup> Gustomy, 2010, p. 120.

<sup>84</sup> Gustomy, 2010, p. 4 and 10.

<sup>85</sup> Gustomy, 2010, p. 10 and 123.

<sup>86</sup> Suminto, 1985, p. 35. The NEI government paid salary to the clerics just start at the end of 1930s as their apart of the secular judicative institution (*Landraad*).

<sup>87</sup> Post, 1997, p. 51.

<sup>88</sup> Ali, 1987, pp. 198-199.

<sup>89</sup> Effendi, 2010, pp. 89-97.

students because the latter had the chance of getting up-dated political information from around the country. It was not surprising that his students took the role of informal leaders focussing on religious activities with a nationalistic orientation. It was likely that NU positioned itself to play the role of civil society, which is accommodative, but critical toward the NEI policies. For example, 1937 KH Hasyim was reluctant to receive an award from C. O. van der Plas,<sup>90</sup> the governor of East Java, in 1937, when the latter visited his pesantren as a part of the latter's move to obtain sympathy from the traditional clerics. K.H. Hasyim also refused a financial subsidy for his pesantren.<sup>91</sup> In this regard, Wahid considers that NU's religious justification did not mean to limit its political struggle for improving the existing political system. It was possible for NU to remove its religious justification to the NEI government, such as later when NU no longer supported the existence of the NEI government, because NU considered the Republic of Indonesia had **more political justification** and consequently, NU sifted its religious justification.<sup>92</sup>

NU was a part of the nationalist movement which tried to guide the Indonesian societal system, including state system, based on the Fiqh paradigm which recognized the plurality of Shari'a. It was possible for NU's followers to have an idea of an Islamic state, but this should tolerate different understandings of Islam, besides recognizing the equal status of non-Muslims. Indeed, NU was very concerned with the plurality of Shari'a, following the Sunni tradition which recognizes some schools of Islamic jurisprudence. Its establishment in 1926 was to persuade the Muslim modernists in order to respect different understandings of Islam as these Muslim modernists advocated a monolithic Shari'a as a method for unifying all Muslims in the pursuit of the glory time of Islam. On the contrary, NU believed in the plurality of Shari'a as different areas had different cultures which constitute the context for the implementation of Islam. In 1927, through its second congress, NU issued a recommendation to the Netherland East Indies government for having approval from the local clerics upon the appointment of religious officer (*penghulu*). NU also required the religious officer (*penghulu*) should come from one out of the four existing Islamic schools of jurisprudence, namely the followers of the Sunni tradition.<sup>93</sup>

As a part of the nationalist movement, NU tried to develop a good understanding with the modernist Muslims in its pursuit of an independent state. As the leader of NU K.H. Hasyim Asy'ari always reminded Muslims, either from the traditionalists or the modernists to tolerate each other's views and to unite into joint action for the interest of all Muslims. In 1936 K.H. Hasyim paid a special attention to this problem when both accused each other of being unbelievers (*kafir*) and he delivered a speech *al-Mawa'iz* (Nasihat) at the NU congress

---

<sup>90</sup> 1921-6 van der Plas had been the Netherlands Consul in Jeddah, where he had much contact with Indonesian pilgrims. 1927-9 van der Plas was Adviseur voor Inlandse Zaken. After Snouck Hurgronje, Van der Plas was one of the most influential architects of the NEI's Islam policies of accommodation and cooption, which were later perfected by Suharto

<sup>91</sup> Khuluq, 2000, pp. 111-112. Please see also, Saefuddin Zuhri, 1987, p. 168.

<sup>92</sup> Wahid, 1999b, pp. 152-156.

<sup>93</sup> Effendi, 2010, p. p. 144.

in 1937.<sup>94</sup> This congress was attended by the modernist Muslim leaders such as KH Mas Mansur, Umar Hubaisy, KH Faqih Usman of Muhammadiyah and Wondoamiseno, Dr. Sukiman, and Sastrawijaya of SI. They, then, tried to establish a federation which would coordinate the activities of Islamic organizations and respond to external threats.<sup>95</sup> This initiation was also a response to the establishment of GAPI (*Gabungan Politik Indonesia*) and PVPN (*Persatuan Vakbonden Pegawai Negeri*). On 21 September 1937, they successfully established MIAI which unified 13 Islamic organizations into one front.<sup>96</sup>

The establishment of MIAI provided Muslims the power to challenge any attacks which endangered the interest of Muslims. In 1937, both were unified to oppose some regulations detrimental to Islam, such as a draft of the Marriage Act 1931 which justified the idea of secular marriage; a Teacher Act of 1925 which required religious teachers to have permission from the head of regency; military inscription for Muslims; transferring the authority for managing alms (*waris*) from the Religious Court (*Pengadilan Agama*) into the Civil Court (*Pengadilan Negeri*); the ban on polygamy; and the divorce case only being valid through decree from the civil court.<sup>97</sup> Such a strong denial was recorded by Pijper who acknowledged it as a proof of the power of Islam. In this regard, Benda<sup>98</sup> affirmed that within three decades, this strong reaction reflected the power of Indonesian Muslims to challenge the interventions imposed by the Dutch colonial ruler.<sup>99</sup> These joint oppositions between the traditionalist and modernists Muslims to the Dutch colonial ruler did not imply that they had settled their different views on the state, but they were optimistic about resolving the problems by means of dialogues, besides being optimistic about their capabilities to control the development of the modernist Muslims.

### Conclusion

From the above discussion, I find that the traditionalist Muslims in Indonesia followed the Sunni tradition which would justify the existing political system: the Sultanates and the

---

<sup>94</sup> Khuluq, 2000, pp. 62-63. This speech of *al-Mawa'iz* (Nasihat) was repeated continuously at the next congresses (*mukhtamar*) as it was not easy for having a good understanding between the traditionalist and modernist Muslims.

<sup>95</sup> Abdullah & Hisyam, 2003, pp. 181-182. It was as a medium amongst Muslim leaders for discussing the problems of Muslims (*littasawwur*). For that purpose, they were encouraged by the Quran verse Ali 'Imran 103 as their spiritual foundation, please see: Ma'arif, 1988, pp. 18-19.

<sup>96</sup> Benda, 1958. A part from the fact that the idea of MIAI came from NU did not join into MIAI organizationally, but individually through the membership of Dahlan and Abdul Wahab. It was due to NU's disagreement with the SI's claim of MIAI as the continuation of SI's idea of the Congress of Islamic Communities (*Konggres Umat Islam*), in which gave birth the idea of the Committee of Caliph which did not hear the voice of the traditionalists. However, in 1939 NU joined into MIAI and caused its reorganization and placed K.H.A Wahid Hasyim as its leader. At this time, Muslims had quite strong position to challenge any people or any groups who tried to dismiss Islam. Indeed, this unity was not solid as they united because of the external threat and they had not yet reached an agreement concerning the system of knowledge as the basis for mutual understanding.

<sup>97</sup> Benda, 1958, p. f.n. 90 p. 31.

<sup>98</sup> Benda, 1958, p. 89.

<sup>99</sup> Benda, 1958, p. f.n. 91 p. 31.

Netherland East Indies. They provided justification for any political system because they considered it as a tool for public order which constitutes a pre-requirement for a religious order. Their support for the existing political systems depended on the latter's capabilities to attract the political participation of Muslims. The Sultanates had the strongest religious justification because they tried to implement Shari'a, but it was not always the case with political justification for any Sultan. The Netherland East Indies had the less religious justification as they constituted a foreign political system, and, accordingly, the traditionalist Muslims still aspired to establish an independent state. Actually, their aspiration for an independent state were likely due to the Netherland East Indies's lack of political justification as the latter did not want to identify with Islam or to expand the Muslims' political participation.

### References

- Abdullah, T. (1987). *Islam dan Masyarakat: Pantulan Sejarah Indonesia [Islam and Society: in the Reflection of the History of Indonesia]*. Jakarta: LP3ES.
- Abdullah, T., & Hisyam, M. (2003). *Sejarah Umat Islam [The History of Muslims]*. Jakarta: MUI & Yayasan Pustaka Umat.
- Ali, M. D. (1987). The Position of Islamic Law in the Indonesian Legal System. In T. Abdullah & S. Siddique (Eds.), *Islam and Society in Southeast Asia*. Singapore: ISEAS.
- an-Na'im, A. A. (2008). Shari'a in the Secular State: A Paradox of Separation and Conflation. In P. Bearman, W. Heinrichs & B. G. Weiss (Eds.), *The Law Applied: Contextualizing the Islamic Shari'a*. London & New York: I.B. Touris.
- Arkoun, M. (1994). *Nalar Islami dan Nalar Modern: Berbagai Tantangan dan Jalan Baru*. Jakarta: INIS.
- Asad, T. (2003). *Formation of the Secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press.
- Benda, H. J. (1958). *The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation 1942-1945*. The Hague: N.V. Uitgeverij W. van Hoeve.
- Effendi, D. (2010). *Pembaharuan Tanpa Membongkar Tradisi [Reformation without Discarding Tradition]*. Jakarta: Kompas.
- Gibson, T. (2007). *Islamic Narrative and Authority in Southeast Asia*. New York: Palgrave Macmillan.
- Gustomy, R. (2010). *Negara Menata Umat [The State Managed the Muslims]*. Yogyakarta: PolGov.
- Hosen, N. (2005). Religion and the Indonesian Constitution: A Recent Debate. *Journal of Southeast Asian Studies*, 36(3), 419-440.
- Jones, S. (1984). The Contraction and Expansion of the "Umat" and the Role of the Nahdatul Ulama in Indonesia. *Indonesia*(38), 1-20.
- Kamil, S., & Bamualim, C. S. (2007). *Syariah Islam dan HAM: Dampak Perda Syariah terhadap Kebebasan Sipil, Hak-Hak Perempuan, dan Non-Muslim [Shari'a and Human Rights: The Impacts of Local Regulations to the Civil Freedom, the Rights of Women, and non-Muslims]*. Jakarta: CSRC UIN Jakarta & KAS Jakarta.
- Kaptein, N. J. G. (2007). Grateful to the Dutch Government: Sayyid 'Uthman and Sarekat Islam in 1913. In A. R. a. M. Gilseman (Ed.), *Islamic Legitimacy in a Plural Asia*. New York: Routledge.

- Khuluq, L. (2000). *Fajar kebangunan ulama: biografi KH Hasyim Asy'ari [Biography of K.H. Hasyim Asy'ari: The Revival of the Cleric]*: PT LKiS Pelangi Aksara.
- Kuntowijoyo. (1987). Islam and Politics: The Local Sarekat Islam Movements in Madura 1913-1920. In T. Abdullah & S. Siddique (Eds.), *Islam and Society in Southeast Asia*. Singapore: ISEAS.
- Latif, Y. (2008). *Indonesian Muslim Intelligentsia and Power*. Singapore: ISEA.
- Lev, D. S. (1980). *Peradilan Agama Islam di Indonesia: Suatu Studi tentang Landasan Politik Lembaga-Lembaga Hukum [Islamic Court in Indonesian: A Study on the Political Foundation of Law Institutions]*. Jakarta: PT Intermedia.
- Ma'arif, S. (1988). *Islam dan Politik di Indonesia: Pada Masa Demokrasi Terpimpin (1959-1965) [Islam and Politics in Indonesia at the Guided Democracy Era]*. Yogyakarta: IAIN Sunan Kalijaga Press.
- Munib Huda, M. (1998). *Mutiara Nahdlatul Ulama [The Pearls of Nahdlatul Ulama]*. Jakarta: Fatma Press.
- n.a. 1908 - 1940: New Nationalism. Retrieved March 6, 2013, from The Antenna Foundation <http://www.antenna.nl/~daktari/indie/indhis06.htm>
- Noeh, Z. A. (1980). Introduction of the translator. In D. S. Lev (Ed.), *Peradilan Agama Islam di Indonesia: Suatu Studi tentang Landasan Politik Lembaga-Lembaga Hukum* Jakarta: Intermedia.
- Noer, D. (1978). *Administration of Islam in Indonesia*. Cornell: Cornell University.
- Noer, D. (1985). *Gerakan Modern Islam di Indonesia [The Modern Islam Movements in Indonesia]*. Jakarta: LP3ES.
- Post, P. (1997). *Japan, Indonesia, and the War*. Leiden: KITLV Press.
- Ricklef, M. C. (2006). The birth of the abangan, Vol. 162, No. 1 (2006),. *Bijdragen tot de Taal-, Land- en Volkenkunde*, 162(1).
- Saeed, A. (2007). Muslim under non-Muslim Rule: Evolution of a Discourse. In A. Reid & M. Gilsenan (Eds.), *Islamic Legitimacy in a Plural Asia*. New York & London: Routledge.
- Suaedy, A. (2009). *Perspektif Pesantren: Islam Indonesia, Gerakan Sosial Baru, Demokratisasi [From Pesantren's Perspective: Indonesian Islam and the New Social Movement]* Jakarta: Wahid Institute.
- Suminto, A. (1985). *Politik Islam Hindia Belanda [The Netherland East Indies's Policies towards Islam]*. Jakarta: LP3ES.
- Volpi, F. (2010). *Political Islam Observed*. London: Hurst & Co.
- Wahid, A. (1999a). *Mengurai Hubungan Agama dan Negara [Elaborating the Interface Islam and State]*. Jakarta: Grasindo.
- Wahid, A. (1999b). *Prisma Pemikiran Abdurrahman Wahid [Abdurrahman Wahid's Prismatic Thoughts]*. Yogyakarta: LKiS.
- Zuhri, S. (1977). *Guruku Orang-Orang dari Pesantren [My Teachers Come from Pesantren]*. Bandung: PT Alma'arif.
- Zuhri, S. (1987). *Berangkat dari pesantren [Beginning from Pesantren]*. Jakarta: Gunung Agung.

## Politeness: Front Counter Staff in “X” Mini Market

Mitha Dwi Djayanti & Ribut Wahyudi

**Biodata:** Mitha Dwi Djayanti is a Bachelor candidate at Faculty of Humanities, Maulana Malik Ibrahim State Islamic University Malang, Indonesia. Her research interests are in conversational analysis, politeness, and front counter staff. Her contact email: [mitha.djayanti@gmail.com](mailto:mitha.djayanti@gmail.com).

**Biadata:** Ribut Wahyudi is a PhD candidate at School of Education, Faculty of Education, Victoria University of Wellington, New Zealand and a lecturer at Faculty of Humanities, Maulana Malik Ibrahim State Islamic University Malang, Indonesia. His email address: [Ribut.Wahyudi@vuw.ac.nz](mailto:Ribut.Wahyudi@vuw.ac.nz) / [r.wahyudi.vuw.nz@gmail.com](mailto:r.wahyudi.vuw.nz@gmail.com)

### Abstract

Politeness is one of the essential elements in society. Currently, politeness is not only used to show good etiquette in general daily conversation but is also be applied in the business field. The service in this business industry is competitive. Thus, giving the best service quality from politeness perspectives becomes a significant factor to attract the customer’s attention. In so doing, the service acts as a key point for the success of companies. In this case, politeness is displayed through good manners such as greeting, giving assistance, and thanking others. This paper focuses on interactions between front counter Indonesian staff and customers seeking service in an Indonesian “X” mini market. It examines politeness in openings and closings in that business setting. The data show that the staff more often employed impolite openings-closings (52%), whereas (18%) provided polite actions, and the rest (30%) were semi-polite openings-closings.

**Keywords:** Politeness, Indonesian Culture, Greeting, Closing, Politeness Strategies

### Introduction

Service encounters are one of the social encounters most typically practiced in a society, in which they have particular patterns of language use and behavioral patterns in a certain period of time (Pan, 2000). A service encounter is an instance of face-to-face interaction between a server who is ‘officially posted’ in a particular service area and a customer who is present in that service area. The encounter is oriented to the customer’s satisfaction with the service given and the server’s obligation is to provide that service (Merritt, 1976 cited in Pan, 2000). At this rate, facework is then requisite to ensure the business transaction between servers and customers is smooth, wherein politeness strategies are realized within it.

Politeness issues have been of interest to many researchers in research on workplace discourse such as doctor–patient interactions (Odebumni, 2013; Iragiliati, 2012), legal language, which mainly focuses on courtroom discourse (Cashion, 1985; Penman, 1990) and in the area of corporate settings (Kong, 1998; Pan, 2000; Kerbrat-Orecchioni, 2006). In recent years, the scope of the corporate setting has been extended to being focused on politeness strategies practiced by service staff.

Several examples of the extended studies are Liu (2008) who investigated the politeness strategies applied in sales encounters in Hong Kong. By implementing Brown and Levinson's politeness framework, the research aimed to explore specific ways of enacting politeness occurring between the interlocutors' different native languages and the challenges due to the lack of language proficiency, which may impact the flow of interaction between the two parties. The findings revealed four preliminary conclusions: (1) if one of the interlocutors is a non-native speaker, the native speaker repeats important points until the message is understood and a response is given, (2) if the salesperson has lower language proficiency compared to the buyer, the sales person would use minimal responses to signal positive politeness to the customer, (3) As Hong Kong is a fast-paced commercial society, the opening and closing of a sales encounter might lack in politeness strategies for efficient communicative purposes (4) if the customer's speech act was a bald-on-record FTA, the salesperson tried to save his or her own face.

Conducting similar research, Sriyam (2010) investigated customers' satisfaction towards service quality in the front office staff at the Mercure Hotel, Pattaya. She assessed customers' expectations and perception levels towards the service quality of the front office staff at the hotel, and analysed the discrepancy between customers' expectations and perception levels towards the service quality. Applying the five dimensions of service quality which are tangibility, reliability, responsiveness, assurance, and empathy, the findings show that most respondents identified tangibility as the most important factor in determining satisfaction.

Multiplying the study in another context, Kuang, David, Lau, and Ang (2011) investigated openings and closings in front counter transactions at a Malaysian Government Hospital. By applying Brown and Levinson's (1987) politeness strategy, they attempted to show that politeness can be gauged through these two features of conversations, appropriate greetings in openings and closings, classified into polite, semi polite, and impolite. The findings revealed that the front counter Malay staff reverted to using more polite closings than openings, while in fact, openings and closings are both important features of face-to-face interactions since both elements suggest the acknowledgement and recognition of the other party have been fulfilled.

Two years later, Kuang, David, and Kia (2013) conducted a similar study on the politeness of front counter staff, yet in a different setting which was a Malaysian private hospital. They investigated the politeness level of the Malaysian private hospital staff's opening and closing interactions compared to the Government hospital. The findings show that even though the patients pay more at private hospital, it does not guarantee they will be served well by the staff.

The five studies above analyzed politeness strategies done by staff using the theory of Brown and Levinson (1987). The results mostly show that the prominence of the staff's role is taken for granted in fulfillment of customers' satisfaction through politeness

strategies. Another study dealing with politeness strategies applied in a work place setting was conducted by Sangiorgi (2006). The study discussed the issue of manipulated politeness displayed by Disney theme park staff in order to increase the company's profit. It is revealed that the politeness strategies applied had become an artificial device implemented for profit purposes. Likewise, Dunn (2013) established that politeness business training in Japanese settings had been formed purposefully for the company's sake.

This present study attempts to (1) analyze how politeness is practiced by "X" Mini market staff in welcoming and closing interactions, (2) investigate whether or not the practice of politeness done by the "X" market staff is a part of commercial strategy. The parameters of politeness used by Kuang, David, Lau and Ang (2011) and Kuang, David, and Kia (2013), which are (1) polite, semi polite, and impolite and (2) verbal and nonverbal, are treated as the core analytical tools to measure the politeness levels. In addition, the theories of Lakoff (1973; 1990) and Brown and Levinson (1987) are also applied to disclose the politeness phenomena within the transactions. This study is considered crucial, as the use of certain language forms and attitudes may have a significant impact, once used orally and implemented for a particular purpose and situation.

### **Literature review**

#### *Politeness*

Yule (2006:119) conveys that politeness can be defined as "showing awareness of and consideration for another person's face". Brown and Levinson (1987: 61) introduce the concept of "face" which is the public self-image that everybody wants to claim. In their framework, face includes two related aspects: (1) Positive Face (desire to have one's contributions approved of) (2) Negative Face (desire to express one's ideas without resistance). Since most speech acts are intrinsically face-threatening acts (FTAs), politeness strategies are employed to minimize FTAs: on-record with positive politeness or negative politeness, and off-record politeness (unless the speaker chooses to do the FTA bald on record). Off-record politeness denotes the method of a speaker doing an FTA without unequivocal imposition, i.e. to hint instead of to request. The level of politeness is determined by three independent social factors: solidarity or social distance between interlocutors (D), relative status or power difference between interlocutors (P), and culture ranking of the imposition (R).

However, the weighting of those independent social factors differs from culture to culture, and also depends on the situation in which an interaction takes place (Pan, 1994, 1995). Referring to Lakoff's rules (1990), culture can be said to adhere to strategies of distance (rule 1), deference (rule 2), and camaraderie (rule 3). European cultures tend to emphasize distancing strategies, Asian cultures tend to be deferential, and modern American cultures tend to camaraderie (Eelen, 2001).

Scollon and Scollon (1995 cited in Pan 2000) state that the factor of social distance is of primary importance in Asian society. It is classified into two factors which are (1) the

inside relationship, which are the five classical Confucian relationships (ruled-ruled, father-son, husband-wife, elder-younger, friend-friend) and same relationships (same school, same town, same employer), and (2) the outside relationships, which are occasional and temporary relationships that a person happens to come into contact with, such as shop clerks, bank tellers, or taxi drivers. In face-to-face interaction, something as simple as topic introduction is determined by the type of relationship between the participants. In an outside relation, topic initiation is based on the task, while in an inside relation, the topic is introduced by the person who is in a higher position in the hierarchical structure (Scollon and Scollon, 1991 cited in Pan 2000).

#### *Politeness in the Indonesian context*

Forshee (2006) conveys that most of kinship status in Indonesia is formed by the base of people's idea about society and good behaviour. Generally, Indonesian society is very status conscious. It is important to address others with the proper title such as "*Bapak*" (Father, Sir) or "*Ibu*" (Mother, Madam) for older people and "*Mbak*" (Miss, Sister) or "*Mas*" (Brother) for younger people. Forshee (2006:32) claims that Indonesians become uncomfortable when addressed by Westerners who drop these formal titles when talking to them, as they then feel disrespectful to those with whom they are speaking. Such formality confuses Americans and Europeans, especially in casual situations. However, unlike the Javanese language, which contains "high" and "low" levels of speech depending on interlocutor's background (social status, age, education background), the Indonesian national language (*Bahasa Indonesia*) does not contain "that extent of class-marking (i.e., 'high' and 'low') ways of speech" (Forshee, 2006:32).

Mills (2006) states that probably the most important element in most Asian interpersonal relations either private, business or diplomatic related, is the matter of face or respect of self. Indonesians tend to be polite and wise in their speech by avoiding any confrontation to the extent of even providing an untruthful answer. The researchers acknowledge that ethnic diversity and varying cultural traditions in Indonesia is an influential issue during business transactions. Gray (2012:154) states that "different ethnic groups in Indonesia have their unique cultural traits which influence their behaviour in business, from the 'Javanese way' of passive and apologetic communication, through to the aggressive and assertive behaviours of the Batak of Sumatra". The ethnic groups of Sumatra, Sulawesi, and West Papua are more direct and have a style similar to Western communication patterns such as those of Australia (Hofstede, Hofstede & Minkov, 2010 cited in Gray, 2012). However, as a result of the population density and government centrality in Java, "much of business behaviour in Indonesia is conducted in the Javanese Way" (Gray, 2012:156).

#### **"X" mini-market profile**

"X" mini market is a company located in Indonesia, which specializes in customer goods trading and a distribution business. Its branches number 6,585 mini markets. It is somewhat

similar to Woolworths in the Australian context. The company not only provides the goods but also sets out its expected politeness in the service delivery to its customers by promoting itself to the public with a jargon of best service quality.

Relating to the focus of this paper, front counter staff are expected to be polite all the time. As new trainees, the staff in “X” mini market obtain knowledge and experience in the convenience store on becoming a staff member. Before working, the staff have been given a short course for one week, according to which position they are employed. The materials given to all employees/ staff are generally the primary standard procedure in the store, SO (stock opname) which means supplying goods, operational conductivity, overcoming the complaints of customers, and other issues. For front counter staff, practically, they are trained in the polite greetings and the closings expected during any conversation with customers. For the greeting, they enact particular utterances such as “*Selamat datang di “X”, selamat berbelanja*” (welcome in “X”, happy shopping) along with smiling and promoting the recent discount products. During the payment process, several principles are practiced by the staff, as follows:

- a. Introducing themselves
- b. Asking about the member card
- c. Offering and promoting other goods with or without discount
- d. Offering customers to fulfill credit
- e. Saying thanks, smiling, and putting the hands together before the chest

#### *Interaction between the staff and the customers in “X” mini market*

Pan (2000) states that there are differences in the ways the clerks talked to customers with whom they were acquainted and those with whom they were not acquainted, which are also related to inside and outside relations. The relationship between a clerk and an unacquainted customer is contact for a short time, or might be recognized as an outside one. Whereas, with the acquainted customers, staff and client are connected in some way, for instance sharing a common group identity. In the case of “X” mini market participants, the interaction between the clerk and their unacquainted customers is characterized by minimal verbal exchange, lack of face strategies, and being task-oriented (outside relations).

#### **The study**

##### *Research Questions*

1. How do the employees of “X” mini market implement politeness strategies in their transactions?
2. What types of politeness are being displayed by “X” mini market staff?

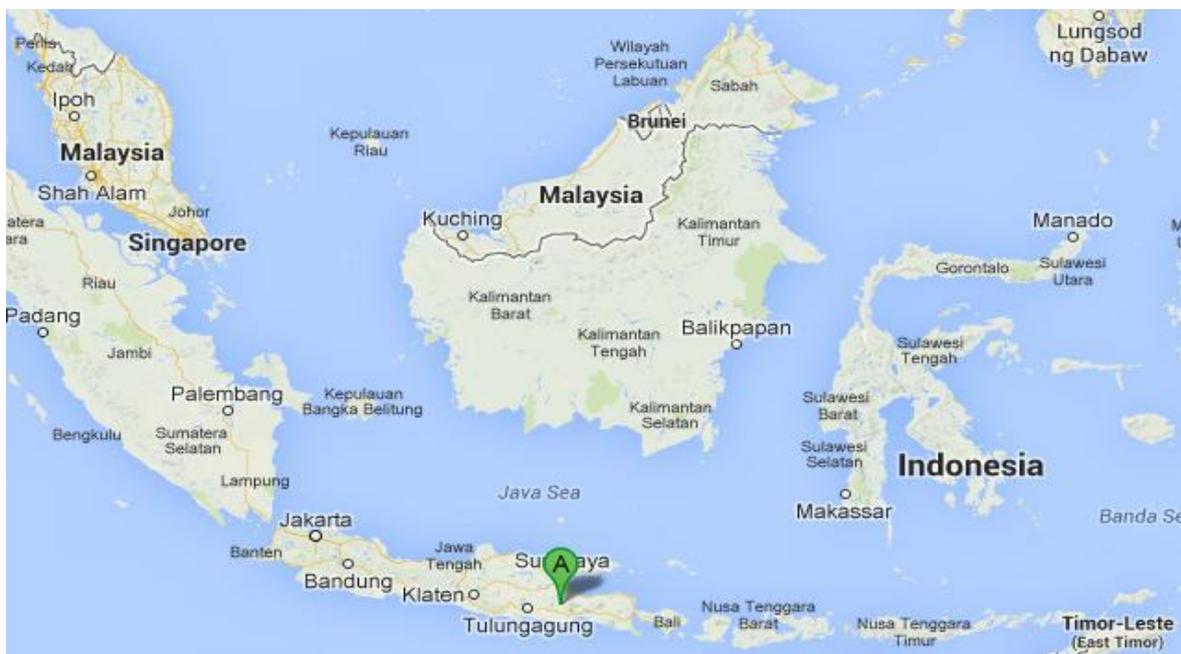
##### **Research design**

The research utilized two approaches, case study and conversation analysis under the typeform of a qualitative case study. The type of case study used was a single instrumental case study, since it solely focused on an issue and was concerned with one bounded case to

illustrate the issue (Creswell, 2007). The case study began with the description of “X” mini market’s profile applying several unique actions to greet the customers. Firstly, the researchers constructed a table to distinguish between opening and closing parts using conversation analysis transcription (Jefferson, 1985). Conversation analysis contributes to establish the existence of stable organizations of human interaction, and to situate them firmly within an understanding of social relations (Heritage, 2008).

### Procedure

The data in this study were recorded in 20 “X” mini markets in Malang, East Java, Indonesia. Three “X” mini markets located in Sawojajar, five “X” mini markets in Sukun, five “X” mini markets in Dinoyo, two “X” mini markets in Galunggung, two “X” mini markets in Kawi, and three “X” mini markets in along Soekarno Hatta Street.



<http://www.google/map/indonesia> (taken from <https://maps.google.com/>)



(taken from [http://malang.endonesa.net/index.php/galeri-foto-utama/malang-maps-peta?picture\\_id=673](http://malang.endonesa.net/index.php/galeri-foto-utama/malang-maps-peta?picture_id=673))

The records were taken for one week from March, 20th 2013 until March, 27th 2013. The researchers recorded data manually either as personal experiences or other transactions executed by looking at other customers' experiences with a total of 50 transactions, divided into 20 openings and 30 closings. Acting as customers who bought goods, transactions between front counter staff and the customers were observed. The staff's ages were in the range of 18-24 years old with the background education presumed to be upper secondary school. From the 20 mini markets, there were 2 male clerks and 18 female clerks. The customers were of various age groups and genders.

After completing the recording, the researchers transcribed the data into the table which is divided into four parts, (1) Mini market's area, (2) Date which is classified into day, month, and year (3) Opening part, and (4) Closing part. Codes are used in this paper, since codes are tags or labels for assigning units of meaning to the descriptive or inferential information compiled during a study (Milles & Huberman, 1994). Therefore, in the second table (Date), codes used were "D" for day, "M" for month, and "Y" for year. Meanwhile, in the opening and closing table, the researchers provided "S" for staff and "C" for customer.

By using the parameters of politeness levels according to Kuang, David, Lau, and Ang (2011) and Kuang, David, and Kia (2013), which are (1) polite, semi polite, and impolite and (2) verbal and non verbal, the researchers attempted to identify the specific politeness levels delivered by the staff. The expressions and gestures of the staff were included as non-verbal as recorded by note-taking. Whereas, the utterances without any direct actions were included as verbal. The parameters to classify whether an interaction is polite, semi polite, and impolite is their accordance with the completeness in application of the “X” mini market’s rules of opening and closing (see above). The researchers were not overly concerned with the customers’ background -- except their age -- which has been used to analyze the kin terms practiced by the staff. The researchers established there was no difference in the staff’s attitude in serving customers with a higher position or social status.

Since the transactions used by both front counter staff and customers were in Indonesian, an English gloss is provided. The transcript is also put on the first table and the second table equated with the English gloss and the non-verbal actions. The transcript has the aim of making it easier for the readers to imagine the situation on the stage even though they do not listen to the audio directly for proponents of conversation analysis would posit the reverse: that ‘talk-in-interaction’ provides extraordinarily rich evidence of the underlying rules of how language works (Litosseliti, 2010). However, since the researchers were not overly concerned with the changes in intonation, the length and so on, the conversation analysis is only used to enrich the knowledge of the human interaction.

**Findings and discussion**

All interactions have two symmetrical framing sequences termed “opening sequence” and “closing sequence” (Kerbrat-Orecchioni, 2006 cited in Liu, 2008).

**A ) Opening**

The table below summarizes the overall percentage of opening occurrences. It displays that impolite verbal opening assume the highest rank of the percentage which means that impolite openings in greeting the customers are often applied by the staff.

Verbal opening			Non-verbal opening		
Polite verbal	3	15%	Polite non-verbal	2	10%
Semi-polite verbal	7	35%	Semi-polite non-verbal	-	-
Impolite verbal	8	40%	Impolite non-verbal	-	-
Total	18	90%	Total	2	10%

From the above data, it is shown that in the interaction, 40 % of impolite openings are applied, even though there is not a significant gap among polite, semi-polite, and impolite.

Greeting is often done verbally rather than non-verbally. FTAs (Face Threatening Acts) seem to not occur in this section, since there is no turn taking between the participants.

- **Polite verbal opening**

Example	English Gloss
S:selamat datang ::,Selamat berbelanja di X, Hello kittinya ↑ gratis lho:::	<i>welcome. Happy shopping in X. We have a free hello kitty for you</i>
S : selamat pagi, Selamat berbelanja ↑	<i>good morning. Happy shopping</i>
S : selamat pagi, Hello kittinya ↑ gratis lho:::	<i>good morning. We have a hello kitty for you</i>

These utterances were considered polite seen from how the staff greeted the customer appropriately and completely (greeting rules) followed by promoting a recent discount. Ordinarily, Indonesians greet others by saying “Assalamualaikum” (peace be upon with you) as the dominant cultural group are of the Moslem faith. As this is a formal context, greeting with “good morning, good afternoon, or good evening” have been considered as indicative of a polite attitude. In addition, smile (nonverbal) is also reviewed as indicative of a polite attitude, as Indonesians commonly use smiles to show friendliness towards others.

- **Polite nonverbal opening**

Example	English gloss
S: selamat pagi ↑, selamat berbelanja= =di x,> Butuh keranjang mbak ?<	<i>Good morning. Happy shopping in X. do you need a basket ? (smile and approach the customer)</i>
S: selamat siang ↑::, Selamat datang, cari apa mbak ↑ > bias dibantu ?	<i>Good afternoon. Welcome. What are you looking for ? May I help you ?&lt; (smile and approach the customer directly)</i>

The above conversations illustrate that the staff showed a courteous abide by offering help without being asked first. At this rate, the politeness is observed either verbally or non-

verbally. As Lakoff's principle (1973:298) of "make others feel good", the polite attitude of proposing help to the customers is perceived as an attempt to show friendliness. This principle roughly corresponds to Brown and Levinson's (1987 cited in Sangiorgi, 2006) principle of positive politeness which is basically geared towards the satisfaction of the customers' wants and needs.

**Semi polite verbal opening**

Example	English Gloss
S: Selamat siang ::	<i>Good afternoon (look at glance)</i>
S: selamat pagi :, Parade doraemon seru ::	<i>Good morning. Parade doraemon seru (looking at the computer)</i>

The above utterances are included as semi polite. Regardless of the presence of polite greetings (good morning, good afternoon) delivered by front counter staff, it is established that the front counter staff were less respectful by losing eye contact with the customers. As shown in the table, the "X" staff only looked to glance at the customer, while another staff was busy with the computer. Hence, it may be explained that the values of politeness in this interaction are premature, as the point of "creating eye contact is a part of politeness principles in the reflection of behavior" (Yuxian, 2013:55), and were noticed as missing.

- **Impolite verbal opening**

There was no greeting when the customers entered the mini market. The staff seemed very busy arranging the goods, making notes, or calling someone. They simply turned their heads and looked to glance at the customers without any intention to greet them. Therefore, both verbal and non-verbal are not applied in this occurrence.

**B) Closing**

This table shows the percentage of closings, which are divided into two types: verbal and non-verbal.

Closing verbal			Closing non-verbal		
<b>Polite verbal</b>	<b>1</b>	<b>3,33%</b>	<b>Polite non-verbal</b>	<b>3</b>	<b>10%</b>
<b>Semi-polite verbal</b>	<b>5</b>	<b>16,67%</b>	<b>Semi-polite non-verbal</b>	<b>3</b>	<b>10%</b>
<b>Impolite verbal</b>	<b>18</b>	<b>60,00%</b>	<b>Impolite non-verbal</b>	<b>-</b>	<b>-</b>

<b>Total</b>	<b>24 80,00%</b>	<b>Total</b>	<b>6 20%</b>
--------------	------------------	--------------	--------------

The above table reveals that impolite closings mostly occur in “X” markets. This table, however, is dominated by the verbal impolite closing. Moreover, saying “thank you” after getting assistance is done by both the customers and the staff either in polite, semi-polite, or impolite closings and followed by the non-verbal action, for instance, smiling and nodding. More detailed explanation is provided as follows:

- **Polite verbal closing**

Example	English Gloss
S: selamat pagi↑, nama saya Ima, Mau tambah apa lagi mbak ?	<i>Good morning. I am Ima. Do you want to add something else?</i>
C: gak ada mbak, Ini aja ↓	<i>Nothing, miss. That's all.</i>
S: sekalian pulsanya mbak ?↑	<i>Do you want to fill the credit, miss ?</i>
C: gak mbak, makasi. ↓	<i>No, thanks.</i>
S: atau minumannya sekalian mbak ? sekarang ada [promo the racik, beli= =dua gratis satumbak.	<i>Or how about the drink, miss? there is a discount for racik tea, if you buy two, you'll get one for free</i>
C : gak mbak ↓	<i>No, miss, (smile)</i>
S: totalnya Rp 7.700,- ya mbak, ada kartu pelanggan ?↑	<i>The total is Rp 7000,- miss, is there a member card ?</i>
C: gak ada mbak ↓	<i>no, it's not ( giving Rp 10.000,-)</i>
S: uangnya Rp 10.000,- ya, kembalinya Rp 3.300,- . Terima kasih, selamat datang kembali.	<i>Your money is Rp10.000,- and the money back is Rp 3.300,- . Thank you, please come again.</i>
C: makasi :	<i>Thank you</i>
S: iya ::	<i>You're welcome</i>

The above examples demonstrate the complete closing part in an “X” mini market. Surprisingly, this occurrence was rarely undertaken by other “X” mini markets’ front counter staff since only two mini-markets applied this sort of closing. The use of a kin term “Mbak” (miss) during the transaction expresses that the staff respects the customer by using an addressee term. Furthermore, the staff was the one who initiated first to persuade the service (promoting a discount product, offering to fulfill credit, asking for member card) implying efforts to satisfy the customer. The end of the transaction was settled by saying

“thanks and please come again” conveying that the staff member was glad to serve the customer. This conversation proceeded courteously as the customer also gave a response back with “thanks” before leaving the line.

- **Polite nonverbal closing**

Example	English Gloss
S : Selamat siang:: ibu	<i>Good afternoon, mam. ( put the hands in front of the chest)</i>
C : (no response)	<i>(no response)</i>
S: ini aja ibu?↑>Tambah minyak= =gorengnya? Lagi ada <u>promo</u> = =minyak bimoli ibu, ada diskon15% kalo beli 2<	<i>Is that all ? do you want to add the fried oil ? if you buy 2, you will get 15% discount</i>
C: gak mbak ↓	<i>No, mam</i>
S : sekalian pulsanya,bu ?	<i>do you want to fill the credit, mam?</i>
C : gak mbak, makasi ↓	<i>no, thanks</i>
S: totalnya 113.000, ada kartu= =pelanggan ?	<i>the total is Rp 113.000,-, is there any member card ?</i>
C: gak ada mbak ↓	<i>Nope(giving Rp 120.000,- )</i>
S : kembalinya 7000 ya bu, <ibu= =juga dapet satu stiker = =doremon>untuk pembelian diatas 100.000 bu, [hhh kalo dikumpulin bisa dapet <u>doorprize</u> bu ↑	<i>the money back isRp7.000,-,mam. And you get one doraemon sticker for buying above Rp100.000,-. if you collect it, you can get doorprize from us,mam. (giving the money back and the sticker)</i>
C: (smile)	<i>(smile)</i>
S: terima kasih::, selamat datang= =kembali ::	<i>Thanks, come again ( put hands before the chest)</i>

Non verbal polite closing was expressed through either utterances or attitudes. The questions asked were similar with the preceding table. The use of kin term “ibu” (Mam) was also applied in this case. However, the staff delivered more respectability by adding good

manners such as smiling and placing hands together before the chest both in the beginning and ending transaction. Despite the fact that the front counter staff did not introduce herself first, the researchers noted that the staff's attitude followed by the good manners can be considered as polite closing.

- **Semi polite verbal closing**

Example	English Gloss
S : tambah apa lgi mbak ? ↑, sekalian= =pulsanya mbak?	<i>Do you want to add something else? How about fill the credit, mam ?</i>
C : udah mas, ini aja. ↓	<i>No, that's all</i>
S : totalnya Rp 3.400,- ya:	<i>The total is Rp 3.400,- ,yes ?</i>
C : (giving Rp 5.000,-)	<i>(giving Rp 5.000,-)</i>
S: kembalinya 1600>langsung minum= =atau pake kresek,mbak ?<	<i>the money back is Rp 1.600,- Do u want to drink it directly or use the plastic bag ?</i>
C: kresek ↓	<i>plastic bag,please</i>
S: terima kasih	<i>thanks( giving the stuff )</i>

The above table illustrates the examples of semi polite verbal closing. The staff did not apply the complete closing rules and directly served as it was. Nonetheless, the rules of offering to fulfill the credit to the customer and using a kin term "Mbak" (Miss) were completed, although it might not be seen as polite as the two tables above. Thus, the researchers argue that the staff still implied an attempt to be polite. In addition, the staff also said "thanks" at the end of the transaction.

- **Semi polite nonverbal closing**

Example	English Gloss
S : sudah mbak ↑? sebelah sini mbak?	<i>is that all ? Over here, mam. (pointing out to the left with right hand)</i>
C : ( move to the left )	<i>( move to the left)</i>
S : Totalnya Rp 3.300,- . Isi pulsanya, mbak ↑?	<i>the total Rp 3.300,- do you want to fill credit too,mam ? )</i>
C: gak mas, makasi ↓	<i>no, sir. Thanks. ( giving the money )</i>
S: kembalinya mbak, terima kasih:	<i>this is the money back, thank you(put the</i>

	<i>hands in front of the chest)</i>
--	-------------------------------------

This example illustrates that the attitude is more emphasized than words. The staff displayed a lack of respect in the form of the verbal interaction, yet the staff directed the customer politely by pointing out the right place for a product. At the end of the transaction, the staff also put her hands together before the chest while saying “thanks”. Yuxian (2013:55) states that “hand and body gestures are often used to emphasize a point and add meaning to the spoken word”. As a listener, watching out for the hand movements or body gestures used by the speaker can give an interesting insight into the true attitude behind the words.

- **Impolite verbal closing**

Example	English Gloss
S : selamat pagi::,Tambah apa lagi ?↑	<i>good morning. Do you want to add something else ?</i>
C : udah mbak, ini aja ↓	<i>nope, that's all</i>
S : totalnya Rp 3.500,- ya::,	<i>the total is Rp 3.500,-, yes ?</i>
C : ( <i>giving Rp 50.000,-</i> )	<i>(giving Rp 50.000,-)</i>
S : ada uang kecil ? ↑	<i>is there any smaller amount ?</i>
C: gak ada mbak ↓	<i>Nope</i>
S : kembalinya 46500. Gak pake print, gapapa ?	<i>the money back is Rp 46.500,-. Is it okay if there is no print out ?</i>
C : gapapa ↓	<i>that's fine</i>
S : pake kresek ? ↑	<i>do you need a plastic bag ?</i>
C : iya	<i>Yes</i>
S : ( <i>hadling over the stuff</i> )	<i>( handling over the stuff)</i>
C : makasi :	<i>Thanks</i>
S: ( <i>unanswered</i> )	<i>( unanswered)</i>

The above table shows that the front counter staff directly served the customer without offering anything else. At the end of the transaction, the customer even initiated first to say

“thanks”, yet did not get response in return from the staff. Regarding the distance between the customer and the staff, it was not close and this action may appear an FTA.

- **Impolite nonverbal closing**

The researchers did not find any closing impolite non verbal, since all of the staff are necessitated to say “thanks” after ending the transactions. Phrases such as “thanks/ thank you” are considered as a verbal expression of appreciation or gratitude. Besides, considering the courtesy showed by Indonesians mostly, it might be concluded that Indonesians tend to be accustomed to saying “thank you” after accepting an offer or dealing with some business transaction.

### **Politeness in “X” mini market**

From the data above, in addition to the rules of ‘X’ mini market greetings, the researchers found that three principles were mostly followed by the front counter staff in “X” mini market:

- a. Opening by greeting with “X” mini market jargon
- b. Giving assistance
- c. Closing by asking “X” mini market question rules and saying thank you

Point number one and three (opening and closing) reveal that the politeness strategies have been implemented in the beginning and the end of the service encounters between front counter staff and the customers. According to Lakoff's theory (cited in Sangiorgi, 2006), participants at the beginning of conversation expect that the other party is interested and comfortable with them, while at the end of the encounter it is crucial to ascertain that the conversation ends well. This company realizes that the opening and closing greetings are crucial to give a good impression towards the customers.

Displaying good manners is not simply a matter of creating a positive impression of ourselves as individuals, but also creates a positive image for an entire company in a business setting. Unsurprisingly, showing good manners is regarded as part of a larger project of creating customer satisfaction. Honorific usages such as *Bapak* (Sir), *Ibu* (Mam), *Mbak* (Miss) may function not only to express deference to others, but also to display the speaker's identity as a refined speaker. In short, the use of polite expression and honorific terms in “X” mini market is regarded as an attempt to please the customers.

In relation to point number two (the deference rule), although the staff's position is at the front front, they are required to be well-informed as to what services should be offered to the customers such as member cards, credit agencies, or discount products. Besides, offering help (proposing a basket or a plastic bag) is observed as the realization of positive politeness (Brown and Levinson, 1987).

In the case of the customers' background, the researchers did not see any differences or classifications in serving the customers based on the diverse backgrounds of

the customers. The transaction is a short conversation, the purpose of which is business; therefore, the level of politeness due to customers' background is noticed unconsidered:

In Asia in an outside relationship the position of the parties are tightly fixed within a server role relationship; one is a teller, the other a customer; one is a waitress, the other a customer. Before the encounter begins the possible moves are limited within a narrow range...Because this is an outside relationship Asians regard it as impossible for any other topics to be introduced or for any other relationship to develop; therefore, no face work is required, no preliminaries are necessary to establish who you are or why you are there. This topic can (and, in fact must) be introduced directly. (Scollon and Scollon, 1991: 118 – 119)

However, the addressee term is still applied during the transaction such *I(bu)* literally "Mother/ Mam" or *Ba(pak)* literally "Father/ Sir" are directed to the older customers and *Mbak* literally " Miss" is for older sister.

**Conclusion**

The use of opening and closing as markers of politeness seems not to be implemented perfectly throughout the case study.

Transaction	Percentage
Polite openings and closings	9 ( 18 % )
Semi-polite openings and closings	15 ( 30% )
Impolite openings and closings	26 ( 52% )
Total	50 (100%)

From the table above, the percentage of impolite opening and closing occurrences is surprisingly higher than the polite and semi polite ones. The researchers assume that given the goal of their encounter is selling and buying, the staff's awareness of using facework (politeness strategy) wholly and perfectly -- according to the rules -- is incompletely practiced. With the understanding that as long as the business transactions are done without any party losing face, it is insignificant whether or not the rules are delivered completely. Consequently, the customers' background is also a negligible factor in the politeness strategies in "X" mini market. Service encounters in "X" mini market are perceived as an outside relationship, where the customers are regarded as unacquainted clients. Therefore, the relationship is simply based on reaching the company's business goal of gaining more profit by prioritizing customers' satisfaction. Thus, every customer should be treated equally and politely without differentiating on the basis of their background.

Specifically, either language or courtesy behavior applied by the staff is used to assist and facilitate the process of the transaction smoothly rather than to exchange information or to create a social relationship (Pan, 2000). However, in the instance of politeness

implemented in “X” mini market, the researchers perceive that the company attempts to appeal to its the customers through their settled courtesy regime in service encounters. This accords with Tanned’s (1986 cited in Pan, 2000) notion of a stylistic effect of camaraderie, wherein the opening and closing transactions are formulated structurally and with heavy use of positive politeness strategies. Similarly, this occurrence might support what Sangiorgi (2006:190) sought to reveal in his findings about “profit politeness” which suggests politeness is treated as an artificial tool for business purposes. In addition, Dunn (2013:229) also argues that “politeness in business context has been (re) established in one specific term that is the business manners, in which the staff are trained to reshape their language use and presentation of self in ways that are considered appropriate for business matter”. In this process, communicative skill and performances themselves become a commodity (Urciuoli, 2008; Heller, 2010 cited in Dunn, 2013). Consequently, politeness is manipulated for a company’s larger goal to create a positive corporate image, wherein “politeness is not culturally implemented but textually, specific” (Dunn, 2013:241-242).

Nonetheless, the politeness strategies applied in the “X” mini market roughly adopt the values of Indonesian politeness, which are (1) the use of kin terms such as *Bapak* (Sir), *Ibu* (Mam), *Mbak* (Miss), (2) nonverbal attitudes such as smiling, slightly bowing, and putting the hands before chest, and (3) interrogative expressions showing the staff do not presume the customers’ want, but offer an option to choose. Furthermore, a general question can provide an objective condition and make the interaction less direct (Yuxian, 2013). Thus, regardless of whether those principles of politeness are implemented for the sake of the company’s business goal (artificially), the values of Indonesian politeness are still inserted in doing so.

## References

- Brown, P., and Levinson, S. (1987). *Politeness: Some universals in language usage*. Cambridge: Cambridge University Press
- Cashion, J. L. (1985). Politeness in courtroom language. *Paper presented at the annual meeting of the western speech communication association (Fresno, CA, February 16-19, 1985)*. Retrieved from <http://eric.ed.gov/?id=ED254882> on 17<sup>th</sup> September, 2014
- Cresswell, J. (2007). *Qualitative inquiry and research design*. Thousand Oaks, California: Sage Publication.
- Dunn, C.D. (2013). Speaking politely, kindly, beautifully: Ideologies of politeness in Japanese business etiquette training. *Multilingua*, 32(2), pp. 225-245
- Eelen, G. (2001). *A critique of politeness theories*. Manchester, U.K: St Jerome Publishing.
- Forshee, J. (2006). *Culture and customs of Indonesia*. London, England: Greenwood Press
- Gray, N.H. (2012). *International business of the Indonesian archipelago: Identification of negotiation styles, strategies, and behaviours*. University of South Australia: Unpublished Dissertation.
- Heller, M. (2010). The commodification of language. *Annual Review of Anthropology*, 39, pp. 101-104

- Heritage, J. (2008). Conversation analysis as social theory. In Bryan Turner *the new Blackwell companion to social theory*, Oxford: Blackwell, pp. 300-320
- Iragilati, E. (2012). Doctor-Patient communication and preferred terms of address: Respect and kinship system (A Pragmatic Study). *Makara, Sosial Humaniora*, 16(1), pp. 9-18
- Jefferson, G. (1985). Glossary of transcript symbols with an introduction. In Lerner, G. (Ed.) *Conversation analysis. Studies from the first generation*. Amsterdam Philadelphia: John Benjamin Company Publishing, pp. 13-31
- Kuang, C. H., David, M. K., Lau, S. K., and Ang, P. S. (2011). Openings and closings in front counter transactions of Malaysian government hospitals. *The Journal of the South East Asia Research Centre for Communications and Humanities*, 3(1), pp. 13-30
- Kuang, C.H, David, M.K. and Kia, L.S. (2013). Politeness of front counter staff of Malaysian private hospitals. *GEMA Online™ Journal of Language Studies*, 13(1), pp. 6-19.
- Kerbrat-Orecchioni, C. (2006). Politeness in small shops in France. *Journal of Politeness Research*, 2, pp. 79–103
- Kong, K. C. C. (1998). Politeness in service encounters in Hong Kong. *Pragmatics*, 8(4), pp. 555–575
- Lakoff, R. (1990). *Talking power: The politics of language*. Glasgow: Harper Collins
- Lakoff, R. (1973). The logic of politeness; or, minding your P"s and Q"s. *Chicago Linguistic Society*, 9, 292-305
- Liu, A. (2008). Politeness in sales communication in Hong Kong. *LCOM Papers*, 1, pp. 81 – 9
- Litosseliti, L. (2010). *Research methods in linguistics*. New York: Continuum International Publishing Group
- Merritt, M. (1976). On question following questions in service encounters. *Language in Society*, 5, pp. 315-357
- Milles, M.B and Huberman, A.M. (1994). *Qualitative data analysis (2<sup>nd</sup> ed)*. Thousand Oaks, California: Sage Publications
- Mills, K. (2006). *Cultural differences & ethnic bias in international dispute resolution an arbitrator/mediator's perspective*. Prepared for chartered institute of arbitrators, Malaysia branch international arbitration conference, Kuala Lumpur
- Odebumni, A. (2013). Greetings and politeness in doctor-client encounters in South-western Nigeria. *Iranian Journal of Society, Culture & Language* 1(1), pp. 2322-4762
- Pan, Y. (1994). *Politeness strategies in Chinese verbal interaction: A Sociolinguistic analysis of spoken data in official, business, and family setting*. Ph.D. Dissertation, Georgetown University, Ann Arbor. Michigan
- Pan, Y. (1995). Power behind linguistic behavior: Analysis of politeness phenomenon in Chinese official setting. *Journal of Language and Social Psychology*, 14(4), pp. 462-481
- Pan, Y. (2000). Facework in Chinese service encounters. *Journal of Asian Pacific Communication*, 10(1), pp. 25-61
- Penman, R. (1990). Facework & politeness: Multiple goals in courtroom discourse. *Journal of Language and Social Psychology*, 9, pp. 15-38.
- Sangiiori, S. (2006). Disney's politeness for profit. *Culture, Language and Representation*, 3, pp.177-192

Scollon, R and Scollon, S.W. (1991). Topic confusion in English-Asian discourse. *World Englishes*, 10(2), pp. 118 – 119

Sriyam, A.(2010). *Customers satisfaction towards service quality of front counter office staff at the hotel*. Master's project, M.A (business English for international communication). Bangkok: Graduate School, Srinakharinwirot University

Urcioli, B. (2008). Skills and selves in the new workplace. *American Ethnologist*, 35(2), pp.212-228

Tannen, D. (1986). *That's not what I meant! How conversational style makes or breaks relationship*. New York: Ballantine Books.

Yule,G. (2006). *The Study of language*. New York: Cambridge University Press

Yuxian, Z. (2013). The Politeness principles in business negotiation. *Journal of Cross-Cultural Communication*, 9(4), 50-56

<https://maps.google.com/Indonesia>, accessed on November, 24, 2013.

[http://malang.endonesa.net/index.php/galeri-foto-utama/malang-maps-peta?picture\\_id=673](http://malang.endonesa.net/index.php/galeri-foto-utama/malang-maps-peta?picture_id=673)), accessed on November 25, 2013.

## Indonesian and Translation: National Identity in the Global Border Contexts

Elisabet Titik Murtisari

Satya Wacana Christian University, Indonesia

**Biodata:** Elisabet Titik Murtisari is a lecturer at the English Language Education Department of the Faculty of Language and Literature, Satya Wacana Christian University (UKSW), Salatiga. Her research interests are pragmatics, translation, language policy and identity and language teaching. Her contact email is [etmurtisari@gmail.com](mailto:etmurtisari@gmail.com).

### Abstract

As a national symbol, the Indonesian language has played a crucial role in unifying Indonesia's highly diverse communities, which consist of over a thousand tribes with over six hundred vernaculars. Recognising the value of Indonesian, the government has endeavoured to maintain it, especially through the standardisation of grammar and vocabulary and the development of language teaching. However, translation, which should be able to enhance the functions of Indonesian, is one area that seems to have been neglected. Despite the country's staggering reliance on translated literature, the quality of the translations (especially from English) is generally very low. In translated texts Indonesian is becoming more Anglicized instead of being enriched by the creative incorporation of foreign elements. This corrosion of Indonesian may pose a serious threat to the language as a national symbol that sets the nation apart from others. With globalisation contesting national borders at an unparalleled rate, it is imperative that translation be seriously considered in the country's language policy to ensure the national symbol's vitality and protect its linguistic and cultural wealth.

**Key words:** National Identity, Translation, Language Policy, Globalisation.

### Introduction

As a national symbol, the Indonesian language has played a crucial role in unifying Indonesia's highly diverse communities, which consist of over a thousand tribes with over six hundred vernaculars. Recognising the value of Indonesian, the government has endeavoured to maintain it, especially through the standardisation of grammar and vocabulary and development of language teaching. As the major medium of state administration, education, media and communication across the archipelago, the Indonesian language may be considered to be one of the most successful imposed languages in the world. However, translation, which should be able to enhance the functions of Indonesian, is one area that seems to have been neglected. Despite the country's staggering reliance on translated literature (40-60% of the national production, excluding mass-media), the quality of the translations is generally very low. Many, if not most, of the translations seem to have been heavily influenced by the source language (normally English), not only in lexicon but in structure as well. As a result, in translated texts, Indonesian is becoming more Anglicized instead of being enriched by the creative incorporation of foreign elements. This corrosion of Indonesian may pose a serious threat to the language as a national symbol that sets the nation apart from others, especially with the increasing hegemony of English through globalisation. With globalisation contesting

national borders at an unparalleled rate, it is imperative that translation be seriously considered in the country's language policy to ensure its vitality and protect its linguistic and cultural wealth as it plays a role in representing the nation. I will address this issue by first looking at the significance of national identity and Indonesian as a symbol of national identity. Later, I will move on to address translation in Indonesia's language planning and the pandemy of translationese in the country. I will conclude the discussion by emphasising the need for a specific language policy on translation to maintain Indonesia's national language and recommend programs for improving the situation.

### **National identity: why it matters**

The Indonesian term of national identity (*identitas nasional*) is normally understood as the manifestation of a nation's cultural values and characteristics which makes it different from other nations (Siswomihardjo 2005). Such a definition reflects the two faces of identity. On the one hand, it is concerned with a shared association to common beliefs and attributes, and, hence, as Kumaravadivelu (2012: 142) puts it, "sameness". On the other hand, it refers to "an awareness of difference" – "a feeling and recognition of 'we' and 'they'" (Lee 2012: 29). National identity seen in this way is fluid as the nature and relationship of *Self* and *Other*, also constantly change.

In a developing country with a highly pluralist society such as Indonesia, national identity is crucial in order to build unity and stability to accelerate development (Budhisantoso 1996). Endeavours are therefore made in politics to continuously revitalise and strengthen symbols of national identity to make the nation "differ" from others (Budhisantosa 1998: n.p). Indeed, as Watson points out, "[n]ational identity does not grow "naturally" in any society; it has to be created, nurtured and carefully promoted" (1993: 80). Efforts in the construction of national identity is becoming more and more important to "hold the citizenry closer to the state" as the world is increasingly globalised (Bechoffer & McCrone 2009: 4).

### **Indonesian: symbol national identity and policy**

The significance of language as the major vehicle of a people's culture, which is a central dimension of national identity (Guibernau 2004, Smith 1991), cannot be overemphasised. According to Jiang, language is "the symbolic representation of a people" because it is shaped by its historical and cultural background, including their approach to life and ways of thinking (Jiang 2000: 328). Language is naturally a basic symbol of identity since it determines much of how a person is perceived and perceives. As Joseph (2004: 225) puts it:

'Language' in the sense of what a particular person says or writes, considered from the point of view of both form and content, is central to individual identity. It inscribes the person within national or other corporate identities [...]. It constitutes a text, not just of what a person says, but *of the person*, from which others will read and interpret a person's identity in the richest and most complex ways.

So close is the link between language and identity that Orman (2008: 46) argues that language planning may be seen as the “most salient [...] type of identity planning”. To this he adds:

*If we can talk of language planning as a type of identity planning, it follows that we can view language policies as types of identity policy and when they operate at the level of nations and states we may then talk of language-in-national-identity policies.* (Orman 2008: 47)

As a unifying symbol of its highly diverse people, Indonesian is a vital part of Indonesia's national identity. Its role was proved indispensable in bringing different ethnic groups together during the country's nationalist movement. It was proclaimed as the nation's language of unity in the Youth Pledge (*Sumpah Pemuda*) in 1928, which gave impetus for the people's independence movement. In this sense, Benedict Anderson (1991) is correct in saying that national language serves as a bedrock for nationalism - which, in my view, is inseparable from its unifying aspect. This integrative function of Indonesian continued to be pivotal after the birth of the country in 1945. Both the national and official language, Indonesian is not only the language of administration, mass media and education, but the language most commonly used by people from over a thousand different ethnic groups speaking more than 600 local languages. While it was a dialect of Malay, it has grown into a major language influenced by Indonesia's various regional vernaculars and distinctly represents the country's national culture.

Recognising the crucial role of Indonesian, a great deal of efforts have been made to maintain and develop the language, e.g. vocabulary and grammatical development, promotion through education (especially language teaching) and mass media. The efforts in language policy have been generally very fruitful.<sup>100</sup> Errington (1998: 2) says that “Now Indonesian is a fully viable, universally acknowledged national language.” Indonesia's national language policy has also often been deemed a great success (Pauuw 2009). However, translation, which should be able to enhance the functions of Indonesian, is one area that seems to have been neglected. There is no particular language policy and planning in the field by the Indonesian government. Consequently, starting from 1998, when the need for translation began surging with the country's adoption of more liberal democracy and increasing globalisation, the quality of Indonesian in translations started to drop (see also Agustinus, n.d. in Thipani 2014). As we shall see in the next section, while there has always been recognition over the importance of translation in language development, there has not been serious effort on the part of the government to develop the area since early in the country's history of language planning.

---

<sup>100</sup> The imposition of Indonesian in education has to some extent undermined local languages, which is an important issue the country needs to deal with. There is an absolute need to create a balance between the promotion of the national languages and local ones, but it is not my concern in this present article.

### Translation in Indonesia's language planning

In addition to its vital role in transfer of knowledge and information for nation building, translation is paramount in the development of national languages by enlarging their capacities as a medium of communication, be it in vocabulary and organisation of ideas. As an act of mediated interlingual communication, however, translation is far beyond, borrowing Shing's (2007: 37) words, "a pure linguistic transfer". With language manifested itself with social, political and cultural values, translation is often positioned at the very frontier in constant negotiation with the Other. In this way, according Paul St-Pierre, translation is central in shaping national identity:

Translation [...] plays an essential role in determining how a nation establishes its identity in terms of others, be this through opposition through foreign influences, through assimilation or "naturalization" of the foreign whereby differences are erased to as great a degree as possible, or through imitation of another, usually dominant culture. These are all different strategies of translation, becoming possibilities at different moments in history and underlining the various types of relations between nations which can exist. (In St-Pierre, n.d, as cited in Das 2005: 79-80, cf. St-Pierre n.d: 2)

The significance of translation for the development of Indonesian was recognised and encouraged by the government, *especially in* the early decades after Indonesia's independence. At least eight of ten National Congresses on the Indonesian Language, which give input to the National Institute for Language Cultivation and Development (*Badan Pengembangan dan Pembinaan Bahasa - BPPB*), mentioned the need for translation in their recommendations, especially in regard to developing the country's literature, enhancing literature's function as a medium of education, and disseminating science and technology. The government was also advised to establish a national body for translation (KBI III, 1978) and introduce Indonesian literature to the world through translation (KBI VII, 1998). The need for translation was mentioned again in the last KBI in 2013, to "enhance the status and functions" of the national language. One recommendation concerned the proper use of Indonesian in translation (KB III, 1983), although the recommendation was not meant for translation *per se* but for publications in general.

Not all of these recommendations have been put into practice. A great deal of literature has been translated into Indonesian, but no government body has been set up to deal specifically with matters related to translation in the country, especially with the quality of the rendering. Although the government (Ministry of Education and Culture) pays attention to the quality of texts, most translations in the country are produced by commercial publishers without any quality-related supervision from the government. This, however, echoes the general outlook of the Indonesian Language Congresses which seem to emphasise the volume of translation over content.

Translation is not specifically mentioned in the current strategic programs of the National Institute for Language Cultivation and Development (*Badan Pengembangan dan Pembinaan Bahasa*, BPPB), Ministry of Education and Culture (n.d.):

- Strengthening of the Indonesian Language as a medium of education
- Certification of language use in public spaces, especially at territorial borders
- Improvement of the quality and number of literary works and criticism
- Improvement of the function of Indonesian as an international language
- Development of instructional materials for language and literature
- Standardisation of proficiency in Indonesian
- Improvement of reading, writing and communication competencies in Indonesian in literacy education
- Preservation of language and literature
- Facilitation of Indonesian language and literature study programs in senior high schools and universities.

Unlike language teaching, literature and language standardisation, translation is not explicitly specified in the above-mentioned programs. Although, of course, translation might be considered a part of the strengthening of Indonesian as a medium of education and the improvement of the quality and number of literary works and criticisms, it should be dealt with specifically since the country relies on translation so heavily. As Grin (n.d.: 1) observes, translation “seems to be affected by a strange fate” with its underrepresentation. Grin (n.d.: 1) states:

[I]n a multilingual world, [translation] is, arguably, indispensable; yet in discourses about multilingualism, its role is frequently overlooked: issues such as to foreign language learning, language rights, multilingualism in the classroom, the use of a *lingua franca*, etc., usually take centre stage, and translation is often treated as merely residual.

Grin (n.d.) suggests several reasons for the position of translation in Europe, such as the fact that people can learn foreign languages rather than using translation and the preference for using a *lingua franca*. In the context of translation into Indonesian, the first factor seems to be more relevant since the government has paid more attention to foreign language teaching, especially English. Another important factor seems to be the misconception of the nature of translation. People often mistakenly believe that once one learns a foreign language, he/she should be able to translate, which may be one reason why translation is often seen as subsidiary to foreign language learning. While it is true that one cannot translate without knowing another language, translation requires a completely different set of skills than those for monolingual communication. This misconception contributes to the low appreciation of Indonesian translators and leads to poor decisions in its production, especially the impossible time limits set for translators.

The situation is worsened with the Indonesian book market’s low affordability. People who have more money, on the other hand, generally do not have any choice but to use

whatever is available in the market because they lack competence in the source language (normally English). In 2014 a national book publisher, for instance, pays a translator around US\$1.40 per page for translating into Indonesian. If a translator could finish, say five to six pages of translation per day, then, he/she would only get US\$154 to US\$184.80 a month (excluding weekends), which is much lower than Jakarta's regional minimum wage set by the government. The government clearly needs to support Indonesian translators if the quality of translation in the country is to be improved.

#### **Lost in translation: Translationese in Indonesia**

The qualities of translations in Indonesian are notoriously low (Taryadi, 2003, Sinaga, 2003, Kurnia, 2009, Nababan, et.al., 2012, Wijaya 2013, Wijaya 2014). Many, if not most, translations have problems with mistranslations and unnatural expressions. The renderings are even often so literal that the language is difficult to understand. A quick search on the Internet will reveal numerous complaints on the poor quality of translations into Indonesian. Prasetyo (2013), an Indonesian reader, for instance, laments:

“Many complaints are raised on the poor quality of the translation of books [...] circulating in the market. The translators seem to have worked carelessly and as a result the rendering is confusing and makes you dizzy. You may even find some “unintelligible”. The translators seem to chatter in chaotic language grammar [...].”<sup>101</sup>

Another reader, Wiguna (2009) writes in his blog:

“When the translation is difficult to understand, I would normally try to guess the English form of the rendering. But then I could not imagine how the text might have been written in the English version of the novel. There were paragraphs I had to skip because I couldn't understand the sentences.”<sup>102</sup>

The more acceptable translations from English, on the other hand, are still normally characterised by relatively strong interference of the source language, not only by the tendency to use loan words but also at the level of syntax. The Anglicized influence on grammar is often shown by the use of a standard active construction in the contexts where a passive construction or a topic comment structure would be more natural in Indonesian. The following, for instance, are just two examples of the numerous parts that simply follow the active voice in the English source text in a translation of Steinbeck's “Of Mice and Men”:

---

<sup>101</sup> Indonesian: “[B]anyak muncul keluhan tentang rendahnya mutu penerjemahan buku [...] yang beredar di pasar. Penerjemahnya terkesan bekerja asal-asalan, sehingga hasil terjemahannya membingungkan, bikin pusing, bahkan mencapai taraf “tak bisa dibaca”. [...]. Mereka seperti berceletoh dalam struktur bahasa yang kacau [...]”

<sup>102</sup> Indonesian: “Biasanya kalau terbentur maka saya coba menerka kata atau kalimatnya dalam bahasa Inggris. Nah kali itu saya sama sekali tidak bisa membayangkan versi bahasa Inggris dari novel terjemahan itu dan akhirnya ada paragraf-paragraf [buku terjemahan itu] yang terpaksa saya lompat karena tidak bisa mencerna maksud kalimatnya”

Example 1

From his side pocket he brought out two spoons [...]. p.17

a. translation

Dari saku sisinya, ia mengeluarkan dua buah sendok [...]

From his side pocket he brought out two spoons

Subject v active object

(Steinbeck, 1930/2006, Koesalamwardi, Trans, p.30)

b. more natural translation

Dikeluarkannya dua buah sendok dari saku sisinya

Be brought out two spoons from his side pocket

Passive verb object adv. modifier

Example 2

*I ought to of shot that dog myself, George. P.53*

a. translation

“Seharusnya **aku menembak anjing itu sendiri**, George. [...]”

should I shoot the/that dog myself

I should have shot the dog myself

(Steinbeck, 1937/2006, Koesalamwardi, Trans., p. 115)

b. more natural version

Seharusnya **anjing itu aku tembak sendiri**

should the/that dog I shoot myself

topic comment

the dog I should have shot myself

This tendency of strong syntactic interference of English also appeared in translations in Japan after WWII until recently. Interestingly, translationese has not been seen as something necessarily negative, especially in non-fiction texts (Furuno, 2015). According Furuno (2015: 147), this is because the contemporary Japanese community, who wanted to import information and knowledge from abroad, “had a higher regard for Western culture than its own at that time”. The “adequacy” of the translation, i.e. the orientation towards the source norms, therefore, seems to have been more important than the use of natural Japanese language.

Unlike in the Japanese case, online comments seem to indicate that Indonesian readers tend to have a negative view of unnatural translation both in fiction and non-fiction. Further research, however, is necessary to find out to what extent they “tolerate” the source language’s influence on the translated texts - whether, for example, they tend to

oppose the use of more obvious unnatural structure and expressions<sup>103</sup> but do not mind the use of active rather than passive constructions. The latter is more subtle since Indonesian also has an active voice (but with a different distribution than in English). It would be even more interesting to find out why they approve of such syntactic imports if they do. With translationese so pervasive in Indonesia since the reformation era (from 1998), Indonesian translation readers may have become used to the active voice in translated texts and may see it as natural. Such an attitude would show a more fundamental shift of Indonesian by the adoption of source language (SL) norms (English) compared to a mere tendency to follow the SL norms due to poor workmanship. Such unnecessary adoption of SL norms would be undesirable for the development of Indonesian as a symbol of national identity because it would only make the language more like English rather than improving its function.

### Conclusion

As a form of language contact, translation shapes the development of national languages, hence national identities. With escalating globalisation and a continuous or increased need for this secondary communication, there would be a greater chance of language shifts, which will affect the dynamics of national identities. It is therefore hightime for Indonesia, whose language plays a very significant political and cultural role, to set up an adequate policy to deal with translation. Specific planning is necessary in order to enable translations to enhance the functions of Indonesian while keeping the borders that set the nation apart from others “safe” by maintaining the language’s linguistic and cultural wealth. Several programs that may be incorporated into this are translation quality control, the establishment of translation training programs and an accountable national accreditation body for translators, as well as the promotion of the translation profession and welfare of translators. Considerable resources would be required to implement this, but in that Indonesian is vital for the country and good translations would go a long way for its development, it would be well worth the effort.

### Acknowledgements:

The writer sincerely thanks Rosella Kameo for her keen editorial eye. An earlier version of this paper was presented at the Asiascapes: Contesting Borders Conference that was held in Perth, July 2014.

---

<sup>103</sup> Example of glaring unnaturalness:

**“Kita hanya harus mendapatkan tanah itu,” [...].**

We just have to/must get the land

‘We just gotta get the land’

(Steinbeck, 1937/1970, Koesalamwardi, Trans. p. 114).

In Indonesian, the word “just” is not natural when used in the above way. It needs to be deleted.

## References

- Anderson, Benedict. (1991). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London and New York: Verso.
- Badan Pembinaan dan Pengembangan Bahasa. Kementrian Pendidikan dan Kebudayaan. [National Institute for Language Cultivation and Development. Ministry for Education and Culture]. (n.d.). Program Kerja. [http://badanbahasa.kemdikbud.go.id/lamanbahasa/program\\_kerja](http://badanbahasa.kemdikbud.go.id/lamanbahasa/program_kerja).
- Bamgbose, Ayo. 2011. African Languages Today: The Challenge of and Prospects for Empowerment under Globalization. In *Selected Proceedings of the 40th Annual Conference on African Linguistics*, ed. Eyamba G. Bokamba et al., 1-14. Somerville, MA: Cascadilla Proceedings Project. [www.lingref.com](http://www.lingref.com), document #2561.
- Bechhofer, Frank and McCrone, David. (2009). Chapter 1. National Identity, Nationalism and Constitutional Change. In Bechhofer & McCrone (eds). *National Identity, Nationalism and Constitutional Change*. Hampshire & New York: Palgrave Macmillan. P.1-16.
- Das, Bijay Kumar. (2005). *A Handbook of Translation Studies*. New Delhi: Atlantic Publishers and Dist.
- Errington, Joseph. (1998). *Shifting Languages: Interaction and Identity in Javanese Indonesia*. Cambridge: Cambridge University Press.
- Furuno, Yuri. (2005). Translationese in Japan. In Eva Hung (ed.). *Translation and Cultural Change*. Amsterdam and Philadelphia: John Benjamins. P.147-160.
- Grin, François. (n.d.). *Translation and the Dynamics of Multilingualism*. Retrieved from <http://www.unige.ch/traduction-interpretation/recherches/groupes/elf/documents/elfwp3.pdf>.
- Guibernau, Montserrat. (2004). Anthony D. Smith on Nations and National Identity: A Critical Assessment. *Nations and Nationalism*. 10 (1/2), 125-142. Retrieved from [http://homepage.univie.ac.at/herbert.preiss/files/Guibernau\\_Smith\\_on\\_nations\\_and\\_national\\_identity.pdf](http://homepage.univie.ac.at/herbert.preiss/files/Guibernau_Smith_on_nations_and_national_identity.pdf)
- Jiang, Wenying. (2000). The Relationship between Culture and Language. *ELT Journal*. 54(4). 328-334. Retrieved from <http://www.edi-linguistics.ir/files/The-Relationship-Between-Culture-and-Canguage,-Wenying-Jiang.pdf>
- Joseph, John E. (2004). *Language and Identity: National, Ethnic, Religious*. New York: Palgrave, Macmillan.
- Kumaravadivelu, Bala. (2008). *Cultural Globalization and Language Education*. New Haven & London: Yale University Press.
- Kurnia, Anton. (2009). *Penerjemahan Sastra, Sebuah Pandangan*. [Literary Translation, A Point of View]. Retrieved from <http://radiobuku.com/2009/09/penerjemahan-sastra-sebuah-pandangan/>
- Nababan, Mangatur, Nuraeni, Ardiana & Sumardiono. (2012). Pengembangan Model Penilaian Kualitas Terjemahan. [Development of Quality Assessment Model for Translation]. *Kajian Linguistik dan Sastra. Publikasi Ilmiah UMS*. 24(1). Retrieved from <http://publikasiilmiah.ums.ac.id/bitstream/handle/123456789/2220/4.%20MANGATUR%20NABABAN.pdf?sequence=1>
- Orman, Jon. (2008). *Language Policy and Nation-Building in Post-Apartheid South Africa*. New York: Springer.

- Pauuw, Scott. (2009). One land, one nation, one language: An analysis of Indonesia's national language policy. In H. Lehnert-LeHouillier and A.B. Fine (Eds.), *University of Rochester Working Papers in the Language Sciences*, 5(1), 2-16.
- Prasetyo, Arif Bagus. (2013, April 14). Buku Terjemahan dan Profesi Penerjemah. *Bali Post*. Retrieved from <http://www.balipost.co.id/mediadetail.php?module=detailberitaminggu&kid=28&id=75251>
- S. Budhisantoso. (1996). National Identity and Development in the Plural Society of Indonesia. BAIDYANATH SARASWATI (ed.). *Interface of Cultural Identity and Development*. New Delhi: IGNC. Retrieved from [http://ignca.nic.in/ls\\_03015.htm](http://ignca.nic.in/ls_03015.htm).
- Shing, Sze-wai. (2007). Translation and the construction of national identity. A dissertation submitted in partial fulfillment of the requirements for the Degree of Master of Arts at The University of Hong Kong. <http://hdl.handle.net/10722/51839>
- Sinaga, Tuntun. (2003). Penerjemahan Buku Teks Di Indonesia: Prospek, Hambatan dan Komitmen. [Translation of Textbooks in Indonesia: Prospects, Barriers and Commitment]. Presented at Kongres Nasional *Penerjemahan*, Tawangmangu, Solo. Retrieved from <http://mayantara.sch.id/artikel/penerjemahan-buku-teks-di-indonesia.htm>
- Siswomihardjo, Koento Wibisono. (2005). Identitas Nasional Aktualisasi Pengembangannya Melalui Revitalisasi Pancasila. Makalah disampaikan pada *Kursus Calon Dosen Pendidikan*. [National Identity, Its Development through Revitalising Pancasila. Paper presented at the *Course for Candidates of Lecturers in Education*]. Indonesia.
- Smith, Anthony D. 1991. *National Identity*. London: Penguin.
- Steinbeck, J. (1937/1970). *Of Mice and Men*. Ringwood. Penguins Book.
- Steinbeck, J. (1937/2006). *Of Mice and Men*. (I. Koesalamwardi, Trans.). Jakarta: Ufuk Press.
- St-Pierre, Paul. (n.d). *Translation: Constructing Identity out of Alterity*. Reprint of the same article in *Livivs N°4, 1993, pp.243-252*. Retrieved from <http://www.histal.ca/wp-content/uploads/2011/08/Translation-Constructing-Identity-out-of-Alterity.pdf>
- Taryadi, Alfons. (2003, November 5). Kritik Terjemahan di Indonesia [Criticism on Translations in Indonesia]. *Kompas*. Retrieved from <http://sanctuarylw.blogspot.com/2003/11/kritik-terjemahan-di-indonesia.html>
- Thipani, Sabina. (2014, Mei 18). Menilik Dapur Penerjemahan Sastra #2: Omong-omong Soal Fondasi Dapur [Examining Indonesian Literary Translation Production. A Chat on Its Underlying "Structures" #2]. Reportase bersama: Sita Magfira, Umi Lestari. *Mediasastra.com*. Retrieved from [http://mediasastra.com/berita/18/05/2014/menilik\\_dapur\\_penerjemahan\\_sastra\\_2\\_omong-omong\\_soal\\_fondasi\\_dapur](http://mediasastra.com/berita/18/05/2014/menilik_dapur_penerjemahan_sastra_2_omong-omong_soal_fondasi_dapur)
- Wiguna. (2009, October 19). Terjemahan yang Menyiksa [Torturing Translations]. *Tempo.co*. Retrieved from <http://indonesiana.tempo.co/read/869/2009/10/19/wiguna/terjemahan-yang-menyiksa/page/login>
- Wijaya, Tatam M. (2013). Menakar Ulang kualitas buku-buku terjemahan Indonesia [Revisiting the Qualities of Translated Books in Indonesia]. *Al-Turats*, 19(1), Januari. Retrieved from <http://journal.uinjkt.ac.id/index.php/al-turats/article/view/520/358>
- Wijayava, Ratih. (2011). Kualitas Penerjemah di Indonesia. [The Quality of Indonesian Translators]. *Widyatama*, 20(1). Retrieved from <http://ejurnal.veteranbantara.ac.id/index.php/widyatama/article/download/93/84>.

Lee, Yoonmi. (2012). *Modern Education, Textbooks and the Image of the Nation: Politics of Modernization and Nationalism in Korean Education, 1880-1910*. New York: Routledge.

## Instructional Leadership Practices of the Excellent School Principals in Aceh, Indonesia: Managing the Instructional Program

Syarwan Ahmad & Maznah Hussain

**Biodata:** Syarwan Ahmad, MLIS is currently a lecturer of the Fakultas Tarbiyah (Islamic Education and Teacher Training Faculty), UIN (Islamic University) Ar-Raniry Banda Aceh, Indonesia. He finished his Ph.D program and was awarded a doctoral degree by the Faculty of Education, University of Malaya in 2012. His research interest is on school leadership and education issues. His contact email is syarwan2007ahmad@yahoo.com

**Biodata:** Maznah Raja Hussain is a Professor in the field of Instructional Technology currently working at *Universitas Utara Malaysia* in Kedah State. Her research interest is in finding ways to help students learn via technology. Her current research interest involves coaching and mentoring other academics in researching their practice in order to improve student learning.

### Abstract

This research was aimed at studying the extent to which the principals of the excellent schools in Aceh, Indonesia practiced the second dimension of the instructional leadership: Managing the Instructional Program comprising three functions, Coordinate Curriculum; Supervise & Evaluate Instruction; Monitor Students' Progress. The research employed Mixed Method Designs. The Systematic Sampling Technique was chosen in determining the sample of the study. *The Principal Instructional Management Rating Scales* (PIMRS) developed by Hallinger & Murphy (1985) was used to collect the quantitative data from 120 teachers of the 4 excellent senior high schools in Aceh, and 4 principals, 4 vice principals for curriculum affairs and 4 heads of the school committees were interviewed to gather qualitative data. The results of the quantitative study are consistent with those of qualitative investigation. The findings indicate that the principals of the excellent schools in Aceh, to certain extent, practiced the second dimension of the instructional leadership: Managing the Instructional Program. Further inquiry on the school principals' leadership especially in Aceh is strongly recommended.

**Keywords:** Instructional Leadership, Excellent School Principal Leadership, Managing the Instructional Program

### Introduction

The term 'instructional leadership' is associated with measures that a principal takes, or delegates to others, to enhance students' learning (Flath, 1989). The instructional leader gives the top priority to improving instruction and making efforts to realize the vision.

Principals who sustained diverse responsibilities for many aspects of school management, did not focus on the core business of schooling, teaching and learning, were urged to pay more serious attention to the matters of instruction (Little & Bird, 1987, in Greenfield, 1991). One out of the three dimensions of the instructional leadership construct is Managing the Instructional Program. Managing the Instructional Program is associated with the principal's role in working with teachers in areas specifically related to educational technology, curriculum, and instruction (Hallinger, 1983). School principals play the most

important role in managing the instructional program, the second dimension of instructional leadership. Unfortunately, instructional leadership is not very popular yet, particularly in developing countries.

Most school principals especially those in developing countries, have yet to prioritize instructional leadership. A research carried out by Hallinger and Taraseina on the principals' instructional leadership in Thailand in 1994 indicates that the secondary school principals in Northern Thailand do not exercise active instructional leadership in the domains measured by deploying the *PIMRS (Principal Instructional Management Rating Scales)* developed by Hallinger and Murphy (1985). Before Hallinger and Taraseina conducted this research, using the same instrument, the *PIMRS*, researchers had studied the secondary school principals in the United States (Haack, 1991, Pratley, 1992), Malaysia (Saavedra, 1987), and Canada (Jones, 1987). The results of these studies prove that the scores are consistently higher across the subscales compared with those of the assessment of the secondary school principals executed in Northern Thailand. In India, the educational regulations of the country do not seem to side with the shift of school management to the prime business of schooling, teaching and learning yet. For example, the educational code of the country still assigns the school head the duties concerned with general control of the school (Dash, 2008). However, if our goal is to have effective schools, then we must seek for ways to emphasize on instructional leadership (Chell, 1995).

An excellent school is often referred to "sekolah model," or "sekolah percontohan," or "sekolah unggul," or "sekolah unggulan" in Bahasa. In literature, the excellent schools, "sekolah unggulan," commonly share most of their characteristics with effective schools or high performing schools or "sekolah berkesan" in Malaysia. However, indeed, the terms excellent schools in this context are not identical with effective schools, high performing schools or "sekolah berkesan" in Malaysia, although it is hoped that these excellent schools would become effective schools one day. The schools under investigation are state senior high schools under the Education Service Office (Dinas Pendidikan) of the Aceh Province, meaning those under the control of the Ministry of National Education of the Republic of Indonesia.

Aceh is an autonomous territory (*daerah otonom*) of Indonesia located on the northern tip of the Sumatra Island. It also used to be called Nanggröe Aceh Darussalam. Past spellings of its name include *Acheh*, *Atjeh* and *Achin*. Aceh is the area where Islam was first established in Southeast Asia. In the early seventeenth century the Sultanate of Aceh was the most wealthy, powerful and cultivated state in the Malacca Straits region. Aceh, which is presently inhabited by 5.006.807 inhabitants (the result of census carried out by the Aceh Government in 2010), has a history of political independence and fierce resistance to control by outsiders. It has substantial natural resources, including oil and natural gas. Aceh is partly implementing syaria law now. The capital of Aceh is Banda Aceh. It was the closest point of land to the epicenter of the terrible 2004 Indian Ocean earthquake, which triggered a tsunami that devastated much of the western coast of the region, including part

of the capital, Banda Aceh. The massive earthquake and tsunami killed 226,000 people (Ilyas, 2008). This deadly disaster helped peace initiators bring the warring parties, the Free Aceh Movement (GAM) and the Government of the Republic of Indonesia, to the negotiating table to end 30-years of war. Mediated by the former Finnish president Martti Ahtisaari -- the head of the Crisis Management Initiative (CMI) Agency -- the peace agreement, the Memorandum of Understanding, MoU Helsinki, was signed in Helsinki, Finland, on August 15, 2005. The end of long war accelerated the well-managed rehabilitation and reconstruction process and resulted in significant changes and continuous development in Aceh. The fast development remarkably impacts education including school management and leadership practices.

**Conceptual framework**

The three dimensions of Instructional Leadership are Defining School Goals, Managing the Instructional Program and Developing School Learning Climate. This study concentrated on the second dimension of the instructional leadership practices formulated by Hallinger and Murphy (1985), Managing the Instructional Program comprising Coordinates the Curriculum; Supervises and Evaluates Instruction; Monitors Student Progress subscales.

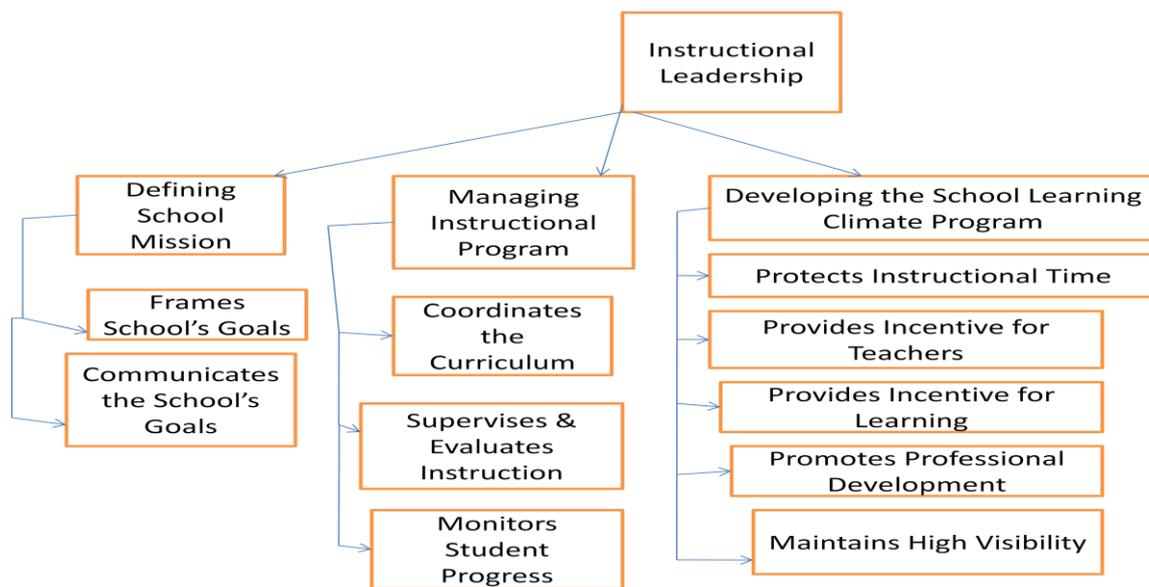


Figure 1 Conceptual Framework: Instructional Leadership Practices of the Principals of the Excellent Schools in Aceh, Indonesia. This conceptual framework is adopted from: Hallinger, P., & Murphy, J. (1985). Assessing the instructional leadership behavior of principals. *Elementary School Journal*, 86(2), 217-248.

**Literature review**

*Definition of Excellent/Effective School*

In most literature, the term ‘effective school’ is more frequently found than the term ‘excellent school,’ which is often associated with ‘sekolah unggul’ or ‘sekolah unggulan’ in Bahasa. In international literature, the effective schools/excellent schools are frequently associated with *lab school*, *effective school*, *demonstration school*, *experiment school*, or *accelerated school* (Abidin, 2007). In Malaysia, effective school is often referred to ‘sekolah berkesan’ or ‘high performing school.’ It can be found anywhere both in urban and rural areas and it is a dynamic process. Today a school is an effective school. In a couple years in the future, the school may become a regular school, and this also applies in reverse (Reuter, 1992). Output, which is normally expressed in terms of students’ academic achievement, is commonly measured as a standard of school effectiveness (Rahimah & Zulkifli, 1996). In Aceh, the status of the excellence is decided and inscribed in an official decree by the Head of the Education Service Office of Regency/City level together with regents or mayors, and school administrators (Laisani, 2009). The table below depicts eleven characteristics of effective schools.

Table 1:

Eleven Characteristics Found in Effective Schools Resulting From a Review of International School Effectiveness Literature

	Characteristics	Elements
1	Professional leadership	Firm and purposeful A participative approach The leading professional
2	Shared vision and goals	Unity of purpose Consistency of practice Collegiality and collaboration
3	A learning environment	An orderly atmosphere An attractive working environment
4	Concentration on teaching and learning	Maximization of learning time Academic emphasis Focus on achievement
5	Purposeful teaching	Efficient organization Clarity of purpose Structured lessons Adaptive practice

6	High expectations	High expectations all around Communicating expectations Providing intellectual challenge
7	Positive reinforcement	Clear and fair discipline Feedback
8	Monitoring progress	Monitoring pupil performance Evaluating school performance
9	Pupil rights and responsibilities	Raising pupil self-esteem Positions of responsibility Control of work
10	Home-school partnership	Parental involvement in their children's learning
11	A learning organization	School-based staff development

Source. Sammons, Hillman and Mortimore (1995, p.8)

### Instructional leadership

Instructional leadership is a change from conventional management practice of the schools, in which principals were seen as general managers of the schools, to a principal as instructional leader. Hallinger and Murphy (1985) whose instrument, *the Principal Instructional Management Rating Scale (PIMRS)*, is widely used for school principal leadership assessment including for this study, state that instructional leadership in an effective school comprises three dimensions: Defining the School Mission, Managing the Instructional Program and Promoting a School Learning Climate.

Previous studies using the *PIMRS* have been conducted in many different school settings especially in the United States. Among others, a study carried out by Brendan J. Lyons in 2010: *Principal Instructional Leadership Behavior, as Perceived by Teachers and Principals, at New York State Recognized and Non-Recognized Middle Schools*. The study compared the principals' instructional leadership practices between the recognized and non-recognized schools. The results indicate that, on the average, principals of recognized schools are demonstrating the leadership behaviors measured in the *PIMRS* more frequently than their counterparts of non-recognized schools.

Based on the bulk of research, lack of instructional leadership of the principal is blamed for school ineffectiveness (Findley & Findley, 1992).

### **Managing the instructional program**

Managing the Instructional Program, for the purpose of this study, is defined as the principal's role in working with teachers in areas specifically related to educational technology, curriculum, and instruction (Hallinger, 1983). It is divided into three instructional leadership functions:

*Coordinating the curriculum*

*Supervising and evaluating instruction*

*Monitoring student progress* (Hallinger & Murphy, 1985).

*Coordinating the curriculum* is as the degree to which school curricular objectives are aligned with course content, achievement tests, and the continuity in a curricular series across grade levels (Hallinger, 1983). Murphy, Elliot, Goldring, and Porter (2006) state that "school leaders in effective schools are knowledgeable about and deeply involved in the school's curricular program." Principals manage and support the teaching and learning program; they apply the highest standards of teaching and learning; they solve the problems emerge (Chapman & Mongon, 2008).

*Supervising and evaluating instruction* is defined as activities that involve interaction between the principal and teachers regarding classroom practices (Hallinger, 1983). It is a job function which is most often than not refers to the role of the principal as instructional leader. The classrooms of the effective school are frequently visited by the principal (Hallinger & Murphy, 1987).

*Monitoring student progress* is defined as the extent to which principals take responsibility for developing a systematic and comprehensive testing program. Test results are discussed with the staff as a whole, and are provided interpretations or analyses for teachers detailing the relevant test data. Test results are used for goal setting, curricular assessment, planning, and measuring progress toward school goals (Hallinger, 1983). Good school principals provide teachers and parents with assessment results on an ongoing basis (Levine & Stark, 1982; Venezky & Windfield, 1979). In this way, they know the progress the students make concerning their study.

### **The study**

*Research purpose*

In response to the importance of instructional leadership, this study intended to focus on one of the three instructional leadership dimensions based on the Hallinger's *Principal Instructional Management Rating Scale (PIMRS)* model developed by Hallinger and Murphy (1985), Managing the Instructional Program.

*Research question*

This research was aimed to serve one research question: To what extent have the Excellent Senior High School Principals in Aceh practiced the second dimension of the instructional leadership construct: Managing the Instructional Program?

*Research design*

This investigation employed Mixed Methods Designs. Mixed Methods Designs are “procedures for collecting, analyzing, and linking both quantitative and qualitative data in a single study or in a multiple series of studies” (Creswell, 2005). According to Creswell (2005), mixing both quantitative and qualitative data provides better understanding of a research problem than one type of data. In this study the emphasis was put on quantitative data as a basis for further gathering of qualitative data.

The *PIMRS* as a main instrument

This research was carried out in two main phases. The first phase was for gathering the data on principal instructional leadership practices by means of the teacher versions of the *Principal Instructional Management Rating Scale (PIMRS)*, developed by Hallinger & Murphy (1985). The instrument provides a “1” to “5” response scale accompanied with each item with 1 representing “almost never”; 2 representing “seldom”; 3 representing “sometimes”; 4 representing “frequently”; and, 5 representing “almost always” (Hallinger & Murphy, 1985). It was completed by participants, teachers of the four excellent senior high schools, during the quantitative phase, the first phase of the study.

*Interview as an instrument*

During the second phase, principals, vice principals for curriculum affairs and the heads of the committee of the four schools were interviewed on their perceptions on the principals’ instructional leadership practices. The interview questions were designed to complement and enrich the data gathered by using the *Principal Instructional Management Rating Scale (PIMRS)* of the teacher versions.

*The process of mixed method*

Figure 3.1 Sequential Explanatory Strategy. Source: Creswell et al, (2003).

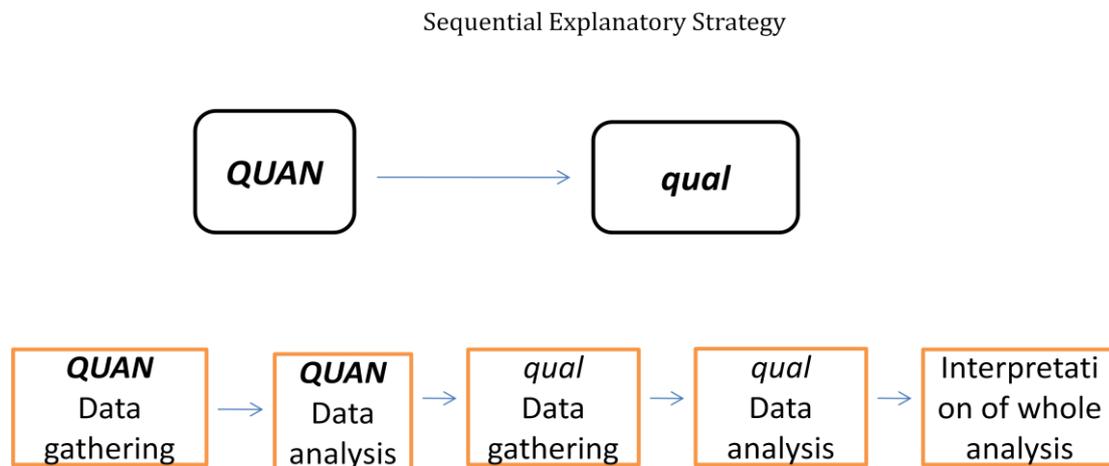


Figure 3.1 presents the data collection stages. Quantitative data were collected during the first phase of the study. The quantitative data were analyzed prior to qualitative

investigation. Then, the qualitative data were gathered during the second phase of the study. After qualitative study was carried out, the qualitative data were analyzed followed by interpretation of the whole data analysis.

#### *Systematic sampling and samples*

In this study systematic sampling was used. The researcher studied instructional leadership practices of 16 principals of excellent/effective senior high schools in Aceh, Indonesia under the administration of the Education Service Office (Dinas Pendidikan) of the Aceh Special Province or the National Education Ministry of the Republic of Indonesia. Referring to systematic sampling procedure, 20% out of 16 is 3.2. This means that 3.2 excellent senior high schools would become the sample of this study. However, it is advisable to select as large a sample as possible from the population, because the larger the sample, the less potential error, which is called sampling error (Verma & Mallick, 1999). Therefore, the sample of this research was slightly larger than it is supposed to be, 120 teachers out of 480 teachers, 4 principals out of 16 excellent senior high school principals in Aceh, 4 vice principals for curriculum affairs and 4 heads of the school committees.

#### **Data analysis**

The qualitative data gathered by using interview, was organized and transcribed. The field-notes, interview results, were typed and the qualitative data was analyzed by hand. The findings and interpretations were validated to check the accuracy. Finally, for this study the qualitative data were just presented in common themes; quantitative and qualitative findings were linked; pertinent theories of previous studies were also connected with these findings.

#### **Findings**

##### *Quantitative data of PIMRS*

This section discusses the results of quantitative study using *PIMRS (Principal Instructional Management Rating Scales)* developed by Hallinger and Murphy (1985). The tables below present quantitative data of teachers' responses derived from the *PIMRS (Principal Instructional Management Rating Scales)*, the second dimension: Managing the Instructional Program consisting of three subscales : Supervise & Evaluate Instruction; Coordinate Curriculum; Monitoring Students' Progress

Table 2:

Mean Scores of Supervise & Evaluate Instruction

Items	N	Minimum	Maximum	Mean
Ensure that the classroom priorities of teachers are consistent with the goals and direction of the school	104	2	5	4.22
Review student work products when evaluating classroom instruction	104	1	5	3.59
Conduct informal observation in classrooms on a regular basis	104	1	5	3.70
Point out specific strengths in teacher's instructional practices in post- observation feedback	104	1	5	3.58
Point out specific weaknesses in teacher instructional practices in post-observation feedback	104	1	5	3.15

Table 3:

Mean Scores of Coordinate the Curriculum

Items	N	Minimum	Maximum	Mean
Make clear who is responsible for coordinating the curriculum across grade levels	104	1	5	4.38
Draw upon the results of school-wide testing when making curricular decisions	104	1	5	3.99
Monitor the classroom curriculum to see that it covers the school's curricular objectives	104	1	5	3.88
Assess the overlap between the school's curricular objectives and the school's achievement tests	104	1	5	3.90
Participate actively in the review of curricular materials	104	1	5	3.91

Table 4:

Mean Scores of Monitor Student Progress

Items	N	Minimum	Maximum	Mean
Meet individually with teachers to discuss student progress	104	1	5	3.67
Discuss academic performance results with the faculty to identify curricular	104	1	5	3.86

strengths and weaknesses				
Use tests and other performance measures to assess progress toward school goals	104	1	5	3.83
Inform teachers of the school's performance results in written form	104	1	5	3.95
Inform students of school's academic progress	104	2	5	4.43

Taken as a whole there are similar level of the mean scores of the three subscales. In each of the three subscales just one of the five items displays above 4.0 mean scores. Most of the items of the three subscales show similar mean scores 3.5 or above.

#### **Supervise and evaluate instruction**

Apart from to *“ensure that the classroom priorities of teachers are consistent with the goals and direction of the school,”* items with a relatively high response, meaning that principals ‘frequently’ perform this particular subscale, the teachers reported a lower mean score overall for each items of the Supervise and Evaluate Instruction function. This indicates that principals practice ‘sometimes’ most of the item in this subscale. The results suggest that principals’ instructional leadership practices in this particular area should be improved.

#### *Coordinate the curriculum*

Except for *“make clear who is responsible for coordinating the curriculum across grade levels”* item which was responded at the highest mean score meaning that principals ‘frequently’ practice the item, the rest of the items were reported at slightly below *frequently* threshold. The results indicate that principals almost ‘frequently’ practice these four items of the subscale. Although most of the items were reported at relatively higher mean scores, it also reveals that there is room for enhancement.

#### *Monitor student progress*

Similarly, only one of the items, *“inform students of school’s academic progress”* was responded the highest of the five items indicating that principals ‘frequently’ practice the item. The rest of the items fell below ‘frequently’ threshold. Even though the responses to the items are relatively high, they are still considered low. Low responses in these particular items indicate that the principals need to practice these items more frequently.

### **Linkage between quantitative and qualitative findings**

One of the most important findings is that there was a high consistency between the teachers' responses in the quantitative research and those of the interview sessions.

#### *Qualitative*

On the whole, qualitative findings enrich the quantitative data. For "Supervise and Evaluate Instruction," the results of interview sessions display that the principals are mobile throughout the building and classrooms supervising instruction. To a certain extent, principals perform this instructional leadership function.

For "Coordinate Curriculum," almost all participants stated that principals are doing well on curriculum coordination, meaning that principals practice this instructional leadership function. They coordinate curriculum.

For "Monitor Student Progress," the results of qualitative study indicate that principals also exercise this instructional leadership function. They monitor student progress. Almost all respondents stated that principals rely on evaluations in terms of monitoring student progress

### **Discussion**

In terms of "Coordinate Curriculum," based on the result of the quantitative study, principals of the excellent senior high schools in Aceh, Indonesia 'frequently' practice the items under this subscale. All respondents of the qualitative study stated that principals are doing well and collaborating with teachers on curriculum coordination. The principals not only rely on a single method in coordinating curriculum but also use multiple approaches, such as teaching program checks, vice principal's information, the MGMP(the Discussion Forum for the Teachers Who Teach the Same Courses)/teams, test results, the KKM (Passing or contract Grades), and classroom visits. This finding is aligned with existing theory that principals of effective schools work collaboratively with the teachers to ensure that the schools apply a rigorous curriculum program and all students learn rigorous content of high quality curriculum (Newmann, 1997; Ogden & Germinario, 1995).

Concerning "Monitoring Student Progress" which was responded at almost 'frequently'. Almost all respondents of the interview responded that principals not only rely on evaluations, tests, and classroom teachers, but also successes in certain competitions. The finding corresponds to previous studies which indicate that effective schools are characterized by systematic, school-wide procedures for monitoring student progress (Baron & Shoemaker, 1982; Cohen, 1981; Edmonds & Fredericksen, 1978; Sweeney, 1982). In regard to "Supervise and Evaluate Instruction" which was rated at an average score of below 'frequently' but still at 'sometimes' or higher, meaning that principals also practice this particular instructional leadership function "sometimes." They see this function as one of the most important functions of the instructional leadership. The principals are mobile throughout the building and classrooms supervising instruction. To a certain extent, principals perform this instructional leadership function. They supervise and evaluate

instruction. However, some respondents failed to specifically mention the principal instructional leadership practices on reviewing student work products, the length of time spent on the classroom observations, and feedback of specific strengths and weaknesses of the teacher's instructional practice. The findings are consistent with those found by Little and Bird (1987) who emphasized the significance of the supervision and evaluation.

The schools, whose principal leadership under study, are excellent schools. These schools are called "sekolah unggulan" in Bahasa. They are favourite schools in Aceh, Indonesia.

The findings of this investigation support the contention that principals of the excellent senior high schools in Aceh, Indonesia, to certain extent, practice instructional leadership functions specifically those under Managing the Instructional Program dimension-items of "Coordinate the Curriculum; Supervise and Evaluate Instruction; Monitor Student Progress' functions.

The result is not in line with the findings of a survey conducted by Hallinger and Taraseina on the principals' instructional leadership in Thailand in 1994 indicating that the secondary school principals in Northern Thailand do not exercise active instructional leadership in the domains measured by deploying the *PIMRS (Principal Instructional Management Rating Scales)* developed by Hallinger and Murphy (1985), and is not consistent either with the findings of a study in India. In India the educational regulations of the country do not seem to side with the shift of school management to the prime business of schooling, teaching and learning yet. In this country, the educational code of the country still assigns the school principals the duties that are concerned with general control of the school (Dash, 2008).

### **Conclusion**

Based on the findings of the study, it is concluded that the principals of the excellent senior high schools in Aceh, Indonesia, to certain extent, exercise the second dimension of instructional leadership functions: Managing the Instructional Program. Since this report just focused on the three functions of the principal instructional leadership, it is impossible to draw the conclusion of the whole picture of the instructional leadership practices of the excellent senior high school principals in Aceh, Indonesia. The principals of the excellent schools in Aceh should practice the instructional leadership functions more frequently. All stakeholders should be aware of the significance of the principals' instructional leadership practices for school improvement. Further study on other principal instructional leadership functions of the excellent schools or instructional leadership of regular schools is strongly recommended.

## References

- Abidin, Zainal. (2007, October 28). Tujuh tanda sekolah unggul. Retrieved from [http://www.geocities.com/zai\\_abidin69/mypage.html](http://www.geocities.com/zai_abidin69/mypage.html)
- Chapman, C., and Mongon, D. (2008). *Successful leadership for promoting the achievement of white working class pupils* [Research report]. Retrieved from <http://www.nut.org.uk/files/succesful-leadership-full.pdf>
- Chell, Jan. (1995). Introducing principals to the role of instructional leadership. SSTA Research Center Report. Retrieved from <http://www.saskschoolboards.ca/research/leadership/95-14.htm#c1>
- Creswell, J. W. (2003). *Research design: Qualitative, quantitative, & mixed methods approaches*. Newbury Park, CA: Sage.
- Creswell, J. W. (2005). *Educational research: Planning, conducting, and evaluating qualitative research* (2nd ed.). NJ: Prentice Hall.
- Creswell, J. W. (2009). *Research design: Qualitative, quantitative, & mixed methods approaches*. Thousand Oaks CA: Sage.
- Dash, Neena. (2008). *School management*. Delhi, India: Nice Printing..
- Departemen Pendidikan Nasional. (1993). *Sistim penyelenggaraan sekolah unggul*. Jakarta: Depdikbud
- Findley, B., and Findley, D. (1992). Effective schools: The role of the principal. *Contemporary Education*, 63(2), 102–104.
- Flath, B.(1989). The principal as instructional leader. *ATA Magazines*, 69(3), 19-22, 47- 49.
- Greenfield, W. (1991). *Instructional leadership: Concept, issues and controversies*. Toronto, Canada: Allyn & Bacon
- Hallinger, P. (1983). *Principal instructional management rating scale*. Palo Alto: Stanford University Press.
- Hallinger, P. (1992). The evolving role of American principals: From managerial to instructional to transformational leaders. *Journal of Educational Administration*, 30(3), p. 35-48.
- Hallinger, P. (1994). The development of behaviorally anchored rating for appraising the instructional management behavior of principals. *School Effectiveness and School Improvement*, 5(4), 321-348.
- Hallinger, P., and Murphy, J. (1985). Assessing the instructional behavior of principals. *Elementary School Journal*, 86, 217-247.
- Hallinger, P., and Murphy, J. (1987). Instructional leadership in the school context. *Instructional Leadership: Concept, Issues, and Controversies* (pp.179b-202). London, UK: Allyn & Bacon.
- Hallinger, P., and Taraseina, P. (1994). Conceptualizing and assessing the instructional leadership of secondary school principals in Thailand. *School Effectiveness and School Improvement*, 5.
- Hammond, L., and Friedlaender, D. (2008). Creating excellent and equitable schools. *Educational Leadership*, 65(8). CA: Stanford University.
- Laisani, M. (2009, September 11). Interview. Staff of the Aceh Education Service Office in Charge of High School Curriculum, Banda Aceh.
- Levine, D. U., and Stark, J. (1982). Instructional and organizational arrangements that improve achievement in inner-city schools. *Educational Leadership*, 40(3), 41-46.

- Little, J. W., and Bird, T. (1987). Instructional leadership "close to the classroom" in secondary schools. In Greenfield, *Instructional leadership concepts, issues, and controversies* (pp. 118-152). Toronto, CA: Allyn & Bacon.
- Lyons, Brendan, J. (2010). *Principal instructional leadership behavior, as perceived by teachers and principals, at New York State recognized and non-recognized middle schools* (Unpublished Doctoral Dissertation). Seton Hall University. Retrieved from: <http://scholarship.shu.edu/dissertations/1401>
- Muhammad, Ilyas. (2008, August, 17). Pemerintah Aceh siapkan sekolah khusus. *Seumangat*, 32, p.6.
- Murphy, J., Hallinger, P., Weil, M., and Mitman, A. (1983). Instructional leadership: A conceptual framework. *Planning and Changing*, 14(3), 137-149.
- Murphy, J., Elliott, S. N., Goldring, E., and Porter, A. C. (2006). *Learning-centered leadership: A conceptual Foundation*. New York, NY: The Wallace Foundation.
- Newmann, F., and Wehlage, G. (1997). *Successful school restructuring: A report to the public and educators by the Center on Organization and Restructuring of Schools*. Alexandria, VA, and Reston, VA: Association for Supervision and Curriculum Development, and the National Association for Secondary School Principals.
- Phillips, J. A. (2002). The principal is an instructional leader: Shift in the role of the school principal. Retrieved from <http://peoplelearn.homestead.com/principainstructleader.htm>
- Rahimah, H. A., and Zulkifli, A. M. (1996). Towards developing a profile of effective and less effective schools. *Journal of Educational Research*, 17.
- Reuter, S. F. (1992). *Characteristic of successful schools: Perception differences rural and urban school teachers*. Paper presented at the 14<sup>th</sup> Annual Rural Small Schools Conference at Manhattan, Kansas, U.S.A, October 26-27, 1992. Document Reproduction Number ED 360115.
- Sammons, P., Hillman, J., and Mortimore, P. (1995). Key characteristics of effective schools: A review of school effectiveness research. Paper presented at an internal seminar for Ofsted, London: Institute of Education, March 1995. Retrieved from <http://www.highreliability.co.uk/Shared/SchoolEffectiveness.aspx>
- Sulaiman. (2009, October 5). Interview. Staff of the Aceh Education Service Office in Charge of Sekolah Unggul Data, Banda Aceh, Indonesia. Sweeney, J. (1982).
- Venezky, R., and Windfield, L. (1979). *Schools that succeed beyond expectations in teaching reading*. Newark, DE: University of Delaware.
- Verma, G. K., and Mallick, K. (1999). *Researching education: Perspectives and technique*. London: Falmer Press. Zainoeddin, Syafbraini. (2010, July 25). [Sekolah unggulan, haruskah dihapuskan?](#) Retrieved from <http://pewarta-kabarindonesia.blogspot.com/>

## Diffusing Consumerism in Indonesia: a Study on the Yogyakarta Consumer Institute (YCI)

Abdul Rohman<sup>104</sup>

**Biodata:** Abdul Rohman was a lecturer at Department of Communications, Indonesian Islamic University, Yogyakarta. Currently, he is graduate student at Wee Kim Wee School of Communication and Information Nanyang Technological University, Singapore. His research interests lie in the spectrum of social movements, information behavior in the context of peace and conflict, politics and democratization. He can be reached via [abdulroh001@e.ntu.edu.sg](mailto:abdulroh001@e.ntu.edu.sg)

### Abstract

Having one of the largest consumer bases in the world does not necessarily entail Indonesia has strong consumer organizations and high consumer protection. This paper addresses this issue and responds to the following questions: what activities has Yogyakarta Consumer Institute (YCI) conducted for mainstream consumers' rights at the grassroots? What factors are identified as supporting and constraining the delivery of these activities? How are they managed? In general, what do activists believe the activities' effects have been and how it has been assessed? Interviewed members of executive board and board of directors, the present research found that the main activities of YCI were advocacy and education to mainstream consumerism in Indonesia. The first provides consumers a place to report their problems and defends consumers' rights in dispute and resolution processes. The later intends to induce awareness and critical thinking to consumers based on solidarity as its core values. The existing solidarity among YCI's volunteers and its well-established networks were factors strengthening YCI as a self-reliant organization. YCI struggled with several factors such as volunteer management, finance, and consumers' ignorance. The first relates to "moonlighting" volunteers lingering program implementations. The second appears as YCI had no major funding due to a strict ideological policy not to seek or earn money from external parties. The last factor is associated with the general situation of consumer awareness in Indonesia that is still low and lacks solidarity. The general belief of YCI's consumerism activists has been that consumerism is still an unpopular issue in Indonesia. Although the consumer protection law has been enacted for more than a decade, it has not brought significant changes due to embedded weaknesses, low law enforcement, political willingness, and the influence of the mass media.

### Introduction

As the fourth most populous country, Indonesia is a huge market for various products. For instance, in terms of information and technology consumption, Indonesia is the largest Internet user in Southeast Asia with more than 70 million users as of June 2014. More than 50 million Facebook subscribers in 2012 (<http://www.internetworldstats.com/stats3.htm>, retrieved December 22, 2014) and close to 20 million Twitter users (<https://www.techinasia.com/rick-mulia-twitter-indonesia/>, retrieved December 22, 2014). Considering these facts alone, Indonesia is such a huge market for various products.

The high numbers of consumers and their purchase power potential, however, has not resulted in corresponding leverage for consumerism in Indonesia. The idea of enforcing

---

<sup>104</sup> Trans. Lembaga Konsumen Yogyakarta

consumer rights, such as the right to have adequate information, the right to be protected from product side effects, and so forth, is far from recognized. There is only one non-governmental organization at the national level, and it is unknown how many there may be at the provincial levels.

One of consumer organizations with a state level operation is YCI, established in 1968; the name YCI is derived from the city's name [Yogyakarta] that was also a national capital from 1946 to 1949. YCI is different from the Consumers Association in Indonesia (Yayasan Lembaga Konsumen Indonesia) , which works at the national level through lobbying and advocacy. YCI mainly focuses on educating people at the grassroots level and trains members of society to be consumer defender agents as a long-term outcome.

Besides the small number of organizations voicing consumerism, the consumers themselves have insufficient motivation to assert their rights. There are many reasons for this, such as a cultural mental block and unequal power relations. As a collective culture, most Indonesians perceive that a stable relationship with groups is important and tends to avoid conflict by sacrificing individual happiness. Expressing individual interest causes breaks in personal relationships and group cohesiveness. During childhood, most in the young generation are conditioned to be uniform and have limited freedom to assert themselves as individuals. School activities are focused on memorizing facts instead of fostering creativity (Kompas, 2012) (Jakarta Globe, 2013). Therefore, most people lack the ability to exercise critical thinking and are inclined to accept a situation as taken for granted.

A more philosophical reason for the lack of consumerism in Indonesia is the unequal power relations between producers and consumers. Most consumers perceive that it will take a lot of energy to balance the relationship since the producers have more resources than they do. It is a common belief, for instance, that a 2000 rupiahs (about US\$ .50 cents) increase in train fare, without corresponding facilities improvement, does not really matter compared to the costs consumers may spend to fight against it. Lacking solidarity among consumers caused by power inequality has created ignorance and demobilized society's power to balance the existing relationship. This situation is aggravated by weak law enforcement from the authorities in which the sanctions given to the rule-breakers are limited to non-legal treatment such as warning and supervision for unethical conducts. (<http://rrijogja.co.id/berita/regional/berita-sosial-politik/967-perlindungan-konsumen-belum-berjalan>, retrieved December 22, 2014)

In order to remedy the situation, YCI invests in people through education, communication, and information programs. It has been empowering communities through consumerism literacy programs by initiating community groups to have regular meetings to discuss their rights as consumers and by providing community training to enhance solidarity.

As a self-reliant organization, YCI relentlessly fights for consumer justice through various efforts from education and information to legal and compliant advocacy. In doing these activities, the organization might be dealing with wide variety of challenges that need

to be overcome using its own resources as an organization independently, seeking for potential sources to sustain the operation, or utilizing the combination of both sources in the continuum. At the macro level, the organization also needs to map their impact by learning how the efforts have contributed to create justice for consumers and critical consumers in the region. In line with the aforementioned introduction, the paper addresses questions: what activities has YCI conducted for mainstream consumers' rights at the grassroots? What factors are identified as supporting and constraining the delivery of these activities? How are they managed? In general, what do activists believe the activities' effect has been and how it has been assessed?

### **Background**

This section discusses three main background factors related to the examined case: the geographical profile of Indonesia and Yogyakarta, the development of NGOs, and a brief profile of YCI. This background presents a simple context for the study and does not aim to provide details of each aspect; therefore, further investigation is suggested.

#### *Profile of Indonesia and Yogyakarta*

Indonesia is a democratic country, in which, since 2009, the president was elected directly by citizens. The Indonesian political system has adopted the *Trias Politica* to separate legislative, executive, and judicial powers. The legislative power is vested in the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*) that consists of the House of Representative (*Dewan Perwakilan Rakyat*) and the Regional Representative Council (*Dewan Perwakilan Daerah*).

The organization under examination is situated in Yogyakarta Special Region, known as Yogyakarta. In 2010 the Yogyakarta population was 3,457,491 people, 66.44% and 33.56% were living in urban and rural area, respectively and the distribution was 31.62% in District of Sleman and 11.24% in the Municipal of Yogyakarta. In those who are above 15 years old, the literacy rate was 89.73%.

The province is located in Java Island, headed by a King that also rules as governor, and has an area 3.185,80 km<sup>2</sup>. It consists of 4 districts (Sleman, Bantul, Gunungkidul, and Kulonprogo) and the municipality of Yogyakarta, and in general it has the same governance system as the national government. A special region classification is embedded due to Yogyakarta being the only region in Indonesia that still has a king with legitimate power over his people; it was also Indonesia's capital during the Indonesian National Revolution from 1945-1949. Yogyakarta is well known as a college city as it has many universities and is one of the main study destinations throughout the country. Because of its cultural heritage and diverse natural scenery, it has also become a popular travel destination.

#### *Development of NGOs in Indonesia.*

Most NGOs in Indonesia are registered as private foundations and are community and mass-based organizations. Since 1998, after the resignation of General Soeharto, the number of

NGOs has exploded with significant support of the United States Agency for International Development (USAID). After more than three decades of dictatorship, regional autonomy and decentralization have brought large opportunity to organize citizens in public affairs (Antlov, Brinkerhoff and Rapp, 2010 p. 419) where the roles of NGOs in democratic governance vary as independent oversight through watchdog organizations, serving as formal facilitators of government-organized meetings, and independent advocacy campaigns on a variety of public issues (p. 428-429).

A report provided by International Labor Organization (ILO) in 2003 describes a new activism in Indonesia after 32 year of the New Order regime under President Soeharto. The report mainly emphasizes Civil Society Organization (CSO) as a broad entity in democratization processes. The term was popularized by scholars, media, and activists in the country including NGO workers. From NGO activists' point of views, the term is a "good cover" for their work (Harney and Olivia, 2003). Which means the use CSO as a label is perceived as a mask to deliver their missions due to security reasons and some other negative stigma to NGOs. A 2009 Survey report used Nonprofit Organization (NPO) as a term to map the NGO sector in Indonesia. The report is a preliminary description of NPO accountability in Indonesia in terms of their legal accountability, program accountability, fiscal and financial accountability, and process accountability (Aritonang, Yusran, & Promedia, 2009).

According to an NPO Domestic Report (2010), the term non-profit organization is rarely used; however, non-government organization or *Lembaga Swadaya Masyarakat* (LSM/self-reliant organization) is a more common name. According to the Ministry Instruction No.8 1990, an LSM has the main role of increasing social, economic, and welfare of local communities through community involvement. It is not allowed to become actively involved in political activities or in any movement against government jurisdiction. Citing the Ministry of Law and Human Right's data, the report states in 2009 there were 21.669 nonprofit organizations having legal status in Indonesia in which 98% have a foundation (*yayasan*) and 2% of the population has association (*perkumpulan*) as their legal status. It is also estimated that there were thousands of NPOs in district level that have no legal status (Team, 2010).

Several studies related to the legal environment of NGOs in Indonesia can be traced through online sources such as [www.ngoregnet.org](http://www.ngoregnet.org) and [www.indonesiango.org](http://www.indonesiango.org). Article 28 of the 1945 Constitution of the Republic of Indonesia recognizes freedom of speech and assembly to every citizen, and it becomes an "umbrella" of any regulations covering NPO in Indonesia. There are three laws regulating NPOs: Law No.16 2001 about Foundation, Law No. 28 2004 regarding the amendment of Law No. 16 2001, Staatblad 1987 about Association, and the Law No. 8 1985 regarding Social Organization. In total, there are 15 laws, 4 government regulations, and 7 ministerial decrees related to NPOs. The law on Foundation regulates non-membership NPOs, while Staatblad emphasizes mass-based NPOs. Both of these laws are under the jurisdiction of the Ministry of Law and Human Rights

and apply to any type of LSM/NPO. The Law of Social Organization is carried out by the Ministry of Home Affairs and regulates any types of NPO including labor union. The International NPO is under the jurisdiction of the Ministry of Foreign Affairs in coordination with other governmental institutions.

#### *Profile of YCI*

YCI is a nonprofit organization focusing on consumer protection and movement as its *raison d'être*. It was established in April 12, 1978, and formerly was a representative of the Consumer Association from Indonesia in Yogyakarta. In 1999, it voluntarily separated from the Indonesia Consumer Institute Foundation withholding YLKI Yogyakarta as a name. Six years later it formally became Yogyakarta Consumers Institute (YCI).

YCI has a vision of creating consumers who have awareness, knowledge, and skills in consumer protection. This involves four missions: a) to increase quantity and quality of consumers who have a good perspective on consumer protection; b) to form a society composed of people who through education and training are aware of their rights and obligations as consumers; c) to increase knowledge and skill of individuals and organizational entities in the field of consumer protection; and d) to give consumer protection knowledge to business entities.

In order to accomplish the visions, YCI mainly has three divisions: a) division of education, b) division of consumer protection, and c) division of advocacy. The division of education primarily works with communities to transfer knowledge and awareness of consumerism. It offers direct services to community groups that want to increase their understanding of consumer rights. This division also has initiated community groups to organize themselves and have regular meetings to intertwine their potentials. The division of consumer protection also provides a direct service to those who have issues with producers by offering them legal consultation and mediating consumer-producer disputes. The division of advocacy mainly works with decision makers to establish pro-consumers policy either through dialogue or by mobilizing society members to express their interests publicly.

Those divisions are within a program department under the supervision of executive boards. The executive board members include an executive director, treasurer and finance secretary, and a head of each aforementioned division. The executive board has collegial relations with each other and is under the supervision of board members, who consist of those who founded the organizations and are perceived as seniors in the field.

#### **Literature review**

##### *Consumerism: a brief overview*

It is difficult to say accurately when consumerism was first used in the literature of consumer movements. It seems it was in use conversationally in 1965 or 1966, and then it first appeared in *The Journal of Consumer Affairs* in 1970 (Roger, 1994). Consumerism is not

a static concept and there is no single definition that can comprehensively explain it. The most common understanding of this term is the widening range of activities of government, business, and independent organizations that are designated to protect individuals from the negative actions of the other two entities that can potentially violate their rights as consumers (Day & Aaker, 1970 p. 13). Regardless of its various definitions and uses, Day and Aaker identified three forms representing the term: protection against clear-cut abuses, provision of adequate information, and the protection of consumers against themselves and other consumers. These major themes will evolve since its complexities in the field increase.

Buskirk and Rother (1970) defined consumerism as the organized efforts of consumers seeking redress, restitution and remedy for dissatisfaction they have accumulated in the acquisition of their standard of living. Its movement is catalyzed by several factors: a) increased leisure time, rising incomes, higher educational levels, and general affluence of individuals; b) inflation that made purchase behavior more difficult; c) unemployment; d) demands for product improvement; e) increase of political will in business policy (Buskirk and Rother, 1970 p. 62-63).

Herrmann (1970 p. 57) identified a typology of groups who make up the consumer movement: a) the adaptationists who emphasize the importance of consumer education to protect themselves from fraud and deception. Empowering consumers to be more intelligent with the market has a larger portion in their organization missions than seeking new customers' protection legislations; b) the protectionists that are mainly concerned with individuals' physical health and safety issues. Scientists, physicians, nutritionists, and other professionals fall in this category; and c) the reformers that have the same focus as the adaptationists but also like to increase consumers' voices with policy makers and business entities.

In the U.S., the consumerism movement was not only affected by social phenomena and political factors; it was also influenced by rapid urban population increase. During the 1970s-1980s, the general causes of consumerism were mainly themed around social and economic issues resulting in various outcomes such as consumer boycotts, an increase in fragmented consumerism, consumerism as part of the general dissatisfaction with society and capitalism, and consumerism as social movements (Carlson and Kangun, 1988).

To highlight consumerism in Africa, Asia, and Latin America, Hilton (2007 p. 134) proposed two perspectives. First, it has to do with the Americanization or westernization of global campaigning within civil society by pointing out the liberal rights-based philosophy during President Kennedy's administration. Second, consumerism in the developing world is associated with post colonialism focusing on the question of poverty and basic needs provision. Mayer (cited in Darley and Johnson, 1993 p. 38) mentioned consumerism in developing countries is different from well-developed countries in terms of the indigenous characteristics of markets and consumers and external factors influencing the development of consumerism such as product exports, consumption standards, aspirations and conceptions of consumer policy.

*Managing nonprofit organizations*

In order to deliver the program, every organization needs a reliable management. Ideological foundations that often become a spirit of an NGO to assert the public interest are important in order to stay in touch with the organizational visions, and along with its outstanding managerial structures are crucial to the organizational mission. Those elements are necessary to keep the organizations accountable from stakeholders' point of views. This section touches on aspects of management to deliver services in general nonprofit organizations, such as activities management and managing external and internal environments.

Najam has suggested four categories of roles that NGOs can carry on: service delivery, advocacy, innovation and monitoring, and policy entrepreneurs. Within this model, NGOs may take a role to stream policies as service providers, advocates, innovators, and monitors (Lewis, 2001 p. 109). There is also the possibility to combine all those roles to gain success as shown in Dawson's study of NGOs in Peru (p. 138).

The NGO is one of the actors in the development field. It means an NGO needs to build its networks with other parties to foster partnerships in harnessing the accessible benefits of development for everyone. De Graaf provides a framework to examine NGO's circle based on its relationship with the related environment. His framework has three layers: a) controlled, which covers any aspects that NGOs can manage by themselves such as budgeting, staffing, planning and so forth; b) influenced which explains NGOs ability in persuasion, lobbying, patronage, co-option and collaboration; and, c) appreciated, in which NGOs should establish priorities according to international contexts, or to draw a big picture of global issues (p.141).

Lewis (2001) highlights the importance of managing relationships and partnerships with communities, government, business sectors, and international development agencies (2001, p. 146-160). These entities can work together to create "megacommunities" to tackle global challenges (Gerenser, Kelly, Napolitano and Lee, 2008). However, the environment of this sector is characterized by goal ambiguity, conflicting performance standards, value differences, polycentric authority structures and dialectical change strategies (McGill and Wooten, 1975 p. 455); thus, NGOs should respond to this situation appropriately address respective issues caused by environmental changes.

Lewis (2001) suggested three managerial issues that apply to most nonprofit sectors such as leadership, governance, and volunteerism (p.187), and Ronalds (2010) elaborates external challenges faced by NGOs. Mostly he examines the shifting focus of developmental issues such as human rights, climate change, natural disaster, poverty, agriculture, international migration, and global economic recession. Along with it, he also emphasizes those issues which affect human rights mainstreaming on every line of developmental strategies causing the politicization of international aid. The later situation should be managed carefully by an NGO in order to assist and protect the most vulnerable sides in

developmental activities. Ronalds suggests NGOs improve stakeholder accountability, demonstrate effectiveness and efficiency, increase harmonization and coordination, and are able to respond to great expectations from stakeholders by building capacity, deepening policy skills, and seeking media exposure.

Ronalds also interrelates internal challenges of NGOs such as the legitimacy challenge, the human resources challenge, the leverage challenge (advocacy, partnering, and harnessing market), the technical challenge in conducting social analysis, the learning challenge in order to adapt to rapid shifting in the information age, and the fundraising challenge. Due to those identified challenges, Ronalds encourages INGOs to effectively modify their managerial system. Failing to reform, may cause the de-legitimacy of an NGO's work.

### **Data and method**

Data was collected through 9 open-ended interview questions addressing participants' experience during their involvement in promoting consumerism with YCI. The participants range from board members, the executive director, the head of the education division as a representative of the executive board, and volunteers. The qualitative data gained from this procedure were analyzed using the interpretative method to synthesize participants' responses.

### **Findings and discussion**

#### *The power of solidarity and networks*

YCI has been involved with consumerism issues for 30 years. During that time their works mainly related to advocating consumer rights e.g. consumers' rights to have proper public transportation, healthy food, and so forth. In the early 2000s, the organization started paying more attention to delivering consumer education through training, media, and forming community groups. Both activities have similar long-term outcomes to create critical consumers who are aware of their rights and obligations in the midst of unequal relations between producers and consumers. However, they have a special mission in the execution process of its organizational missions as mentioned by one of the founders, "our main programs are associated with consumer education and advocacy. Education has mission to get consumers understand and aware that they are being treated unjustly caused by unbalance system in the society. The other activity provides consumers a place to report occurring issues that appear during their relations with producers." To return to the typology of consumerism groups suggested by Herrmann (1970 p. 57), according to its activities, YCI falls into the *reformers category* since YCI displays an element to apply consumer education activities as a strategy to protect consumers from fraud and deception, but also focuses on increasing consumers' voices with policy makers and business entities.

In their service delivery, YCI identifies several supporting and constraining factors. The positive factors are maintained and the others are suppressed with respective

responses; however, in the managerial level, there is a different perception. The executive director perceives that the constraining factors can be responded to through building and maintaining the existing networks that YCI strongly has. The head of the education division sees that the organization is going too far in approaching the unfavorable factors.

These differences can be explained from a managerial level perspective in which the first party primarily deals with issues in the macro level, whereas the later has to face the real situation in the field. Managers perform three categories roles: a) the interpersonal roles that pictures managers as figureheads, external liaison agents, and leaders; b) the information processing roles that describe managers as a center of information in the organization's system; and c) decision-making roles that grants power to managers to determine allocations of organizational resources (Mintzberg, 1971).

In this context, the head of education perceives the issues from a practical-solution approach, whereas the executive director seems to see the cases from a broader point of view. Regardless of this slight difference, in terms of leadership aspects, both are able to collaborate based on solidarity as an organization's *raison d'être*:

"As one of the founders, myself and colleagues have a similar concerns to consumers, including ourselves, that have been treated unjustly. That motivated us to initiate a "group" to defend consumer justice that later we consciously called ourselves as consumer rights defenders."

Solidarity is a major strength that exists within organizations supporting the organization's wellbeing. This common wisdom contributes to organizational success in difficult times. According to the head of education division, there was a moment when the organization had insufficient budget to fund World Consumer Day celebrations in 2009: "It was the first attempt to celebrate the day, and then it becomes an annual event, therefore it was a very important stage for us. Amazingly, although it was tough, through networks that we have the situation was resolved. Our volunteers' solidarity and persistence strongly helped."

Lindenberg, Fetchenhauer, Flache, and Buunk (2006) refer to solidarity as the willingness of society's members to help those in need, to contribute to a common good, to show themselves worthy of trust, and to be fair and considerate (p. 3). According to their frameworks, behavior is affected by a person's personality, skills, and learning history, and situational contexts such as social, institutional, and cultural. These factors influence an individual's definition of the situation through framing and a mental image of the relationship explaining why people behave with solidarity. The behavior includes five key elements: a) cooperation referring to a common good situation; b) fairness referring to a sharing situations; c) altruism referring to a need situation; d) trustworthiness referring to avoid violation of implicit and explicit agreements or promises, and e) consideration referring to abstaining from offense and making up when things go wrong (p.9). See Habermas (2013), Ryan (2013) and Soffer (2013) for more discussions.

Emphasizing networks, the executive director mentioned that YCI invests effort to implement collaborative programs with government, university, and other NGOs.

“At the late 90-s when I started joining in YCI, civil society networks programs were warm post-Soeharto’s fall down<sup>105</sup> YCI and other NGOs intensively involved in Yogyakarta Self-reliant organization forum (Forum LSM) to fight for civil society strengthening through capacity building activities and policy advocacy. In 2001, YCI directly involved in the formation process of Consumer Dispute Resolution Body in Yogyakarta as mandated by Consumer Protection Law. This was a pilot project of 8 cities in the country to initiate the body. YCI was part of the selection team to establish selection instruments to recruit candidates for the body. This role was maintained until next two periods after.”

The urgency of networks and partnership were highlighted by Lewis (2001, p. 146-160) as part of elements to manage a relationship with communities, government, business sector, and international development agencies. These entities can work together to create “megacommunities” to tackle global challenges (Gerenser, Kelly, Napolitano and Lee, 2008). This is also in line with what Frederickson (1997, p. 84) pointed out in order to efficiently achieve its mission an organization and administrators need to exercise their ability to build networks with other entities in their work’s complexity. Establishing networks with governance enables organization to link and engage in delivering public activities.

### *Several Issues: volunteer management, finance, and consumers’ ignorance*

Despite its supporting factors, YCI faces the constraining internal and external factors hampering the organization. Those factors are volunteer management, financial issues, and consumers’ ignorance.

As nonprofit entities, YCI is heavily run by volunteers. However, volunteers themselves also have their own daily issues to resolve. As stated by the head of the education division,

“As a voluntary organization, creating a condition in which every job is delivered professionally and time allocation is still hard. It happens because the volunteers have responsibilities and jobs in other places outside YCI. To some extent, it becomes a particular barrier in program implementations”.

The advantages and disadvantages of volunteers are addressed by Grobman (2008 p. 135-140). He also provides practical ways to recruit, orient, and reward volunteers. Pynes (2009, p. 115-143) suggested developing human resources management policies and procedures to integrate volunteers into the everyday activities of the agency. It can be started by

---

<sup>105</sup> Soeharto was the second president of Republic of Indonesia that headed the country for 32 years. Although had been recognized for his achievement to make the country as “a tiger from Asia” in the mid 1980s and supported the non-bloc movement in the Cold War era, Soeharto’s administration (well-known as New Order to proceed the Old Order under Soekarno’s administration) exercised authoritarian government, corruption, collusion, and nepotism. Soeharto left office in May 2008 after civil society and democratization movement demands.

identifying volunteers' motivations, time availability, expertise and interest. It is also effective to establish a volunteer database, and to train volunteers to carry out the organization's missions. Evaluation also matters in volunteer management in order to increase performance, maintain volunteers, or reallocate them to other areas. Farr (cited in Pynes, p. 127-128) identified responsibilities that a program manager should do to manage volunteers: a) obtaining and maintaining support for the volunteer program, b) developing, monitoring, and evaluating the volunteer program budget, c) keeping key officials informed about the scope of volunteer services, d) establishing and monitoring program goals, e) assigning volunteer responsibilities and monitoring results, f) assigning volunteer responsibilities and monitoring results, g) recommending policy changes or action steps to top management to maintain, improve, or expand the volunteer effort.

The financial issue is a classic issue that most organization faces. Although YCI can still survive due to its powerful volunteers and networks, the organization needs to work on the budgetary side:

“In terms of human and financial resources, YCI is far from to be called strong. YCI has no major funding sources from anywhere, and therefore, volunteer contributions are expected to support the organization.”

Aligned with the situation, a volunteer mentioned that YCI has less flexibility to earn money from donors that are perceived as neoliberal and/or capitalist agents. Dove (2001) gave a practical guidance on how to conduct fundraising program from potential donors, regardless of their ideological basis. According to Dove, establishing a fundraising management through campaigns, grant-writing, private donations can attract significant funds. He also identifies the role of leadership in organizations that might affect the fundraising program's success, e.g. setting goals, encouraging the staff, formulating plans, for example.

A more macro constraining factor identified by executive directors constraining consumerism is consumers' ignorance. For example, when YCI encourages consumers to boycott a certain product, they are inclined not to respond to it since they still perceive it as an individual's problem. The majority of consumers have not been aware if they can build solidarity with others, then an extraordinary power can emerge:

“When we advocate for a victim of a train accident from various consumer backgrounds, at the end the consumers “step back” one by one when we suggested them to fight for their right in the court. We hadn't been there yet, but they already “gave up” over the situation, and again, it was caused by individual reasons.”

In general, YCI's consumer activists believe that consumerism in Indonesia still needs to be improved. Although the Consumer Dispute Resolution Law has been established, the law has not brought significant changes in the years since it was enacted. Regardless of the weaknesses of the law and weak law enforcement in the country, consumers' participation in decision-making is still far from being optimal. On the other side, business interests in Indonesia still places economic growth as a primary option for policy maker, and

consequently, consumers' interests tend to be neglected. The consumerism issue in Indonesia is buried under a deep sea of politics and economics issue that are consistently mainstreamed by mass media. The issue is like "a voice screaming in a desert"; a few people hear it but they are reluctant to either respond or actively join in.

### **Conclusion and recommendations**

This research demonstrates that the main activities of YCI are advocacy and education to mainstream consumerism in Indonesia. The first activity provides consumers with a place to report their problems and defend consumers' rights in dispute and resolution processes. The later has a specific goal to induce awareness and critical thinking to consumers based on solidarity as its core values. The existing volunteer solidarity and well-established networks are factors strengthening YCI as a self-reliant organization to mainstream consumerism in the region and country in general.

YCI is still struggling with several factors such as volunteer management, finance, and consumers' ignorance. The first has to do with "moonlighting" volunteers that become particular constraint in the program implementation. The second appears since the organization has no major funding due to a strict ideological policy not to seek or earn money from external parties. The last factor associates the general situation of consumer awareness in the country that is still low and lacks solidarity.

The general belief of YCI's consumerism activists is that consumerism is still an unpopular issue in the country. Although the law has been enacted for more than a decade, it has not brought significant changes due to the embedded weaknesses, low law enforcement in general, political will, and mass media.

Considering those issues, the following idiosyncratic recommendations are offered. First, it is important to maintain the established networks, and further assessment related to this governance is required. Several questions to address the evaluation are as follows: How do the networks benefit YCI to achieve its goals? Does the partnership have a long-term impact? How is the governance process managed?

Second, YCI has a powerful voluntary solidarity and it needs to be sustained by establishing human resources management. This does not necessarily mean creating a new division if efficiency is an issue, but putting a person in charge to manage volunteers in terms of recruitment, training, evaluation, and recognition process can be an alternative.

Third, financial issues within YCI might be addressed by maximizing the role of board directors. Those who are sitting as supervisors of the executive board hypothetically were recruited to bring financial and nonfinancial support to the organization. Further dialogue between two levels is necessary to set fundraising goals and strategies to achieve them.

## References

- Buskirk, R. H., & Rother, J. T. (1970). Consumerism: An Interpretation. *The Journal of Marketing* , 34 (4), 61-65.
- Carlson, L., & Kangun, N. (1988). Demographic Discontinuity: Another Explanation for Consumer. *The Journal of Consumer Affairs* , 1 (22), 55-73.
- Darley, W. K., & Johnson, D. M. (1993). Cross-national Comparison of Consumer Attitudes toward Consumerism in Four Developing Countries. *The Journal of Consumer Affairs* , 27 (1), 37-54.
- Day, G. S., & Aaker, D. A. (1970). A Guide to Consumerism. *The Journal of Marketing* , 34 (3), 12-19.
- Dove, K. E. (2001). *Conducting a Successful Fundraising Program*. San Francisco, CA, USA: Jossey-Bass.
- Frederickson, H. G. (1997). *The Spirit of Public Administration*. San Francisco, CA, USA: Jossey-Bass.
- Gerenser, M., Kelly, C., Napolitano, F., & Lee, R. V. (2008). *How Leaders of Government, Business and Non-Profits Can Tackle Today's Global Challenges Together*. New York, USA: Palgrave Macmillan.
- Grobman, M. G. (2008). *The Nonprofit Handbook. Everything You Need to Know to Start and Run Your Nonprofit Organization*. Harrisburg, Pennsylvania, USA: White Hat Communications.
- Habermas, J. (2013). Democracy, Solidarity and the European Crisis. In A.-M. Grozelier, B. Hacker, W. Kowalsky, J. Machnig, H. Meyer, & B. (. Unger, *Roadmap to a Social Europe* (pp. 4–13). <http://socialeurope.eu/wp-content/uploads/2013/10/eBook.pdf#page=9>.
- Herrmann, R. O. (1970). Consumerism: Its Goals, Organization and Future. *The Journal of Marketing* , 34 (4), 55-60.
- Hilton, M. (2007). Social Activism in an Age of Consumption: The Organizaed Consumer Movement . *Social History* , 32 (2), 121-143.
- Internet World Stats . (2012, December). *Asia. Internet World Stats*. Retrieved October 19, 2014, from Internet World Stats.: <http://www.internetworldstats.com/asia.htm#id>
- Jakarta Globe. (2013, March 27). *News*. Retrieved May 18, 2013, from Thejakartaglobe.com: <http://www.thejakartaglobe.com/news/indonesian-education-system-fails-students/>
- Kompas. (2012, December 6). *Edukasi*. Retrieved May 18, 2013, from Kompas.com: <http://edukasi.com/read/2012/12/06/21271433/Menghafal.Membuat.Bangs.a.Tak.Kreatif>
- Lewis, D. (2001). *The Management of Non-Governmental Development Organizations: An Introduction*. London, UK: Routledge.
- Lindenberg, S., Fetchenhauer, D., Flache, A., & Buunk, B. (2006). Solidarity and Prosocial Behavior: A Framing Approach. In D. Fetchenhauer, A. Flache, B. Buunk, & S. Lindenberg, *Solidarity and Prosocial Behavior: An Integration of Sociological and Psychological Perspectives* (pp. 3-19). Groningen, Neatherland: Springer Sciences+Business Media, Inc.
- McGill, M. E., & Wooten, L. M. (1975). Management in the Third Sector. *Public Administration Review* , 444-455.
- Mintzberg, H. (1971). Managerial Work: Analysis from Observation. *Management Science* , 18 (2), B97-B110.
- Mintzberg, H. (1975, July-August). The Manager's Job: Folklore and Fact. *Harvard Business Review* , pp. 49-61.
- Pynes, J. E. (2009). *Human Resources Management for Public and Nonprofit Organizations. A Strategic Approach*. San Francisco, CA, USA: Jossey-Bass.

- Roger, S. (1994). Evolution and Applications of the Term Consumerism: Theme and Variations. *The Journal of Consumer Affairs* , 28 (2), 347-360.
- Ronalds, P. (2010). *The Change Imperative. Creating the Next Generation NGO*. USA: Kumarian Press.
- Ryan, B. (2013). *Feminism and the Women's Movement: Dynamics of Change in Social Movement Ideology and Activism*. Routledge.
- Soffer, O. (2013). The Internet and National Solidarity: A Theoretical Analysis. *Communication Theory* , 48–66.
- TechinAsia. (2014, June 4). *Social Media. TechinAsia*. Retrieved October 19, 2014, from TechinAsia: <https://www.techinasia.com/twitter-close-20-million-active-users-indonesia/>
- The Jakarta Post. (2014, January 15). *Business. The Jakarta Post*. Retrieved October 19, 2014, from The Jakarta Post: <http://www.thejakartapost.com/news/2014/01/15/number-ri-internet-users-increases-7119-million-2013-apjii.html>
- The Statistics Portal. (2014). *Telecommunications*. Retrieved October 19, 2014, from Statista: <http://www.statista.com/statistics/274659/forecast-of-mobile-phone-users-in-indonesia/>

**Promoting intellectual property securitization for financing creative industry  
in Indonesia: challenges and solutions**

Mas Rahmah, S.H., M.H., LL.M

**Bidata:** Mas Rahmah is a lecturer at the Faculty of Law, Airlangga University (UNAIR) Surabaya Indonesia. Her research interests are Intellectual Property and Investment Law. Her emails are [rahmah\\_arifin@yahoo.com](mailto:rahmah_arifin@yahoo.com) / [rahmah.arifin@gmail.com](mailto:rahmah.arifin@gmail.com)

**Abstract**

This paper aims at promoting prospective Intellectual Property (IP) securitization as a feasible mode of financing creative industries demanding instant capital to operate, develop products and promote market expansion. The proposed approach is dedicated to accelerate new financial sources of support to strengthen and develop creativity and productivity in the creative industries. The current paper introduces a new legal institution which is not regulated yet under Indonesia's positive laws. It shows how creative companies might use the institution to gain direct and indirect benefits. It is acknowledged that this proposal may spark challenges at the doctrinal, normative and practical levels. At the doctrinal level, the potential for challenge refers to the philosophical issue related to exclusive rights doctrine. At the normative level, the challenges are caused by the absence of regulation concerning IP securitization in Indonesia influencing the validity and viability of IP securitization transactions. At the practical level, this proposal may not guarantee the certainty of IP valuation as a unique asset involving complex procedures, interdisciplinary laws, professionals and so forth. In order to overcome the doctrinal challenge, this paper offers relevant principles which may function to balance the acceleration of IP securitization as a new financing mechanism for creativity and prevent unrestricted exploitation of IP exclusive rights. For addressing any normative and practical challenges, this work promotes the need for government involvement in developing and promoting IP securitization by providing economic and legal frameworks, started by enactment of IP securitization regulation and the establishment of infrastructures for IP securitization.

**Key words:** Intellectual Property, Securitization, Creative Industry Financing

**Introduction**

Intellectual Property (IP) assets can be monetized because IP offers a variety of financing and economic opportunities to the owners. IP can be sold, licensed, used for collateral or transformed into securities. Like other valuable assets, IP can be recognized as financial assets because IP owners can achieve future cash flow streams. As a cash flow generating asset, it is possible to set up tools and financial instruments for IPs via securitization. Securitization has become a popular technique to raise capital and to obtain liquidity in exchange for the transfer of certain assets.

While asset securitization itself is not new, IP securitization has become a revolutionary mechanism in commercializing IP after the structuring of David Bowie's music catalogue into saleable bonds in 1997. The success of the Bowie Bond shows that IP owners may obtain financial reward alternatives from IP securitization. In theory, securitizing IP is

no different than securitizing any other asset; whereas, on a practical level, securitizing IP presents a number of challenges and problems.

This paper explores the prospect of Intellectual Property (IP) securitization as a feasible financing method for the creative industries in Indonesia. It introduces the prospect of IP assets as a new vehicle for raising liquidity and financing creative industries in order to strengthen and develop creativity and productivity. It also describes how creative industries in Indonesia could use IP securitization to gain direct and indirect benefit by showing the cost and advantages associated with IP securitization.

Since IP securitization is a new legal institution in Indonesia, its application may spark problems at the doctrinal, normative, and practical levels. At the doctrinal level, the problem refers to the philosophical issues related to exclusive rights doctrine. At the normative level, the absence of Indonesian regulation concerning IP securitization may a fundamental problem drawing into questioning and casting doubt on the validity and viability of IP securitization. At a practical level, challenges arise from the uncertainty of IP valuation as a unique asset: the complex procedures, interdisciplinary laws and professionals involved and so forth. In addition, while IP securitization has been growing rapidly in the United States after the successful securitization of the 'Bowie Bond', it has not taken off on a cross border basis because of the diversity of laws and practices.

This work offers relevant principles which may function to balance the acceleration of IP securitization as a new financing mechanism for creative industries and prevent unrestricted exploitation of IP exclusive right, in order to overcome doctrinal challenges. Furthermore, the paper proposes that government involvement in developing and promoting IP securitization by providing the economic and legal frameworks is needed to overcome the normative and practical challenges. The enactment of IP securitization measures and the establishment practical frameworks and infrastructures for the IP securitization transaction will be the first step.

### **Basic concept of IP securitization**

#### *IP securitization definition*

There are several different definitions of securitization. Nevertheless, all refer to the process of pooling assets in order to sell them as securities (Fairfax, 1999). According to Thomas Fitch (2000, p. 25), securitization is "the conversion of assets into marketable securities for sale to investors". Similarly, John M. Gabala (2004) defines securitization as the conversion of illiquid assets into marketable securities to investors to provide immediate access to cash. The Indonesia Capital Market Supervisory Agency/BAPEPAM-LK (2003, p. 9) provides a similar definition of securitization as a process of transferring illiquid assets into tradable securities in accordance with the needs of investors. According to Bryan Garner, securitization is a process whereby the right to receive certain future payments is united and then sold in the form of securities (Garner, 2009, p. 1475). Securitization is essentially a process of creating financial instruments that can be marketed to investors based on

underlying assets or financial obligations (Nikolic, 2009, p. 398). The process of issuing securities backed by assets in structured financing is sometimes called "securitization" because assets are turned into securities: they are *monetized*, not through traditional secured borrowing or factoring, but through the issuance of asset backed securities (Sylva, 1999, p.198).

IP securitization is defined as "a financing technique whereby a company transfers rights in receivables (e.g. royalties) from IP holders to an entity, which in turn issues securities to capital market investors and passes the proceeds back to the owner of the IP" (Pandey, 2006, p.2). According to Medansky & Dalinka (2005), IP securitization can also be defined as a financial technique allowing IP owners to obtain lump sums of cash 'up front' from IP receivables, predictable cash flow or royalties. Based on these definitions, it can be concluded that IP securitization is a device of structured financing where IP assets or rights to receive future payments originating in/from IP are converted into marketable securities.

#### **IP securitization moments**

At the beginning of the 1970s, securitization started in the United States when the Government National Mortgage (GNME - Ginnie Mae) issued pass through-mortgage backed securities (Culver, 2008). In Indonesia, the term *securitization* was recognized at the beginning of 1997. In 2003, there was a formal regulation of the asset backed securities i.e. BAPEPAM LK Regulation No. IX.K.1 regarding "Guidelines for Collective Investment Contract of Asset Backed Securities", Regulation No. Kep-28/PM/2003. This Regulation was then amended by BAPEPAM LK Regulation No. KEP-493/BL/2008 in 2008.

Conventionally, securitization is backed by traditional assets, such as a mortgage, credit card and auto loan receivables, equipment lease, franchise or service fees (Glasner, 2008, p.27). All of these assets are similar in nature because they represent payment obligation, in the form of receivables or other financial obligations (Glasner, 2008, p.29). More recently, companies have been able to securitize all assets including IP rights because IP is considered a valuable asset. As a valuable asset, IP demonstrating a royalty revenue stream can be transformed into securities traded to investors. IP securitization most commonly involves copyright, trademark and patent assets. Copyright asset is given to the original works and gives the exclusive right to copy, distribute copies, make derivative works and take other defined actions with respect to that expression (Nimmer, 2001, p. 294). Trademark protects the trademark holder's right to use a mark to designate origin and signal quality on products traded through commerce (Nimmer, 2001, p.294). Patent protection provides the owner a monopoly of an invention for a limited term if the invention is non-obvious, novel and useful (Chu, 1999).

The important momentum for IP securitization started in February 1997 when David Bowie, through David Pullman, introduced a new form of securitization by converting his future royalties to be received from certain record sales into securities and sold those securities in a private offering for \$55 million (Fairfax, 1999, p.442). The form of the David

Bowie securities was a bond (called a Bowie Bond) offering a 7.9% interest rate with a 10-year average life and a 15-year maturity (Sylva, 1997). The bonds were backed by royalties on a 25 album catalogue consisting of about 300 songs of Bowie's recordings and song copyrights (Roberts, 1997, p.23). The "Bowie Bond" was the first IP backed securities and the first product of IP securitization (the first music royalties future receivables securitization). The securitization of song royalties by David Bowie begun a new trend that could extend not only to other musicians, but other types of copyrighted works (films, books, etc) or other IP assets (patents, trademarks, for example).

After the Bowie Bond success, several musicians structured song royalties securitization such as James Brown, The Isley Brothers, Iron Maiden and Rod Stewart (Morris, 2009). Other copyright works (films) were also securitized, for instance, Bear, Stearns & Co., Inc. securitized 10 films' future revenues made by Dreamworks - a production company owned by Steven Spielberg (Euromoney, 1998). Merrill Lynch structured a securitization involving revenues of films library owned by the Italian film company Cecchi Gori (Serwer, 1998). While film securitization by New Line Cinema was completed in 1998; in 2003, Vivendi Universal films securitized film royalties (Morris, 2009). PolyGram, a Dutch entertainment company generated a US \$ 650 million bond issue backed by cash flow from films produced over the next three years (Davies, 1998).

Although IP securitization was dominated by copyright assets such as films or music, the other types of IPs such as trademarks and patents were also securitized. Trademarks securitization such as Triac, Guess, BillBlass, Dunkin and drug patent royalties by BioPharma Royalty Trust and Royalty Pharma Finance Trust were examples of IP securitization following the David Bowie securitization transaction (Morris, 2009).

### **IP securitization processes**

The process of IP securitization involves six basic structures. First, a company or individuals, known as the "Originator," must have a pool of quality rights to receive future payments, receivables or income producing assets derived from IP assets (Culver, 1994). The Originator is the entity that originates or generated the receivables that are backed by finance raised (Deacon, 2004, p.575).

Second, the originator values and pools receivables or income producing assets (Benneth, 2006, p.402). Third, the originator transfers these assets to Special Purpose Vehicle (THE SPV) which is an independent standing entity, specifically created for securitization transactions and protected from any bankruptcy or insolvency proceedings of the Originator (Klee & Butler, 2002).

Fourth, the SPV issues securities to investors which are backed by the assets transferred. The SPV generally issues securities in the form of debt or equity instruments. The type of securities depends on whether the SPV will be structured as a pay-through or pass-through vehicle. The SPV issuing equity securities is a "pass-through vehicle which spread over payments proportionally to the security holders based on the receivables' cash

flow and their ownership share (Fairfax, 1999, p. 448). On the other hand, a pay-through vehicle issues debt instruments and allows security holders to receive fixed payments (principal and interest) that are secured by the receivables based on anticipated cash flow (Fairfax, 1999, p. 448).

Fifth, the proceeds from the sale of securities are used to pay the Originator for the transferred assets. Finally, the payments to the investor purchasing the securities issued by the SPV are paid out of the cash flow generated by the receivables (Shaw, 1990, p. 251).

### **Benefits of IP securitization**

A new funding source is desirable in the vast IP market dominated by record masters, publishing, television, film libraries, high tech and biotech licenses and where production or research costs are high (Haber, 1997). Creative industries, similar to other businesses, need ready capital not only to operate, research and develop the products, but also to expand their market. Creative industries, for instance film companies or music studios, have a difficult time making money on their products instantly. IP securitization seems an appropriate method for funding or financing creativity and productivity in creative industries. Through IP securitization, creative companies can tap into their future cash flows and keep up with the marketplace. IP securitization offering ready capital also benefits film and music studios that need large amounts of money for movies and music productions and promotions.

Accordingly, IP securitization may increase liquidity while diversifying funding options by enabling creative industries to access future income immediately (Scott, 2003). The ability of IP securitization to increase liquidity renders securitization termed "alchemy" because it creates valuable things from what has not existed before, especially in its ability to transform illiquid assets into liquid assets or cash (Fraga, 2005). IP securitization has become a popular technique to obtain liquidity in exchange for the transfer of certain assets (Fraga, 2005, p.5) and to increase liquidity by providing immediate access to cash (Gabala, 2004). More specifically, IP securitization essentially also replaces the rights to future receivables (royalties) with presently available cash, while Lois R. Lupica (1998) argued that process of securitization transforms assets into an instant cash payment future.

Since IP securitization is an essential mechanism for corporations to access ready capital by borrowing against future income streams, it has essential advantages as it allows the company or individual to raise money at a lower cost than conventional financing techniques. IP securitization diversifies financing option to companies unable to access bank and the capital markets. IP securitization seems an attractive financing mechanism for IP owners or creative industries when searching for liquidity because of the great possibility of those parties to access 'instant' money for their operation and development activities. IP Securitization is particularly beneficial to creative companies wishing to accumulate "generalized purchasing power" or engage in long-term investments (Lupica, 1998). Proceeds from IP securitization transactions can be utilized by the IP owners to support new

start ups, expansion, manufacturing or product development, introduction and promotion of new products to the market or to improve their financial performance and investment.

The concept of IP securitization resolves the difficult options of raising a large amount of money, while still retaining ownership in the underlying IP asset. Traditionally, in the world before securitization, creative industries as Originators had two options: borrow money by using their assets as collateral for a secured loan or to sell assets (Janger, 2005, p.303). Whereas, in the era of securitization, the companies/Originators can raise money without selling their property since in IP securitization, the financier purchases mostly the right to the receivables or royalties income but not the underlying IP itself.

IP securitization is also beneficial for society since it offers an alternative investment to investors and provides opportunities to society for obtaining income distribution. The instruments of investment issued by IP securitization will offer safer and stable income. Since IP securitization products are asset backed securities/bonds, they are generally more stable than corporate bonds, and are not as vulnerable to possible future negative ratings of the Originator. In addition, securitization is attractive for investors because the securitization products represent a fixed income investment and a constant rate of return. IP securitization also allows investors to design their investment based on their risk preferences. Investors can compare the risks of securities and identify securitizations with the credit risk they are looking for and invest accordingly (McClean, 2008, p. 564). Moreover, IP securitization also allows society to become involved in funding creativity and productivity. By purchasing IP backed securities, investors/society provide 'instant' cash for creative and productive companies to develop and create new IP products.

Other benefits of IP Securitization techniques are new possibilities for unlocking the wealth contained in intellectual property (Chu, 1998-1999, p. 471). If IP securitization financing can be successfully applied to creative industries and other IP based companies, many more creative and productive activities can be undertaken and utilized by IPs to develop wealth.

#### **The cost of IP securitization**

Although a certain IP asset is securitizable, it does not mean that IP securitization runs well. Structuring IP securitization should consider costs and benefits. An estimate of costs is needed to structure a securitization transaction such as fees for professionals in law, accountancy, tax and financial affairs, an amount that would be expected to be large. IP securitization involves more technical expertise than traditional asset securitization and requires more due diligence, affecting the expense and complexity of the overall process. Therefore, the standard of assets to be securitized must indicate the break even point in order to avoid the risks of acquiring benefits from securitization (Kumar, 2006, p. 98). This standard is sufficient to cover the cost to be paid for setting up a complicated scheme of IP securitization.

### The challenges of applying IP securitization in Indonesia

#### *At the doctrinal level*

There will be a conflicting interest in applying IP securitization because of the doctrinal problem of exclusive rights. IP laws promote and protect two conflicting interests: 1) the stimulation of creativity and productivity; and 2) the exclusive right of creators or inventors to exclude others from using the products of such creative efforts (Chu, 1998-1999). The principle of *exclusive right* is principally aimed at protecting the interest of the individual (creator/inventor) who actualizes his/her existence and potential (Haq, 2008). For instance, copyright protects original works and provides the author the exclusive right to exclude others from using, copying, or compiling the work. The *trademark right* prevents others from using any distinctive images, mark or terms that identify the products or service of a company in order to protect against consumer confusion or dilution of the mark (Frymark, Julie C., 2003, p.172). Patents based on novel, non-obvious and useful standards provide for the right to prevent anyone else from making, using, selling or offering to sell the patented inventions.

The exclusive right of IP is aimed principally at protecting individual interests and seems incompatible with Indonesian values focusing on communal interest (Agus Sardjono, 2007). The communal nature of society makes it difficult for its members to accept an IPR concept that emphasizes individual rights (Agus Sardjono, 2007, p.160). Since IP securitization strengthens the exclusive and monopoly rights of individual IP owners to monetize and commercialize their IP assets, it is difficult to meet communal interests to achieve social welfare. Although the exclusive right is the central concept to protect intellectual products and plays an important role in improving industry and trade development toward economic progress, unfortunately, the exclusive right has been manipulated by a few large corporations which have exploited exclusive rights as the main instrument to accumulate and maximize the interest and profit for IP capitalism (Haq, 2008). The over exploitation of exclusive rights results in misappropriation -manipulation and encourages self interest (Drahos, 1996, p. 119) and capitalism. The spirit of capitalism allows and strengthens the companies' aggressiveness to surpass the social interest (Haq, 2006, p.14).

Since several huge corporations control and dominate IP products and their derivatives in the global market (Haq, 2006), these corporations may be involved in misappropriations and IP exploitation in securitization schemes. If these corporations structure IP securitization in the interests of greed and inordinate self interest in a financial system such as Indonesia's, the beneficial and efficient form of securitization will be changed as commentator has described as "a serpent-like grip" on the real economy ([www.sodahead.com/48493/securitization-as-satan](http://www.sodahead.com/48493/securitization-as-satan)). Consequently, IP securitization becomes an 'evil' interfering with the flow of money and ultimately can disrupt the financial system. Extreme securitization will expose the root of financial crisis. According to Niall Ferguson (2008), the global financial crisis in 2007 was relative to the rise and fall of

securitized lending which allowed banks to originate loans but then repackage and sell them.

*At the normative level*

Indonesia has not regulated IP securitization in any specific *sue generis* system or integrated it into capital markets, or regulation under corporate or financial IP laws. Even for general asset securitization, the regulation is insufficient. Due to the lack of securitization regulation by specific means, some Indonesian banks (BII, Bank Bira, Citibank) and some companies (Astra Sedaya Finance, Bunas Finance Indonesia, and Surya Multidana) have proceeded with asset securitizations in Malaysia and Singapore (Manurung & Nasution, 2007).

The absence of regulation concerning IP securitization certainly sparks a fundamental problem for the application of IP securitization in Indonesia. Without specific regulation, the validation of IP securitization will be questioned. In addition, the uncertainty of the law may raise doubts about determining whether an IP securitization will be worthwhile. Moreover, without certain regulation, there is uncertainty whether the securitization of intellectual property rights is part of the securitization of assets or should be separated and treated differently from the asset securitization. Furthermore, uncertain rules over IP valuation, as well as uncertain laws in relation to IP pertaining to the ownership and perfection of a security interest can delay and risk the abandoning of IP securitization possibilities.

The existing regulations supporting securitization in Indonesia are very limited. Although Indonesia's government has provided President Regulation No. 19 /2005 for "Financing Secondary Mortgages Facility", this regulation is limited for securitization with the underlying asset of housing mortgages only. In the banking area, it can be noted that the Central Bank of Indonesia (Bank Indonesia) has released a regulation of the "Prudential Principle in Asset Securitization for Banks" (BI Regulation No. 7/4/PBI/2005), but it has also a limited scope which is applied for securitization structured by banks only. The current regulations on capital market law are also limited, since they are only related to the issuance or trading of asset backed securities as the products of the securitization process, not the securitization itself.

In addition, there is a conflicting norm between the bankruptcy remote principle as the main principle of IP securitization and Indonesia's bankruptcy law. The *bankruptcy remote principle* is applied to the SPV specifically created to complete securitization. The insulation of the SPV from bankruptcy is an important pillar of a securitization scheme (Locke, 2008, p. 180). The use of the SPV is simply a disguised form of bankruptcy waivers (Klee & Butler, 2002). However, the Indonesian Bankruptcy Act (UU 37/2004) cannot apply the bankruptcy remote principle to the SPV because Article 2 (1) of UU 37/2004 stipulates that *every debtor having two or more creditors and failing to pay at least one debt which has matured and became payable, shall be declared bankrupt through a court decision, either at his own petition or at the request of one or more of his creditors*. Under the Indonesian Bankruptcy Act, an SPV may not be protected from bankruptcy or insolvency

proceedings because an SPV can be a potential debtor due to the obligation of an SPV to pay the securities holder's investment revenue and other financial obligations.

*At the practical level*

The critical aspects of IP securitization are the valuation and calculation of IP assets. Calculation and valuation are necessary to determine the feasibility of securitization and to predict future cash flow (Rosenberg & Weiss, 2003). However, at the practical level, IP asset valuation uncertainty is the main practical challenge to structuring IP securitization. IP securitization presents significant difficulties due to valuation issues regarding the intangible nature of IP assets (Lev, 2001). As an intangible asset, the real value of an IP asset cannot be measured accurately. Generally, the real value of particular IP assets cannot be measured accurately because of the nature of IP assets as intangible. Therefore, future cash flows, receivables or royalties with elements that can be analyzed quantitatively are usually considered as suitable for the underlying asset of IP securitization because they can be easily measured. Future cash flow generates assets, receivables or royalties all of which are a better form to be chosen for IP securitization because they demonstrate that the firm has buyers and they are more liquid since they are one step closer to cash (Kirsch, 2007, p.10).

Any IP asset with a cash flow such as receivables or royalties can be securitized because the most important characteristic of the cash flow is predictability (Gabala, 2004, p.331). However, the predictability of IP cash flow or royalties seems uncertain in the era of massive infringement of IP rights. In the digital era, copyright securitization presents uncertainty in royalty collection in the illegal peer-to-peer ("P2P") music file-sharing and illegal downloading sphere, for example. High speed internet technology also contributes to fast-massive infringement which can reduce royalty streams of copyright works. Illegal P2P file sharing and downloading music reduces sales, and harms the market for copyrighted music by reducing sales, depriving copyright owners of royalties (Gabala, 2004, p.323).

The IP infringement precisely affects to the unprectability of IP or royalty cash flow. Any unpredictability of royalty income due to such infringements may diminish the attractiveness of the future royalty/cash flow/receivables-based securitization. Therefore, it is difficult to securitize IP assets in Indonesia; since in Indonesia, infringements of IP by illegal downloading or digital file sharing or counterfeiting still occur at an alarming rate. Based on the number of IP infringements, the United States Trade Representative continues to include Indonesia with 12 other countries on a priority watch list indicating by country the highest ranked rate of copyright infringement. The International Data Corporation ranks Indonesia eleventh worst of software infringer countries with pirated software circulation running at a rate of 86 % (International Intellectual Property Alliance (IIPA, 2012, 51).

Awareness of IP values and the experience to practice IP securitization are also practical problems in Indonesia. In the United States and other developed countries, companies are increasingly aware of their intangible assets, including IP. They have experienced a shift in the focus of a company's value from tangible to intangible IP assets

and more frequently monetize IP through IP securitization. However, Indonesia has no regulation or experience to structure IP securitization. Most Indonesian creative industries remain dependent on tangible assets and conventional financing transactions. Not many creative industries know how to protect and commercialize their IP assets in IP securitization schemes.

Another practical challenge also arises since IP securitization involves many parties, complex interdisciplinary laws and economic infrastructures. IP securitization is a very challenging area of study because it involves interdisciplinary study and laws including intellectual property, corporate law, capital market, corporate finance and other areas. According to Tamar Frankel (1991), securitization involves not only a part of a financial system, but the whole system, not one or a few branches of law, but most branches of the law. IP Securitization requires professionals and practitioners such as the SPV, servicers, rating agencies, credit enhancers, insurance companies, appraisers, capital market professions and the financial intermediaries. It does not simply need the traditional intermediaries, but the finance subsidiaries of operating companies and government intermediaries (Frankel, 1991).

Indonesia still faces the problem of effectively structuring IP securitization because of this complexity. Financial infrastructures, professionals, the fields of interdisciplinary law and research are not yet ready to support IP securitization in Indonesia. Indonesia has no professionals/practitioners mastering or experiencing the IP securitization process such as appraisers/rating agencies for calculating IP assets, the SPV for transforming IP assets into securities, insurance companies for backing securitization risks, and so forth. Significantly, the current legal and economic infrastructures do not also provide the frameworks, tools and mechanisms for supporting IP securitization such as foreclosure procedures, credit enhancement and credit ratings or markets for IP securitization products.

### **Solutions for IP securitization challenges**

#### *Creating appropriate models for IP securitization*

To address problems at the doctrinal level, it is necessary to formulate an appropriate model of IP securitization by analysing some relevant principles. These principles may function to balance the acceleration of IP securitization as a new, alternative form of financing for strengthening and developing creativity in creative industries so as to prevent unrestricted exploitation of the exclusive rights of IP in Indonesia. The principles analysed include legal certainty, justice/proportionality and utility.

#### *Principle of legal certainty*

An appropriate model of IP securitization should reflect legal certainty. The legal certainty principle is crucial to resolve the normative problems caused by the absence of IP regulation in Indonesia. According to Gustav Radbruch (2000), legal certainty, along with justice and policy, is one of three fundamental pillars of the idea of law. The importance of legal certainty transcends that of its constituent rules and principles (Radbruch, 2000, p.661).

The legal certainty principle consists of the general rules enabling individuals to be aware of what actions should or should not be done (Marzuki, 2008). The general rules are necessary in social life as a guide for individuals to behave in social life and as a means of protection for accommodating the interests of society. In contemporary Indonesian society, the general rules are set up in the form of acts or regulations. The availability of regulation and the implementation of these rules will create legal certainty. Thus, the regulation of IP securitization is a necessity for the reason of legal certainty. IP regulation that consists of general rules is not only a useful guide for individuals or companies to securitize their assets, but also to accommodate all interests, those of the IP owners and the social interest.

Legal certainty also provides legal safety for individuals from governmental power abuses, because the general rules allow individuals to determine the government's obligation and restricts the unprohibited action of states. James R. Maxeiner (2006) argued that legal certainty protects those subjects to the law from the arbitrary use of state power. By regulating IP securitization, individuals will be protected from the arbitrary use of government power such as a high rate of tax burden for securitization products or maladministration procedures.

By regulating IP securitization, legal certainty will be created. Legal certainty in IP securitization is important since legal certainty may ensure predictability (Maxeiner, 2006, p. 522). It is generally believed that legal rules provide the virtues of certainty and predictability, while legal standards afford flexibility, accommodate equitable solutions and allow for a more informed development of the law. Legal rules framed in clear and unambiguous language are essential for capitalism because they allow the certainty and predictability that capitalist systems require. The importance of legal certainty for capitalism was famously articulated by Max Weber: "capitalistic enterprise ..... cannot do without legal security because such security was essential for the investment of capital" (Weber, 1978, p. 833). Capitalists need a legal system that functions in a calculable way; calculability means an unambiguous and clear legal system. A clear and determinate set of legal rules provides certain delimitations of capitalist economic rights and duties.

Since IP securitization aims at raising instant capital, it can be interpreted as a form of capitalism. Thus, it needs certainty and predictability which can maximize economic efficiency. The predictability of IP securitization in raising capital may be assured by creating IP regulation to support legal certainty. Jan Michiel Otto (2003) noted that the legal certainty is reflected by the availability of a regulation which is clear, consistent, accessible and issued by or recognized by state power. According to Maxeiner (2007, p. 522), legal certainty means that: "(1) laws and decisions must be made public, (2) laws and decisions must be definite and clear, (3 ) decisions of courts must be binding, (4) limitations on retroactivity of laws and decisions must be imposed; and (5) legitimate expectations must be protected".

IP securitization is a legal process involving interdisciplinary law and many parties and highly regulated institutions. Thus, the regulation of such securitization cannot be

delayed. IP securitization regulation is necessary as the basis for the validity of the implementation of IP securitization in Indonesia.

*Principle of justice and proportionality*

The principle of justice in the securitization of intellectual property rights relates to fair and just regulation of IP securitization. Fair regulation means that every interest is protected in a balanced way; thus, everyone may earn as much as what is a part of the right. Since justice can be interpreted as balance or equality (Haq, 2008), IP securitization regulations should ensure a balance between rights and duties, between individuals (IP owners) and the social interest.

The concept of justice expressed by Ulpianus is continuous human will to keep giving everybody his/her own (*Constans et Justitia est Perpetua voluntas is suum cuique tribuendi*) (Marzuki, 2008, p.157). By referring to Aristotle's famous proposition "justice consists in treating equals equally and unequal unequally, in proportion to their inequality" (Wacks, 1995, p.178), justice cannot be interpreted as being that every person receives the same portion, but that what is received should be proportional.

Proportionality is interpreted as a distribution or exchanges of rights and obligations based on the values of equitability, freedom, the proportionality distribution, thereby attaching to the principles of accuracy and equity (Hernoko, 2010). The principle of proportionality emphasizes the fair and reasonable, not the mathematic-base notion of equality. The basic idea of proportionality is to balance conflicting interests (Hilf, 2001, p. 121). This approach facilitates a proper relationship between competing considerations (Nygh & Butt, 1997, p. 941). According to Mads Andenas and Stefan Zleptnig (2007, p. 372), proportionality is associated with the factors of "necessity and balancing", while George Bermann (1977, p. 415) noted that the principle of proportionality provides a guide to balance conflicting rights, interests, values or other purposes.

The proportionality principle can be applied to Indonesian IP securitization regulation by balancing IP owner interest and social interest. It may balance the doctrine of exclusive right providing strong opportunity for individuals (creators or inventors) to manifest their will or interest and to stimulate the production and dissemination of creativity and productivity in science, knowledge and creative works under free market conditions (Haq, 2008, p.1). It means that promoting and accelerating creativity and productivity by structuring IP securitization must be dedicated to also achieving social interest goals without damaging individual IP interests. IP securitization regulation should ensure the personal rights to IP without ignoring public, national or social interest. The regulation should contain the concept of social function utilized so as to restrict IP from over exploitation via IP securitization. The social function of IP securitization can be realized by balancing the rights and duties of IP owners when structuring securitization.

*The principle of utility*

The principle of utility reflects the spirit of capitalism, emphasizing "the greater benefit for the greatest number" principle as articulated by Jeremy Bentham. Accordingly, based on social justice, the appropriate model of IP securitization should take into consideration the greatest benefits for people. IP securitization should not only benefit the IP owner in commercializing or monetizing IP, but also create welfare for society. It is proven that IP securitization provides economic benefits to the IP owners because:

- a. Securitization increases liquidity by accessing instant cash immediately.
- b. IP owners raise ready capital without selling IP ownership rights, rather than to transfer the royalties, revenues, receivables or income producing assets to the SPV. (Glasner, 2008, p. 39)
- c. The IP securitization, including the sale of securities, is an irrevocable sale of securities (Hillery, 2004).
- d. The economic value of IP may be longer and more valuable over time so that it may be reused or form the basis of another IP securitization after the maturity of first securitization (Katz, 2002).
- e. IP Securitization may stimulate new innovations, creativities and productivity because IP assets can be commercially exploited in more profitable ways (Glasner, 2008).

Although IP securitization provides some benefit and advantages for IP owners, some argue that IP commercialization in securitization transactions appears to pay less attention to social welfare. However, John C. Edmunds (1996, p.118) argued that securitization will actually increase global welfare and it is a "new world welfare machine". Securitization has become the most powerful engine of wealth creation in the contemporary world economy and creates massive wealth globally (Edmunds, 1996). According to Edmunds (1996, p.118), wealth may occur when a portion of income is dedicated not only for consumption but there is a portion for investment in housing, equipment and technology changes. Welfare is created if the flow of money runs into a capital markets and securities traded on the stock market increases (Edmund, 1996). Capital generated from capital market will be beneficial for companies, increase the value of financial assets, and provide income for professionals. The next result of the appropriation capital derived from capital market or securitization process will impact on the economic development because it may be used by companies to develop their products, expand their companies, build new factories or for many other productive activities.

Based on the argument that securitization has become the most powerful engine of wealth creation in today's global economy and creates massive wealth worldwide, in some respects, IP securitization may benefit society because society may obtain income distribution by offering an alternative investment and investment diversification portfolio.

The products of IP securitization represents fixed income investment a constant rate of return. In addition, it allows investors to tailor their investment based on their risk preferences by comparing the risks of securities and identifying securitizations with the credit risk they are looking for and invest accordingly. Finally, society has opportunity to become involved in funding creativity and productivity. By purchasing IP backed securities, investors/society provide immediate cash to creative and productive companies for developing and creating new innovative products.

### **Government involvement for promoting and supporting IP securitization**

To solve the normative and practical challenges of IP securitization in Indonesia, it is necessary for the government to pay attention to and become involved with developing economic infrastructures and legal frameworks. The enactment of IP securitization regulation with its enforcement as well as the establishment of elements and infrastructures for securitization transactions will be the first step for supporting IP securitization.

To establish this first step, the requisite elements derived from the most common form of asset securitization must be adopted. At the most basic level, IP securitization involves a variety of key supporting elements: (a) system finance based upon IP; (b) capital market (market for IP based securities); (c) infrastructure to support securitization.

### **System finance based upon IP**

A system of finance based upon IP seems a key to financial and economic development. The conceptual framework linking IP to financial and economic development has four key elements: (a) the IP securities and inventive linkage; (b) the IP title, collateral and credit linkage; (c) IP liquidity and mobilization; (d) the IP market, transactions, and efficiency linkage. The four linkages are necessary to support effective IP based finance, and all linkages are based upon the existence of the appropriate legal infrastructure.

For the supporting system of finance based upon IP, it is necessary to generate a functioning system of finance based upon IP. The creation of a functioning system of IP based finance involves the precondition of (a) clear property right to IP; (b) clear right to transfer property, including IP, (c) clear rules related to the use of IP as collateral; (d) financial institutions capable of understanding credit enhancement analysis related to IP collateralization for IP backed securities; (e) a clear and predictable system of taxation; (f) appropriate financial regulation and supervision.

Furthermore, the market development in which IPs have an important role must be considered. To establish IP market development, the key elements necessary to reform must include: (a) institutional reforms that better define property rights and improve contract performance; (b) capital market reforms making IP finance available at reasonable rates, especially for individual/retail investors, (c) market reforms such as market regulation and fiscal policies that reduce or eliminate the main distortion in goods and services produced by IP assets.

### **Capital market (market for IP based securities)**

Governments have an important and catalytic role in developing institutions and a system which issues IP backed securities market. To establish the system, the following key principles can be suggested: (a) government must create the legal and financial infrastructures, foreclosure procedures and secured lending laws; (b) government must set up the competition, privatization and sunset provision; (c) the primary role of government in the secondary market should be to guarantee IP backed securities; (d) government should maintain an appropriate supervisory role through regulation concerning IP assets, liabilities and capital.

In addition, in processes of capital market development for supporting IP securitization, several issues which need to be addressed include: (a) establishment of a government supported IP based finance institution; (b) modification of collateral laws to support the transfer of IP; (c) development of laws supporting use of intangible (IP) as collateral; (d) establishment of credit rating and credit enhancement agencies for IP assets; (e) modification of corporation and/or trust laws to support the creation of the SPVs.

### **Infrastructure to support securitization**

To encourage IP securitization market, there are recommendations to accomplish the following: (a) develop legal infrastructure to support primary and secondary IP backed securities market; (b) enhance regulatory capacity; (c) create and improve the IP backed securities underwriting process. It is also necessary to (a) create legal infrastructure to support credit enhancement and credit rating; (b) improve disclosure and develop a rating system; (c) develop appropriate technology for trading, clearing and settlement; (d) create IP based finance corporations; (e) create competitive domestic IP backed securities market with appropriate taxation.

### **Conclusion**

Despite the presence of three main potential challenges (doctrinal, normative and practical) in applying IP securitization in Indonesia, IP securitization should be promoted since IP securitization plays the significant roles of providing new financing alternatives and avenues of financial support for developing and strengthening creativity and productivity in creative industries, especially. Therefore, the Indonesian government's involvement is very crucial for promoting IP securitization by providing economic and legal frameworks. Since the regulation IP securitization is absent in Indonesia, the creation and enactment of IP securitization regulation with its enforcement will be the first major step. The regulation can be set up through law on securitization, financial law, corporate law, capital market law, and/or modification of bankruptcy and collateral laws. Before finding the best model for Indonesia's regulation on IP securitization, the appropriate IP securitization models reflecting the principles of justice, utility and legal certainty should be tailored. Along with enactment of the regulation, the establishment of elements and infrastructures for the transaction will ensure the validity and feasibility of IP securitization transactions.

## References

- Andenas, Mads, Stefan Zleptnig (2007), "Proportionality : WTO Law in Comparative Perspective", *Texas Internatioanl Law Journal*, Vol. 42.
- Badan Pengawas Pasar Modal (2003), "Studi Tentang Perdagangan Efek Beragun Aset", *Research Reports*, Proyek Peningkatan Efisiensi Pasar Modal.
- Bennett, Steven. (2006). The IP asset class: protecting and unlocking inherent value, *J Marshall Rev.Intell.Prop.L.*, Vol. 5.
- Chu, Nicole. (1998-1999). Bowie bonds: a key to unlocking the wealth of intellectual property, *Hastings Comm. & Ent. L.J.*, Vol 21.
- Culver, Peter F. (1994). The dawning of securitization. *PROB. & PROP.* Vol .8.
- Davies, Simon.(1998). PolyGram bond issue to raise US \$ 650 M. *Fin Times*.
- Deacon, John. (2004). *Global securitization and collateral debt obligation (CDO)*. London, England : John Willey & Son Ltd .
- Drahos, Peter (1996). *A philosophy of intellectual property*. Burlington, USA: Darmout Publishing Company.
- Edmunds, John C (1996). Securities: The New World Wealth Machine. *Foreign Policy*, Issue 104.
- Eisbruck, Joe, Credit analysis of intellectual property securitization : a rating agency perspective, in Bruce Berman (ed) (2002), *From ideas to assets: investing wisely in intellectual property*, New York, USA : John Willey & Son Ltd.
- Euromoney* (1998), Borrowers, is this 1998's biggest show in town? June 10.
- Fairfax, Lisa M. (1999). When you wish upon a star: explaining the cautious growth of royalty-backed securitization. *GWU Legal Studies Research Paper No. 2012-92*.
- Ferguson, Niall. (2008), *The Ascent of money: A Financial History of the World*, USA : The Penguin Press.
- Fitch, Thomas P. (2000)., *Dictionary of banking terms*, New York. USA : Barron's Educational Series Inc.
- Fraga, Vicens Marti (2007). The use of IP backed securitization under the spanish regulation, perspectives for the future. *Masters Thesis*, International and European Business Law.
- Frankel, Tamar. (1991). *Securitization preface*. Little, Brown and Company.
- Frymark, Julie C. (2008). Trademark Dilution: A Proposal to Stop the Infection from Spreading. *Valparaiso University Law Review*, Vol. 38, No. 1.
- Gabala, John M. (2004). Intellectual property alchemy : securitization of intellectual property as an innovative form of alternative financing. *J.Marshall Rev. Intell.Prop. L.*, Vol.3, No. 307.
- Garner, Bryan A. (ed.). (2009). *Black law dictionary*, USA : West Publishing Co, Thomson Reuters.
- George Bermann, George (1977).The Principle of Proportionality. *American Journal of Comparative Law Suplement*, 1977, Vol. 26.
- Glasner, Ariel. (2008). Making something out of nothing : the trend towards securitizing intllectual property assets and the legal obstacles that remain , *Journal of Legal Technology Risk Management*, Vol. 3:2.
- Haber, Carol. (1997). IP Bond plan draws interest of high-tech, *Electronic News*.

- Haq, Hayyanul. (2008). Optimising the utilization of information and technology under ip regimes - an Indonesia perspective, *IIC Max Planx*, Vol.39. No. 3.
- Hernoko, Agus Yudha (2010). *Hukum Perjanjian : Asas Proporsionalitas dalam Kontrak Komersial*. Yogyakarta, Indonesia: LaksBang Mediatama.
- Hilf, Meinhard (2001). Power, Rules and Principles - Which Orientation for WTO/GATT Law?. *Journal of International Economic Law*, Vol.4.
- Hillery, John S. (2004). Securitization of intellectual property: recent trends from the United States, *Washington Core*.
- Janger, Edward J. (2005). Muddy rules for securitizations. *Fordam Journal of Corporate and Financial Law*, Vol. VII.
- Kadlec, Daniel. (1998). The real price of fame, bond celebrity are designed to turn hot talent into a great investment but will wall street bite?, *Time*.
- Katz, Andrew E. (2002). Financial Alchemy Turns Intellectual Property Into Cash: Securitization of Trademark, Copyrights and Other Intellectual Property Assets. *MS & K Newsletter Intellectual Property and Technology*.
- Kirsch, Alexander C. (2007). *Intellectual property securitization*. Germany : VDM Verlag Dr. Muller.
- Klee, Kenneth N., Butler, Brendt. (2002). Asset backed securitization, special purpose vehicles and other securitization issues. *Uniform Commercial Law Journal*, No.2.
- Kumar, Jayant. (2006). Intellectual property securitization: how far possible and effective", *Jurnal of Intellectual Property Rights*, Vol.11.
- Lev, Baruch (2001). *Intangibles: management, measurement, and reporting*. Washington D.C., USA: Brookings Institution Press.
- Locke, Natania. (2008). Aspect of traditional securitization in south african law, *Dissertation*, University of South Africa.
- Lupica, Lois R.(1998). Asset securitization: the unsecured creditor's perspective, *Tex. L. Rev.* Vol.76.
- Manurung, Adler Haymans., Nasution, Eko Surya Lesmana. (2007). *Investasi sekuritisasi aset*. Jakarta, Indonesia : Elex Media Competindo.
- Marzuki, Peter Mahmud (2008), *Pengantar ilmu hukum*. Jakarta, Indonesia: Kencana Prenada Media Group.
- Maxeiner, James R. (2006). Legal indeterminacy made in America: U.S. Legal Methods and the Rule of Law", *VAL. U. L. REV.* Vol. 41.
- Mclean, Jaclyn. (2008). Finance nouveau: prospects for the securitization of art. *N.M. L. Rev.*, Vol. 38.
- Medansky, Keith W, Dalinka, Alan S. (2005). Considering intellectual property securitization. *IP Value 2005-An International Guide For the Boardroom*, Globe White page.
- Morris, Matt. (2009). Royalty securitization: were bowie bond just a fad?, *Capital Formation Institute*.
- Nikolic, Alexander. (2009). Securitization of patents and its continued viability in light of the current economic conditions. *ALB L.J. SLC & TECH.*, Vol. 9, No. 2.
- Nimmer, Raymond T. (2001). Revised article 9 and intellectual property asset financing. *ME.L.REV.*, Vol. 53.
- Nygh, Peter, Peter Butt. (1997). *Australian legal dictionary*. Sydney, Australia: Butterworths.

Otto, Jan Michiel. (2003). *Reele Rechtszekerheid in Onwikkelingslanden*, translated by Tristram Moeliono, *Kepastian Hukum Nyata di Negara Berkembang*. Jakarta, Indonesia: Komisi Hukum Nasional RI.

Pandey, Randhika. (2006). Intellectual property valuation: a critical aspect of IP securitization. Available at SSRN: <http://ssrn.com/abstract=904604> or <http://dx.doi.org/10.2139/ssrn.904604>.

Sardjono, A. (2007). The development of Indonesian intellectual property Laws in the legal reform era: between the need and reality *Paper*, Institute of Developing Economies, Japan External Trade Organization, Japan

Roberts, Adreinne. (1997). "David Bowie to securitise royalties: Ziggy plays the markets", *ECON. & FIN.*

Scott, David L. (2003). *Wall Street words: an a to z guide to investment terms for today's investor*. USA : Houghton Mifflin Company.

Securitization is Satan, <http://www.sodahead.com/48493/securitization-as-satan/>

Serwer, Andy. (1998). a Sequel to Bowie bonds: supreme securities", *FORTUNE*, June 8.

Shaw, Gregory M. (1990). Developments in securitized markets: selected legal considerations relating to asset backed securities. *Practicing Law Inst./Corp.* 247, Vol .712.

Sylva, Jenifer Burke. (1999). Bowie bond sold for far more than a song: the securitization of intellectual property as a super-charged vehicle for high technology of financing. *Santa Clara Computer & High Tech. L. J.*, Vol.15.

Wack, Raymond. (1995). *Jurisprudence*. London, England : Blackstone Press Limited.

Weber, Max. (1978). *Economy and society*. Los Angeles, California : University of California Press.

***Pesantren Literature as a Form of Ideological Discourse Countering Communism: the Representation of Communist Figures in Ahmad Tohari's Kubah***

Muhammad Taufiqurrohman

**Biodata:** Muhammad Taufiqurrohman obtained his Magister Humaniora (Master of Arts) from Department of Literature (majoring *Cultural Studies*), Universitas Indonesia (UI). He is a lecturer of literature and cultural studies, Faculty of Humanities, Universitas Jenderal Soedirman (Unsoed), Indonesia. Email: [taufiq\\_sombo@yahoo.com](mailto:taufiq_sombo@yahoo.com)

**Abstract**

One of the subculture literatures, *pesantren literature* remains “an unexplored territory” of literature study in Indonesia. As the cultural product of the *pesantren* tradition, it has ideologically shaped some significant narrative cultural enterprises. Following Jamal D. Rachman’s three main definitions of *pesantren literature*—as a literature that lives and develops in *pesantren*, as a literature written by people who are from the *pesantren* tradition and as a literature dealing with the *pesantren* (Ismah, 2011), I only focus on the second as the object of the research. By the second, a novel written by an author who is from *pesantren* is investigated, i.e. *Kubah* by Ahmad Tohari. The analysis shows that in regard to general features of *pesantren literature*, Ahmad Tohari’s novel *Kubah* strongly embodies a form of ideological discourse countering the dominant political ideology at the time of 1950’s-1960’s, Communism. All in all, the paper reveals that *pesantren literature*, like other literary works, naturally tends to be positional and political.

**Keywords:** Kubah, Communism, Pesantren, Pesantren Literature

**Pesantren literature: A brief introduction**

As a subculture,<sup>106</sup> *pesantren* is perhaps one of the oldest traditional educational systems which mainly focus on Islamic-religion knowledge. The uniqueness of this religion-based educational system is found in its boarding school system. The students, called as ‘santri’, live in the so-called “*pondok pesantren*” (*pesantren* boarding house). The more comprehensive definition of *pesantren* comes from Azra et al. (2007, 175) quoted by Ismah (2011, 106-107):

The *Pesantren* is a residential school dedicated to the transmission of the classical Islamic sciences, including study of the *Qur’an* and *hadith*, jurisprudence (*fiqh*), Arabic grammar, mysticism (*tasawwuf*), and the Arabic sciences (*alat*). A typical *pesantren* complex consists of a mosque, studyrooms, dormitories, and *kyai*’s [the Islamic scholar who builds and leads the *pesantren*]

The students live there for 24 hours a day, not only for schooling but also for all of their daily activities, such as eating, washing, cooking, and so forth. The *santri* studies many subjects related to Islamic traditional courses from theology to Arabic grammar, from

---

<sup>106</sup> The term ‘subculture’ refers to the idea that *pesantren* culture for a long time has been a unique mode of life deviating from the general mode of life in Indonesia. This idea mainly refers to Abdurrahman Wahid’s thought in a book chapter “*Pesantren sebagai Subkultur*” (*Pesantren as Subculture*) (see “*Pesantren dan Pembaharuan*” (*Pesantren and Reformation*), Dawam Rahardjo (Ed.) Jakarta: LP3ES, 1988, 4<sup>th</sup> printed, p.40)

Islamic jurisprudence to theosophy. Besides, one of the courses in *pesantren* is literature. Traditionally, the most common form of its literature is the so-called 'Syi'iran' or 'Syair' (religious-traditional poem) which is mainly written and spoken in Arabic and local languages, such as Javanese, Sundanese, Bugis, and so on. The similarities of the Syi'iran works are on the themes they choose which mainly concern the love to God and the Prophet Muhammad. It reveals that the literary practices in *pesantren* are mostly a part of *religious* ritual prayer to God.

These days, this limitation of the so-called *pesantren* literature has changed. According to Jamal D. Rahman, an Indonesian poet and *pesantren* alumni, *pesantren* literature covers not only (1) a literature that lives and develops in *pesantren*, like 'Syi'iran' or 'Syair' (Old religious-traditional poem), but also (2) any kind of literary works which are written by people who are from the *pesantren* tradition, and (3) any kind of literary works dealing with the *pesantren* life as its main theme and issues, including Djamil Suherman's *Umi dan Tjerita-tjerita Pendek Lainnya* (1963), Abidah el-Khaliqi's novel *Perempuan Berkalung Sorban* (2009), etc. (Ismah, 2011, 107). Based on the definition above, this paper only focuses on the second dimensions—literary works which are written by the *pesantren* people. The best example I have chosen to examine is Ahmad Tohari's *Kubah*.

#### **Ahmad Tohari and the *pesantren* world**

Ahmad Tohari was born in June 13, 1948. He was a '*pesantren* native' from the very beginning of his life. He lives in Tinggarjaya, Jatilawang, Banyumas (Central Java) and grew up in the middle of *pesantren* cultural tradition. In his childhood, he studied "kitab kuning"—a type of traditional religious books written in Arabic, from which santri (*pesantren* student) wrote down the meaning of the word in the language of *Arab pegon* (Javanese Arabic). This type of the book—written by Islamic scholars teaching Islamic disciplines, such as *hadits* (the Prophet's words), *fiqh* (Islamic jurisprudence), *nahwu* (Arabic grammar), and so forth—has become a compulsory in the curriculum of *pesantren*. In a personal interview with the author, he recalled his childhood memory when experiencing the beauty of the use of *Arab pegon* words in translating the Arabic Koran.<sup>107</sup>

Although Tohari's parents were both from farming backgrounds, his father had received a good Islamic education and, while employed as director of the regional office for the Ministry of Religious Affairs, was responsible for the establishment of a *pesantren* in Tinggarjaya. Tohari's father has been described as a "progressive intellectual" and under his guidance Tohari developed a deep understanding of Indonesian politics and a strong sense of social and environmental responsibility. Tohari has described himself as a mischievous child who often visited a neighboring *abangan* village (i.e., one that practiced a less orthodox version of the Islamic faith). Although Tohari's education in the *pesantren* developed by his parents left him with deep religious convictions, as an adult his progressive

---

<sup>107</sup> Personal interview

interpretation of Indonesian Islam has also been criticized by some as being out of step with the status quo.<sup>108</sup>

As a writer, he has received national and international publicity with his masterpiece *A Trilogy of Ronggeng Dukuh Paruk* (1981), *Lintang Kemukus Dini Hari* (A Shooting Star at Dawn) (1985) and *Jentera Bianglala* (The Rainbow's Arc) (1986). His other works are *Jasa-jasa buat Sanwiryia* (in anthology of *Dari Jodoh sampai Supiyah*, Djambatan, 1976, p. 28-33), *Senyum Karyamin* (A Short Story Collection—written from 1976-1986, published by Gramedia, 1989), *Di Kaki Bukit Cibalak* (1986), and *Orang-orang Proyek* (2007). *Kubah* was written in 1980 before he got public attention as the author of the famous trilogy.

### Theoretical framework

New Historicism theory can be used as theoretical optic to comprehend the discourse beyond the text. As a tool of analysis, the theory assumes that historical phenomena can be read like a text or otherwise. H. Aram Veesser has isolated five key assumptions (Castle, 2007, 132):

- 1) "Every expressive act is embedded in a network of material practices";
- 2) Every critique inevitably "uses the tools it condemns and risks falling prey to the practice it exposes";
- 3) Literary and non-literary texts "circulate inseparably";
- 4) No discourse "gives access to unchanging truths" nor "expresses inalterable human nature"; and
- 5) Critical methods under capitalism "participate in the economy they describe."

By underlining the third notion, it is clear enough that one should not separate literary and non-literary texts. Both are inseparable and complete each other. After all, both "the fact of the fiction" and "the fiction of the fact" interchangeably narrate the text.

### Research method

This paper is a descriptive-qualitative research which mainly applies New Historicism theory. The method relevant to the theory is a "thick description" or "in-depth reading" method. It means that the researcher reads the same text, *Kubah*, repeatedly in order to get a comprehensive meaning (Geertz, 1973, 25). After finding the "always-temporary-meanings of the text", the researcher tried to locate them in the formative discourse of the historical event, which is mainly recorded in the secondary data such as historical books, journals, magazines and so forth. All in all, both the meaning from the fiction and the non-fiction are challenged and read meticulously, so that the production of 'new' meaning becomes always possible.

---

<sup>108</sup> [http://en.wikipedia.org/wiki/Ahmad\\_Tohari#cite\\_note-Dancer-1](http://en.wikipedia.org/wiki/Ahmad_Tohari#cite_note-Dancer-1) quoting Tohari, Ahmad (2003). *The dancer : a trilogy of novels*. Jakarta: Lontar Foundation. ISBN 979-8083-49-0.

**The post-1965 tragedy: conflict, reconciliation and fiction**

In 1950s Indonesia, the PKI (the Indonesian Communist Party) became one of the major political powers in the country. In the first general election of 1955, the party won fourth position, following PNI (the Indonesian National Party), *Masjumi* as the first runner-up and PNU (*the party of Nahdlotul Ulama*). In the 1960's, the PKI became even bigger and formed powerful organization in the fields of politics, economics and culture. Thus, it was the biggest Communist party in the world, outside of Soviet Union and RRC. Then, political relationship between the PKI and the President Sukarno became more intimate. This was proved when Soekarno declared a national slogan that became famous at the time: "NASAKOM" (Nasionalis, Agama, Komunis)—the idea of the unity of these three major political elements of the nation. This political development created 'political anxiety' among other major elements of the nation, such as the nationalists, the Muslim parties (e.g. *Masjumi* and PNU), and also the military.

On the night of 30 September/1 October 1965, something tragic happened. Six army generals and one lieutenant were kidnapped and killed at "Lubang Buaya", in Jakarta. Then a military coup happened that finally ended the power of President Sukarno. The new president was inaugurated led by General Soeharto, the founder of the so-called "New Order". Soon after the rise of the New Order, the president and his government constructed the idea of "the tragedy of 1965". With his military power, the new order created the *one and only* official historiography that declared the PKI as the mastermind of the tragedy, though some recent publications have provided other version of the tragedy. Unfortunately, this official version of history soon became the only narration that has been accepted by the people. Thus, further consequence in the field of social, politics, culture, and economics could not be avoided.

In the context of global politics, the 1965 tragedy happened at the peak of Cold War when the Western alliance (the capitalist USA and UK) had the same global agenda to fight against Communism, while at the same time the ideology of Communism was expanding rapidly throughout the world.

What happened next in the aftermath of the 1965 tragedy? There were two forms of conflict which happened in the country; vertical and horizontal. Vertical conflict happened between the military government and the PKI supporters. Immediately the PKI was listed as a forbidden party in Indonesia, all of PKI members and those linked to PKI were jailed and many of them were killed.

Accordingly, the horizontal conflict happened between the PKI and other elements of the nation, particularly the Nationalist and Muslim groups. This civil conflict can be seen as the result of political propaganda which was controlled totally by the New Order, either in the official media or in the private media. In some districts, some mass organizations linked to the Nationalist and Muslim parties voluntarily "helped" the military, executing-killing-murdering PKI supporters, such as Pemuda Pancasila (the Youth of Pancasila) that

was linked to the Nationalists, Gerakan Pemuda Anzor (the movement of Anzor Youth) and Barisan Serbaguna (Banser) that was linked to the Muslim party, Nahdlotul Ulama (NU). The enmity between the Communists and the Muslims particularly happened in some regions where NU with its large landholdings were the majority, such as in East Java and many parts of Central Java and West Java. In this phase, some elements of Nationalists and Islamic groups played significant role in killing and rounding up Communists.

After the reformation of 1998, some new reports have been published which provide more critical accounts of these events. The most recent publication is a report from KOMNASHAM (Indonesia's National Commission on Human Rights) which investigated the mass killings in 1965/66. The Indonesian army unleashed a campaign of terror against the supporters of the PKI and groups that were associated to the party. Up to one million people were killed and many of them were imprisoned as "TAPOL" (*political prisoners*). The report also said that this human tragedy committed by the army was done with the support of gangsters, civilian mobs, and para-military groups. Another recent report was the film *The Act of Killing (Jagal)* by Joshua Oppenheimer. It has drawn international attention to the 1965 massacres. The film shows how proudly local gangsters in Medan, North Sumatra played their roles in the killings, especially focusing on the leader of the gangsters, Anwar Kongo. The film also shows how one of para-military groups, Pemuda Pancasila played its role in the tragedy. A further report was made by some NU members (especially the youth), with the aim of making reparations for the violence of the past and to bring communities together. They tried to reconcile ex-Communist *Tapols* with their communities and teach them that both Muslims and Communists were "the same victims of the same past".

The 1965 tragedy was also documented in Indonesian fiction. There are some literary works dealing with the 1965 tragedy that were written under the power of New Order; *Sri Sumarah dan Bawuk* (Umar Kayam, 1975), *Para Priyayi* (Umar Kayam, 1992), *Kubah* (Ahmad Tohari, 1980), *Ronggeng Dukuh Paruk* (Ahmad Tohari, 1981), *Nyali* (Putu Wijaya, 1983), and *Anak Tanah Air, Secercah Kisah* (Ajip Rosjidi, 1985). These literary works written under the New Order regime were mostly written by non-Communist or affiliated-Communist writers. After the reformation of 1998, more literary works dealing with the tragedy were published. It has been possible for ex-Communists to publicly tell their stories and for young writers to explore the meaning of 1965 event for later generations. Among these works of literature are: *Merajut Harkat* (Putu Oka Sukanta, 1999), *Tapol* (Ngado Febuana, 2000), *Layang-layang Itu Tak Lagi Mengepak Tinggi-tinggi* (Martin Alaeda, 2003), *Derak-derak* (Zoya Herawati, 2005), and *Kemerdekaan Dimulai dari Lidah* (A.D. Donggo, 2005), *Pulang* (Leila Chudlori, 2012) and *Amba* (Laksmi Pamuntjak, 2013).

In this context, *Kubah*, first published in 1980, contributes something distinctive to modern Indonesian literature, in that the novel sees the events of 1965 and their aftermath from within the culture of the *pesantren*. After thirty two years, the novel was republished in 2012, and included Gus Dur's endorsement as an expression of reconciliation between Communism and its foes, particularly Islam. Perhaps a major reason for republishing the

novel was that it can be seen as contributing to current mood of reconciliation. This message can be seen from the end of the story, i.e. the reconciliation between a figure from *pesantren* (Haji Bakir) and a former Communist (Karman). On the other hand, I will argue in this paper that the novel as a whole does not have a reconciliatory message. Rather, I will show how the novel perpetuates established negative stereotypes of Communism and its alleged supporters.

### **Ahmad Tohari's *Kubah*: the representation of Communist figures**

The cover of the latest version of the novel can tell a lot about *Kubah* and its relation to Communism. There are three endorsements in the cover. The first is: "The best novel of 1981", from the *Yayasan Buku Utama* Ministry, of Education and Culture. It points to the fact that *Kubah* was one of favorites of the New Order regime under General Soeharto. Although it also discursively presents a critique of the military regime, it was mainly considered to be a strong critique of Communism as represented by the one and only *Indonesian Communist Party*—the biggest political enemy of Soeharto's regime.

The second is: "It has been published in Japanese language". This shows us that the novel has already been recognized as an 'international' work. It has drawn the attention of other countries. The third is an endorsement by Abdurrahman Wahid (or Gus Dur), the then-President of Indonesian republic: "KUBAH brings a great idea of reconciliation of post 1965 tragedy which was first written in 1979 and then published two years later." For Gus Dur, the main idea of the novel was the reconciliation of Communism and its enemy, Islam, as represented by the political and cultural power of *pesantren* through the Party of Majelis Sjura Muslimin Indonesia (MASYUMI) and the Party of Nahdlotul Ulama (NU).

### **Characterisation as political statement**

While for Gus Dur *Kubah* brings the idea of reconciliation and for Tohari a kind of cultural response to the tragedy of 1965, I see it as a serious critique of Communism and its challenges to Indonesia from the perspectives of the Islamic *pesantren*. All the Communist supporters are represented as "antagonists" of the story. Above all, my analysis reveals some cultural representations of Communist supporters as variously victims of the party, schemers, immoral women or simply Chinese. On the other hand, *Kubah* portrays all of the *pesantren*-connected characters as positive protagonists.

### **Karman's story: plot summary**

Karman, the main character of the novel, was born in 1935 in Pegaten. His father was a *mantri pasar*<sup>109</sup> and his mother was a housewife. In his village, the family of *mantri* was considered as part of *priyayi* (elite-noblemen class). As part of the elite, Karman enjoyed a good life as a child. Everything changed when the Japan soldiers came and stole people's rice. People then just ate *ubi-ubian* (*cassava or tuber*), including the Mister Mantri's family. Of *priyayi*, he believed that the elite should eat the best rice, not *ubi-ubian*. In order to have

---

<sup>109</sup> A government officer whose job was to manage a traditional market.

rice he finally insisted Haji Bakir to take his entire land in exchange for rice. Mister Mantri soon became poor. When the war independence came, he chose not to be a part of the Republic but to be a part of the colonizer, with a hope that one day he will become *mantri pasar* again under the power of colonizer. One day the Republic corps, which was mainly supported by *kampung* and *santri* youth, took him to the jungle and he never came back home (p. 60-61). People knew that he had died.

As an orphan, Karman lived with his mother, bu *mantri*. The little Karman always played around with his friends, including Rifah, Haji Bakir's daughter. Sometimes Rifah invited him to play with her in her house. Soon Haji Bakir's family realized that there was an orphan among their neighbours and it was their duty as Muslims to take care of him. By giving him a job, Bakir's family paid him some money and also gave him some *zakat* or *infaq* (religious alms). This helped Karman and his mother. At this time, he was also a diligent *santri* who always recited the Koran in Bakir's little mosque at night. He always spent the night at the mosque. With his friends, he usually went home after Subuh (dan) prayer. He happily did this religious routine and worked activity for years for the Bakir family. After three years, they asked him to live with them in their house where he received all adequate food and proper daily clothing.

In 1950, when he was fifteen years old, his uncle Hasyim came home after four years defending for the young Republic as a member of *Laskar Hisbullah*, a Muslim militia. Karman now left Bakir family and lived with his uncle's family (p.80-81). He became a student at the junior high school (*Sekolah Menengah Pertama-SMP*) and finally graduated in 1953 (p.93).

After the 1948 *coup d'état* by the PKI,<sup>110</sup> people paid less attention to the actors of the uprising who then escape from Madiun. Muso, as the mastermind of the action, quickly succeeded at spreading his political influence among various circles of Indonesian intellectuals (p.84). One of them was Margo, a mastermind of the Communist party in Pegaten. It took a long time for Margo to find a young man with great potential to become a distinguished political cadre but he finally found the young Karman (p.85-86). Then, a new chapter of Karman's life soon began.

After investigating Karman's life and family, Margo started to approach Karman with some 'ammunition'. First, knowing that Karman was a graduate of SMP who was looking for a job, Margo and his compatriots tried to find him a job. Before talking to Karman directly, Triman and Margo approached his uncle Hasyim. Then, they found a job for him as a secretary (*juru tulis*) in a sub-district office. Surrounded by many Communist figures, immediately the young Karman became a member of the Communist party.

Margo also knew that Karman was recently disappointed by Bakir's family because they had rejected his marriage proposal to Rifah. Haji Bakir had instead accepted Abdul Rahman's

---

<sup>110</sup> Though in the novel Tohari just clearly names the party as Partai Komunis (*the Communist Party*), it's clear enough to refer it to *the one and only* Communist party in Indonesia at that time, that is Partai Komunis Indonesia (*the Indonesian Communist Party*).

marriage proposal. He was a *santri* (Muslim scholar) from the pesantren of Tebuireng Jombang and his proposal had come earlier than Karman's. As a result, Karman was frustrated, angry, and ashamed. All he want is to take revenge and to hate Haji Bakir. He was reluctant to meet Bakir and his family, and never visited their house. He also soon stopped the obligatory worship in the Bakir's mosque. He did it at home. On Fridays, he chose to worship in another mosque.

All his actions were actually forms of personal revenge. By not worshipping in Bakir's mosque, he was attacking Haji Bakir. Everything became even worse. He stopped attending obligatory worship. The mosque and Haji Bakir as a Muslim figure were both symbols of Islam in Pegaten. The more he avoids the mosque, the more he felt satisfied (p.101). Margo and his group made things worse. They enthusiastically turned him against Haji Bakir (p.102).

Margo further taught Karman about the struggle of proletariat people against the bourgeois. The left-wing political views were very powerful. Margo also recited the story of Karman's land. Based on his different version, it was a fact that an Islamic leader like Haji Bakir had greedily occupied the land of Karman's father (p.103). It took only a year since his meeting with Margo's group for Karman to become extremely cynical and always suspicious of anything related to Bakir. He openly left the mosque and stopped his prayers. He regularly quoted Margo's words that religion is opium for the oppressed people or the masses (p.103).

The climax of his personality transformation came about near a well behind the house. One day he stood angrily in the backyard with a chopper in his hand. He looked, hesitated, but then slowly moved to a water basin made of bamboo and furiously cut it into pieces. The basin was full of water for *wudlu* (an obligatory ritual of cleansing the body before prayer). By doing this, he sent a message to the people that he was a real symbol of his transformation; he was now the Communist-atheist Karman (p.104).

Then the tragedy of 1965 happened. The suspected cause of the tragedy was the Communist party. The consequences were tragic. All Communist activists and those who supported the party were hunted down and arrested by soldiers. Some of them were murdered, while some others were imprisoned. After quite long period on the run, Karman was finally arrested and 'luckily' was not murdered by the soldiers. He was one of those who were imprisoned. The military government of General Soeharto sent him and many Communist activists to the political prison of Pulau Buru (Buru Island). Pulau Buru has become famous among Indonesian people and others because of its function as a jail for many Indonesian political prisoners who were suspected of being Communists. Including the most prominent Indonesian writer Pramoedya Ananta Toer, who wrote "The Tetralogy of Buru Island" while imprisoned there.

Karman was thirty years old at that time. In 1971, his wife Marni decided to remarry another man. After giving up hope of marrying Bakir's daughter, Rifah, Karman married a

young girl who really loved him, Marni. After Marni's remarriage, Karman finally realized that his political activity as a Communist party activist had been wrong. While debating with his companion Sitepu in jail, Karman said "...because of the party, I'm now here in jail, far away from home, and my wife will remarry another man" (p.15). In jail, he had realized that he was just a 'victim' of the Communist party.

After twelve years Karman was finally released from Buru Island. On the first day of his release, he felt as if he was nothing and the most wretched person in the world (p.9). In 1977, "I'm just an ex-political prisoner!", he said to himself repeatedly (p.7). He did not realize that the people of Pegaten had forgotten the horrible tragedy of 1965. Those who were involved to the tragedy either imprisoned or not, had become good civilians. They regretted what they had done. Karman finally came home and people accepted his coming home. Even Haji Bakir and his family came along to his house to welcome him.

In front of neighbors, Karman ran to welcome Bakir then knelt down in front of him. He tightly embraced the old man and cried loudly like a child. Bakir could do nothing and let him cry (p.194). The old man and the ex-Communist activist were finally united again. For the people of Pegaten, the rendezvous was a symbol of reconciliation between Islam and Communism. Then the story ended happily; Bakir and the people agreed to give him a job that is making a *kubah* (*Mosque dome*) (p.209). Finally, the ex-Communist "came home" to his origin, Islam; and the Communist Karman had finally "died".

#### **A Communist Margo: "The Mastermind"**

Margo was the mastermind behind the Communist Party in Pegaten. His devotion to the party is reflected in the description of his room. Although the room was not a good library, there was a poor cupboard which was fulfilled with books. It was not very large. Above the cupboard there was a portrait of Russian Communist leader; Lenin, on a red background. From the books which were all dirty and crumpled, we knew that the owner of the room loved reading lover. Besides, the books were also dirty stenciled brochures (p.111).

Margo escaped from Madiun and became a teacher in Pegaten. He was smart, brilliant and fond of reading any books or brochures related to his Communist party. He also subscribed to *Harian Merah* and was always proud of it. The name of "Harian Merah" (*Red Daily Newspaper*) actually refers to "Harian Rakjat" (*People Daily Newspaper*). "Harian Rakjat" was published for the first time in January 31, 1951. Formerly it was named as "Suara Rakjat" (*The Voice of People*) (Yuliantri & Dahlan, 2008, 77).

His eyebrows looked like Lenin's. Contrary to people's expectations, he succeeded in organizing some people who were sympathetic to the party. The oldest one was a pensioner, a machinist, who was a loyal follower of Suryopranoto, a main figure of the Communist train workers' movement. The other three figures were ex-followers of Serikat Islam (SI) Merah (*Red Islamic Council*). SI Merah was a political faction of Serikat Islam, which turned to the left because of the political influence of Alimin and Darsono (p.84). The "Red SI" was in line with the idea of secularism proposed by PKI. They came from some regions, but the most

influential was “Red SI Semarang”. Others came from Madiun, Cepu and Nganjuk (McVey, 2010, 242-245).

Margo deserved the praise he received. As a Communist cadre, his work could be measured from the results of the first general election of 1955. At that time there were only seven voters of his party. Surprisingly for the election of *Contituante* (parliamentary) member a year later, the voters for his party increased to 353 (p.112). This was in line with the result of national general election.

In Pegaten, one of aspects of Margo’s success was Karman as his young cadre. It can be seen from his political teachings to Karman, including his discussion about his love affair with Rifah who had just become a widow (p.114). Another plan to isolate Karman from Rifah and Bakir family was to let him visit Semarang, the capital city of central Java province, and sending another woman to accompany him; Suti.

### **A Communist Suti: the “wild” woman**

Suti was a stereotypical representation of a Communist woman. Suti was thirty years old. She was described as a woman who had a “wild” attitude, and engaged in love affairs with other Communist activists. When she and her companion had a discussion in her house, she sent her husband to the kitchen to cook. After that discussion, they had “special” event that in the name of the party she must serve the Communist activists like Triman with her body because Suti was a special woman in the party. However, her husband did nothing as if there was nothing between her and her companion. Although most people did not notice this moral disaster, her mother-in-law knew and soon died, because of frustration and stress caused by that sinful act (p.121).

In Semarang, Margo and Triman left both of them. Karman was with Siti in a motel. They slept together. Karman was an unmarried man at that time. For the wild married Suti, it was a gift to have a new bachelor doll like Karman. In short, they satisfied their sexual passion (p.122). As stated before, it was Margo’s plan to make Suti a gift to Karman. However, this plan failed. For Karman, his love affair with Suti was only a mere sexual passion. In Pegaten, he was obsessed with his love for Rifah, who was now a widow. His dream of marrying Rifah rose again and he tried to make come it true. One night he went to Rifah’s house, spied on her and saw her in a silent and peaceful prayer. He could feel how peaceful the heart of a broken hearted woman who just lost her husband could be. Suddenly he remembered another woman who was exact opposite of Rifah. She was the wild Suti. He finally knew many differences between them, but could not count it one by one. There were too many to mention (p. 127).

From this point, it is very clear that the author tries to discursively compare between Suti as a representation of Communist women and Rifah as a representation of *santri* Islamic women: Suti was a wild, sex-oriented, and sinful wife, while Rifah was religious, God-oriented and devoted wife. From the description, it is clear that Suti was a representation of

most Communist women who became members of Gerakan Wanita Indonesia (Gerwani), the PKI's *underbow* ['underground'] Indonesian Women's Movement.

**Some Chinese Communists: Tan Oen Sok, Tan Cie Hong, Tan Liong Pek's daughter and Oey Fen May**

*Kubah* creates the impression that all the Chinese characters were supporters of the Communist party. The first is Tan Oen Sok, a rich Chinese businessman who totally supported the political movement of Communist party. When the activists of the party needed a car, he let them borrow his car. When Margo and the companions went to Semarang, they rode his *Jip*. He was actually a member of Baperki—an organization of Chinese who supported Communism. As a rich businessman, he ran two tapioca factories in Kokosan. Most of the capital and trade circles in the region were in his hands. In fact, he was an illegal citizen because he was still a Chinese. He hadn't changed his citizenship into Indonesian. By doing this, he actually broke the law that forbade foreign Chinese to live in the region. That was a government rule, PP 10/1985 that he broke (p.120).

The proof of his support for Communism became very blatant. It happened several months before the tragedy of October 1965. He sorted out an unusual trade. He bought *mancung* (young coconuts) and a large number banana trees in from the people. Later on, people knew that the activity was a part of a political act. Buying most of *mancung* had a big effect to the economics of the people, since their production of coconut sugar was primarily hooked on *mancung*. But why would farmers sell the young coconuts needed for sugar production to him? In the 1960s, it was understandable that as poor people they always needed money urgently.

Tohari described the economic-political act the Chinese had committed as "the politics of impoverishment". The purpose of the act was so that the impoverished people would be easily agitated or provoked (p.120). The Chinese figure was described as an opportunist who lived in a pragmatic-economic oriented way. After the tragedy of 1965, he ran away from Pegaten and moved to Bandung leaving behind his wealth and all his belongings. It was not a big deal. In Bandung, the opportunist could live happily again (p.120).

The second Chinese character was Tan Cie Hong. He was not described as comprehensively as his big brother Tan Oen Sok. He was just a member of Baperki like his brother. Together with other official Communist activists, Margo and *si Gigi Baja*, with his companion Riwut, Cie Hong was buried by the policemen and the soldiers at the edge of Pegaten (p.152). Sadly he was not as lucky as his brother who ran away to Bandung and lived there happily.

The third Chinese was Tan Liong Pek's daughter, who was a *ledhek* dancer and the fourth was Oey Fen May, who was a *ronggeng* (a traditional dancer). Both of them were described as bad dancers, who danced badly but very boldly. They invited the kampong youth to dance with them in erotic way (p149). The novel brings a message that traditional

dancers were used as a tool for political acts. Although it was not mentioned clearly whether these two dancers were official Communist activists or not, it was well-known that Communist arts organizations supported the traditional dancers of the people and used dancers as a tool to approach the people. The *Lembaga Kebudayaan Rakyat* (LEKRA) (the Institute of People's Culture) was an official cultural organization of Communist party and organized political activity in the field of culture. It included many institutes for traditional cultures, such as the *Lembaga Seni rupa Indonesia* (the Institute of Indonesian Art), the *Lembaga Film Indonesia* (LFI) (*the Institute of Indonesian Film*), the *Lembaga Sastra Indonesia* (Lestra) (*the Institute of Indonesian Literature*), the *Lembaga Senidarama Indonesia* (LSDI) (*the Institute of Indonesian Drama*), the *Lembaga Musik Indonesia* (LMI) (*the Institute of Indonesian Music*), and the *Lembaga Senitari Indonesia* (*the Institute of Indonesian Dance*) (Yuliantri & Dahlan, 2008, 36-38).

Unlike the novel, the historian Onghokham has noted (2008, 2-3) that the heterogeneity of Chinese people in Indonesia was actually a historical and sociological fact. Chinese were rich, poor, Muslim, Catholic, Protestant, Buddhist and other religion as well. It can be said that Chinese people are as plural as Indonesian people. Like the original people of Indonesia, the Chinese in Indonesia were as plural as Indonesian. In this novel all Chinese characters are portrayed as supporters of or linked to the Communist party in some way or other. My analysis proves that the novel—intentionally or not—has established two ways of stereotyping Indonesian Chinese; (1) that all of Chinese were Communist supporters, and (2) all of them were the enemy of the people.

### Conclusion

From the findings, it can be concluded that Ahmad Tohari's *Kubah*, as a type of *pesantren* literature, strongly conveys a serious cultural critique of Communism. As shown in the beginning of the analysis, the *pesantren* native Tohari through the omnipresent point of view in the novel narrates the representation of Communist figures as "antagonists" and conversely narrates all Islamic *pesantren* natives as "protagonists".

This analysis proves that, like many other literary works, *pesantren* literature naturally tended to be positional and "political" Works and that this forced them to support their own culture and ideology on one hand and to counter the oppositional ones on the other. In the context of the reconciliation of post-1965 tragedy, this novel totally contradicts its aim to reconcile the Muslims and the Communists as suggested by Abdurrahman Wahid in his endorsement of the novel and by Tohari himself in his vision to respond the 1965 tragedy. In fact, this sort of literary work—as well as many other literary and non-literary works written in the era of New Order power—ideologically constructs a stereotype of all Communist figures as criminals; the enemies of the nation. In this paper, I have argued that the ideological assumptions about Communism which predominated at the time the novel was written are embedded in the characterizations employed. They definitely work against

a reading of the works as an expression of reconciliation between Islam and Communism in the contemporary political climate.

### References

- Abdullah, Muhammad. (2009). *Khasanah Sastra Pesisiran*. Semarang: Undip Press.
- Castle, Gregory. (2007). *The Blackwell Guide to Literary Theory*. Oxford: Blackwell Publishing.
- Geertz, Clifford. (1973). "Thick Description: Toward an Interpretive Theory of Culture?" in *The Interpretation of Cultures: Selected Essays*. New York: Basic Books.
- Gonggong, Anhar. (1985). *H.O.S Tjokroaminoto*. Jakarta: Departemen Pendidikan dan Kebudayaan.
- Heryanto, A., Mandal, S.K. (2003). *Challenging Authoritarianism in Southeast Asia: Comparing Indonesia and Malaysia*. London & New York: Routledge.
- Ismah, Nor. (2011). *The New Generation of Women Writers from the Pesantren Tradition in Indonesia*. *Exploration (A Graduate Student Journal of Southeast Asean Studies)*, Volume 11, Issue 1, Spring 2011.
- Onghokham. (2008). *Anti Cina, Kapitalisme Cina dan Gerakan Cina: Sejarah Etnis Cina di Indonesia*. Depok: Komunitas Bambu.
- McVey. Ruth., (2010). *Kemunculan Komunisme Indonesia*. Depok: Komunitas Bambu.
- Tohari, Ahmad. (2012). *Kubah*. Jakarta: Gramedia Pustaka Utama.
- Wahid, Abdurrahman. (1988). 'Pesantren sebagai Subkultur' in Dawam Rahardjo (Ed.), *Pesantren dan Reformasi*. Jakarta: LP3ES, 4<sup>th</sup> printed.
- Yuliantri, R.D.A., & Dahlan, M.M. (2008). *Lekra Tak Membakar Buku: Suara Senyap Lembar Kebudayaan Harian Rakjat 1950-1965*. Yogyakarta: Merakesumba.

## The Role of Community Solid Waste Management in Achieving a Sustainable Final Disposal Site, Yogyakarta

Widodo Brontowiyono

**Biodata:** Widodo Brontowiyono is the Dean of Faculty of Civil Engineering and Planning (FTSP), Universitas Islam Indonesia (UII), Yogyakarta. His research interests are water resources management, solid waste management, and urban environmental studies. His email address are [widodo.brnto@gmail.com](mailto:widodo.brnto@gmail.com) and [widodo.brnto@uii.ac.id](mailto:widodo.brnto@uii.ac.id).

### Abstract

As population growth increases in Indonesia, as well as elsewhere, solid waste keeps multiplying while the capacity of Final Disposal Sites (“TPA”) becomes more limited. This requires a waste management system which is integrally conducted from the upstream sectors to the downstream one. A 3R community-based management system can be developed upstream, and waste handling technology employed downstream at the Final Disposal Site. Up until 2011, there were at least 117 independent waste management communities in Yogyakarta Special Region (DIY). Given the number of these communities, the Yogyakarta scenario can be considered as a frontline in discussion of integrated waste community-based management. This paper is intended to identify the level of significant community involvement in the role of decreasing the waste volume disposed in “TPA”-Piyungan. The analysis was conducted using secondary data analysis methods and in-depth interviews with the Independent Solid Waste Management Network (termed *JPSM*) as well as other stakeholders. A case study was done on the waste management community-group in Yogyakarta Municipality. The analysis shows the waste management community in Yogyakarta in 2008 numbered 27 groups; in 2010, it increased to 93 groups, a growth of 22 groups per year on average. The waste volume that was disposed from Yogyakarta to “TPA” in 2008 was 91,130 tons. This figure decrease by almost a third in two years to 65,170 tons in 2010. On average, each group was able to reduce their waste to TPA by 393.33 tons/year or 0.6% or by up to 85%. It means that only 15% of the rest of the waste materials disposed to “TPA” originated from the community groups. The groups were also able to reduce the waste produced in the communities. Previously, the amount was up to 0.6 kg/person/day. This figure reduced to 0.4 kg/person/day or to around 66.67% of the previous amount. Such results indicate that the performance of the independent waste management community plays a significant role in reducing the waste volume disposed to “TPA”, so that the TPA becomes more sustainable.

**Keywords:** Solid Waste, Community, Final Disposal Site (TPA), Piyungan, Yogyakarta

### Introduction

The increase of solid waste volume both globally and within Indonesia is in line with the increase of population growth, a population that for the most part displays a strong consumption-orientated attitude. A significant increase in population causes a range of negative impacts for the environment because the availability of land used for final disposal sites (TPA) is narrowing and the increase of the amount of solid waste volume has almost become uncontrollable. In the Yogyakarta Special Region (DIY) Province in Indonesia, the biggest problem related to solid waste was found in the Yogyakarta Urban Area. The availability of “TPA Regional Piyungan”, it is predicted, only has a capacity to be utilized

optimally until 2014. It is difficult to widen the site or establish other locations nearby for solid waste disposal. The solid waste problem cannot be solved if only the downstream sector is focused on, an option established through provision of *TPA* only. The problems of solid waste disposal in Yogyakarta should be more optimally managed in the upper stream sector; in this case, it means the community from which the waste originates (*Undang-Undang RI Nomor 18 Tahun 2008*). Therefore, an effort to promote an integrated waste management system, which is based on the community groups, has been required.

*DIY* Province has facilitated the establishment of an Independent Solid Waste Management Network (*JPSM*) which consists of 117 groups spread throughout various regencies/city in 2011 (Widodo, *et al* 2012). These numbers indicate a considerable effort on the part of the parties involved and recommends this unique venture as a front-line in community-based responses in terms of integrated waste management in Indonesia, as well as similar contexts.

The project must be strengthened in both its coverage and its performance. One of indicators of the success of the integrated community-based solid waste management is how far it can reduce the volumes of solid waste disposed to the *TPA*. The research on which this paper reports sought to measure the significant roles of the community-based solid waste management groups in the reduction of solid waste volumes disposed to the *TPA* Piyungan based on the case study of Yogyakarta City.

### **Methods**

The research data covers both secondary and primary data. Secondary data are statistics of solid waste and the profiles of the communities gathered from related institutions. Primary data are the working performance of the groups gathered through *in-depth interviews* conducted with the group leaders of the *JPSM* and the community in Yogyakarta. Data analysis was conducted by applying the methods of descriptive-qualitative analysis.

### **Results and discussions**

The priority of the policies related to solid waste in *DIY* Province is the development and the empowerment of the solid waste management communities. One of greatest assets *DIY* Province has been in its efforts to lead to integrated community based solid waste management. Many solid waste management groups existence have been established over the last decade. The majority of these groups came from community-based initiatives. The trend over time has been positive which means that there are more improvements in the network of solid waste management communities. Through the support from the government of *DIY* Province and cooperation between existing communities, an umbrella organization (*JPSM*) was established on 6 April 2009 that had members from around 117 groups in 2011. An advanced level of support is needed to develop the solid waste management groups; however, a significant challenge yet to be resolved is that there are still not any official regulations or laws to uphold the activity of the groups. This situation invites some form of regulation in the future in order to create opportunities to provide

better support from the local government, such as guidance, counseling and facilities support, among others.

Efforts to keep encouraging society involvement in the integrated solid waste management are also required. The integrated community-based solid waste management requires support from stakeholders who have interests of one sort or another in the success of the programme, for example:

1. The main stakeholders: the community, society key persons, social institutions (for example *RT*, *RW*, *PKK*, *Dasawisma* and others).
2. Supporting stakeholders: local NGOs, Society Empowerment Institution, village administrative (called as *kelurahan* and *kecamatan*), educational sectors, entrepreneurs or business firms.
3. Policy makers: local government and related Regional Task Force (*SKPD*), and also Regional Legislatives.

The number of community groups involved with solid waste management in Yogyakarta City in 2008 was 27 groups. In 2010, the number had increased to 93 groups or, on average, an additional 22 groups per year. These solid waste management groups try to conduct solid waste management by applying the concept of “3R” by self-supporting funding (Figure 1). The national target of the 3R Program implementation is to conduct solid waste management of 7% per year, so that by 2014 it was anticipated that 28% of the solid waste will be processed and taken out of the land fill disposal system. But, as it currently stands, only 3% can be processed. This standing reality more than clarifies the need for urgent development of the solid waste management groups’ capacity.



Non-organic waste bin at each house



Dust bin for each five families



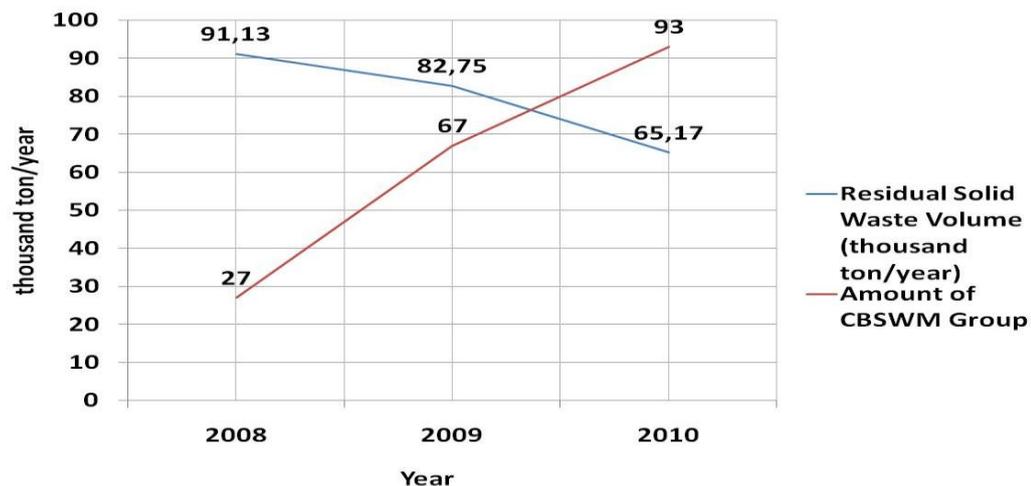
Composting organic waste



Usage of non-organic waste as creative products



Solid waste composting process and sorting process at temporary disposal site



**Figure 2.** The correlation between the increase of community base and the reduction of Solid Waste Volume in Yogyakarta. (Source: Iswanto, 2012)

Figure 2 shows that the solid waste volume from Yogyakarta City that was disposed to *TPA* Piyungan in 2008 was 91.130 tons, which decreased to 65.170 tons in 2010. Other data show that each group was able to reduce volume to 393,33 tons/year or 0,6% on average compared to the total volume existing in *TPA*. Each group was able to reduce the solid waste

volume disposed to *TPA* by up to 85%. This result means that only 15% of the waste remained to be disposed to *TPA* by the groups. The groups involved in the solid waste management programme were also able to reduce the waste, which might influence the environment from what it was previously (about 0,6 kg/person/day) to a significantly smaller figure (0,4 kg/person/day) a decrease of around 66,67%. Such results indicate that the performance of the *JPSM* plays a quite significant role in reducing the solid waste volume that was disposed to *TPA*.

The statistics outlined above cannot be separated from the people's/society's active involvement. These groups have become the front line in the management of solid waste in their communities. The main key is the optimum participation. Sabrina's research (2011, in Iswanto, 2012) shows that the level of the society participation reached 75% and upwards. For the areas which have not developed PSM, members of these communities have also started to show their interest in having similar groups in their area, although they still need more aptitude and evidence from those areas which previously have been successful in developing community-based groups.

Several actions conducted by the community in Yogyakarta are mostly established from those communities' own plans. This indicates that the local communities who conducted "trial and error" strategies have developed their aptitude to the ecological system where they live (Mitchell, 2003). This outcome is a result of the close relation among the people, the environment and the natural resources that surround them. New approaches which may be effective as priorities for development in order to solve environmental problems, including solid waste problems, are *participatory local appraisals*. Participatory approaches need to consider certain matters for the sake of effectiveness and sustainability, including: reasons, types of participation, supporting elements, participatory levels, available types of stakeholders, time duration, components of the program, mechanisms, social justice, and monitoring as well as job evaluation.

One of the approaches to establish the concept of *participatory local appraisal* is by applying the concept of community-based development. A community-based development can be regarded as *co-management*, in the form of the development which is conducted by the society together with the local government that aims to actively involve the local people in the activities of planning and implementing development and management.

A community development strategy is the implementation of a planned change which is consciously and seriously conducted through cooperation among people in order to improve the structure of the existing social system (Chambers, 2006). The direction of the change will be proper to the agreement that has been determined together previously. Basically, the instrument managed in the community development is empowerment. High participation in the development will encourage community members to become involved and to take responsibility towards all resources with the features of *open access* and *common property* existing in their environment (Read, 2005).

This approach needs to be applied since members of the local society are people who know exactly the condition of the local socio-cultural environment. Each activity in the development should consider the values of the surrounding socio-cultural context of the development (McMullin and Nielsen, 1991). Every decision of planning should reflect the elements of local people's active involvement in the development action. The earlier involvement of the local people can better guarantee the balance between the development program and the community's aspirations or ideas since it will encourage their sense of belonging. This conceptual approach will open the opportunities for a high continuity level (sustainability) over the longer-term period. The development of the local society should be based on the following criteria (Law and Hartig, 1993):

- improving people's quality of life levels that also conserve local identity and culture simultaneously
- increasing incomes while also distributing wealth more evenly to local people
- having an orientation to the development of small scale and medium scale business which can accommodate significant number labor force and the use of appropriate technology
- encouraging the enthusiasm of competition and cooperation
- utilizing the available potencies as optimally as possible with the smallest impacts.

### **Conclusion**

This paper concludes the following points:

1. The working performance of the solid waste management community shows significant roles in reducing the solid waste volume disposed to *TPA*.
2. The solid waste volume from Yogyakarta City that was disposed to *TPA* Piyungan in 2008 was 91.130 tons which then decreased to 65.170 tons in 2010.
3. Each group on average is able to reduce 393,33 tons/year or similar to 0,6 % compared with the total volume in *TPA*.
4. Each group is able to reduce the amount of solid waste disposed to *TPA* up to 85% which means there will be only 15% of solid waste that will be disposed to *TPA* from the group.
5. The solid waste management groups are able to reduce the production of waste by the community from what previously was around 0,6 kg/person/day to 0,4 kg/person/day or around 66,67 % of the previous figure.

### **Acknowledgements**

Appreciation is conveyed to the Bureau of Financial Administration and Natural Resources of Regional Secretariat of *DIY* Province which supported the paper and discussions. Deepest gratitude is also due to Mr. Iswanto (Head of *JPSM DIY*), Mr Ribut L. (*PuSPIK UII*), Mrs. Tuti A (*DIY* Province), Mr. Harjono (*IATPI*), Mr. Ferry Anggoro (*Sekber Kartamantul*), Mr. Zairin Harahap (*UII*), Mr. Kasam (*UII*) and Mr. Miftah A (*UGM*).

## References

- Chambers, Robert. 2006. *Participatory Rural Appraisal*, Yogyakarta: OXFAM – Kanisius.
- Iswanto, 2012. *Kebijakan Pro Pengelolaan Sampah Mandiri Berbasis Masyarakat Di Provinsi DIY* (Policy for Solid Waste Management based on Community Services in DIY Province), Regional Secretary of DIY Province.
- Law dan Hartig, J.H. 1993. Public Participation in Great Lakes Remedial Action Plan. *Plan Canada*. March : 31-5.
- McMullin dan Nielsen, L.A. 1991. Resolution of Natural Resource Allocation Conflict Through Effective Public Involvement. *Policy Studies Journal* 19(3 – 4): 553-9.
- Mitchell, Bruce, dkk. 2003. *Pengelolaan Sumberdaya Alam dan Lingkungan* (Environment and Natural Resources Managemnt) Yogyakarta: Gadjah Mada University Press.
- Read, Adam. 2005. Public Participation. *Waste Management World Journal*. Vol Nov-Dec 2005, Page 99 -103.
- Undang-undang RI Nomor 18 Tahun 2008 Tentang Pengelolaan Sampah* (Law of Republic of Indonesia no 18/.2008 about Solid Waste Management)
- Widodo B; R. Lupyanto; Tuti Anuriyah, 2012, *Strategi Pengelolaan Sampah Terpadu Berbasis Komunitas Lokal* (Strategy of Integrated Solid Waste Management based on Local Community), *SEMINAR ILMIAH VIII PENELITIAN MASALAH LINGKUNGAN DI INDONESIA* (National Seminar for Indonesian Environmental Issues), *IATPI (Ikatan Ahli Teknik Penyehatan dan Teknik Lingkungan Indonesia / Indonesian Society of Sanitary and Environmental Engineers) – Jurusan Teknik Sipil dan Lingkungan Fakultas Teknik UGM* (Civil and Environmental Engineering, Faculty of Engineering, Gadjah Mada University) 12 July 2012, Yogyakarta

ESSAY

**UIN Jakarta: Islam and the West, Democracy and Education:**

Usep Abdul Matin

**Biodata:** The writer is a Ph.D. student of the School of Social Sciences of the Faculty of Arts, Monash University in Australia on the Presidential Scholars Fund coordinated by DikTi (General Directorate of Higher Education), Ministry of National Education (MoNE) of the Republic of Indonesia. He obtained his MA degree in Islamic Studies from Leiden University in Holland (with honors) and another from Duke University in the United States. He is a nationally accredited lecturer by both Ministry of Religious Affairs (MoRA) and MoNE of the Republic of Indonesia in the Faculty of Arts and Humanities at Syarif Hidayatullah State Islamic University (UIN) in Jakarta, Indonesia.

**Introduction**

In this essay, I mostly discuss the impact of Western democracy on leading Turkish and Indian Muslim scholars who lived in the 19<sup>th</sup> century. Specifically, I study the impact of the Western models of education on Syarif Hidayatullah State Islamic University (Universitas Islam Negeri/UIN) Jakarta.

I use the term the “West” to refer to the people, cultures, or institutions that introduced democracy and the education systems of these western countries to the Muslim world. The Western countries I draw on for this paper are England, France, Germany and the U.S., whereas the Muslim countries are Egypt, Turkey, India, and Indonesia

However, here I would like to briefly explore relevant historical themes as to the impact on Islamic inquiry of Western intellectual values. I suggest that the history of Islam in the modern times started from Napoleon’s conquest of Egypt and some Muslim countries in 1798. This modern history of Islam reached its peak in 1840. Then, it declined until 1940 when World War II occurred. The modern times of the history of Islam will probably be going on as such. This process resembles to the nature of Islamic modernity; in its continuous progress, modern Islam will receive its correction from the post-modernity: checking and balancing.<sup>111</sup>

The French conquest in Egypt encouraged Muslim scholars in the Muslim world, such as Turkey and India, to reform their government systems on the basis of a new paradigm, democracy: government of the people, by the people, and for the people.<sup>112</sup> The banishment of Ali Suavi (1839 - 1878) and that of Namik Kemal (1840 - 1888) by the Ottoman sultans shows us that the problem of reform came from the caliphs’ absolutism. In

---

<sup>111</sup>See Marilyn R. Waldman, “Islamic World,” in *Encyclopaedia Britannica Online*, Aug.ust 27, 2003: <http://search.eb.com/ebarticle?eu=109498>, pp. 1, 2. Ebrahim Moosa, “The Debts and Burdens of Critical Islam”, in Omid Safi (Edt.), *Progressive Muslims on Justice, Gender, and Pluralism*, (Oxford: Oneworld Publications, 2003), p. 117. Robert L. Tignor (Int.), *Napoleon in Egypt: Al-Jabarti’s Chronicle of the French Occupation, 1798*, Trans., by Shmuel Moreh, (Princeton & New York: Markus Wiener Publishing, 1993), pp. 3, 7, 9, mainly 11. Charles Kurzman (Ed.), *Modernist Islam 1840-1940: A Sourcebook*, (Oxford: Oxford University Press, 2002), p. 4. Ahmad S. Moussalli, “Islamic Democracy and Pluralism”, in Omid Safi, *Op. Cit.*, pp. 288-289.

<sup>112</sup>This definition of democracy is similar to that of Stephen R. Covey, *The 7 Habits of Highly Effective People: Restoring the Character Ethic*, (London: Franklin Covey Co. 1999) p. 30.

addition, the caliphs' judicial authority, which made the judges bow to the caliphs' decrees, depicts that the governments and their elites manipulated the democratic doctrines of Islam, such as consultation (*shura*), and oath of allegiance (*bay'a*) for their vested interests.<sup>113</sup> In concert with this evidence, the ideas of Ziya Gökalp (1876 - 1924) from Turkey, Abu'l-Kalam Azad (1888 - 1958) from Bengal-India and the stubbornness of Chiragh Ali (1844 - 1895) from North-India may give us clues as to the degree to which the Muslim reformers could not yet develop a type of basic scheme of human rights in line with modernity and its concerns.<sup>114</sup>

As the following discussion suggests, significant and innovative elements of UIN Jakarta's academic missions originated in the European university model partly due to the historical influences on the Muslim world, as briefly sketched out above. The mission of education or learning in class is originally the strong college teaching model initiated by Oxford and Cambridge universities. Whereas, a university's function as an institute of research was initially developed in the strong research and professorship of German universities in the early 19<sup>th</sup> century, the Berlin model under Von Humbolt, for example. A university's final function, and one that UIN also absorbed, is that of community service. In contrast with the previous academic missions, a university's community service role originally emerged in the middle and latter part of the Nineteenth century in North America under the President Lincoln's administration. This innovation was known as the Land Grant Movement with the dissemination of the Morrill Act in 1862.<sup>115</sup> America, then, also adopted these European universities' positive models. As a result, American universities now unite these three into their academic missions. American universities add another function: international co-operation.<sup>116</sup> As I will explain below, these academic missions have been extremely influential on UIN Jakarta's development. However, first, it is useful to provide a little historical context to the discussion of UIN Jakarta's emergence as one of Indonesia's and the region's leading tertiary institutions.

### **UIN Jakarta and academic functions**

The following brief history of Syarif Hidayatullah State Islamic University (Universitas Islam Negeri/UIN) Jakarta helps illustrate how this university has successfully adopted many of the traditions of Western academia. This description, then, explores how this university has become an effective agent for dialogue of interfaith and dialogue between civilizations. The narrative is as follows.

UIN Jakarta uses the name "Syarif Hidayatullah" to refer to one of the Nine *Wali* (Islamic Saints) in Java. Syarif Hidayatullah was born on the Arabian Peninsula in 1448 and

---

<sup>113</sup>See Charles Kurzman (Ed.), *Ibid.*, 144, 145, 146, 192, 195, 194, 196, and 329.

<sup>114</sup>See, *Ibid.*, pp. 277 - 288, and 332. Compare to Clifford Geertz, "Religion as a Cultural System," in *The Interpretation of Cultures*, (New York: Basic Books, 1973), p. 90, and Bruce Lincoln, *Holly Terrors: Thinking about Religion after September 11*, (Chicago and London: The University of Chicago Press, 2003), pp. 5 - 8.

<sup>115</sup> Prof. Dr. Soedijarto, MA., *Op. Cit.*, p. 263.

<sup>116</sup>*Ibid.*, p. 261.

legend has it that he died in Cirebon, West Java, in 1568. His mother was the daughter of Prabu Siliwangi from the Pajajaran (a capital city of Sunda) Kingdom, and Syarif Hidayatullah was a high ranking officer in the Egyptian army.<sup>117</sup> He propagated Islam in Java wisely and kindly; he spoke to the people heart-to-heart and showed tolerance for their beliefs and traditions. In addition, he is also well-known as a man who assisted many people including those underprivileged in the Indonesian society of the time.<sup>118</sup>

How Syarif Hidayatullah came to Java is a question that attracts another resource about his origin, one that is different from an origin located on the Arabian peninsula. This resource says that Syarif Hidayatullah was born in Pasai in the North of Aceh. When he was a child, he studied Islam from his parents in Pasai. Next, he went to study Islam in Mecca in Saudi Arabia when the Portuguese occupied Malacca, including Aceh, in 1511. When he returned from Mecca to Aceh, the Portuguese still occupied Aceh. Syarif Hidayatullah was disappointed with this occupation. Consequently, he left Aceh for the Islamic Kingdom in Demak, Central Java. Sultan Trenggono of this kingdom welcomed Syarif Hidayatullah, and married him with his (king's) daughter.<sup>119</sup>

Due to Syarif Hidayatullah's tolerant, compassionate and helpful attitude, UIN Jakarta adopts his name. On 1 June 1957, when it was first founded, UIN Jakarta was a State Academy of Islamic Sciences (*Akademi Dinas Ilmu Agama/ADIA*). The goal of ADIA was to provide state employees with an academic and semi-academic education, so that they could become professional Muslim educators at high schools. Three years later (24 August 1960), the Indonesian government established ADIA in Jakarta and the State Higher Education for Islamic Studies (*Perguruan Tinggi Agama Islam Negeri/PTAIN*) became one institute: the State Institute for Islamic Studies (*Institut Agama Islam Negeri/IAIN*) to develop Islamic higher education. As a result, in the early 1963, UIN Jakarta was able to establish three faculties: Education (*Tarbiya*), Literature (*Adab*), and Theology and Philosophy (*Usul al-Din*).<sup>120</sup> Having seen this progress, the Indonesian Minister of Religious Affairs declared Decree Number 49 on February 25, 1963. On the basis of this decree, IAIN became divided into two: IAIN Sunan Kalijaga in Yogyakarta and IAIN Syarif Hidayatullah in Jakarta. This division led IAIN Jakarta to add two other faculties: Law (*Shari`a*) and Preaching (*Da`wa*).<sup>121</sup>

The growth of these five faculties of IAIN Jakarta was in tandem with the Indonesian government's policy before 1965, exactly in 1962. Each of provinces in Indonesia should have established a public university to be able to serve as an agent of development. Moreover, the Indonesian Minister of Higher Education and Science of that period, Prof. Dr.

---

<sup>117</sup> *Prospectus: Syarif Hidayatullah State Islamic University (UIN) Jakarta*, (Jakarta: UIN Jakarta Press, April 2007), 7<sup>th</sup> edition, p. 1. I am one of seven editors of this *Prospectus*.

<sup>118</sup> *Prospectus: Syarif Hidayatullah State Islamic University (UIN) Jakarta*, (Jakarta: UIN Jakarta Press, April 2007), 7<sup>th</sup> edition, p. 1. I am one of seven editors of this *Prospectus*.

<sup>119</sup> Nur Amin Fattah, *Metode Da`wah Wali Songo*, (Pekalongan: Penerbit & T.B. Bahagia, January 1984), pp. 32-33.

<sup>120</sup> *Ibid.*, pp. 1-5.

<sup>121</sup> *Ibid.*, pp. 5-6.

Thoyyib Hadiwijaya, assigned each university in Indonesia the objective to accomplish three academic missions: “education, research, and community service.”<sup>122</sup> Since then, the education law and the government's regulation act on higher education in Indonesia have been carrying out these missions.<sup>123</sup> From that time on, IAIN Jakarta has also been applying these three missions into its academic activities. Having employed them and having introduced philosophy into its curricula, IAIN Jakarta, under the leadership of Prof. Dr. Harun Nasution (1973-1984), was well-known as the “Campus of the Reformers”, one that has emphasized rationality. This image helped IAIN Jakarta found its Graduate School in Islamic Studies in 1982; it is the first Graduate School in Islamic Studies in Indonesia.<sup>124</sup>

The academic progress of IAIN Jakarta encouraged its leaders to initiate the Wider Mandate concept of this institute: integrating general and religious sciences. Prof. Dr. Azyumardi Azra, MA., who became rector of IAIN/UIN Jakarta from 1998 to 2002, and from 2002 to 2006, intensified this effort by opening new departments, such as psychology, mathematics teaching, economics, *shari'a* banking, agribusiness and information technology, management and accounting, and international and interdisciplinary classes. He also launched three new faculties: Dirasat Islamiyya, psychology, and science and technology.<sup>125</sup> Consequently, IAIN Jakarta under his leadership has established nine faculties including its Graduate School.

This rapid progress of IAIN Jakarta led its leaders to transform IAIN Jakarta into the State Islamic University (*Universitas Islam Negeri/UIN*). In response to this academic demand, Ministry of National Education (MONE) and Ministry of Religious Affairs (MORA) issued a joint decree, recommending that IAIN become UIN, on 21 November 2001. IAIN officially became UIN Jakarta on the basis of Presidential Decree Number 31, dated 20 May 2002.<sup>126</sup> UIN Jakarta leads the way for other IAINs in Indonesia to become UINs. Nowadays, we have seen five other UINs, such as UIN Yogyakarta, UIN Riau, UIN Malang, UIN Makassar, and UIN Bandung.

Based on these details, I can draw the conclusion that 1963 is a major turning point for UIN Jakarta because since this year the university has been able to stand independently from UIN Yogyakarta. This objectivity was encouraged by the policy of the Indonesian government in 1962. In this time, the Indonesian Ministry of Educational Affairs obliged all Indonesian higher schools to carry out academic missions: education, research, and community service. This policy enabled IAIN Jakarta to establish nine faculties as well as to integrate general and religious sciences into its curricula.

UIN Jakarta is now under the leadership of Prof. Dr. Komaruddin Hidayat, who obtained his master degree and PhD in Philosophy in 1995 from the Middle East Technical University in Ankara, Turkey. He has officially been appointed Rector of UIN Jakarta since 6

---

<sup>122</sup>Prof. Dr. Soedijarto, MA., *Op. Cit.*, p. 253.

<sup>123</sup>*Ibid.*

<sup>124</sup>*Prospectus.*, *Op. Cit.*, h. 5.

<sup>125</sup>*Ibid.*, pp. 7-8.

<sup>126</sup>*Ibid.*, p. 9.

March 2006 to 2010 (2010 - 2014).<sup>127</sup> Since then, he has been articulating the academic doctrines (education, research, and community service) into a motto that comprises three elements: knowledge, piety, and integrity. The first element, *knowledge*, refers to both religious and general sciences that are rationally and wisely taught according to the academic standard accredited by the Ministry of National Educational Affairs and the Ministry of Religious Affairs. The second aspect, *piety*, is character building; it is to say that these religious and general sciences should lead the students to be honest, humble, patient, and wise. The third factor, *integrity*, means that the students should apply these religious and general sciences for the benefit of all people.

On the basis of this motto, UIN Jakarta aims to develop religious and natural sciences that integrate faith, knowledge, and good deeds to eliminate the dichotomy between general and religious sciences. This integration aims to provide an ethical basis for developing science and technology. Moreover, this combination helps UIN Jakarta articulate an Islamic worldview in all walks of life; thereby reducing radicalism.<sup>128</sup>

Prof. Komaruddin considers the motto of UIN Jakarta to nurture leadership from within, a model of leadership, with the hope that his students will become model leaders in their work and service places. In his opinion, since its establishment in June 1957, UIN Jakarta has consistently kept the leadership-from-within principle. Prof. Komaruddin clarifies that these principles referred to surrendering to God, serving the community, and developing the nation. He adds that UIN Jakarta reached its golden (50th) anniversary -- 1 June 2007— on the basis of these principles.<sup>129</sup>

### **An International outlook**

On the basis of this motto, a month after the appointment (March 6, 2006) of Prof. Komaruddin as Rector, UIN Jakarta received international academic recognition. For instance, on 7 April 2006, His Excellency Prime Minister Prof. Dr. Jan Peter Balkenende of the Royal Kingdom of the Netherlands visited UIN Jakarta and made dialogue on religion and civilization with students. Said Fazili, Second Secretary Political of the Embassy of the Netherlands in Jakarta, Indonesia, and me had organised this dialogue. In this dialogue, I took the role of the master of the ceremony, speaking in Dutch. During lunch, as I recall quite vividly, Prime Minister Balkenende said to me that this dialogue was the one that he had been expecting to occur.<sup>130</sup>

---

<sup>127</sup>Presiden Republik Indonesia, Dr. H. Susilo Bambang Yudhoyono, "Salinan Keputusan Presiden Republik Indonesia Nomor 16/K Tahun 2006," pp. 1-3. This is an unpublished document.

<sup>128</sup>Prof. Dr. Komaruddin Hidayat, "The Role of Islamic Higher Education as an Agent of Nation Development," unpublished paper presented in front of foreign investors on August 10, 2008, in Novotel Hotel, Bogor, p. 6.

<sup>129</sup>Usep Abdul Matin, "UIN Jakarta's 68<sup>th</sup> Graduation Ceremony: Nurturing Leadership from within," in *UIN News*, 17<sup>th</sup> edition, September 2007/Shab'an – Ramadhan 1428, p. 1.

<sup>130</sup>Said Fazili sent to me by email on 21 March 2006 the list of attendants that encompassed the delegation from the Netherlands and from its embassy in Jakarta, Indonesia. The delegation from the Netherlands were Jan Peter Balkenende, Prime Minister, Gerard van der Wulp, Director General of the Netherlands Government Information Service/Spokesman of the Prime Minister, Rob Swartbol, Foreign Policy Advisor of the Prime Minister, Pieter de Gooijer, Deputy Director General for Political Affairs, Ministry of Foreign Affairs, Max

Prime Minister Balkenende started his speech by saying that the students of UIN Jakarta represent a new generation of Indonesia; their ideas would determine Indonesia in this 21<sup>st</sup> century. He explained that more than a month, previous to this UIN visit, he had attended an international conference in Jakarta, where he listened to the speech of Indonesian President Dr. Susilo Bambang Yudhoyono that Indonesia is developing not only freedom but also tolerance; thereby shattering the gap that splits the West and the Muslim World. Being impressed by this speech, His Excellency Balkenende signed up an international Memorandum of Understanding with Indonesia in countering terrorism. Balkenende said that tolerance and defying terrorism were the issues that impressed him to come to Indonesia. He clarified that tolerance was highly valuable to oppose dangerous radicalism. He took an example that one year and half before his visit, the film maker Theo van Gogh of Amsterdam was killed by a young Muslim man who said that his religion allowed this killing.<sup>131</sup>

In accordance with him being impressed by the Indonesian president's agenda of tolerance and anti terrorism, Balkenende said to the audience of UIN Jakarta that he came to visit this university to know its students' ideas on tolerance: "At this university, I found a strong focus on international affairs, and this academic mission qualifies its students with competency to challenge global context as well as to flourish the quality of the life of society [...] This is the principle [UIN Jakarta's academic mission of international cooperation] that has impressed me very much," said Balkenende.<sup>132</sup>

As an important turning point, this successful visit of His Excellency Balkenende to UIN Jakarta resulted in the Islamic Studies Program at Leiden University offering UIN Jakarta's lecturers and staff *Young Leaders Program* scholarships to pursue doctoral studies at Leiden University. In consequence, a number of lecturers from UIN Jakarta pursued doctoral programs at Leiden University. These scholars included Mr. Kusmana and Mr. Din Wahid of the Faculty of Islamic Theology and Philosophy, and Mrs. Siti Nurul Azkiyah of the Faculty of Education and Teaching Sciences.<sup>133</sup>

Since 2006, UIN Jakarta has also welcomed a growing number of other distinguished international guests, such as the Prime Minister of New Zealand, Rt. Hon Helen Clark, on 18

---

Valstar, Senior Policy Officer, South East Asia Department, Ministry of Foreign Affairs, Simone Bakker, Protocol Advisor of the Prime Minister, and three bodyguards: Marco Wesselius, Huib van Son, and Cornelis Burger. The delegation from the Embassy of the Netherlands in Indonesia were Nikolaos van Dam, Ambassador, Peter Mollema, Head Political Section, Hans Smaling, Head Economic Section, Usha Gopie, Press Officer, Said Fazili, Second Secretary Political, Bert Venema, Security Manager, and Frank Knaapen, Logistics Manager.

<sup>131</sup>See "Draft yang akan diberikan sebagai pertimbangan untuk Pidato Perdana Menteri Negeri Belanda, Prof. Dr. Jan Peter Balkenende di Universitas Islam Negeri, Jakarta, Indonesia, 7 April 2006," pp. 1-6, mainly 5. I thank to Mrs. Nining and Mr. Said Fazili of the Dutch Embassy in Jakarta, who had sent me this unpublished draft a week ahead of the dialogue.

<sup>132</sup>*Ibid.*, pp. 1, 5.

<sup>133</sup>Usep Abdul Matin, "The Indonesian Young Leaders Programme Offers Scholarship to UIN Jakarta," in UIN News, 15<sup>th</sup> edition, April 2007, p. 4.

July 2007. She delivered her public lecture on “Fostering the Alliance of Civilizations through Interfaith Dialogue” and witnessed the signing of a Memorandum of Understanding (MoU) between UIN Jakarta and Victoria University of Wellington (VUW) in New Zealand. I was also a master of ceremony for this dialogue and the MoU in English. In a similar tone to Balkenende, Clark regarded UIN Jakarta as a distinguished university that contributes to Indonesia’s political, economic, and social development; she said so in her speech. She also stated that both New Zealand and Indonesia place great importance on peace and stability in the Asia-Pacific region. Therefore, her government approved funding for UIN Jakarta personnel to visit New Zealand on teaching fellowships during 2008.<sup>134</sup>

Given the fact that UIN Jakarta received international recognition of its academic progress, Rector Prof. Dr. Komaruddin Hidayat formed a new logo and motto for UIN Jakarta in 2007. According to the Rector, this logo should function in three main ways as follows: symbolic identity that draws the essence of UIN Jakarta, a route where by this university should develop by referring to this identity, and media to develop communication nationally and internationally.

The symbolic identity of UIN Jakarta refers to its open commitment of knowledge to amalgamate religious and general sciences, its spiritual steadfastness of piety as the quality of its academic life. This commitment of UIN Jakarta also identifies its cosmopolitan integrity as an international door to different cultures and perspectives. This symbolic identity has become the logo of UIN Jakarta that encompasses the orientation of Islam, science, and *Indonesian-ness*. This means that the new logo sketches a deep impression of UIN Jakarta as grand, modern, inclusive and international; it is to say that the new logo should indicate not only three characteristics (Islam, science, and Indonesian-ness) but also internationality.

On the basis of this cosmopolitan paradigm, the new logo of UIN Jakarta has seven characteristics: 1) the globe’s shadow, 2) an atom’s rotation, 3) a lotus flower, 4) a book, 5) white line on the phrase of UIN Jakarta, 6) blue, and 7) gold yellow colors. I insert the picture of this logo and the motto of UIN Jakarta as follows:

---

<sup>134</sup>“PM’s Address at Syarif Hidayatullah Islamic University,” in <http://www.scoop.co.nz/stories/print.html>, 10/12/2008, pp. 1-5. Minister Prof. Dr. Bambang Sudibyo of National Educational Affairs (MONA) also attended this dialogue. In his speech, he said to Rt. Hon Helen Clark that she came to the right place, UIN Jakarta: “It is one of the best national universities in religious studies,” This statement of Prof. Sudibyo is similar to the fact that in 2006, MONA, regarded Islamic Studies program of UIN Jakarta as a center of excellence of this university. This accreditation led two lecturers of UIN Jakarta to be successfully nominated as recipients of Presidential Scholars Fund (PSF): Mr. Badrus Sholeh, lecturer of the Department of International Relations of UIN Jakarta, and me of the Faculty of Literature and Humanities. Mr. Badrus accepted a letter of acceptance from Victoria University of Wellington in New Zealand. He dropped this nomination as he obtained Australian Development Scholarship to study at Deakin University, Australia. I took this PSF to pursue my doctoral study in the Social and Political Sciences Program, Monash University (September 2010 to the present). Furthermore, the successful visit of Prime Minister Rt. Hon Helen Clark resulted in university-to-university-contract fellowship, namely between VUW and UIN Jakarta. In fact, two senior lecturers of UIN Jakarta, Prof. Dr. Bachtiar Effendy and Dr. Nurlena Rifai, appeared to have been successful as senior lecturers at VUW during April and June 2007, see Usep Abdul Matin, “Two Senior Lecturers of UIN Jakarta Visit VUW as Researchers,” in *UIN News*, 22<sup>nd</sup> edition, May 2008.



The globe's shadow implies the broad-based horizon of UIN Jakarta, its mission of Islam and blessing the religion of the universe, and the mosque. The atom rotation entails knowledge that should endlessly be developed. This includes change and life dynamics that should be responded to as well as divine determination that should be contemplated by UIN Jakarta for the benefit of the universe. The lotus flower signifies *sidrah*. It is to say that each Muslim has an ideal to obtain the highest truth for the advantage of human beings. The *kubah* shows the qualification of the life and literature under the inspiration of the Qur'an and *hadis* (sayings of Prophet Muhammad and his companions) for the development of UIN Jakarta. The color white suggests humility in intellectual life. Blue is the color of deep knowledge, peace, and Nusantara archipelago, where diverse civilizations meet and exchange with each other. The golden yellow color means the ardor of UIN Jakarta towards golden years.<sup>135</sup>

This change in the logo connotes the keenness of UIN Jakarta in both enhancing academic life and responding to the needs of people nationally and internationally. In fact, its missions that include not only education, research, and social service but also international cooperation have conceived an excellent university following the positive models of universities in the West: Oxford, Cambridge, German universities, and especially those of North America. It is important to explain why UIN Jakarta has changed its logo; not all people understand this. For instance, a popular Islamic magazine *Sabili* magazine misunderstands totally this shift of logo.<sup>136</sup> This change in logo signifies UIN Jakarta as a center of excellence in promoting better life in education, particularly its Islamic studies program.

In tandem with this promotion, on 14 and 15 August 2014, 73 experts of Islam in Southeast Asia from 57 universities of Indonesia and overseas went to UIN Jakarta to celebrate the 20th anniversary of its international journal, *Studia Islamika*, published by its *Centre for the Study of Islam and Society (Pusat Pengkajian Islam dan Masyarakat/PPIM)*. Some of these universities were UIN Malang, UIN Yogyakarta, Bandung Technology Institute (ITB), Monash University in Australia, Australian National University, Kyoto University, Utrecht University in the Netherlands, the University of Michigan, Boston University, Waseda University, Goethe University in Frankfurt, and the University of Kebangsaan, Malaysia. The experts of Islam in Southeast Asia of these universities presented their

<sup>135</sup> About this logo, see Usep Abdul Matin, "A New Logo of UIN Jakarta with a New Hope," in *UIN News*, 25<sup>th</sup> edition, August 2008, p. 4.

<sup>136</sup> About this misunderstanding, see *Sabili*, 5<sup>th</sup> edition, September 18, 2008, pp. 84-87.

findings that broadened their audience's knowledge about Islam in Indonesia and in Southeast Asian countries.<sup>137</sup>

### Conclusion

On the basis of these details, I draw a threefold conclusion as follows. First thought, I recognize that England with its *Magna Carta* in 1215 preceded other Western countries, such as the U.S (1776) and France (1789), in pioneering the most fundamental element of modernism: democracy.<sup>138</sup> Nevertheless, second thought, I discovered that France seemed to be most influential in spreading this component in the Muslim world. This is evidenced by the fact that before its conquest of Egypt, France had become civilized by its revolution that reduced the absolutism of the king and built liberty. The impact of this conquest resulted in the modern concept i.e., citizenship, which spread to the Muslim countries, such as Turkey and India. Furthermore, the citizenship ideas of the Muslim scholars I explained above imply the status of freedom that accompanies political rights, including the rights to vote the rulers and to retain public office. In this context, the rulers should attach themselves to their responsibilities in public service. For this reason, I would say that citizenship is the characteristic of a modern cyber history. Along with this spirit, Western modern democracy emerges in the Muslim world in forms of consultation (*shura*), and allegiance (*bay'a*).

In the third thought, I understand that the United States has emerged to exercise profound influence in the Muslim world, including Indonesia as the largest Muslim population in the world, especially with reference to the development of specific traditions now anticipated by universities in Indonesia, for example, and certainly at UIN Jakarta. This is evidenced by the fact that since the late 19<sup>th</sup> century, precisely 1862, American universities have adopted the positive models of European universities: education or in-class learning model of Cambridge University and Oxford University in England, and the research and professorship models of Berlin under Von Humbolt in the 19<sup>th</sup> century. Not only did the U.S combine education and research, but also it added two other academic functions: community service and international cooperation. Since the latter 20<sup>th</sup> century, precisely in 1962, Indonesia has adopted these academic doctrines.

These four academic functions are embedded in the new logo of UIN Jakarta that was launched on August 21, 2008 under the leadership of Rector Prof. Dr. Komaruddin Hidayat. These four academic functions help UIN Jakarta promote its international status and build cross-cultural understanding. This promotion has seen distinguished leaders of other countries, such as His Excellency Prof. Dr. Jan Peter Balkenende of New Zealand and Prime Minister Rt. Hon Helen Clark of New Zealand visit UIN Jakarta and hold dialogues on religions and civilizations. Furthermore, many experts in Southeast Asian Islam also shared

---

<sup>137</sup>Saifudin, "Peringatan 20 Tahun STUDIA ISLAMIKA, 73 Sarjana dan Peneliti Dunia Bahas Islam di Indonesia", in <http://ppim.uinjkt.ac.id/index.php/en/about-us/publication/2-peringatan-20-tahun-studia-islamika-73-sarjana-dan-peneliti-dunia-bahas-islam-di-indonesia>, accessed on 26 August 2014.

<sup>138</sup>See Jacob E. Safra and Ilan Yeshua, *loc. cit.*

their findings in UIN Jakarta's international journal, *Studia Islamika*. Thereby, I believe, contributing to the making of a better world.

### References

- Balkenende, 7 April 2006. Prof. Dr. Jan Peter. "Draft yang akan diberikan sebagai pertimbangan untuk Pidato Perdana Menteri Negeri Belanda, Prof. Dr. Jan Peter Balkenende di Universitas Islam Negeri, Jakarta, Indonesia.
- Clark, Helen. 10/12/2008. "PM's Address at Syarif Hidayatullah Islamic University," in <http://www.scoop.co.nz/stories/print.html>.
- Covey, Stephen R. 1999. *The 7 Habits of Highly Effective People: Restoring the Character Ethic*. London: Franklin Covey Co.
- Geertz, Clifford. 1973. "Religion as a Cultural System." *The Interpretation of Cultures*. New York: Basic Books.
- Hidayat, Prof. Dr. Komaruddin. August 10, 2008. "The Role of Islamic Higher Education as an Agent of Nation Development," unpublished paper presented in front of foreign investors in Novotel Hotel. Bogor.
- Hourani, Albert. 1962. *Arabic Thought in the Liberal Age 1798-1939*. Oxford: Oxford University Press.
- Kurzman, Charles (Ed.). 2002. *Modernist Islam 1840-1940: A Sourcebook*. Oxford: Oxford University Press.
- Lincoln, Bruce. 2003. *Holly Terrors: Thinking about Religion after September 11*. Chicago and London: The University of Chicago Press.
- Matin, Usep Abdul. April 2007. "The Indonesian Young Leaders Programme Offers Scholarship to UIN Jakarta," in UIN News, 15<sup>th</sup> edition.
- , September 2007 "UIN Jakarta's 68<sup>th</sup> Graduation Ceremony: Nurturing Leadership from within," in UIN News, 17<sup>th</sup> edition.
- , May 2008. "Two Senior Lecturers of UIN Jakarta Visit VUW as Researchers," in UIN News, 22<sup>nd</sup> edition,
- , August 2008 "A New Logo of UIN Jakarta with a New Hope," in UIN News, 25<sup>th</sup> edition.
- Moosa, Ebrahim. 2003. "The Debts and Burdens of Critical Islam." Omid Safi (Ed.). *Progressive Muslims on Justice, Gender, and Pluralism*. Oxford: Oneworld Publications.
- Moussalli, Ahmad S. "Islamic Democracy and Pluralism." Omid Safi (Ed.). *Progressive Muslims on Justice, Gender, and Pluralism*. Oxford: Oneworld Publications.
- Sabili*. September 18, 2008. 5<sup>th</sup> edition.
- Safra, Jacob E. (Chairman of the Board) and Ilan Yeshua (Chief Executive Officer). *The New Encyclopaedia Britannica*. 2002. Chicago: Encyclopaedia Britannica, Inc. 15<sup>th</sup> edition. Vol. 4.
- Soedijarto, Prof. Dr. MA. July 2008. *Landasan dan Arah Pendidikan Nasional Kita*. Jakarta: Kompas.
- Tignor, Robert L. (Int.). 1993. *Napoleon in Egypt: Al-Jabarti's Chronicle of the French Occupation. 1798*. Trans. By Shmuel Moreh. Princeton & New York: Markus Wiener Publishing.
- UIN Jakarta. April 2007. 7<sup>th</sup> edition. *Prospectus: Syarif Hidayatullah State Islamic University (UIN) Jakarta*. Jakarta: UIN Jakarta Press.
- Waldman, Marilyn R. August 27, 2003. "Islamic World," in *Encyclopaedia Britannica Online*. <http://search.eb.com/ebarticle?eu=109498>.

Yudhoyono. Dr. H. Susilo Bambang 2006. "Presiden Republik Indonesia, Dr. H. Susilo Bambang Yudhoyono, Salinan Keputusan Presiden Republik Indonesia Nomor 16/K Tahun 2006."