
29 May 2017, Monday ✦ 12.30pm – 1.30pm

Executive Seminar Room, Block B Level 3, NUS (Bukit Timah Campus)

Adat Court in Indonesia's Judicial System

Speaker: Dr Herlambang P. Wiratraman, Universitas Airlangga

Chairperson: Dr Dian A. H. Shah, NUS Law

ABSTRACT

The challenge for a modern state is formulating a constitution that takes into account its plural social fabric and even the plurality of its legal systems. In the case of Indonesia, although drafters successfully enacted its constitution under challenging conditions, questions remain about the extent to which this basic document has been consistently interpreted and implemented on the ground. Given the thesis that a constitutional pluralism embodies a plurality of constitutional sources, it is unsurprising if constitutional interpretation and implementation would provide empirical evidence for constitutional pluralism (Maduro 2012). An understanding of the history and development of adat (indigenous) law and its institutions in the Indonesian constitutional law context could be drawn from the works from Leiden legal scholar, Cornelis Van Vollenhoven, who has written *De Ontdekking van Het Adatrecht* or *The Discovery of Adat Law* (1928). Adat court – an institution crucial for the protection of indigenous people's rights – has an obvious constitutional importance in the context of Indonesia's plural legal systems. It is not merely to institutionalizing the court into state's judicial system which should be carefully considered, due to subjugation adat's legal system. It is also the necessity to bring the message of representing universal values for human and people's rights. The key issues, however, are how the constitutional drafters considered the existence of plural legal and judicial systems in Indonesia and to what extent does the practice of adat law in current judicial development serve meaningful justice for indigenous people in the archipelago.

ABOUT THE SPEAKER



Dr Herlambang P. Wiratraman is a Lecturer at the Constitutional Law Department and the Executive Director of the Centre of Human Rights Law Studies (HRLS), Faculty of Law, Universitas Airlangga (Surabaya, Indonesia). His research interests include human rights, constitutional law, law and society, freedom of expression, freedom of the press, and academic freedom. He completed his degree in Master of Arts on Human Rights and Social Development at Mahidol University, Thailand and obtained his PhD at Van Vollenhoven Institute, Leiden Law School, The Netherlands in 2014. He has written numerous books, including "Good Governance and Legal Reform in Indonesia" (Bangkok, 2007) and "Press Freedom, Law and Politics: A Socio-Legal Study" (Zutphen, 2014). He led two National Law Development Agency (BPHN)'s research teams on indigenous peoples and law, which are "Peluang dan Tantangan Peradilan Adat dalam Sistem Hukum Indonesia: Studi Kasus Peradilan Adat yang 'Melibatkan Pihak Luar'" (The Opportunity and Challenge of Adat Court under Indonesian Legal System) (2013) and "Perlindungan Hukum terhadap Masyarakat Hukum Adat" (Legal Protection of Indigenous Peoples) (2014). He was a Visiting Professor at Graduate Studies of International Development, Nagoya University (2015) and a Visiting Lecturer at the Vietnam National University (VNU) Law School (2017). He also served as a Chairperson of Indonesian Association of Legal Philosophy (AFHI, 2013-2014) and the Indonesian Lecturers Association for Human Rights (SEPAHAM Indonesia, 2014-2017).

REGISTRATION

There is no registration fee for this seminar but seats are limited.

Light lunch will be provided on a first-come, first-served basis.

Closing Date: **25 May 2017, Thursday**

For enquiries, please contact Margaret Ang at cals@nus.edu.sg

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