

SCREENING THE UNSEEN HINDU LEGACY IN SOUTH EAST ASIA TODAY

I BACKGROUND AND CONTEXT

While the defining feature of South East Asia today is Islam, the region is highly diverse and the co-existence of cultures, ethnicities, religions and legal systems makes it a compelling setting to explore in a television series. The legal pluralism present throughout South East Asia means that there does remain an interesting Hindu legacy on law, governance and legal culture for Screen Queensland to explore in an episode of *'The Hindu Legacy: India and beyond'*. Historically, the Indic period from the 7th century to the 14th century brought Hindu-Buddhist culture to Brunei, Indonesia, Malaysia and Singapore. The distinctive legal and governance features of this period included:

- *Negara* — the concept of state, defined by allegiance rather than boundaries;
- *Kerajaan* — kingdom with a symbiotic relationship or reciprocal duties between ruler and subjects;
- *Devaraja* — divine king at the apex of the political and social community;
- Caste system — relatedly to *devaraja*, a system of political and social hierarchy.

Islam arrived in the region from the 14th century onwards through Arab traders and later mystical Sufis. Today Islam, namely the Shafi school of Sunni Islam, remains the majority religion in the region. Therefore, the political and legal features of the Indic period are not completely maintained in South East Asia today. However, the Hindu foundations from this period are not completely washed away either. Rather, as Renfrew describes in his 'Wave Theory', they have been subject to the ebb and flow of new ideologies and philosophies. As such, they have been significantly modified by the arrival of Islam, periods of colonisation and nationalisation. Therefore, while at first glance it appears that South East Asia is not an appropriate setting for the television series, below the surface you can find a largely unappreciated Hindu legacy and this would be an unique angle for the series to explore.

II KEY ASPECTS OF HINDU LEGACY IN CONTEMPORARY SOUTH EAST ASIA

This section focusses on the Hindu legacy on law, governance and legal culture which remain today in Brunei and Indonesia. While Malaysia is also an option, the legacy is not as significant and in any case, it would not provide new content for the episode as the legacy of *Devraja* is best demonstrated in Brunei.

Firstly in Negara Brunei Darussalam, the concept of state and the role of the Sultan can be seen as an Indic legacy from the Sumatran empire of Srivijaya and later the Majapahit empire.¹ The Sultan of Brunei is an Absolute Monarch with legislative, executive and religious authority. This aggregation of power in the Sultan is an interesting reflection of the Hindu concept of *Devraja* which also concentrated political and religious power in the *raja*. The television series can therefore explore how the special relationship between the ruler and subjects in Brunei, with the Sultan sitting at the apex of the community as ‘God’s shadow on earth’,² demonstrates the Hindu legacy in the country. However, scholars from Brunei might find it controversial to link the role of the Sultan to Hindu traditions therefore a foreign scholar may be required to appear in the episode.

Secondly, the Hindu influence is also apparent in Indonesia with the 13th century Majapahit Empire leaving a legacy of Hindu law which made its way into the *adat* or custom of the people. *Adat* remains a source of law in Indonesia today. Notably, Bali would be an ideal setting for the television show because of its Hindu majority population which follows *adat* that is unsurprisingly influenced by Hindu traditions. For example, a caste system similar to the Indian caste system is maintained in Bali. However, even the Javanese who are mostly Muslim, follow some *adat* dating back to the Hindu period which would be interesting to explore.³

III RECOMMENDATION

It is advised that there is indeed a significant Hindu legal legacy which would warrant including an episode on South East Asia as part of the five-part television series. The episode can explore at least two South East Asian countries, being Brunei and Indonesia. In Brunei, the legacy of the Hindu concepts of *Negara* and *Devraja* can be explored. Further in Indonesia, Hindu customary laws such as the caste system can be explored. Exploring two countries with two different Indic legacies will make for a fascinating episode that is worth including in the series. As already noted however, the majority religion in these countries is Islam, therefore it may be difficult to interview high profile people for the episode.

¹ Ann Black and Gary Bell, (ed) *Law and Legal Institutions of Asia: Traditions, Adaptations and Innovations* (Cambridge University Press, 2011) 301.

² *Ibid.*

³ Ann Black and Gary Bell, (ed) *Law and Legal Institutions of Asia: Traditions, Adaptations and Innovations* (Cambridge University Press, 2011) 268.

Bibliography

Black, Ann and Gary Bell, (ed) *Law and Legal Institutions of Asia: Traditions, Adaptations and Innovations* (Cambridge University Press, 2011).