

Authentication, Attribution and the Art Market: Understanding Issues of Art Attribution in Contemporary Indonesia

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The Asian Conference on Arts & Humanities 2018
Official Conference Proceedings

Abstract

The widespread circulation of paintings lacking a secure provenance within the Indonesian art market is an increasingly prevalent issue that questions trust, damages reputations and collective cultural narratives. In the long-term, this may impact on the credibility of artists, their work and the international art market. Under the current Indonesian copyright laws, replicating a painting is not considered a crime of art forgery, rather a crime of autograph forgery, a loophole that has allowed the practice of forgery to grow. Despite widespread claims of problematic paintings appearing in cultural collections over recent years, there has been little scholarly research to map the scope of counterfeit painting circulation within the market. Building on this research gap and the themes of the conference, this paper will provide a current understanding of art fraud in Indonesia based on research undertaken on the *Authentication, Attribution and the Art Market in Indonesia: Understanding issues of art attribution in contemporary Indonesia*. This research is interdisciplinary in its scope and is grounded in the art historical, socio-political and socio-economic context of cultural and artistic production in Indonesia, from the early twentieth century to the contemporary art world of today. By locating the study within a regionally relevant framework, this paper aims to provide a current understanding of issues of authenticity in Indonesia and is a targeted response to the need for a materials-evidence based framework for the research, identification and documentation of questionable paintings, their production and circulation in the region.

Keywords: authentication, interdisciplinary, conservation

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Introduction

Authentication, lack of provenance, forgery and attribution remain the greatest threats to the reputation of the global art market in 2017 (ArtTactic 2017). The widespread circulation of problematic paintings within the Indonesian art market is an increasingly prevalent issue that damages reputations and distorts collective cultural narratives. International authentication research networks, including Authentication in Art Foundation (AiAF) in the Netherlands; International Foundation for Art Research (IFAR) in New York, and the Art Due Diligence Group (ADDG) in London among others, are predominately focused on Western cultural heritage issues, and little is known of the extent of art fraud in Southeast Asia. Despite widespread claims of ‘fake’ or ‘counterfeit’ paintings circulating within the Indonesian art market since the 1950s (Dermawan 2016, p. 55), there has been little research to map the scope of this issue, or an authentication framework in place to assess and examine paintings lacking a secure provenance.

Within the Indonesian legal system, creating and selling a painting with the intent to deceive the buyer for financial gain is an infringement of the Copyright Act (2014), a law that focuses predominately on trademark and photo reproduction and minimises this act of art fraud. Recent research conducted by the *Masyarakat Indonesia Anti-pemalsuan* (Indonesian Anti-Counterfeiting Society [MIAP]) on the countries rampant counterfeit culture has shown that printer ink (49.4%), clothes (38.9%), leather products (37.2%) and software (33.5%) make up the four largest fake product categories on the consumer market today (Sharif, Asanah & Alamanda 2016; MIAP 2017). While the legal system and market studies predominately focus on the veracity of low-end problematic consumer products, rigorous research on the production and circulation of counterfeit art falls through the gaps. Moreover, the tendency for the wider arts community to conceal the issue has resulted in a lack of documentation and scarcity of publications addressing art crime and purported cases of forgery in the region (Bambung 2016). The art network ‘Perkumpulan Pencinta Senirupa Indonesia’ (Association of Indonesian Art Lovers [PPSI]) claim that when a questionable painting is discovered in a private collection, the owner will return it to the dealer or put it into storage through shame of public knowledge that they were ‘duped’ into acquiring a forgery and risk damaging the reputation of their collection. As a result of underreporting, most of what is currently known is based on anecdotal evidence and mainstream media coverage via print and online publication platforms including Tempo; The Jakarta Post; Antara News and Kompas.

This paper aims to examine some of the pertinent issues on the topic of problematic paintings in Indonesia from a position of interdisciplinarity in cultural materials conservation and from the lens of an outsider researcher new to Indonesian studies. As an outsider researcher, it is acknowledged that ways of knowing are somewhat limited, however given the complexity and entanglement of art fraud in Indonesia, it may also provide a buffered position from which to examine the issue. Through an investigation of authenticity, legal frameworks and the art market, this paper aims to provide a preliminary overview of the factors contributing to issues of painting attribution in Indonesia, articulating the knowledge gaps and providing a platform for further material based research.

Authentication, Attribution, Fakes and Forgeries

Even the most perfect reproduction is lacking in one element: its presence in time and space, its unique existence at the place where it happens to be.

- Walter Benjamin, 1936

‘Authenticity’ is an ancient and complex concept of ever changing meaning, functions and criteria. It is a word that denotes the true as opposed to the false, the real instead of the fake, the original over the copy and the honour against the corrupt (Lowenthal 1999). The term ‘authentic’ is closely related to notions of authorship and can be used to describe an artwork that is ‘real’, ‘true’, ‘original’ or ‘genuine’, these words bound to contrasting ideas of ‘fake’, ‘forgery’, ‘fraud’, ‘counterfeit’ and ‘copy’ (Sloggett 2014, p. 123 ; Heynan 2006). The English word ‘Authentic’ can be broadly defined as the ‘author or source of a right or title’, and in its early Latin incarnation, it refers to ‘he who brings about the existence of any object... or by his efforts gives greater permanence to it... creator, maker, author, inventor, producer, founder, cause’ (Lewis 1879, p. 198). In ‘Questioning Authenticity’, Hilde Heynan suggests that the call for authenticity is one of the most significant innovations brought about by the Enlightenment, and the continued longing for the authentic and the original has been an important impulse throughout the twentieth and early twenty-first century culture (Heynan 2006, p. 288). In a similar vein, Kwanda Timoticin describes Western conservation theory as has having its origins in the development of Enlightenment theories (Timoticin 2010). These ideas concerning the materiality of the artwork are closely aligned with the emergence of art forgery, which presupposes a culture in which what matters above all is not the content a work of art transmits, but the irreducible qualities that make *this* work an unrepeatable and authentic event (Nagel 2004). The value embedded in authorship and authenticity underscores the Western discourse of Art History, which places artistic output on a timeline that is studied as the product of an author and historical moment (Nagel 2004).

While the history and the broad definitions commonly associated with authenticity and forgery are traditionally grounded in Western academic discourse, it is important to look outside of a Eurocentric framework for a holistic understanding of these ideas. The nearest Bahasa Indonesian word to the English ‘authentic’ is ‘asli’, meaning ‘genuine; real; originating from or of a place under discussion’ (Douglas Lewis 2016, p. 135). It is significant to note that Bahasa Malay, from which the national Language of Bahasa Indonesia has evolved, has no simple, root word that translates precisely and without nuance into the English ‘authentic’ (Douglas Lewis 2016, p. 135). From a regional perspective, the Balinese-Hindu philosophy of *rua bineda* (literally translating to ‘two different’) relates to the underlying meaning of truth and falseness, and is based on a principle of spiritual dialectics that envision the co-existence of opposites in the world today (Jenkins 2010, p. 15). This philosophy proposes that contradictory forces; true and false, good and evil, authentic and inauthentic, exist in opposition to one another and that continuing tension between them is necessary for the balancing of the functioning world (Jenkins 2010, p. 15). The dichotomies that these ideas present persuade us to treat authenticity as an absolute value , yet, its defining criteria is subject to ceaseless change, where the dichotomies co-exist and are entangled, determined by regionally specific cultural values, histories and legal frameworks.

Throughout the extensive literature on this problematic term, it is clear that authenticity is culturally contingent, socially constructed and historically situated, and an examination of these concepts require applying contextual knowledge appropriately and approaching these ideas within an interdisciplinary framework (Carroll 2015). This paper will examine the dynamics, paradoxes and nuances of authenticity as it is understood across different geographic contexts and theoretical frameworks. Beginning with Dennis Dutton's theory of authenticity through a scientific (nominal) and philosophical (expressive) lens, issues of copyright and attribution within the Indonesian legal system, representations of art forgery in the media will be explored.

Nominal v. Expressive Authenticity

Philosopher of art Denis Dutton broadly groups authenticity into two categories, nominal and expressive, relating to the scientific and philosophical interpretations of the term respectively (Dutton 2003). Nominal authenticity can be understood through the lens of a scientific framework grounded in material centred verifiable evidence, primarily concerned with the identification of an artworks materiality, origins, authorship and provenance (Dutton 2003). This categorisation is based on verifiable objective data and draws on an evidence based framework that can be applied to the process of authenticating an artwork through conservation and provenance research; legal enquiry (Sloggett 2014; Roberts 2015; Gruber 2014) and art historical studies. Nominal authenticity relates directly to the materiality of the painting at the core of the ecosystem, and the evidence based knowledge of professionals within the microsystem. In contrast to nominal authenticity, expressive authenticity refers to the intangible nature of an object's characters as an expression of an individuals or societies beliefs and value systems, this subjective framework traditionally informed by philosophical enquiry and based in the Indonesian art macrosystem (Dutton 2003; Benjamin 1936; Latour 2011). Dutton's definition of expressive authenticity can be applied to the authentic value embedded in the 'aura' of an original work, a concept first introduced by Walter Benjamin's in his text 'The Work of Art in the Age of Mechanical Reproduction' (Benjamin 1936). Benjamin describes the aura of an artwork as an intangible 'unique situation in which the subject meets the object in an experience that cannot be reproduced' (Benjamin 1936). Within an Indonesian context, the 'aura' may be understood as the 'jiwa', the invisible essence that gives a work its 'artistic distinctiveness', literally translated as the 'soul' of the work and draws on a methodology for attribution based on ideas of connoisseurship, intuition and expertise (Jenkins 2010, p. 14).

Within a framework for art authentication, the expertise of the role of the connoisseur draws on aspects of both normative and expressive authenticity. The practice of connoisseurship originated with an Italian physician Giovanni Morelli, who published essays in the 1870s proposing intuition-based connoisseurship (Morelli; Uglow 2014). Morelli proposed a system of rational and scientific methods to make attributions, focused on placing an emphasis on the experts capacity to read minute details in a process that involved the comparison of anatomical details indicating identity of authorship (Uglow 2014). This practice of attribution drawing on both subjective (nominal) and objective (expressive) methodologies Former director of the Met Museum in New York, Thomas Hoving, was a passionate advocate for the practice of connoisseurship in art historical discourse, describing the process as a 'pull in the gut

or a warning cry from deep inside... nurtured and refined only by saturation' (Hoving 2006, p. 147). This feeling of intuition relates directly to Dutton's notion of expressive authenticity, however these subjective feelings must be supported by verifiable evidence within a nominal framework. Further encompassing these two fields of enquiry is authorial ethics, 'a normative study that deals with the commitment to truth and integrity that can be abused in the art world, and highlights that the two definitions are not mutually exclusive (Roodt 2017).

Dutton's contrasting frameworks suggest that authenticity is not a homogenous concept and provide a starting point to begin navigating this complex term. While both nominal and expressive frameworks present two competing notions of authenticity and provide a broad definition to locate this study, it should be noted that the majority of the literature is grounded in Western academic scholarship, with a smaller selection of scholars engaging directly with issues of art crime and authenticity in the Asia Pacific region (Gruber 2014; Douglas Lewis 2016, p. 125). In his investigation of 'Authenticity and the Textiles of Sikka' in Indonesia, Douglas Lewis asks the question, does the English word 'authenticity' signify a translinguistic concept? Whether it does or not, how does the concept vary between languages? (Douglas Lewis 2016, p. 128). Building on these questions, Western informed ideas of authenticity and its ancillary terms are presented in this paper in partnership with academic discourse and theory from Indonesian and Southeast Asian based scholarship where possible. Drawing on the glocal ecosystem framework, this aims to demonstrate that while the terminology varies, the common threads that are embedded in traditional notions of the authentic and original as they relate to this study, are universal in their scope.

'Hak Cipta' and the Indonesian Copyright Act (2014)

When referring to art authentication, we are referring to the process of determining whether an artwork is in fact what it is declared to be, which is an essential means of protecting artistic integrity and the artist's oeuvre (Morden, Sloggett & Tse 2014). This process, based on principals of nominal authenticity, involves attributing a right of ownership to a work of art by an artist and is fundamentally linked to issues regarding reputation, copyright and moral rights in the arts (Morden, Sloggett & Tse 2014). Within a legal framework, terminology is critical to how evidence is collected, provided and assessed. While such terminology is grounded in the Australian legal system / Western discourse, these definitions may provide a preliminary foundation for navigating the Indonesian Copyright laws.

What is most unsettling about art fraud are not the fakes that are known, but those that are not (Murphy 2016). In criminology, this statistical and research blind spot is known as 'dark figure' crime, an ominous way to describe the difficult-to-quantify incidence of a crime that goes largely undetected, unreported and unresolved (Murphy 2016). To this effect, counterfeit painting production and circulation within the Indonesian art market and abroad can be understood as a 'dark figure' crime that is largely, undetected, unreported and unresolved. One of the contributing factors to explain why this crime goes unreported, is a lack of understanding of the legal system, combined with unenforced copyright laws to protect the intellectual property of the artist under the Copyright Act (2014). Historical approaches to copyright have traditionally been informed by a range of issues that are specific to Indonesia's

national identity (Crosby and Thajib 2010). The word *hak cipta* (Indonesian term for Copyright, which literally translates to “creating right”) was created in 1951 in Bandung, as part of *Kongres Kebudayaan Indonesia* (Cultural Congress of Indonesia) (Crosby p. 100; Riswandi 2009). At this formative conference, cultural artefacts were presented as co-modifiable products for the construction of national identity, as they were throughout the formative years of the newly independent Republic of Indonesia (Crosby and Thajib 2010, p. 100). Fifty years after this conference, 2002 saw the introduction of a revised Copyright Act (2002), updating a copyright law that was established 90 years earlier starting with the Dutch colonial *Auteurswet* that came into effect shortly after its enactment in the Netherlands (Antons 2008, p. 235). In 2014 Indonesia’s House of Representatives passed Law No. 28 of the recent draft of the country’s Copyright Bill, with these revisions marking the third set of amendments made in the history of Indonesia’s Copyright law. The 2014 amendment claimed to provide a clearer understanding of the Copyright Act which was previously beset by ambiguity, however despite this revision, the law continues to focus predominately on trademark, patent law and consumer products, with no further reference to artwork.

Unlike trademark law, copyright law did not play a major role in the colony which was dominated by publishing houses based in the Netherlands, and after World War II copyright law survived the transition to independence in 1949 (Antons 2008, p. 235). At this time, the law was translated in the new national language, Bahasa Indonesian, as *Undang-Undang Hak Tjipta*, literally translating to ‘law on the right to a creation’, despite proposals to use the more literal translation *hak pengarang* (the right of the author). In his 2008 paper *Copyright Law Reform and the Information Society in Indonesia*, Christoph Antons argues that Indonesia was a poor developing country that was struggling to establish its national identity and was aiming to reduce the remaining influence of the Dutch in economic and political life and through virtue of its roots in the Dutch legal system, copyright was thought of as a ‘colonial legacy’ (Antons 2008, p. 236; Crosby and Thajib 2010, p. 97).

Crosby and Thajib argue that such relationships between colonial history and the inherited legal frameworks warrant a more complex discussion of intellectual property than one focusing on just the legal aspects, as various historical strains infuse the new frictions between claims of ownership and use of creative property and the general production of culture in the region (Crosby and Thajib 2010, p. 101). While Indonesian Copyright Law requires originality in its definition of what constitutes a “work” (Article 1, No 3), Antons argues that the standard for this is low (Antons 2008). The originality requirement specifies that ‘the creator must create something original in the sense that this creation does not constitute an imitation’, a definition that is closely aligned to a Euro-American standard of originality, likely to be derived from the Dutch (Antons 2008). Furthermore, reproduction is defined as the ‘increase in the number of works, either as a whole or in substantial parts by using either the same or different material, including its permanent or temporary transformation’ (Antons 2008). Notions of ‘originality’ and ‘reproduction’ are likely to be the two most important Articles under the Copyright Act that are relevant to the artist in protecting their work and cultural legacy in a court of law, however only one known copyright case involving fraudulent paintings has been heard in an Indonesian Supreme Court.

If you didn't have an art market, then fakers would not exist
Clifford Irving, 'F for Fake', 1973

The notion that the art market creates an economy for fraudulent works to exist has been well documented, as the transformation of art from object of aesthetic and formal appreciation to an instrument of wealth creation is often cited as the 'source of the problem' (Diamond 2015, p. 25, Clarke 2004). Commentators in the art world have explicitly pointed out a correlation between art market inflation, increased participation (especially in emerging economies such as Indonesia) and the rise in detected instances of art forgery and fraud (Diamond, 2015 p. 27). This connection is particularly evident in Indonesia with the Grand Maestros of Indonesian art history, Sudjojono, Affandi and Gunawan, consistently achieve high auction sales, in partnership with a high level of fraudulent paintings bearing their signature in the market place. However, the relationship between the market and the veracity of art fraud in Indonesia is much more complex and a further understanding of the market systems (both regulated and unregulated) and the figures who operate within these systems, is required. In her 2015 article on reconciling approaches to authenticity in a globalised art market, Claire Diamond proposes a 'reconsideration of the relationship between artistic and economic values which would bolster the art market's defense against the incursion of fraudulent works' (Diamond 2015).

The South Asian Market system

Concentrated in art capitals such as New York, Paris and London, the art market used to be confined to Northern America and Europe (Velthius and Curioni 2015, p. 1). In many other regions across the globe visual art made by living artists was commodified, however art markets were considered to be relatively insignificant in quantitative terms and functioned in an almost fully local and informal manner (Velthius and Curioni 2015, p. 1). In their 2015 edited publication 'Cosmopolitan Canvases: the globalization of markets for contemporary art', Velthius and Curioni argue that over the past thirty years, markets have emerged in regions where they did not exist and have transformed in regions where they did (2015, p 2). In the past two decades, several Asian countries have become major performers in the global contemporary art market (Yogev and Ertug 2015, p. 194). Artists from India and China, as well as Japan, South Korea, Taiwan, Hong Kong, Singapore and Indonesia have gradually acquired global recognition and their artworks have generated high market demand.

Galleries and auction houses founded in Asian countries have become central artistic sales points worldwide, while biennials and triennials have increasingly been inaugurated in Asian countries (Clark 2005, Yogev and Ertug 2015). Despite its status as an active contemporary market place, further analysis on the Indonesian market is absent from many publications and studies addressing the emerging economies of the Asian region. While the wider Asian and South Asian market has been the subject of academic interest in recent years (Pettersen 2017) the recent literature on the globalisation of the art market in Indonesia falls under the 'Asian' art market umbrella, and research gaps highlighting the need further understanding of the Indonesian market have been identified.

While Indonesia lacked a solid foundational infrastructure in the form of museums and government supported institutions, the art market and its economic value became the dominant context and main arbiter of economic and cultural value in the region. Leading authority on the Asian art market and founder of art market research advisory company ArtTactic Ltd., Anders Pettersen argues that the South Asian market boom between 2004 -2008 allowed the regional art market to gain proper international attention for the first time, laying foundations for the contemporary gallery, art fair and auction house infrastructure we see today (Pettersen 2017, p. 3). While Pettersen's market research is predominately grounded in the South Asian market, with particular reference to India, parallels can be found within the wider region of Southeast Asia, allowing this market research to be extrapolated and applied to a current understanding of the contemporary Indonesian art ecosystem. The end of the 1990s saw increased interest in Indonesian art in international auction houses including Sotheby's and Christie's in Singapore and Hong Kong, setting the stage for a market boom the following decade. Mok Kim Chuan, Director of China and Southeast Asia and head of Southeast Asian painting department at Sotheby's in Hong Kong, explains that since auction houses moved into the Indonesian market in the 1990s 'we have played a significant role in taking Indonesian art – modern and contemporary – to the next level through the engagement of a broader client base worldwide, which has in turn boosted interest and demand, leading to steadily rising prices in recent years' (Chuan 2013, p. 137).

The Asian region market boom between 2006 and 2008 was built on the fragile foundations of the Asian financial crisis of the late 1990s, with Indonesia experiencing the full force of the surging market in 2007 (Genocchio 2013). Chuan argues that a shift in mind set occurred in this time, not in the talent of the artists which has always been consistent, but in the local support from collectors who believe in and provide patronage to the artists (Chuan 2013, p. 138). Reflected by belief, commitment and investment. Pettersen suggests that without any foundational infrastructure in the form of museums, non-commercial institutions, and artist-led initiatives supporting the emerging art scene in South Asia, the art market and its economic value became the dominant context and main arbiter of quality and cultural value (Pettersen 2017, p. 3). However, when the market collapsed, a number of new initiatives 'rose from the ashes', most of them not for profit with a strong focus on the *cultural* rather than the *economic* value of art. As explored in *Part III*, like many Asia Pacific market ecosystems the Indonesian art market also lacked a strong arts infrastructure, however it did have a rich tradition of local art production dominated by independent artist initiatives and private collectors providing patronage to support production. ArtTactic's market research provides a platform to demonstrate how the Indonesian art market simultaneously conforms to this model, but also how this ecosystem is different and unique from neighboring South Asian market systems.

In 2005, during these boom years, the sale of *Southeast Asian and Modern Indian Paintings, including Contemporary Art* at Christies In Hong Kong sold a selection of Indonesian paintings from artists including the aforementioned, Sudjonono, Affandi and Gunawan. This sale is significant as being the first occasion that contemporary art from the Southeast Asian region was offered as a discrete auction sub-category. Furthermore, the high sale prices that works by these artists received consolidated the relative importance of the sub field of the South east Asian genre with international

collectors.

Conclusion

The question of what constitutes art fraud requires more than ascertaining what materials might have been used- and the need to work across disciplines, jurisdictions and cultures creates a complexity not simply associated with historical or curatorial art attribution enquiries. In the absence of existing scholarly research on art forgery in Indonesia, or a centralised database of material knowledge on artists who are of relevance to this research, this paper presents an overview of issues associated with authenticity and attribution in Indonesia and provides a platform for further research engaging with cultural collections to build a conservation record of material knowledge in the region.

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