Land and authority: the state and the village in Pasir, East Kalimantan

Nearly five years after the implementation of administrative decentralisation in Indonesia, popular influence on governance has increased, especially at the kebupaten (district) level, where ‘local ways’ have become a hot topic in political discourse. But what are local ways and to whom do they belong? Can they be reconciled with national law? Consider land tenure, where district regulations and grassroots practices often differ: in Pasir, government and society are looking to tradition, national law and Pasir identity to redefine authority over land.

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Pasir is the southernmost district of the province of East Kalimantan, comprised of a flat coastal plain and a mountainous hinterland. Gunung Lumut, Pasir’s massif, is the highest in Brunei. Most inhabitants are ethnic Orang Pasir who have recently shifted their cultural focus from nearby Central Kalimantan’s Dayak communities to the ethnically diverse coastal area, Islam and Malay identity.

Without its natural resources, Pasir would have been an inconsiderable peripheral district within Indonesia. Oil palm plantations and mining dominate the coastal area and provide work to migrants from throughout Indonesia. In the mountains, where communities of subsistence farmers live in villages comprised of a small central household, often allied with other such households, legal (and illegal) logging and ladang slash-and-burn farming are the main economic activities. Local customs and all agreements between communities, rather than national law or government policies, regulate access to land.

Pasir’s district government, based in the town of Tanah Grogot, is far away from the mountains. Because communicat- ion and administrative control are lack- ing, government policies and regulations frequently hold no sway in mountain villages. Moreover, mountain communities saw the New Order’s unilateral management of land and forest, and the establishment of a network of adat government NGOs. Although both the BAL (the National Land Agency) and the Ministry of Forestry have been much more reticent to investigate whether communal land claims exist within their district.

The Pasir government enlisted a team of researchers from Universitas Hasanuddin in Makassar to conduct four days of field research in 2002, mainly of the coastal plain. Government officials were amazed to find that large numbers of migrants live. Although part of the team worked along Gunung Lumut’s perimeter, no research was done in the mountainous region itself. Results showed clear differences among the areas studied, but final conclusions were presented in terms of a percentage of the whole population as ‘abnormal’, an area, making existing claims appear insignificant. Thus, in 2003, the district government drafted a regulation specifying conditions for the recognition of such claims and guidelines for their settlement (see also Slaats 2000; Sakai 2001). The regulation was never implemented, however, and authors have been unable to ascertain whether communal land claims exist within their district.

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The two organisations will, like true politicians, co-operate to keep smaller NGOs small but are otherwise fanatical rivals. Given the choice between representing their clients and gaining polit- ical influence, both opt for the latter and take possible inconsistencies with local laws for granted. Only PEMA has links with the adat community, but the other two organisations claim to represent all the mountain communitiesGunung Lumut, this proximity to the grassroots results in the isolating of the organisation from the political sphere of interest, which the government views as necessary.

A second example of this pragmatism is the size of territories claimed. Pasir’s National Land Agency, in accordance with national law, limited the amount of land that can be registered under Pasir’s name to 20 hectares. But Gunung Lumut communities claim much larger communal adat territories, with the smallest claim at around 150 ha per family. Somehow, this anomaly has been accepted, the government allows for the communities’ right to possess land, and local government officials have had to redefine their role as ‘national’ communities. The new system of local administration provides for the intervention of district government officials, while the new style of district government has been established.

Reconcilable differences?

Negotiations between the two principles are common ways of dealing with land issues in Pasir’s mountains. Mountain communities consider the district gov- ernment as only one of many sources of authority, while the government’s admin- istrative decisions show disregard for the existence of local traditional systems of land management. The two meet only through a chain of NGOs with varied local expertise and influence, but with a solid position in local politics. Although the local government gained a platform in district politics, its relation to ‘local ways’ is not necessarily clear or direct. The phys- ical and procedural distance between mountain communities and the district government allows for the communities’ local politics to be politicized by outsiders, such as the LAP and rival PBA-PDB.

On the upside, district politics are cer- tainly more influenced by local circum- stances than they were before decen- tralisation began, though not well-known outside its base in the coastal area. ‘Local ways’ have become a platform for local politics and are regarded as such by local governments. However, in spite of what some politicians and government officials have written, the trend toward localising government officials has been established.