Nearlly five years after the implementation of administrative decentralisation in Indonesia, popular influence on governance has increased, especially at the kabupaten (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 practice often differ: in Pasir, government and society are looking to tradition, national law and Pasir identity to redefine authority over land.

Laurens Bakker

P asir is the southernmost district of the province of East Kalimantan, comprising of a flat coastal plain and a mountainous forested hinterland called Gunung Lumut. 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 number of extended families, legal (and illegal) logging and land clearing and burning 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 communication and administrative control are lacking, government policies and regulations frequently hold no sway in mountain villages. Moreover, mountain communities saw the New Order’s unilateral management of logging and mining projects in Gunung Lumut as dictatorial and unjust, leaving them suspicious of all government initiatives and national law. As a result, official regulations are implemented along the coast, but lessen in influence and even disappear in the mountains. Government land or forest management, however, does not define adat, it has yet agreed to register. The second, PEMA (Pemuda Masyarakat Adat Pasir, or Foundation for Adat in Pasir), whose mission is to redevelop religious, medical and education facilities for all of Pasir’s population. The third was PEMA (Pemuda Masyarakat Adat Pasir, or Association of Adat Communities in Pasir), a small group of Gunung Lumut organisation that puts its considerable knowledge of local circumstances to work on just about anything it finds relevant. The third, PBA-PDB (Persatuan Benuaq Adat Pasir, or United Adat Groups in Pasir), is a small group of Gunung Lumut organisation that puts its considerable knowledge of local circumstances to work on just about anything it finds relevant.

You’re not the state, we are

This, to many, did not reflect ‘local ways’. Three local NGOs, claiming to represent Pasir’s adat communities, immediately challenged the district government. The first was LAP (Lembaga Adat Pasir, or Foundation for Adat in Pasir), whose mission is to redevelop religious, medical and education facilities for all of Pasir’s population. The second was PEMA (Pemuda Masyarakat Adat Pasir, or Association of Adat Communities in Pasir), a small group of Gunung Lumut organisation that puts its considerable knowledge of local circumstances to work on just about anything it finds relevant. The third, PBA-PDB (Persatuan Benuaq Adat Pasir, or United Adat Groups in Pasir), is a small group of Gunung Lumut organisation that puts its considerable knowledge of local circumstances to work on just about anything it finds relevant.

All three NGOs voiced their concern at a meeting organised by the district government to discuss the 2003 draft regulation. The government’s decision to address the NGOs’ protests is not mere opportunism. Most government officials are of migrant origin and identify little with Pasir society beyond Tanah Grogot. They co-operate with organisations that appear to best represent it – a pragmatism approach that endows government officials with popular support, but leaves them wary of opportunism and power plays from other popular elements including the very NGOs they co-operate with.

State? What state?

For the Orang Pasir of the Gunung Lumut mountains, the debate on communal adat lands was as irrelevant as ever to Pasir’s political elite to be evolving toward the former, but it is too early to conclude that a new style of district government has been established.

Reconcilable differences?

Negotiations over the decentralisation process are common ways of dealing with land issues in Pasir’s mountains. Mountain communities consider the district government as only one of many sources of authority, while the government’s administrative 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 has gained a platform for local politics and are regarded as such by local governments. However, in spite of what some politicians and academics argue, no government of becoming subservient to local politics. The political experimenting currently taking place in districts throughout Indonesia has not yet led to stable results. Local people may gain influence in district politics, or a local political and economic elite may seize control after the new Order’s example. Pasir’s political actors appear to be evolving toward the former, but it is too early to conclude that a new style of district government has been established.

References


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Indonesian (Indonesian-Netherlands studies of Decentralisation of the Indonesian ‘Reformasi’ and its impact on Agra, a Dutch-Indonesian socio-cultural research project focusing on impacts of the new, democratised administrative structure on the role of law and local levels in Indonesia). The project studies how ‘guardian institutions’ such as courts and ombudsmen oversee the legality of the acts of newly empowered legislatures and executives, and how the new system influences ‘realistic legal certainty’ of common people, an important element of the implementation of the government of Indonesia’s programme ‘Indonesia in Transition’. Participating universities include Universitas Andalas, Universitas Gadjah Mada, Universitas Airlangga, Universitas Parahyangan, Leiden University and Redbone University Nijmegen. A more detailed account can be found at www.indera.indonesia.

Research

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

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