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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.

Laurens Bakker

Pasir is the southernmost district of the province of East Kalimantan, comprised of a flat coastal plain and a mountainous area in the 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 inconspicuous 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 scattered houses, there are legalised and illegal farmlands, legal and illegal logging and lading 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 city 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 uniform way of managing and controlling all matters of national and local governance, government officials with popular support, but leaves community politics, its relation to ‘local ways’ is not necessarily clear or direct. The physical 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 certainly more influenced by local circumstances than they were before decentralisation. ‘Local ways’ are a platform for local politics and are regarded as such by local governments. However, in spite of what some politicians and anthropologists believe, the process 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 politics appear to be evolving towards the former, but it is too early to conclude that a new style of district government has been established.

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Indonesian (Indonesian-Netherlands studies of Decentralization of the Indonesian ‘Reformasi’ and its impact on Agrikult) is a Dutch-Indonesian socio-legal research project focusing on the interaction of the new administrative structure and 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 aspect of the work of the government. IAS Newsletter 22

Reconcilable differences?

Negotiation between the state and local communities is a common way 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 place in district politics, its relation to ‘local ways’ is not necessarily clear or direct. The physical 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.

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