Nearly 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.

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In the mountains, where communities consist of small numbers of migrants from throughout Indonesia. Oil palm plantations and mining dominate the coastal area and provide work to migrants from throughout Indonesia. The Minister of Agriculture/Head of the National Land Agency tried to address this in a 1999 regulation specifying conditions for the recognition of such claims and guidelines for their settlement (see also Slaats 2000; Sakai 2002). The regulation is not very clear about the conditions under which it is 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 on Gunung Lumut. Although Gunung Lumut is a very large area, making existing claims appear insignificant. Thus, in 2003, the district government drafted a regulation stating that communal land claims had effectively no longer existed in Pasir.

You’re not the state, we are
This, to many, did not reflect ‘local ways’. Three local NGOs, claiming to represent Pasir’s small-adat communities, immediately challenged the district government. The first was LAP (Lembaga Adat Pasir, or Foundation for Adat in Pasir), whose mission is to improve religious, medical and education facilities for all of Pasir’s population. The second, PEMA (Persatuan Masyarakat Adat Pasir, or Association of Adat Communities in Pasir), is a small Gunung Lumut organisation that puts its considerable knowledge of local circumstances to work in just about anything it finds relevant. The third, PBA-PDB (Pusat Bina Adat Pasir), in Pasir, attempts from the top-down position of the Orange Pasir by joining forces with Dayak organisations from other areas of Kalimantan.

Through a special partnership, LAP, though not well-known outside its base in Tanah Grogot, is the district government’s official liaison with all other NGOs – all that, except PBA-PDB.

Also based in Tanah Grogot, PBA-PDB instead tries to attract the attention of the government, newspapers, and Pasir society through demonstrations. Although both claim to represent adat groups, they have in fact little contact with them and rely on third party information to pursue their goal of influencing the government in Tanah Grogot – which, since both have supporters in and around the local government, they often achieve.

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 political influence, both opt for the latter and take possible inconsistencies with ‘local ways’ for granted. Only PEMA has links with the adat communities, and here all NGOs – local NGOs claim to represent. Based in the mountainous Gunung Lumut, this proximity to the grassroots results in the organisation’s isolation from the political centre of Tanah Grogot, meaning that PEMA is dependent on LAP for access to the district government.

All three NGOs voiced their concern at a meeting organised by the district government to discuss the 2003 draft regulation. The organisation’s decision to address the NGOs’ protests is not mere opposition. 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 pragmat- ically approach that enables 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 Orange Pasir of the Gunung Lumut mountains, the debate on communal adat lands was as irrelevant as every government official who ever passed through to confirm the existence of such lands. However, as in government-NGO relations, Gunung Lumut communities treat messages from the ‘other party’ pragmatically. When decentralisation began, village governments swiftly adopted the view that national law recognised their authority over land and forest in their adat territories. Although authority over forests has since been mostly re-centralised to the districts’ Department of Forestry offices, some communities continue to issue their own logging permits. Similarly, the borders of a national forest reserve designated by the Ministry of Forestry overlap adat lands; some communities recognise its protected status while others hold their claims to land rights higher, depending on their ideas about preservation or exploitation.

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 per family head to 20 hectares. But Gunung Lumut communities claim much larger communal adat territories; with the smallest claim at around 150 ha per family, no community has yet agreed to registration. Although many have mapped their territories and borders and some are attempting, with varying success, to persuade government officials to sign these maps as an expression of alternative registration. Most communities express a keen interest in formal registration, but on a communal basis and for all of the territory.

Reconcilable differences?
Negotiation and selective ignorance 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 district has lately 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’ locality to be politized 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’ have become a platform for local politics and are regarded as such by local politicians. However, in spite of what some politicians and academics may claim, the effect of decentralisation on the practice 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 politicians appear to be evolving toward the former, but it is too early to conclude that a new style of district governance has been established.