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 kebupatan (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, nation 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, forested hinterland called the Iban Mountains. 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 families, local law, livelihoods and log and lumber cutting and slash-and-burn farming are the main economic activities. Local customs and both 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 lack in influence and even disappear in the mountainous interior. Government land or local practice usually coexist peacefully because both enforcers or practitioners ignore, or remain oblivious to, the other’s strictures.

When it comes to land, I am the state

Gunung Lumut communities govern land and forest according to local ways usually referred to by the umbrella term adat, translated as ‘custom’ or ‘tradition’. Depending on the context, adat is both adored and rejected in national politics. In representing local customs and adat prac- tice, adat has for years been a useful instrument in tying local cultural vari- ety to matters of national economic interest, such as the separation of the coastal land or forest management, however, local adat and national policy-making are frequently at odds. According to Indonesian law, land and forest in Gunung Lumut are designated by the Ministry of Forestry and can be exploited for commercial purposes, while the government’s administration 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 politicized by outsiders, such as the LAP and rival PBA-PDB.

Reconcilable differences?

Negotiation and selection of compromise 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 state has gained a place in dis- trict politics, its relationship 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 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 decentral- isation. ‘Local ways’ are a platform for local politics and are regarded as such by local governments. However, in spite of what some politicians and analysts may say about their influence, the possibility 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 issues appear to be evolving toward the for- mer, but it is too early to conclude that a new style of district government has been established.

References


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Research

Indonesia (Indonesian-Netherlands studies of Decentralization of the Indonesian ‘Reformeraat’ and its impact on ‘Agarasi’) is a Dutch-Indonesian socio-legal research project focusing on impacts of the new, decentralized administration structure on the role of law regional 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 execu- tives, and how the new system influences ‘realistic legal certainty’ of common people, an im- portant issue in a society in which the majority of people do not have formal education and has low levels of knowledge of ‘Western’ legal systems. It is a collaboration between Leiden University and Radboud University Nijmegen. For more information, please visit: www.indonesia.leidenuniv.nl.