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 kecamatan (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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P asir is the southernmost district of the province of East Kalimantan, comprising a flat coastal plain and a mountainous interior. The Gunung Lumut, Gunung Lumut’s periphery, 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 study area that is declared as a particular land area, making existing claims appear insignificant. Thus, in 2003, the district government drafted a regulation stating that communal land claims were 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 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 educational facilities for all Pasir’s population. The second, PEMA (Persatuan Masyarakat Adat Pasir, or Association of Adat Communities 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. The third, PBA-PDB (Persatuan Banten Adat Pasir – Dayak Serampun, or United Adat People – Dayak Pasir Division), attempts to strengthen the 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 is, 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 politi-
cal influence, both opt for the latter and take possible inconsistencies with ‘local ways’ for granted. Only PEMA has links with the adat communities all three NGOs claim to represent. Based in the mountainous Gunung Lumut, this proximity to the grassroots results in the organisation’s isolation from the political nerve centre of Tanah Grogot, meaning that PEMA is dependent on LAP for access to the district govern-
ment.

All three NGOs voiced their concern at a meeting organised by the district govern-
ment to discuss the 2003 draft regu-
lation. The government’s decision to address the NGOs’ protests is not mere opportunism. Most government officials see no merit in popular claims and identify little with Pasir society beyond Tanah Grogot. They co-operate with organisations that appear to best represent it – a pragmat-
ic 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 Orange Pasir of the Gunung Lumut mountains, the debate on com-
munal adat lands was as irrelevant as every government official who ever passed through to confirm the existence of such lands. However, as in govern-
ment-NGO relations, Gunung Lumut communities treat messages from ‘the other party’ pragmatically. When decen-
tralisation 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 recanalised to the districts’ Department of Forestry offices, some communities continue to issue their own logging permits. Similarly, the borders of a national forest reserve desig-
ned by the Ministry of Forestry over-
lap adat lands; some communities rec-
ognise its protected status while others hold their customary rights higher, depending on their ideas about preser-
vation 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 small-
est claim at around 150 ha per family, no community has yet agreed to register. However, many have mapped their territories and borders and some are attempting, with varying success, to per-
suade government officials to sign these maps as an expression of alternative reg-
novation. Most communities express a keen interest in formal registration, but on a communal basis and for all of the territory.

Reconcilable differences?

Negotiations that select a compromise 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 are disregarded 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 has already gained a place in dis-
political, 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’ 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 decen-
tralisation. ‘Local ways’ are a platform for local politics and are regarded as such by local governments. However, in spite of what some politicians and the local population are looking for, 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 politi-
tics appear to be evolving toward the for-
er, but it is too early to conclude that a new style of district government has been established.


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IIAS Newsletter | #40 | Spring 2006