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States of uncertainty: resolving the illegal occupation of land in Kepulauan Riau¹

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Every day more outsiders arrive
Yards are filled, homes overflow
Forests are chopped, bushes are cleared
Malays are pushed aside, losing their lands

The outsiders are creative thinkers
Forest and bushes are turned into fields
Malays are stupid, they just watch
Wealth lessens, riches disappear

Although the Malays have vast lands
They are neglected due to laziness
Used by others, they are disturbed
Slowly they lose everything.

(Tenas Effendy 2004: 215-216)

The sentiments evoked in this extract from Riau Malay poet Tenas Effendy's *Epic Poem of the Malay's Fate* would certainly strike a chord with many of my informants in Indonesia's Riau Archipelago. In 2004, this grouping of islands was granted permission to secede from the existing province of Riau and become the new province of Kepulauan Riau (popularly and hereafter referred to as Kepri).² The archipelago is considered to be historically and indigenously 'Malay', but has witnessed a dramatic influx of migrants from other regions of Indonesia in recent decades.³ Thus while provincial government rhetoric frames Kepri as 'the land of Malay history' or the 'heartland of Malay culture', observers visiting the islands have instead been struck by their extensive cultural pluralism, viewing it as a 'tiny microcosm of Indonesia' (Guerin 2001) or even a 'distillation of "Unity in Diversity"' (Mack 2004: 158).

Demographic movements have carried with them both new bodies, and new solidarities. But they have also generated new anxieties. Specifically, a belief reverberates around Kepri – subscribed to by Malay and migrant alike – that Malays are culturally disadvantaged relative to migrants, and continually losing out to them in situations where they are forced to 'compete' (*bersaing*). Examples of such contexts that are commonly invoked by the people of Kepri are competition in the job market, competition for political influence,

¹ This paper is based on 15 months of fieldwork in Kepulauan Riau, executed during 2006 and 2007. Financial support was provided by the United Kingdom's Economic and Social Research Council, and the University of Cambridge's Evans Fund. The research was sponsored by the Indonesian Institute of Sciences (LIPI) and Universitas Riau.

² For a more detailed account of the secessionist movement, see studies by Colombijn (2003a), Faucher (2005), and Thung and Leolita Masnun (2002).

³ From the 2000 census, Malays now make up less than 40 per cent of the province's overall population (Ananta 2006). In the urban areas of Tanjung Pinang, Batam and Tanjung Balai Karimun, the proportion is lower still.

formal education, and the arena that I will focus on particularly in this paper – contests over land.

I begin the paper by rehearsing the arguments Kepri people most frequently advance to explain why Malay populations are seemingly ‘marginalised’ and divested of land to which they have longstanding, ancestral and indigenous claims. These arguments typically focus on two issues – the status of land within ‘cultural systems’ of thought (what land means, how it is comprehended, etc), and the ‘personality’ of those contesting rights to land, itself often asserted to be a consequence of ‘culture’. My argument in this paper is that such explanations fail to capture the complexity of what happens when migrants and locals contest land rights in a juridical setting. I propose that ‘land’ may profitably be rethought in terms of ‘space’, drawing here on recent theoretical work in anthropology and cultural geography that pictures space as an emergent property of webs of relationships.

I explore this argument through analysing an ethnographic case study of a land rights hearing arranged to resolve the illegal occupation of a plot of land on Karimun island. This land was formally owned by a family of Malays, but had for several years been settled by Batak migrants from North Sumatra. Although the Malays had a formal ownership right, enshrined in a state-sanctioned title deed, it quickly transpired that there were other, informal, kinds of ‘rights’ at play in the hearing. Each of these ‘rights’ originated in a particular epistemological grasp of the land under dispute, these deriving in turn from particular constellations of social relationships such as kinship, nationalism, labour, and the civil administration. The hearing dramatised vividly that the issue at stake is not who ‘has’ particular rights, or whether the various claims made are valid. Rather, the hearing focuses on which way of conceptualising the land should win out, and to what extent rival templates might qualify, co-opt, or mitigate each other. Moreover, the final decision rests on how these dynamics and rival templates manage to ensnare and ‘interest’⁴ the state, as the ultimate arbiter of the dispute.

Since the state was itself an actor within many of the competing networks seeking to define the land under dispute, a picture emerges in which the state is at once an object of disputants’ trust and yet inherently unreliable. To interpret the outcome of such a context, I argue it is crucial to examine both locally situated discourses of land and also how these connect to the local manifestations and personifications of the state. This approach thus offers more satisfying and accurate understandings of the hearing, its outcome, and its aftermath than either ‘culturalist’ explanations or normative invocations of what ought to be legal protocol. I conclude the paper with some reflections on why, despite the rhetoric of ‘indigeneity’ or ‘migrant versus local’ being largely absent from the dispute, the hearing’s outcome then came to be narrated in precisely such terms.

Land, space, and the Malay

Informants frequently told me that land presented a particular conceptual difficulty for Kepri Malays. Growing up on islands, and traditionally working as fishermen, my informants were said to have developed a way of thinking that was oriented towards the marine, such that they would be flummoxed by land and unable to realise its potential. A common parable offered to illustrate this concerns three Indonesians – a Javanese, a Minangkabau and a Malay – who were each given a plot of land for a year. The Javanese, used to hard work, had farmed the land intensely throughout the year, and as a result was never short of food. The Minangkabau, a figure typically associated with commerce and business acumen, had rented out the plot of land, and thereby made a considerable profit. The Malay, by contrast, ignored the land, did nothing with it, stuck to fishing and ended the year as poor as he had started. I

⁴ A term used in the sense of Callon’s (1986) *interressement* – the process by which an actor-network seeks to appropriate an actor as an ally.

encountered this story both in everyday conversation and in the work of government anthropologists working to document and resolve the problems facing Kepri Malays (see for instance Tarigan, *et al.* 1996: 76). The conclusion was clear – Malays had no understanding of land.

This, in popular understanding, made Malays particularly vulnerable to exploitation, ‘trickery’ or outmanoeuvring at the hands of recently arrived migrants who came from parts of Indonesia where the long-term potential for land was understood. Malays’ maritime ‘fishing culture’ was also widely asserted to make them susceptible to the promise of instant reward, and disposed them against formulating long-term plans for the future. I was thus told that the reason so few Malays owned premises in the centre of Kepri’s towns was that they had been offered a seemingly generous sum for the land by non-Malay businessmen and instantly agreed to the sale. This interaction was offered to exemplify the ‘fighting spirit’, risk-taking attitude and readiness to seize opportunities that my informants considered archetypal of non-Malay migrants.⁵ By contrast, the Malays had failed to understand how profitable that land would have been if they had used it for a business themselves. I was told that such unequal exchanges had been happening for decades and would continue to do so, because Malays were ‘too permissive’ and ‘did not like to stir up conflict with others’ – a stereotype often associated with their Islamic religiosity which is said to place an emphasis on the maintenance of harmony (Tarigan *et al.* 1996: 19-28). Even if they realised their land was worth more than was being offered, they would not dare to bargain. As a consequence, such transactions deprived Malays of prime real estate, leaving them both economically marginalised and literally emplaced ‘on the margins’ of central urban locations.

These pervasive explanations were very persuasive for my informants – not least because of the political and emotional resonance that they carried in the wake of Kepri’s secession. When the Riau Archipelago separated from the province of Riau on mainland Sumatra in 2004, proponents of the secession had promised that it would allow Kepri to become a centre of Malay trade and culture, with a grandeur on a par with that of the precolonial Riau-Lingga sultanate (e.g. Ardi 2002; Thung & Leolita Masnun 2002: 32). This was to be achieved via a commitment to policies that addressed the needs of island Malays, a group said to have been neglected and forgotten by the largely non-Malay mainland-based government of Riau province (see Thung & Leolita Masnun 2002). Indeed, this ‘neglect’ had allegedly contributed to Malays’ vulnerability and ignorance in spheres such as the handling of land. The widespread narratives of marginalisation surrounding the political transformation thus offered a ‘cultural scaffolding’ (after Cruikshank 1998) through which it became easy and intuitively appealing to think of Malays as ‘internal others’ and to cast struggles over resources in an ethnonationalist framework.

As convincing explanations of how and why Malays ‘lose’ land in prime real estate locations, however, these discourses do not stand up to close scrutiny. Their stereotyped profiling of both Malays and migrants is usually empirically false in any given case – as with the ethnographic example I shall be discussing in this paper. Moreover, they operate within a discourse in which concepts such as ‘Malayness’ and ‘indigeneity’ are uppermost in thinking about and relating to land. This approach both obscures the many alternative idioms through which a plot of land may be conceptualised and renders invisible the many other parties, institutions and entities with which land might be imbricated – previous owners, civil-administrators, and state officials to name but a few.

In this paper, I seek to improve upon the ‘culturalist’ logic of explanation by employing an analytical approach focusing on the concept of ‘space’. Recent work in anthropology and cultural geography has redrawn the nuances of this term, stressing it as an

⁵ Their reasoning is shared by many academic scholars who have theorised differences between ‘migrant’ and ‘local’ populations in studies of migratory contexts. See for instance Ananta (2006: 49), Jones *et al* (1998: 77-78) and Miguel *et al* (2003: 9).

emergent property of social relationships. In the words of anthropologist Corsín Jimenez, ‘people relate to and engage with landscape in various ways because social relationships are inherently spatial’ (2003: 148). He elaborates this model through an ethnographic discussion of the residents of Antofagasta, a city in Chile, for whom, he claims land holds no values (2003: 137). He juxtaposes the city’s apparent meaninglessness against the excitement with which his informants talk of going to the children’s playground or the new shopping mall, and asks how his informants create viable social spaces. In his analysis, his informants talk of the ‘spaces’ not as settings – symbolic, environmental or otherwise – where social life takes place but rather as vehicles for the expression of social relationships and, he glosses, aspects of those relationships themselves (2003: 146, 150). The nature and tenor of a social relationship is thereby fundamental to the categorisation of the ‘space’. Rather than preserving space as an irreducible ontological category through which sociality stretches and in which social life unfolds, he instead sees space as transient and contextualised events, a dimension of ‘salient and distributed agency’ – what he terms a ‘capacity’ (2003: 142).

As observed by Strathern (in press), one does not need to be working in a fieldsite where ‘land has no value’ for this notion of space to be productive.⁶ Rather, the value of a plot of land could be intrinsically linked to the social relationships of which it is a capacity. Such an analytic approach would still be able to account for ‘symbolic’ claims to land – as in the popularly cited assertion that the land in the Riau Archipelago is ‘Malay land’ (*tanah Melayu*). This belief would be theorised as a capacity of social and political relationships between ethnic groups,⁷ as inspired by discourses of ‘regional culture’ and more recently, the context of ethnonationalism. But the approach advanced by Corsín Jimenez also invites the question of what other relationships may criss-cross and infuse a particular patch of land, and what kind of ‘space’ it could be as a result. As I will now show through a discussion of how ‘space’ was manifest in an abandoned orchard on the island of Karimun, this question is not only pertinent for obtaining a more complete picture. It is fundamental to understanding how rights to, and ownership of, land might be resolved in a context of contestation.

The Muara Lima land

In 2001, Lukas Sinaga,⁸ a Batak from the Lake Toba area of North Sumatra, migrated to Tanjung Balai Karimun. Hunting for a plot of land (*kolong*) proved fruitless until he found a patch of overgrown shrubland in Kelurahan Muara Lima, a central location near the police station. It looked ideal. Lukas asked the local residents whose land it was and was eventually directed to Sulaiman, a Malay living on the other side of town. Lukas took Sulaiman for coffee and explained he would like to clear the land and build on it. Sulaiman agreed, allowing Lukas to live on the land rent-free. Five years later, not only was Lukas living there, but over twenty other Batak households had joined him to form a new *kampung*. The settlers filled approximately two-thirds of the plot of land with simple houses made of brick, timber and corrugated iron, interspersed with empty spaces where chickens could roam and children could play. Although many of the Bataks had come to Kepri with the dream of making their fortune, none had so far succeeded. Rather, the men earned a meagre living working as motorcycle taxi drivers (*ojek*), harbourside porters and builders, whilst women supplemented this with small-scale trading activities, such as the making and selling of cakes.

In June 2006, Lukas and his neighbours were issued with a summons by the local district head, or lurah, of Muara Lima. They had been inhabiting the land illegally. The owners, a family of Tanjung Pinang Malays, gave them two options: buy the land, or be evicted. The plaintiff was an elderly Malay named Agus. In 1928, his father, who lived on

⁶ Indeed, one could debate Corsín Jimenez’s starting premise that land has no value for people in Antofagasta on the basis of his own ethnographic data.

⁷ To give just one example, the peer pressure upon non-Malays to marry using Malay wedding *adat*.

⁸ All personal and place names are pseudonyms.

Karimun, had bought a plot of land in the Muara Lima area and used it as a fruit orchard. Upon his death he left the orchard to Agus. By this point, however, Agus had a job and family in Tanjung Pinang, so entrusted care of the orchard to his older brother. When this brother died, stewardship of the orchard passed to Agus's nephew, Sulaiman. Knowing that the orchard was now overgrown and unused, Sulaiman saw little reason to object to Batak newcomers building on the land.

As the economy weakened, and fuel and sugar prices rose, Agus and his wife Zahra had begun to turn their attention once more towards the Karimun orchard. Originally on the outskirts of Tanjung Balai Karimun, urban growth meant it now enjoyed a prime location in the centre of town, and might fetch a good price if sold to developers. Mentioning this to a relative on Karimun led to the revelation that the land was now occupied by a large group of Bataks who had paid nothing to settle there. Zahra disguised herself as a prospective property buyer and went to investigate the land. She was shocked by what she found. Not only was the land 'full of Bataks' but they were talking about land not being for sale as if it was theirs. She beat a hasty retreat and discussed what could be done with her family. Agus was angry, protesting, 'this land is my *hak warisan* (inheritance right), it may not be used by outsiders (*orang dari luar*)!' Yet selling the land to developers would be difficult if the land was inhabited. The best solution was to sell to the Bataks.

Zahra, Agus and their son Halim therefore arranged a hearing in the lurah's office, where they planned to demonstrate their claim to the land and then demand money from any Bataks who wished to stay. Malay Karimun residents told them that the plot's central location – a short walk from one of Karimun's main highways and only a few minutes' drive to the centre of Tanjung Balai – made it prime real estate, likely to be in great demand from companies working in both commerce and tourism. They circulated tales of similarly located land that had recently fetched 200,000 Rupiah per square metre, although Halim was prepared to offer a reduced price of only 100,000 Rupiah per square metre in light of the exceptional circumstances in which the land had been settled. The Karimun Malays agreed this was a very good offer: a bargain for the Bataks whilst not leaving the Malays out of pocket.

Before committing to this policy, they presented it to the lurah – a short middle-aged Malay woman named Fitria. Zahra was very confident of her support. 'Fitria, the lurah, she's a good person,' she explained, 'She is Agus's granddaughter (*cucu*) and one of us (*orang kita* i.e. a Malay) so she will definitely help us.' The precise kinship link was unclear. Fitria was not recognised by Agus as a granddaughter, merely as a relative (*saudara*). She may have been the child of someone Agus adopted, or a more distant member of his extended family. However, in Indonesia the appellation *cucu* certainly helps foster intimacy, a strategic asset in the dispute. Fitria advised that offering a fixed price was the best approach to adopt, but recommended 55,000 Rupiah per square metre. After some discussion, the family decided to follow her advice. They then went to sleep, dreaming of the money they would make from their abandoned orchard.

At this point it is useful to consider exactly what rights Agus and his family felt they were drawing upon to advance their case. As Behuria (1994) describes, the 1960 Basic Agrarian Law formalised pre-existing systems of land tenure and established several basic rights. Primary titles, derived directly from the state, included the right of use (*hak pakai*), the right of management (*hak pengelolaan*) and perhaps most significantly, the right of 'ownership' (*hak milik*). The last of these represents the 'most complete' and 'most closely Anglo-American' form of individual land right, and the registration of the land and production of a certificate of title is integral to its assertion (Behuria 1994: 2). Since Agus had retained the original Dutch title deed (*gran*) given to his father, and had recently acquired a letter from the Bupati of Karimun's office endorsing the title deed as valid in the present day,

the Malays were confident that their claim to the land was invincible, and they would be able to force a sale at whatever price they chose.

Authors writing of other regions in Indonesia have been quick to draw a link between the increasing registration of land ownership with an increase in that land's commodification and alienability. MacRae reports that in Bali a desire to avoid conflicts over land ownership, coupled with government campaigns, has led people to 'appl[y] in droves... to obtain indisputable legal title to their land, a procedure which ironically frees their land from customary restraints on alienation and opens the door to its inevitable commodification' (MacRae 2003: 159). An 'unavoidable... increasing alienation of land [and] individuation of land rights' is also noted by Breman (1983: 125-126) as he traces the 'progressive capitalist transformation' in postcolonial Java.

Whether lamenting or celebrating the advance of capitalism, these accounts all equate the right of ownership derived from the state and enshrined in the title deed, with a freedom of dispositional control that permits 'alienability'. The proliferation of modern, bureaucratic technologies of land registration is thus envisaged to underwrite a 'capitalist' attitude towards land that is contrasted with 'customary restraints' – these being cast as implicitly conservative. The case study from Kepri, however, sheds a different light on such matters. Firstly, the Malays' impetus to commodify land was itself part of the logic of 'customary restraints'. Moreover, the case reveals that obstacles to alienability do not only take the form of 'customary restraints' but can be formal, procedural, and themselves derived from the state.

Behuria observes that individual land rights can be trumped by the state in circumstances where it wishes to regulate the use of land in accordance with regional or local development plans (1994: 2). However, the state, and the officials who personify it on a day-to-day basis, are also imbricated in a web of relationships that themselves cause plots of land to emerge as distinct 'spaces' – in the sense discussed above. In such circumstances, and with state officials as the ultimate arbiters of land rights hearings, these spatial templates can mitigate and modify a purely legalistic logic of land rights. The empowering force of the land title certificate, on which the Malays hoped to draw, turned out to be less reliable than they, or its previous scholarly theorists, would have expected.

A land rights hearing

'Are there any Muslims here?' asked Fitria. The hearing had begun. The large central chamber of the lurah's office had been arranged for a meeting in the standard way, with rows of folding chairs set out in front of a table decorated with silk flowers and a faux-satin valance. Behind the table sat Fitria, Halim, Agus, several Kelurahan officials, and the Pak RT for the area under dispute. In Indonesia, all legally registered homes are ascribed to a neighbourhood association, or RT (*rukun tetangga* – lit. 'harmony amongst neighbours') and, amongst other duties, the elected head of this association – the Pak RT or Bu RT – is expected to represent neighbourhood association members in encounters with state bureaucracy (see Logsdon 1974). Despite this representation, the RT members had also turned out in force. In the rows of chairs were 23 'land users' (*pengguna tanah*) – representatives of the Batak families who had been summoned to the hearing. At the front of this group sat sixteen moustached Batak men clutching notebooks, and one Chinese woman. Behind them were six tearful young women with babies. Zahra, myself, and two of Agus's relatives sat to one side, watching events unfold. Sulaiman, fearing violent reprisals from the settlers, had fled to Malaysia and was therefore not in attendance.

'Are there any Muslims here?' Fitria repeated. A couple of people raised their hands.⁹ 'Ah, there are one or two, in which case *assalamualaikum warahmatullahi wabarakatuh*

⁹ Though most Bataks are Christian, some are Muslim.

(Arabic: peace be with you and may God bestow on you His mercy and blessings) and thank you all for coming.’ She then gave a short introductory speech:

Fitria: Before we begin, I would like to say that as your lurah I do not want my *warga*¹⁰ to be damaged (*rusak*) by this problem. So I hope that in this meeting today we can find the best solution for everyone [...] It turns out the land on which you are staying is actually owned by these people, who have come a long way from Tanjung Pinang to discuss the matter with us today. As you can see, the man in question [Agus] is very old, so I hope we can finish this quickly and respectfully (*dengan sopan*). So I will let them put forward their background, explain about their claim to the land, and then say what price they would like to ask for you to actually own the land that you live on, which is what I want for my warga, and what you all want for yourselves.

While the content of the speech underscores Fitria’s role as a good lurah, concerned with the welfare of her warga, the speech’s delivery carried quite different implications. When we had met her in her office before the hearing, she had spoken in a very standard Kepri Indonesian with a standard pronunciation and vocabulary, but with occasional Malay vocabulary (e.g. use of *tengok* rather than *lihat*). During the speech, whilst retaining Indonesian vocabulary, she adopted a broad Malay accent, turning ‘a’ vowel sounds into ‘e’s. Likewise, her explicit insistence on Islamic opening procedure despite the largely Christian audience was intended to show that she was a ‘good Malay’. These points were noted with approval by Zahra and her extended family, who felt at ease in such an environment, and confident the lurah was ‘on their side’.¹¹

Halim was the next to speak, introducing himself as the representative of the Tanjung Pinang family. He circulated photocopies of the land deed from 1928, and a recent letter from the Kabupaten government, endorsing the deed’s authenticity. According to an official in the Kecamatan Karimun office, contestations of this kind have increased in frequency under the new regional autonomy laws. In his eyes, ownership of land had become very unclear under the Suharto regime, when Dutch title deeds were often ignored in favour of the whims of the powerful. Now in the era of *reformasi*, Kabupaten Karimun had passed a law promising that if a Dutch *gran* (grant) was produced, all arrangements necessary would be undertaken to return control of the land to its rightful owner. Here, as in the scholarly work discussed earlier, ‘rightful ownership’ is associated with the title deed – a document of supposedly irrefutable proof.

A sombre atmosphere descended as the photocopies passed from Batak to Batak. Explaining that he wanted to respect his father’s hak warisan but without overly disrupting (*mengganggu*) the Batak settlers, he proposed a fixed price of 55,000 Rupiah per square metre. Zahra looked round to see the reaction. Most of the audience were glum, and some were weeping. Fitria broke the silence:

Fitria: So that is how the land is valued by its owner, he is asking for 55,000 Rupiah per square metre. But now, you the *masyarakat*¹² have an opportunity to propose an alternative price, and we can all bargain (*menawar*) as we would for all purchases. Please, go ahead.

This turn of events was an unpleasant surprise for Agus’s family. They had already dropped their opening price on Fitria’s advice, hoping to secure a smooth passage to a fixed-price sale.

¹⁰ Warga here refers to members of the Kelurahan. ‘Warga saya’ is thus difficult to translate, approximating to ‘my charges’ or ‘my constituents.’

¹¹ Note that these ‘Malaynesses’ served to put the Malays at ease, rather than working to establish any claim over the land under dispute.

¹² Literally ‘the society’ (of the *kampung*) but perhaps better glossed as ‘you, the people’.

Their eyes bulged in shock when they heard her introducing a bargaining stage, and naturalising it as ‘what happens in all purchases’. The settlers were swift to take the opportunity to argue why the price should be lowered. Cynthia, the Chinese woman sitting at the front, claimed 55,000 Rupiah per square metre would still disrupt the masyarakat. Several Bataks, however, called into question the very basis of the Malays’ claims.

Jonas: Actually, we built our own houses, and we looked after the land. We had to fell the trees that were there. When we arrived, the place was still jungle! But now it’s suitable to be an orchard, or as a place for houses. And we haven’t asked for any money for that. So maybe our payment could enter into a discount to the price you just stated?

Oktavius: I would like to say thank you for coming here, because you want to get the most suitable solution quickly and properly. But I feel that you must also say thank you to us, because if we hadn’t occupied the area, the land would definitely have been used for a local government building, and if that were the case, you wouldn’t have got any money at all.

Jonas: If you truly want to respect your hak warisan, a price that would be consistent with the affluence of the masyarakat is 20,000 Rupiah per square metre over two years, with you paying for the paperwork.

Fitria commented that 20,000 Rupiah per square metre sounded like a good price. Halim, however, refused and made 40,000 Rupiah per square metre his final offer. There was a long silence, after which one Batak said that he ‘didn’t want to speak for everyone, but [he] want[ed] to say that the economy nowadays was very tough (*susah*) let alone if one wanted to send children to school’. He had no idea where he would get ‘money like that’. There were sombre nods, and one woman left the room crying. Fitria suggested an adjournment so that everyone could calm down.

At this point it is helpful to consider some of these developments in more analytical terms. Specifically, I want to ask what is actually being contested in the dispute. Agus’s legal ownership, established through the circulation of photocopied deeds, is never in question – but its exclusivity is. Confronted with claims of (illegal) ‘belonging’ to the land, the argument relates to what extent claims of ‘ownership’ and ‘belonging’ should qualify each other during the quantification of land in monetary terms. This is then set inside a broader question concerning the limits of one’s duty to avoid disrupting the masyarakat. What determines whether the land price should be 200,000 Rupiah per square metre or 20,000 Rupiah per square metre is the discourse through which the land, as space, comes to be perceived, conceptualised and constructed.

In the public context of the hearing, Zahra, Agus and Halim situate their claim within a particular discourse of legal ownership that gives them control over the land’s future development (Strathern in press) – a sense of land as tangible, concrete, and ‘theirs’; in these terms, this reality is more fundamental than any sense of community or ‘belonging’ that may have been fostered by the Bataks during their five-year occupation. This had been underscored at an early stage of preparations for the hearing, when the family had planned to pretend ‘a Chinese businessman’ had already approached them, willing to pay 200,000 Rupiah per square metre. It was even suggested that I pose as the son of a Western investor seeking to build a luxury hotel in Karimun. The fear of losing their homes to the bulldozers was intended to encourage the Bataks to pay up. Happily for both them and me, the plan was abandoned before my acting skills were put to the test. Regardless, that it was even considered shows how the dispositional control of – and disposability of – the land figures prominently in how the Malays thought about and constructed it.

By contrast, the Bataks offer a model through which their entitlement to the land (at a reduced price) derives not from title deeds and documents, but from the activities of ‘labour’ conducted in the plot. While this way of thinking may carry little legal weight, it is widely documented cross-culturally. Read (2000: 118) observes that in Australian country music songs, ‘attachment is being born out of labour; the harder the labour, the greater the implied right of attachment’. This seemingly Lockean formulation in fact carries a sense of double ownership: ‘the right to work confers, or generates, the right to belong’, (2000: 119) but ‘work is a *parallel* belonging, a response to spiritual [Aboriginal] possession’ (2000: 120, my emphasis). For the Karimun Bataks, a similar claim is being made, although they do not (openly) express their belonging claims as ‘parallel’. Their argument is framed in the language of cash and payment for labour. Agus’s right – founded on the original labour of his father in appropriating the orchard – is conceded by the Bataks. Their argument is that their own labour has given them some kind of additional rights, entitlements and claims to it, which can be reflected in a lowered price.

So what has this labour done? One the one hand it can be read simply as a service – as Jonas said, they have cleared the plot of secondary jungle. But the labour involved is more than simply the use of axes and saws. Through the felling of trees and building of houses, a conceptual transformation has taken place by which jungle – ripe for development or the siting of a government building¹³ – has been turned into a kampung and thereby preserved. The argument the Bataks marshal is not that the labour they invested has given them a right over the land (although they may feel both of these things – they would still prefer to pay for the land than move elsewhere). Rather, the attachment that they have to ‘Muara Lima’ as their houses, their neighbourhood, their kampung, their community (remembering here that under the dominant discourse of the RT system, these four things are all considered congruent) has constituted a form of labour, producing an unsolicited ‘insurance’ for the Malays and so safeguarding the land’s transactability. They seek monetary benefit from the work done by their (presumed) love. This model of attachment to land is conceded by the Malays, who nevertheless argue that its weighting relative to other stakes in the land is well-reflected in the current mathematics of pricing:

Halim: And we certainly do thank you, gentlemen, for looking after the land. But we feel that our ‘thank you’ already enters the price, which is really very cheap for land in such a location.

The discussion thus far has shown that – to an extent – parallel rights over the plot of land are recognised as existing by both parties. The crux of the dispute, then, is not who *has* rights, but to what extent these rights should be factored into the pricing of the land. The Bataks concede that they must pay something, but demand a substantial discount. Halim responds on behalf of the Malays by arguing that the current price sufficiently recognises the Bataks’ claim. Interpreting the tensions at play in the dispute thus demands an attention not only to land rights, but also to the socio-cultural meanings that land carries for the parties involved, and the socio-cultural ramifications of its price.

The value of land

Although the Malays’ construction of land as commodity seems a ‘diminished sense’ of what land might be (Strathern in press) – an alienable, tangible resource, in contrast to the Batak model in which it is embroiled with complex values such as labour, custodianship and community, the reality is slightly more complex. Seemingly emphasising the value of the land’s exchangeability (for cash) rather than, say, its productivity or creativity *as land*, the

¹³ Compensation for which is awarded at notoriously low prices (Colombijn 2003b).

exchange is nevertheless motivated by a sense of what the transaction can create. What Zahra, elderly and struggling to provide for her family in a time of economic difficulty, sees in the land is the cash it can be turned into, which will be divided amongst her family, allowing her to be a generous and competent mother and grandmother. Its very tangibility and alienability as a resource allows it to be productive for her in a way that it can never be *as land*, on an island which it is now too expensive to travel to regularly. The commodification and alienability of land, as enshrined in the title deed, is in this context not a force in tension with ‘customary’ practices and values but an alternative means of their actualisation (c.f. MacRae 2003).

For Agus, at least as he presents matters, the situation is more difficult, since the land is his warisan; it carries a family name and a sense of obligation to honour the intentions of his ancestors. Whilst these ancestors do not continue to have the directly land-anchored mechanical effects of ‘benign influence’ that Strathern points to in Papua New Guinea (Strathern in press), Indonesian warisan still act as a conduit of blessings. They convey:

not only the sense of *something* passed down, but also that of *someone* leaving a part of themselves, through their blessings, to future generations... The loss of [such] an inalienable possession “diminishes the self, and by extension the group to which the person belongs” (Brenner 1998: 177-178, citing Weiner 1992: 6).

Agus, and Halim as his heir, thus face a predicament. They, like Zahra, can see the potential benefit to their family in converting land to money, but they feel an additional difficulty in selling their warisan, for money is ephemeral and quickly spent, carrying none of the blessings and properties of ancestors invested in land. It is for this reason that land (along with other objects) is explicitly chosen in preference to money as a warisan (Brenner 1998: 189). Although Brenner writes of Solo, Central Java, the principles underpinning her ethnography hold equally true for Malay families in Riau, and similar concerns about the solvency of money as contrasted to the permanence of land have been documented amongst Malays in Singapore by Tania Li (1989).

Though the title deed certificate might facilitate the land’s alienability and transactability it does not, for them, translate the land into an absolute commodity divorced from social ties and able to be bargained over. Moreover, the land which is and has always been, quite literally, *tanah Melayu* is, through the proposed exchange, destined to become in some senses *tanah Batak*. The transaction, when completed, would thus not only be an alienation of the land from the Malays as possessive individuals, but also from an entire descent group and from a whole cultural system of land use. In Batak hands, the land could be used for things radically incommensurable with its previous ownership by Malays. A fear that particularly preyed on Agus’ mind was that it could be used to build a church. It therefore became essential to ensure appropriate compensation for these ruptures. Proper management of the land is clearly essential to safeguard the integrity of the family, both as a living institution (by converting the land into cash) and an abstract inter-temporal entity (by honouring one’s ancestors’ bequest). Striving for a high price is in this light not capitalist greed so much as an attempt to resolve this predicament and honour the warisan appropriately.

This effort is compromised when it encounters what I identify as a distinct and fourth way of understanding the land – as invoked through the trope of ‘social impact’ alluded to by Jonas and Cynthia. This stresses not the specific features of the plot, nor its exchangeability, nor its Malay heritage. Rather it sees the land as a small portion of national and provincial territory, and therefore subject to the values and regulations that define the nation-state and the province of Kepri. These acknowledge and support Agus’s legal right to force a sale, but they also serve to temper the price that he demands by drawing on his moral obligations as a citizen not to generate hardship for others. The land, and its appropriate disposal, is a means

by which Agus can achieve a morally appropriate relationship with the wider ‘masyarakat’ of which he is also, through idioms of national and regional inclusion, as well appeals to wider humanity, a part. Land is a means of achieving appropriate and ethical relations with others – and not something that should be restricted to exclusive idioms of ‘ownership’ whether that is the ownership of the possessive individual, or a more ethnoculturally regional idiom of ‘tanah Melayu’.

Crucially, these ethical evaluations are factored into what it might mean to honour a warisan appropriately. 100,000 Rupiah per square metre might seem to respect Agus’s hak warisan but would it truly do so if it disrupts the masyarakat? Jonas answers this question, arguing that an affordably low price of 20,000 Rupiah per square metre (only a tenth of the estimated value) ‘truly respects the hak warisan’. The value of an inheritance, in this formulation, inheres not only in the amount of cash equivalent, but in the social impacts that the activation of ‘inheritance rights’ might have. In elaborating these claims, the settlers draw on images which stress that economic disruption of the masyarakat is not only unkind, but also damages the overarching entities of ‘society’ and ‘nation’. The masyarakat’s impoverishment invokes the many consequences popularly and glibly associated with poverty. Children will not be able to go to school. Crime and prostitution may proliferate. The future and morality of Muara Lima’s warga will be rusak – the very fate Fitria is desperate to avoid.¹⁴ The conservative intergenerational trajectory of the warisan is juxtaposed with the intergenerational trajectory of development (*pembangunan*) and social improvement. With the land price integral to the realisation of both trajectories, the Malays are asked to strike a balance between the two.¹⁵

The lurah’s dilemma

Corsín Jimenez’s (2003) capacity-based approach to space becomes extremely helpful for understanding the situation faced by Fitria, and the issues she was grappling with as she called for an adjournment. Although moving into her office was presented as a chance for everyone to ‘calm down’, it also represented an opportunity for her to re-establish control over the situation. Zahra, Agus and Halim had all been very surprised by the turn of events, and sat down on the office chairs muttering amongst themselves – confused and unsure what would happen next. Fitria, sitting behind the desk and speaking in an authoritative tone, seized the opportunity to present her own opinion regarding what should be done.

Before turning to the hearing’s denouement, it is useful to think more carefully about the precise predicament the dispute had created for Fitria. As her opening speech highlighted, she was caught in a tension between her obligation to two sets of social relationships: firstly to her warga; secondly to her family and ‘Malays’ more generally. The question of significance is how those social relationships instantiate particular incarnations of ‘space’. In the Malay discourse, the space at stake is a territorial one, a plot of land, a warisan, a symbol of tanah Melayu – all the things it is for Agus and Halim. With the warga, matters are more complicated.

When Lukas Sinaga and his friends cleared the plot of trees and built their first houses, these buildings were allocated to an RT within Kelurahan Muara Lima. This social relationship – between several Batak migrants and the apparatus of state surveillance and registration institutionalised in the neighbourhood system – created a new space, an RT, which brought with it not just affiliation to a bounded patch of territory (Agus’s land) but a

¹⁴ As Sweeney (1987: 100) argues, postcolonial political discourse in Indonesia relies on many emotionally powerful formulas. One such is this formula surrounding the consequences of poverty. Not only was it partially invoked in the hearing, it was regularly repeated almost verbatim in speeches and writings throughout the province and country (e.g. Calm Djunel Putra 2004: 131-2, 135).

¹⁵ Indeed, the Malays accept this reasoning to a point, as evidenced by their willingness to drop their asking price prior to the hearing ‘in light of the circumstances’ before the hearing had even begun.

predefined position within a web of civil-administrative social relationships. It brought, in other words, new social relationships, including clientelistic relations with the lurah herself. It is this spatial understanding of the plot that is most meaningful to Fitria, and that effectively establishes a parallel belonging. It is within this template that she exists as a lurah, and the plot therefore takes on primary significance as the location in which her warga are emplaced. The neighbourhood system is typically understood, by Indonesians and scholars alike, to be an effective agent of social integration, promoting bonds of friendship through shared neighbourhood activities that cross ethnic and religious boundaries (Hatley 1982; Novendra, *et al.* 1996; Sullivan 1992). Yet as this case study shows, the system, in its apparently neutral ascription of buildings to civil-administrative units, constructs a particular discourse of belonging to space that can have radically political effects, fracturing the authority of the state. The state as a legislative body clearly supported the ownership rights of the Malays, but its local personification – Fitria – was embroiled in a set of relationships engendered by the RT system that steered her loyalties in quite the opposite direction.

Fitria's concern for her warga is neither inevitable (she could nepotistically choose to favour her Malay family) nor wholly altruistic. Her warga are directly responsible for her re-election and, given the state's new commitment to democracy in local elections, must be satisfied with her performance in the role. She must therefore look after her warga or face disgrace and defeat in the local election – and part of this involves safeguarding their status as residents of their own homes. As many informants observed when discussing the hearing with me, Fitria was particularly compromised by the fact that the settlers were Bataks. The Karimun journalism industry, perceived to have a very strong influence over public opinion of politicians, is dominated by Batak migrants, allowing the settlers a distinct 'hold' over their lurah. Should she arbitrate against them, the Bataks might draw on ethnic and regional ties with local journalists to ensure she garnered unflattering reporting. Zahra even speculated that, from the fervour with which they wielded their notebooks, some of the 'settlers' present at the hearing might have actually been undercover journalists.

From this interpretation of events, Fitria's dilemma lay in choosing between violating her ethnic and kinship obligations to her Malay 'grandfather' on the one hand, and on the other, not only violating her obligations to her warga, but also actively sacrificing her political self-interest. Halim cynically intimated that Fitria's assistance in the matter might also be earning her a substantial 'thank you' payment from the Bataks.¹⁶ Regardless of the precise rewards, Fitria's ultimate commitment was made very clear in the hearing once the plaintiff's party (myself included) had withdrawn to her office. Although her self-presentation may at first have contained a degree of rhetorical Malayness, it became obvious that she favoured the warga's demands to lower the price, and appropriately enough, by this stage in the hearing her affected Malay accent had entirely slipped away.

Fitria: I don't want my warga to have any problems. I know those people and they are good warga but they are poor... I think a more suitable price would be 30,000 Rupiah per square metre [paid] over 6 months. If it's like that they will hopefully agree and in my opinion it is already expensive enough. What do you think?

Zahra: 30,000 isn't much!

¹⁶ This is an argument which draws easily on the stereotype of the corrupt Indonesian civil servant. Cases of this kind involving Lurah are relatively widespread, challenging the assumptions in some of the literature that the lurah is a remote and distant figure (e.g. Logsdon 1974: 62-63).

The Malays were furious, but the Pak RT joined Fitria in insisting that more than 30,000 Rupiah per square metre was an unreasonable price. Halim, angered by what was happening, made an attempt to reinvoke the authority of the hak warisan:

Halim: Ultimately, it is not our right to set the price. It is not our land. We must ask the landowner if he agrees to a price like 30,000 Rupiah per square metre. Dad?

Agus: This is my family's inheritance right! This is not only for me, or to get money, this is for all of my family, and everyone who was in the legacy, all my siblings. I do not want to sell that land for a cheap price, especially to outsiders!

Halim: So we stick to our earlier price [55,000]. If they don't want to pay, no problem, they can move. If they do neither, we can go to the authorities (*kami bisa ke atas*) and prosecute them. I will tell them that in a moment, and it's still their choice what to do.

Fitria: (*extremely angry*) You will not! You may say nothing of the sort! They are my warga and I must look after them, and they are not going to be intimidated (*ditakutkan*) by talk of the law. If the price is high, they will not pay it, and you will not get your money. 30,000 Rupiah per square metre over 6 months is already enough.

The finality of her tone predicted what was to come. The party returned to the atrium, with the exception of Agus, who had stayed behind because he was 'overheating' (*sakit panas*) from the stress of selling at such a low price. The Bataks continued to protest that 30,000 Rupiah per square metre was an unreasonably high price, and that the timescale demanded (six months) was unmanageable and would leave them destitute. Oktavius argued that if the price was so high, the Malays, as landowners, were obligated to provide an asphalt road. Fitria advised them such protests were of no use:

Fitria: I have discussed this with the family and I do not think they will go any lower. I am sure they will be happy to extend your timescale payment, given your poverty. Perhaps you could pay in instalments over anything between 6 months and 2 years?

A few discussions over the practicalities of paperwork notwithstanding, this remained the final agreement. Jonas, on behalf of the land users, gave a sullen vote of thanks, and the group trailed out despondently. The Malays sat immobile at their table, a sour look on their faces. Only Fitria looked as if she might be happy with the eventual resolution.

The bitter discussion during the journey home highlighted how much Fitria's formulation of the appropriate relationships between lurah and warga had modified the potential relationships Agus could have with the land that he legally owned. Not only had Fitria reneged on the 55,000 Rupiah per square metre price she herself had suggested, it was she who had initiated a bargaining process. Halim observed that this had transformed the discussion of a much-valued warisan into a 'marketplace' transaction of common purchase. For him, property *of this kind* could not be bargained over – a position in stark contrast to Fitria's assertion that 'as with all purchases' bargaining should take place. The initiation of the bargaining process had thereby reconstituted the land as an alienable space, a commodity, rather than as a warisan the value of which would be retained, even though exchanged into the less preferable form of cash.

Worse still, the bargaining process had resulted in a contract which did not, in the Malays' eyes, do justice to the warisan. Unconvinced by the argument that helping any members of a pluralistic masyarakat would be honouring the warisan, the Malays focused

instead on the consequences of surrendering the land to those who were ethnoculturally 'other'. For weeks after the hearing, Agus obsessed that the Bataks were now using the land to build a large church, thereby desecrating the Islamic character of the land which it had accumulated over generations of use by, and transfer between, Malays. When he heard the price at which Zahra and Halim had agreed to sell the land, he refused to speak to them for an entire day, confiding he felt ashamed that he had let down his ancestors. For several weeks thereafter, I was unable to visit him, as he was confined to bed with a fever, which his daughter attributed directly to the stress of the land transaction. The whole family remained stunned by how radically the outcome of the dispute had differed from their expectations.¹⁷ They had, after all, entered the lurah's office never doubting that, with the title deed in hand, right was on their side.

In the early stages of the hearing, everybody had seemed happy to accept Agus's legal claim to the land, and the state authority his documents manifested. But as the negotiations broke down, especially when Halim invoked the threat of prosecution, the state authority of the RT and kelurahan system, embodied in Fitria, revealed another ownership logic. The warga inhabiting the land are good people who must not be disturbed or evicted. They deserve to realise their utopia of private property. Now, it is not they that must buy the land, but Agus that must sell it. Both as a principle of social welfare and as a practical consideration for Fitria's election prospects, the poverty (*ketidakmampuan*) of the warga had become the limiting factor to which the seller's aspirations must adjust. Agus may have been able to commodify his land through an opportunistic use of his title deed, but the webs of social relationships and cultural logics that opposed him stopped his transition to fully-fledged land capitalist. As Zahra commented, by the time one factored in the cost of preparing for the hearing (fees for obtaining the title deed paperwork, repeated ferries to Karimun, etc), they were 'almost selling at a loss'.¹⁸

Conclusion

In an Indonesia that has, since decentralisation, been increasingly characterised by strident *putra-daerahism*, the allocation of status and privileges to individuals born within a particular region (Adhuri *et al.* 2007), the Muara Lima land hearing offers a refreshing counter-example, where migrants' claims to land were upheld. Yet I have also stressed that the local framework for explaining events of this kind – a framework which focuses on the socio-cultural characterisations of 'locals' and 'migrants' is not helpful for explaining a set of processes that emerge from the values and relationships internalised within a variety of procedures – from inheritance to civil-administrative classification – and the degree to which these can garner support from the local personification of the state.

That having been said, the hearing was quickly appropriated into the discourse of Malay inadequacy and marginalisation alluded to earlier. Although Agus and Zahra had always been aware of the fact that the Bataks were from outside Kepri, this had never been a major frame of reference when contesting the rights to the land. In the Malays' argumentation, appeals had been made to the authority of both kinship and legal ownership, but never to anything approximating 'Malayness' or 'indigeneity'. Once the hearing was over,

¹⁷ Whilst the actions and arguments of the Malays in the hearing could be interpreted cynically, as a strategic manoeuvre (an observation which merely attests to the force of the logics their arguments encapsulate and deploy) this reaction to the outcome suggests strongly that Agus, at least, was acting in full sincerity.

¹⁸ In the wake of the events discussed in this paper, the Malay family decided to recoup their losses by charging very high prices (200,000 Rupiah per square metre) for anyone building on parts of the Muara Lima plot that were currently empty. This policy was supported by the Lurah, the Pak RT and the Batak residents. Visiting the field in November 2007, however, I learned that a migrant from Sumbawa (in Nusa Tenggara) had started building a house on the land having been given permission by the heads of household of the RT. This migrant was now refusing to pay. Agus, Zahra and Halim were therefore bracing themselves for a further hearing, and hoping not to see a similar outcome.

however, they framed it as a narrative of ‘local’ versus ‘migrant’. The land now took on significance as a symbol of Malay dispossession, this status itself a capacity of the social relationships that had unfolded during the land rights hearing.

For those who heard the story second-hand, that a Malay family had been effectively forced to sell valuable, well-located land at a fraction of its recommended retail price merely worked to provide empirical confirmation of all the stereotypes they had already been exposed to through the ‘cultural scaffolding’ and ‘cultural narratives’ (after Kear & Steinberg 1999) of the ethnonationalist moment. Fitria’s disloyalty to her ethnic group was shown as evidence of a ‘failure of Malayness’ (c.f. Sloane 1999) while the whispered possibilities of her having been bribed proved Malays were ‘greedy’ and Bataks were ‘cunning’. The Malays themselves started to comment that they should have expected such an outcome because Bataks were ‘wicked’ (*jahat*) and Malays such as Fitria were weak-willed.

This paper began with a discussion of the everyday logics offered to explain why Malays appear to lose land to migrants very easily. These focused on Malays’ ‘cultural weakness’ relative to migrants. To the extent that the concept of ‘shared Malayness’ failed to exert as powerful an obligation on Fitria as the Malays might have hoped, and to the extent that the Bataks might have bribed Fitria, analysing the hearing in terms of Bataks possessing a ‘cultural advantage’ over Malays does appear to hold true. But the assumptions and premises underpinning this kind of explanation – that Malays are unable to understand the value of the land, are easily ‘tricked’ by the prospect of immediate cash, and are unable or unwilling to put up a fight – are all denounced by the specificities of the case study. Moreover, such an account would gloss over the complex values, obligations and claims to rights associated with the multiple spatial capacities exhibited by the land – factors which, as I have argued, were integral to its eventual disposition.

The multiplicity of webs of social – and thereby spatial – relationships in which Fitria was enmeshed, coupled with the local elections looming on the horizon, left her little room to manoeuvre as arbiter of the hearing. Her task was to reconcile templates and aspirations surrounding the land and to find a solution that would hopefully convince and please all parties. How she felt she could manage her social relationships was therefore at the hub of the dispute resolution process, determining how the land came to be discursively constructed and conceptualised in the hearing and thus ultimately its price. The family’s attempt to appeal to Fitria’s ‘shared Malayness’ and fictive kinship links fell flat not because the attempt had been poorly executed so much as that it had been rendered inappropriate by the broader context in which it was deployed. Unfortunately for Agus, her kinship and ethnic sentiments were outweighed by a sense of civic nationalism and an attachment to her job – a comfortably salaried position in a time of economic hardship – stacking the odds against the plaintiffs from the very beginning.

When contrasted with the optimism the Malays had in the rhetorical power of their title deed, and the force with which land tenure policies are typically argued and believed to help ‘local’ or ‘indigenous’ populations, such an outcome is ironic indeed. Since both the text of the title deed and the contradicting voice of the lurah were, and were appealed to as, ‘state voices’, the hearing illustrates how state authority can become ‘uncannily’ unreliable – in Gelder and Jacobs’ (1998) sense of ‘the uncanny’ as a condition in which one is simultaneously in place and out of place: a description that fits all too well with the predicaments of both Malays and Bataks, and explains why the dispute, even when mediated, seemingly left no parties satisfied.¹⁹ The problem lies not in the state’s inefficiency, corruption, or other weaknesses about which Indonesians are fond of complaining. Rather, the state was involved in too many social relationships with the Muara Lima land, and the spaces

¹⁹ The Malays were clearly dissatisfied; the Bataks’ dissatisfaction, revolving around the high price of the land and the speed with which they were expected to pay, can only be inferred from their apparent gloom as they left the hearing.

that emerged from these could not be reconciled, requiring a virtuoso adjudication on the part of the *lurah*. Events such as these serve not only to signal the relevance of an analytic attention to 'space' in providing accounts of land tenure, but underscore how focusing on this dimension of land enables us to explain the seemingly paradoxical circumvention of claims that appeal to both legal ownership and indigeneity.

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