

Maintaining Fluidity, Demanding Clarity:
The Dynamics of Customary Land Relations among
Indigenous People of Siberut Island, West Sumatra

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**This thesis is presented for the degree of Research Masters with Training of
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I declare that this thesis is my own account of my research and contains as its main content, work which has not previously been submitted for a degree at any tertiary education institution.

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ABSTRACT

This thesis studies customary land relations among the Indigenous Mentawaiian people of Siberut Island, West Sumatra. Based on a three-month period of fieldwork in Muntei, a government settlement in the southeast of Siberut Island, this thesis analyses how Mentawaiians arrange rights to land. Traditionally, access to land has been tied to vertical reciprocity with ancestors and horizontal reciprocity with other Mentawaiians in which the exchange of gifts mediate land relations. In an egalitarian agrarian setting, rigid rules are not necessary since access to land is the domain of interpersonal relationships that depend upon both concrete and imaginative social relations. Rules would be explicitly enunciated for the purpose of judging and sanctioning or finding 'true' claimants, but are in most contexts better understood as a kind of legal sensibility, allowing Mentawaiians to reconfigure social relations and practices, adjust political alliances, and adapt to external stimulus. Over time, incorporation into wider political and economic relations through cash crop production and state intervention has triggered land privatization and commodification, resulting in the resurfacing of past conflicts and the emergence of new forms of dispute. Customary land tenure, then, is being reconfigured with attempts to maintain dynamic principles of ancestrally sanctioned social relationships through land, while accommodating partly conflicting aspirations for economic and legal certainty. The desire to maintain fluidity while seeking clarity is particularly reflected in the modification of the customary institution for land dispute management (*tiboi polak*).

The emphasis on flexibility and continual adjustment of Mentawaiian customary land tenure is particularly important given the recent attempts by local government and NGOs to introduce formal legal procedures for land administration. The contention of this thesis is that a narrowly legalistic approach to land rights is inadequate to understanding the social dynamic of customary tenure that operates among Mentawaiians and to offer solutions for dealing with contested land claims. Providing sufficient land tenure security either for protecting customary rights (the aim of community mapping by NGOs) or for securing land for development programs (through government regulation) has to be located beyond the binary opposition between customary (*adat*) law and state law. Instead of focusing on a top-down and legalistic approach through the systematic formalization of landownership and the designation of customary territory, district government and NGO efforts require a more nuanced approach that begins with legal sensibilities and associated cultural processes entailed in the indigenous dispute management system, *tiboi polak*. The accommodation of *tiboi polak* into the state legal order without the imposition of formal title or permanent fixation of claims may provide a platform that could enable Mentawaiians the possibility of maintaining the fluidity and social underpinning of customary land relations while seeking clarity and security of access to land.

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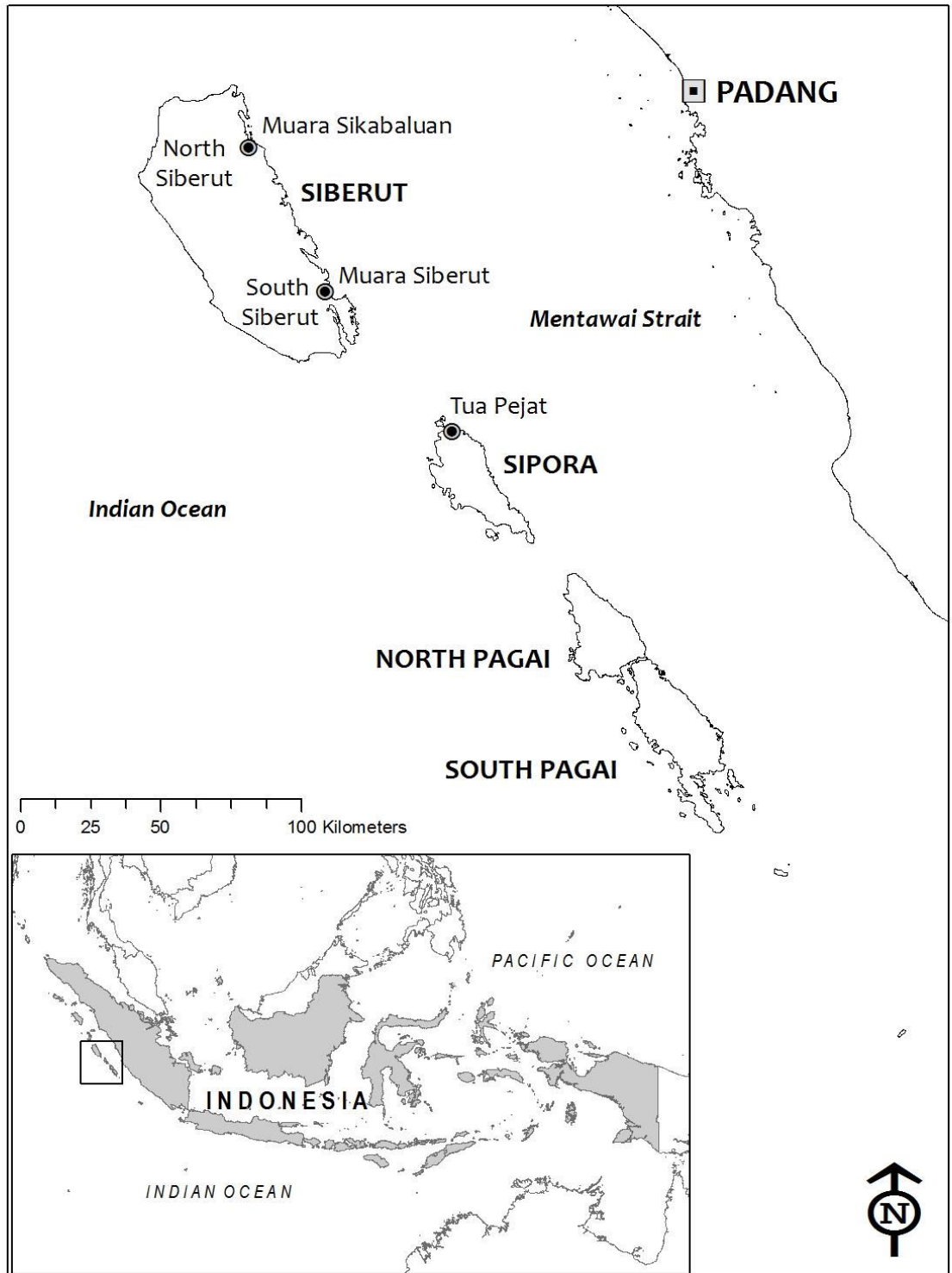
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Map 1. Maps of Indonesia and Mentawai Islands



Chapter 1

INTRODUCTION

1.1. Background and Objectives of the Thesis

This thesis is about the relationship of Mentawaians, the indigenous people of Siberut Island, to their land. Land is certainly the most important resource for them. It is not merely a place for cultivating food and cash crops but also a place where ancestor's spirits, histories of families, and memories are bound together. Land is both an object of productive use and a symbolic resource that is oriented by social relations and spiritual mediation. The importance of land can be felt daily since it is a favourite topic of both casual and serious talk. On the veranda of longhouse (*uma*) while people gather for communal ritual (*lia*), in the back row of Sunday Mass in church, or in a small hut in a swidden plot, people share stories about the spirits of the land, the boundaries of clan (*uma*) territory, how their ancestors acquired land, how their rivals made land claims, and how they exchanged land with their allies. In a long and lively night, a group of people will enthusiastically exchange stories about land and carefully trace genealogical lines. Telling stories about land (*gobbuijet polak*) could last until early morning, telling of significant related events such as headhunts, ancestors' migrations, or encountering bad spirits. When Mentawaians deploy land stories, they are not only talking about land as a physical space or a resource for livelihood but also expressing emotions and feelings, articulating political positions, orienting their relationships, and asserting their identity.

An ethnographic study on land might assume that there is a self-contained customary land tenure system that is ready to be identified, recorded, and codified as an alternative for state/formal law in land arrangements. My research processes revealed a different experience. Participants of my research did not hesitate in telling how they acquired, transferred and classified land. However, rather than collecting coherent and solid descriptions of customary land tenure rules, I gathered many statements that seemed inconsistent and contradictory. It was hard to find consistent rules or systematic principles for clearly determining property rights over land. Rights, access, and claims were inscribed in the narrative of particular stories. The abstract-legal concepts with which we are familiar

—rights, sanctions, obligations, justice—are dissolved in the contestation of stories. A plot of land had several claimants; each employed different stories and chronicles. A person or group's claim on a parcel of land was rarely permanent and remained a subject of ongoing negotiation and debate. There was always claim and counter-claim, story and counter-story.

It seems that lack of legal fixity is a key feature of Mentawaiian land arrangements. When Mentawaiians are contesting claims and proposing rights over specific sites, they are talking about land as well as a complex social relation with it. They do not speak in abstract legal terms. Interestingly, there is no sign that Mentawaiians are confused or frustrated by the apparent lack of clarity. The conflicting accounts are casually accepted. They talk of something being correct (*isese*) or not correct (*tak isese*) when a specific case is settled. The lack of legal clarity does not mean that they have no a sort of autochthonous law. Correctness as a principle can only be accepted and applied in relation to acceptance of specific claims by particular persons. To them, customary law is not explicitly enunciated and, more importantly, is not only about judging and sanctioning, sorting claims, applying rules, finding the ownership, but involves a kind of 'legal sensibility' (Geertz 1983, 175) that allows them to reconfigure social relations and practices, adjust political alliances, and adapt new circumstances. In short, customary law is an elusive social institution allowing them to sense and imagine what happened in the past, what is going on in the present, and what may be appropriate in the future.

The lack of legal clarity in Mentawaiian land arrangements is starkly different from the dominant discourse of customary community and customary land law or customary rights applied to many legal anthropology endeavours and colonial and post-colonial state policies on indigenous communities in Indonesia and beyond (Fitzpatrick 2007; 1997; von Benda-Beckmann and von Benda Beckmann 2011; Chanock 1985). Legal accounts have typically discussed customary land rights as self-generated rules by a self-contained community regulating communal lands. The application of legal concepts on customary rights has been based on colonial and post-colonial administrators' and scholars' translations of the social practices of native people into those of a radically different legal order (Merry 1988, 875; von Benda-Beckmann and von Benda-Beckmann 2011, 174-75). Something approximating coherent customary law has been found in the written texts of relatively hierarchical societies where colonial penetration and state intervention on land

use is intensive, while it has arguably been absent in frontier areas (McCarthy 2005; Li 2014a). This does not mean that customary land tenure does not exist or that customary law is merely a colonial imposition as many critics suggest (Burns 2004, 2007; Henley and Davidson 2007). Mentawaians certainly have autochthonous customary land tenure despite the fact that it has not been explicitly framed as 'law'.

If there are no equivalent Mentawaiian terms for formal legal concepts of customary rights or customary law, how do they arrange land access, determine rights, and resolve land conflicts? Why do they rely on inconsistent stories rather than develop fixed and consistent rules? How do we understand and analyse law in Mentawaiian land tenure without reducing them to juristic concepts? How has the fluidity principle in land relationships been maintained and transformed when a set of new land relations based on a formal legal framework (land titling, or 'communal' customary rights) has been introduced? How does the transformation of land relations affect the meaning and social dynamics indigenous Mentawaians attribute to land?

This thesis is an endeavour to answer those questions. It concerns the dynamics and complexity of land relations and examines the link between land arrangements and social change. I emphasise the dynamics in contrast to the dominant binary of customary and state law in modern Indonesian land law (Fitzpatrick 2007, 130-1; Warren and Lucas 2013, 7-9). I argue that Mentawaians have neither a pure and unchanging autochthonous customary land tenure system nor that have they lost their sense of customary rights and are committed to state legal frameworks, which under the Basic Agrarian Law involves conversion to private property (*hak milik*) as the modern form of private legal entitlement. This ethnographic account illustrates the complexity of land relations by revealing the historical depth of internal social change and by highlighting the impact of their articulation with new practices and institutions imposed by external forces. The revelation of this 'conjuncture' (Li 2014a) between internal dynamics and external pressures requires an examination of forces and contexts that reproduce and transform Mentawaiian land relations.

1.2. Contribution of the Thesis

Mentawai customary land tenure is formed by dynamic social relations and institutions. Internally, reciprocal relations have been the main principles that structure rights and access to land. Tenure and access rights have customarily been tied to vertical social relations with ancestors through genealogical accounts and horizontal relations to right-holding Mentawaians through alliance and exchange. Reciprocal relations emphasise the use and symbolic value of land and do not regard land as a fully transferrable commodity. In the context of subsistence production and the imperative of social exchanges, the absence of a rigid 'rule' or legal framework is necessary for continual readjustment of land arrangements following shifting social relations and political alignments. Rights to land and objects on it are regulated not by rigid and systematized rules but by legal sensibility to social practices and relations that should be tied to its use and claims over its 'ownership'. Rights and access to land require both concrete and imaginative social actions.

Incorporation into wider economic relations through cash crop production has reconfigured use and exchange value of land and transformed land as a gift into a commodity. In the meantime, formation of the modern state has persuaded Mentawaians to live in multi-clan resettlements and reconfigured individual households as landholders. Both factors bring new settings that put pressure on the arrangement of rights and access based on crucible social relations. The cash economy and state administration have catalysed the idea of land as property and require clarity of land status that could be obtained from state authority through legal procedures. Nonetheless, neither absolute reciprocal relations nor a full commodification process exists in pure form in Mentawai today. I argue that customary land tenure in Mentawai can only be understood in relation to the intimate dynamics, even dialectics, of valuing land simultaneously as commodity and non-commodified expression of relationships, with social and economic, as well as use and symbolic value. These dynamics are maintained, transformed, and recreated as a product of contesting forces articulating land as ancestral owners, a fundamental expression of social power identity, and of common pool as well as private rights through overlapping collective (*uma*) and individual (*lalep*) possession.¹ Contradictions and inconsistencies of statements on land

¹ *Uma* is the main unit of social organization among Mentawaians, generally consisting of 2-30 families (*lalep*) of about ten to a hundred individuals. The *uma* is a patrilineal landholding unit. *Lalep* refers to a nuclear family or household. A *lalep* consists of a father, mother and children. In a few cases, a *lalep* may include an extended nuclear family with widower/widow or other dependent relatives.

issues that characterize Mentawaiian land relations are part of the dynamics that maintain reciprocal relations and the fluidity principle, as well as partially conflicting aspirations for a new set of relations based on economic and legal certainty.

This study is particularly important given the recent attempts to identify and register landownership by district government on the one hand and campaigns for recognition of communal or customary land rights by NGOs on the other hand. It is intended to provide a better understanding of customary rights not by providing a legal description or practical guide to resolve the increasing number of land disputes (Puailiggoubat 2012, 2013a). Rather, it examines the dynamic of customary land tenure within broad historical and cultural contexts.

This thesis builds upon a long list of anthropological studies on resource management in Siberut Island (Meyers 2003; Persoon 2003; 2001; Eindhoven 2009; Darmanto and Setyowati 2012; Tulus 2012). Persoon (2003; 2001; 1998) that examine the changed patterns and external valuations of semi-domesticated resources as well as the impact of indigenous discourse on politics of resources management. Meyers' (2003) master thesis examines traditional knowledge and its transformation. Focusing on forest management and articulation of identity and authenticity, Eindhoven (2009, 2007, 2003, 2002) analyses the relations of decentralization, the formation of Mentawaiian identity, and politics of resources extraction from a historical perspective. Bakker (1999) examines the impact of ecotourism on ethnic relations, while Persoon and Van Beek's articles (1998), discuss the limits of ecotourism on sustainable resources management. Hammons (2010, 115-37) highlights the failure of balanced, general and negative forms of reciprocity in his study of discourses and practices affecting relationships between environmentalists and indigenous inhabitants. Darmanto and Setyowati (2012) describe the struggles for forest access, examining land tenure and conflict with passing reference to social structure and internal conflicts. Among these studies, the last chapter of Tulus's dissertation (2012) on oral stories of separation and migration among clans in Siberut is perhaps the only major anthropological study of customary land tenure and land conflict. None of this research grasps the 'fluidity' and 'flexibility' that this thesis argues has marked Mentawaiian land tenure and how these principle meet with modern principles of land tenure, based on private and formal ownership, brought by market and state projects. The intersection of

flexible customary practices and formal land arrangements has not been explored and systematically linked to ecological and social changes to date.

I.3. Field Site: Muntei Settlement and its Social History

My fieldwork was concentrated in Muntei, a government settlement in southeastern Siberut Island. Muntei offers an excellent opportunity to study land tenure and change because it is located in a coastal area that has been intensively incorporated into a cash-oriented economy, state-based administration, and multiethnic social context. This village has exemplified the willingness of Mentawaians to embrace the state's modernization project through involvement in development and market-based production. In turn, relations with the state and the outside world have complicated their multiple layers of social relations and practices tied to land.

The current residents of Muntei initially settled in a scattered traditional settlement (*pulaggaijat*) in *Siberut Hulu* about one to three hours' distance walking or paddling by canoe. *Siberut Hulu* residents were the first community formally connected to the Indonesian government administration through resettlement projects on Siberut Island, first by OPKM² and later by the Social Affairs Department (Persoon 1995). Financially supported by logging companies and the West Sumatran provincial government during the early 1970s, OPKM ended a few years later when five clans (*uma*) of the *Siberut Hulu* people moved voluntarily from *Siberut Hulu* in 1979 to avoid annual flooding in their old settlement and to search for a place in which to cultivate cloves, the then popular cash crop. They were the first settlers of Muntei and are still the numerically dominant clans (Appendix 1).

Muntei was formally established as a government settlement in 1981 through the Social Affairs Department's *Pembinaan Kesejahteraan Masyarakat Terasing* (PKMT), which oversaw the 'Welfare of Isolated Peoples'. It is located entirely along Bat Oinan River, about 7 kilometres from *Muara Siberut*, *Siberut's* biggest town and trade centre (Map 1.1).

² OPKM, *Otorita Pembangunan Kepulauan Mentawai* (Mentawai Islands Development Authority), was a special development project run by the West Sumatra provincial government (1971-1979). The OPKM provided schools, teachers, infrastructure (churches, mosque) and strongly persuaded people to dwell together in a concentrated rather than dispersed settlement. Logging companies funded the project through the payment of *Dana Reboisasi* (Reforestation Fund) to the Forestry Department, which later transferred it to West Sumatra Province.

Muntei has seven hamlets of which three (Bat Muntei, Pariok and Pening Butet) are clustered in the place called Muntei.³ The settlement has a population of 628 people in 144 households. Among them, about 10% of Muntei's population are recent migrants who mainly occupy positions as local traders, teachers and Christian priests. A few clans have ancestral land around Muntei with the majority having land in other places some distance away. This partly explains a common residential pattern, where most people are living on other's land (Tulius 2012).

Muntei territory consists of approximately 1,200 ha, yet the formal boundary of the village exists only on paper. The status of the settlement is state land under Social Affairs Department jurisdiction. It consists of about 200 ha, while the surrounding area to the east of the rivers has been designed as Area Penggunaan Lain/APL (Area for Other Purpose) under District Government authority. Hills and swampy forest areas outside the settlement have been declared as Production Forest under the control of the State Forestry Department, but are freely cultivated with clove trees, swidden plots and fruit trees by locals. To the north is the former traditional settlement of Siberut Hulu and swampy forest that has been converted to cocoa farms. To the west lies a swampy area consisting of sago gardens, pig farms and secondary lowland forest. To the south, swidden plots, once dominated by fruit trees and sago stands, have been recently converted to cocoa and rubber gardens.

Prior to Dutch arrival, the Muntei area was largely uninhabited (see Appendix 2 for Muntei's brief history). In the distant past, it was an entrance for headhunters from North Siberut and used mainly for pig farms and swidden. When the Dutch established a military post (1904) at Muara Siberut, they succeeded in banning headhunting practices, moved pigs from the settlement, and established local rule through the appointment of a village-based leader (Bakker 1999; Schefold 1991). The Japanese period (1942-1945) is remembered for the attempt to enlist local people as police. However, Japanese soldiers only occasionally visited the settlement and indigenous inhabitants rarely went down to Muara Siberut, avoiding compulsory labor. Colonial powers had little impact on Mentawai people, even those who lived near Muara Siberut such as *Sabirut Hulu* residents. Soon after Indonesia's independence in 1945, a few Minangkabau and Chinese traders settled

³ Three hamlets are situated upstream in the Silaoinan valley, a day's walk or 4 hours by speedboat; one hamlet is located downstream about an hour's walk. This research focused on the three clustered hamlets that I refer to as Muntei (Map 1.1).

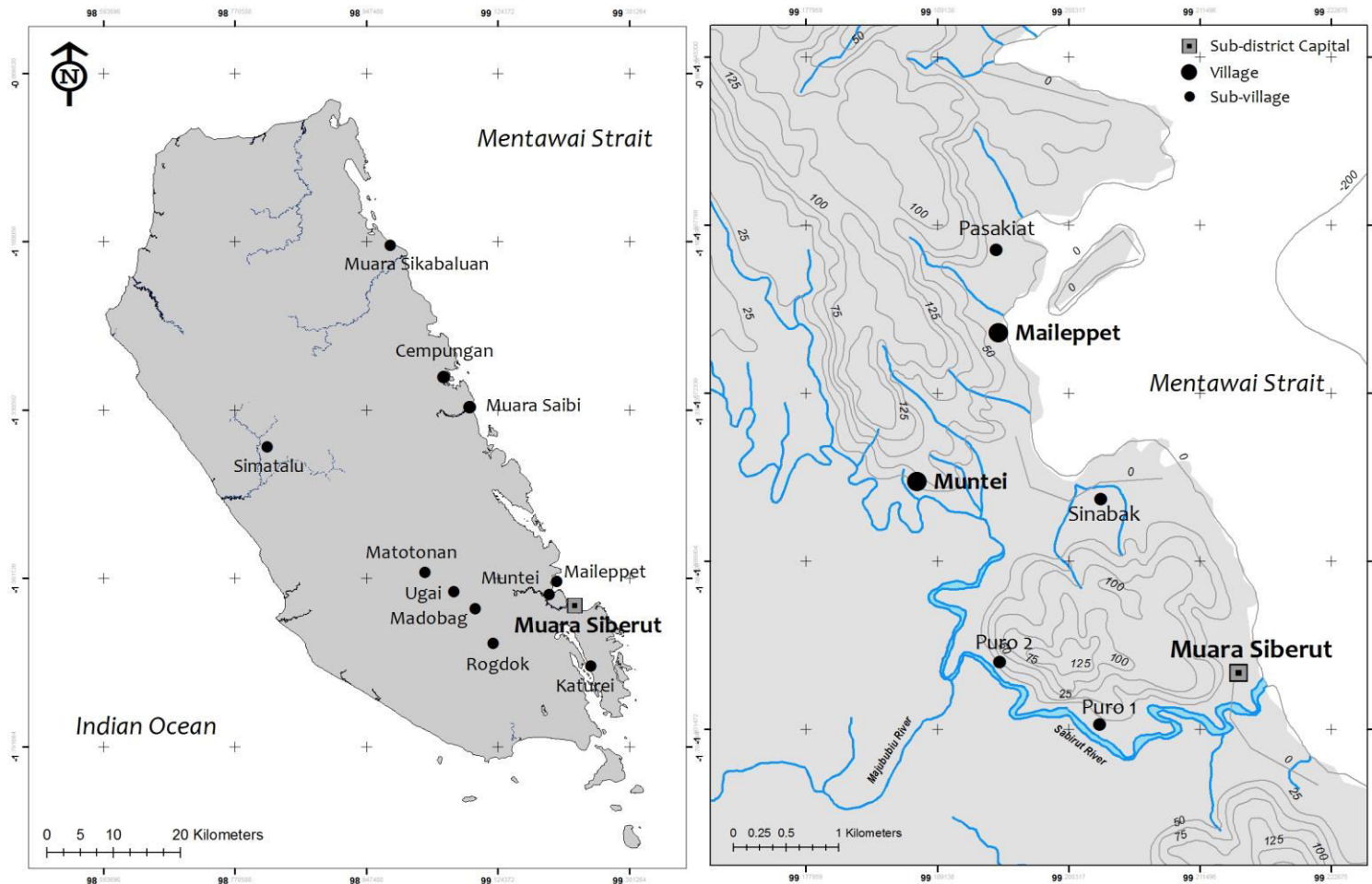
permanently in Muara Siberut and began extracting forest products. They built a settlement at the mouth of Sabirut River and traded with people in the adjacent area (Map 1.1). *Sabirut Hulu* was the first place where traders requested permission to collect forest products; yet, traders did not have any interest in land and were generally satisfied with their role as middlemen.

Social life was significantly transformed when the provincial government sent civil servants and police to Siberut in the 1960s after the central government classified Mentawaians as an isolated (*terasing*) people. The resettlement project was the main part of a larger modernization project that attempted to introduce state administration, cash crop production and national identity.⁴ The resettlement program introduced a school, health centre, crop seeds, monotheistic religion, state law and governance, followed by intensification of trade and circulation of commodities. The program persuaded *Sabirut Hulu* people and other clans to abandon their swidden plots and previous settlements. It arguably disrupted Indigenous peoples' spatial and landscape orientation by bringing large numbers of spatially dispersed clans into a single dwelling place (Hammons 2010, 29). It shifted clan unity and solidarity and launched an authoritative structure beyond the *uma*.

Despite changes in traditional settlement patterns and social organization, however, a significant degree of ritual and political autonomy at clan level is preserved in Muntei. The modern village structure has a limited role in determining land tenure and access rights. The basic structure of economic arrangements also remains intact. Swidden practices, fishing, hunting and collecting semi-domesticated foods provide basic livelihood, supplemented with the addition of introduced cash crops. All activities depend on the forest around the settlement for making *pumonean* (a non-burned swidden plot) sago gardens, and *pugettekat* (taro gardens). Nevertheless, with stronger state intervention, the authority of the village head (*kepala desa*) has a significantly increased role in land disputes and will likely become more important in the near future.

⁴ As part of state development, the resettlement project's aim was to introduce citizenship as the basis of a person's identity replacing local identities based on ethnicity and locality.

Map 1.1. Map of Muntei Village and Adjacent Settlement



1.4. Methodology and Limitations

Prior to fieldwork I had already established good social relations with Muntei residents and spoke the Mentawaiian language. My earlier decade-long engagement (2004-13) with Mentawaians took various forms: as an undergraduate biology research student, a local NGO worker, staff member of a multinational organization working on nature conservation, as well as for much of that time, as a resident. These experiences had contributed multiple perspectives to my understanding of customary tenure. For the present research, primary ethnographic data was gathered through formal interviews and informal conversations and observations between November 2014 and January 2015. I combined participant-observation and daily note taking, interviews (open-ended, semi-structured and opportunistic) and household surveys covering genealogy and land use and ownership.

I had significant advantage from stumbling into Muntei's social life when I came to live with a Samekmek family. Samekmek is a big clan that has not fissioned as have other large clans (Appendix 1). In the first two weeks I nearly regretted my strategy because this clan has no land in Muntei. Their elders were well regarded as great hunters but had little information on land stories, although this gave them important neutral status in land disputes. Since Samekmek had not been involved in any land conflict, other clans were unconcerned if my gathered information might be shared with them. Consequently, my position in people's talk about land conflicts was as a marginal and 'neutral' listener, enabling me to build unthreatening social networks with other clans. To the extent that social networks and relations were very important in land research, I needed to check various land uses in extensive areas and compiled stories from people in different settlements. I also attended a government-sponsored meeting discussing ancestral stories and land ownership in the capital of the Mentawaiian District Tua Pejat on Sipora Island (see Map 1.1). The type and quality of information collected varied and gave broad perspectives on local practices and social dynamics. However, living with a Mentawaiian family was very important. Staying in Muntei enabled close observation at family level, allowing me to grasp the texture of social life, networking and daily practices that determine rights and ensure access to land.

A daily journal generated reflections and further questions were asked through informal, semi-structured and formal interviews. When people casually talked about land or related topics (in a small shop, the village office, or at the side of a football pitch) informal interviews and open-ended conversations took place. Although opportunistic, these were guided by a list of open-ended questions arising from daily notes that found a place at the right moment in discussions on related issues. Some questions could trigger lively discussion and engaged the attention of people nearby. For particular topics, a list of questions was prepared for semi-structured interviews, focussing on specific information but allowing open answers that may lead to other relevant information. For instance, a question on rights over trees might lead into discussion about marriage and friendship. Semi-structured interviews took place at night on a weekend when informants returned from their swiddens, stayed for Sunday Mass and socialized in the settlement. Semi-structured interviews always ended in informal chat until late at night or even into early morning. Formal interviews involving authorities such as district officers, village or hamlet heads and NGO staff were conducted on certain issues related to their authorities and local experiences. With the exception of interviews with high-ranking district officials, formal interviews were also conducted casually in a small restaurant or at an afternoon tea party, as well as through group discussions in NGO offices.

The conventional anthropological framework of a single village-based ethnography would certainly not adequately illustrate the general picture of Mentawaiian land relations. Depending on geographical location, each settlement (hamlet/village) has its own internal dynamics, and local history. Moreover, the impact of the state, migrants, and market has been uneven. The variety of internal dynamics and uneven external relations will surely produce different land relations. Muntei is an example of a coastal settlement located close to a coastal migrant dominated town where the port, state administration, market, and relations with merchants influence land use and relationships. In the town and surrounding villages, land demand for housing, tourism, and cultivation has been high. Cash crops have been very important for the local economy and state land registration has been introduced. Muntei does not share these features with most places in the interior and on the west coast of Siberut. In

those places, the influence of migrants is limited and the most important cash crops (clove, coconut) have not grown well. “Mentawaian land relations” in this thesis mainly refers to those in Muntei and those areas that share common social forces and contexts. Nonetheless, much of the analysis in this thesis, I believe, will be relevant to a general understanding of Mentawai land relations, especially as development projects, cash crop production, and the impact of the state have speedily spread across the island.

1.5. Outline of Thesis

The rest of this thesis is structured in the following way. Chapter 2 reviews the literature and the proposed research framework. It brings into focus a discussion on customary (*adat*) rights and land tenure. Discussing land tenure in the light of structuration theory, the aim of this chapter is to elaborate an appropriate framework for the dynamic of customary land tenure for the Mentawaian context.

Chapter 3 concerns Mentawaian vocabularies on land and how they arrange tenure and access rights. It begins with the analysis of the status of land, land use classification, concepts of ownership and social relations structuring land relations. It shows the fluidity and ambiguity of customary land tenure that provides room to manoeuvre for Mentawaians to put forward land claims and gain access.

Chapter 4 discusses three social-historical contexts that constitute different constellations of forces affecting land relations: the initial establishment of settlement (*pulaggaijat*), the arrival of cash crops transforming local production, and the reconfiguration of *lalep* as land or property holder. Combinations of social forces have transformed perceptions and evaluation of land.

Chapter 5 analyses how Mentawaians have dealt with ambiguity and inconsistency of land relations. A set of land dispute mechanisms will be presented to show that customary tenure does not contain a set of formalized rules that establish fixed and predictable outcomes. *Adat*/customary legal practices reflect a legal sensibility where person/clan and community construct identity, adjust socio-political relations, and

adapt practices to a wider set of socio-economic relations.

Chapter 6 describes a new set of interventions, attempting to solve the apparently murky character of land relations. In particular it traces two different programs from district government and an indigenous rights NGO. This chapter shows that both legibility projects may have potential to accommodate customary practices but also have complicated land arrangements rather than making them simpler and clearer.

Chapter 7 concludes that flexibility and fluidity are crucial elements of land tenure arrangements among Mentawaians. I contend that customary land tenure could be reconfigured to select new practices that both adapt to and resist the commodification of land and the power of the state. I suggest that incorporation of Mentawaiian cultural principles and practices of land dispute settlement into district government and NGO approaches to land rights recognition would provide sufficient land tenure security, ensuring the principle of flexibility and introducing legal clarity, taking customary tenure beyond the binary opposition of adat law and state law.

Chapter 2

TOWARD A DYNAMIC APPROACH TO MENTAWAI CUSTOMARY LAND TENURE RESEARCH

This chapter provides an analytical framework for the thesis. It begins with a discussion on customary rights discourse. While I recognize its importance, the narrow and legalistic perspective of customary law has limitations in capturing the dynamic of local land tenure. In this respect, the legalistic perspective which has dominated the contemporary discussion of customary rights among Indonesian policy makers and legal scholars seems inadequate to examine the dynamic and ever-changing land relations described in this case study. The second section proposes a more dynamic framework to discuss customary land tenure. Taking inspiration from legal pluralism scholars as well as structuration and practice theory, it discusses land relations as dialectical processes, which account for both the contingency of internal social practices, the regularity of social life, as well as external influences. Customary land tenure is confined not to a fixed rule but a matrix of practical activity in which ideas and material conditions are played out. The last section will examine the characteristics of customary land tenure among upland communities in which Mentawaians share common features. To them, land rights are not well expressed and enunciated in abstract and formal ways as explicit rules and definitive boundaries, but mostly articulated in fluid and flexible social practices and relations.

2.1 The Limits of a Legalistic Perspective on Customary Land Rights

The fall of New Order Regime and the process of Decentralization in Indonesia since 1998 have brought back the discourse of customary law (*adat*)⁵ and customary rights

⁵ I use the term 'adat' and 'customary law' interchangeably. These terms have been subject of academic debate over three decades (Anders 2015, von Benda-Beckmann and von Benda Beckmann 2011; Burns 2007; 2004; Fuller 1994; Merry 1988; Geertz 1983; Moore 1973), and this thesis will not repeat that discussion. However, I distinguish "a legalistic concept of customary law" from a broader definition of "customary law" as non-state law (von Benda-Beckmann and von Benda-Beckmann 2011, 171). A legalistic concept of customary law refers to 'customary law' that has been "defined

into public discussion arenas at several levels (national, provincial, local). Scholars have traced the origin of *adat* discourse and practices and examined its contemporary and regional manifestation (Hauser-Schaublin 2013; Henley and Davidson 2007; 2008; Warren 2007; Erb, Beni, and Anggal 2006; Li 2000). The revitalization of customary rights has involved a complex of socio-historical-political processes. It is undisputed, however, that the notion of customary rights is a genuine political expression for communities in Indonesia attempting to retain autonomy and propose rights over resources, especially land, based on their own law (Henley and Davidson 2008, 818; von Benda-Beckmann and von Benda-Beckmann 2011,174). The current revival of customary land rights has not only provided a platform and legitimacy for many marginalized people to reassert land claims which have long been subdued by state and non-state interests, it has also brought back debate on the potential of legal pluralism in land tenure arrangements. After 1998, Indonesia's laws and regulations have tended to accommodate customary rights and 'swung the pendulum back towards legal pluralism' (Fitzpatrick 2007, 131). The amendments to Indonesia's Constitution in 1999 and other pieces of national legislation have recognized customary communities and clearly stated customary rights are the basis of natural resources regulation.⁶ At regional level, there has been more than hundred district and provincial decrees and regulations recognizing *adat* rights since then (Malik, Arizona, and Muhajir 2015).

The unique state of customary rights in Indonesia, unfortunately, does not automatically provide greater land tenure security, even for those with strong customary claims. More than a hundred pieces of national and regional legislation cited above have only guaranteed 15, 577 hectares of customary territory (*Tempo* 2015, *Kompas* 2015). Meanwhile, tens of millions of people who are not living on their ancestral land or birthplace have been vulnerable since they cannot easily deploy customary claims for asserting their property rights (Fitzpatrick 2007; Li

and validated by legislators, judges, or legal scientists" (von Benda Beckmann and von Benda Beckmann, 172; see also Merry 1988, 875).

⁶ Article 18B of the 1999 Amendments to the Constitution recognizes 'adat law communities'; Article 6 the 1999 Human Rights Act states the protection and recognition of *hak ulayat* (right to avail); Articles 5 to 8 of the Draft Agrarian Resources Act declare the recognition of customary law and assert that it should be the basis for resource management.

2007). This shows that the continuing state of popular customary rights has remained only an interim and limited solution for land tenure security (Warren and Lucas 2003, 102; Fitzpatrick 2007).

One reason why customary law does not provide legal security lies in this narrow conception of customary land rights. The dominant view, especially among policy makers, has seen customary law as containing self-regulating rules run by a self-contained community (Fitzpatrick 2007; 1997). There is also a predominant perception that customary rights are communal and inalienable resources (von Benda-Beckmann and von Benda-Beckmann 2006, 200; Lucas and Warren 2013). For policy makers, the legal character of customary law (having sanctions) is separated from other aspects (moral, cultural, institutional) (von Benda-Beckman and von Benda-Beckmann 2011, 171). A legalistic conception of customary law has emphasised legal aspect and largely ignored socio-cultural attributes of *adat*. Once *adat* is selected for recognition by state law based only on its legal aspects, the dynamic and flexible character of *adat* would be subdued. While the legalistic concept of customary law may be termed 'customary', this does not reflect the actual local legal order. In state regulation, the legalistic concept of customary law is apparently dominant and expresses a static and impoverished conceptualization of customary law (von Benda-Beckmann and von Benda-Beckmann 2011, 172).

The legalistic concept of customary rights in legal studies and policy documents emphasizes a set of fixed rules and offers ideal descriptions of legal concepts and institutions regulating, sanctioning and adjudicating land. There is a general sense that customary rights are ready, to a greater or lesser extent, for recognition from the state as an alternative/non-state validating system of land claim. The simplification of customary rights as merely juristic procedure may be necessary due to the purpose of the campaign on customary tenure that is mainly aimed at resolving land conflicts rather than understanding the complex idea and logic of customary land tenure. With a focus on rules and institutions organizing sanctions and obligations, the discussion of customary law pictures local land tenure as a set of coherent rules ready to be codified and translated into the state regulations. Through this narrow perspective on customary rights, policy and legal studies focus on models or ideal situations and less

on empirical analysis (von Benda-Beckmann, von Benda-Beckmann and Wiber 2006). The legalistic approach also tends to have relatively more focus on legal order and its function for the local economy than on broader social relationships within and beyond the community (Ellen 1977; Agrawal 2001; Li 2010). This echoes Geertz's (1983, 208) complaint on the simplification of customary law as "a set of traditional rules traditionally applied to a traditional problem".

The advantage of customary recognition to strengthen people's rights and validate customary territory cannot be neglected, but to consider customary rights as an alternative to the state judicial system is fundamentally to misrepresent the dynamic of land tenure relationships. One serious implication of the legalistic framework on customary law and customary rights is that it seems to ignore the fact that a distinct customary land rights system has rarely been self-evident (Moore 1973). Millions of Indonesians have long suffered legal insecurity since their land rights neither fitted into the category of customary tenure nor were given formal recognition by the state. The root of the problem is the distinction of state law and *adat* law as two opposite legal systems (Fitzpatrick 2007), in which *adat* rights are perceived as a coherent legal system vis-a-vis state law. Once we speak of *adat* as a coherent legal system, it begins to obscure the very nature of *adat*: dynamic and adaptive (Geertz 1983, 214; von Benda-Beckmann and von Benda-Beckmann 2011). While the legalistic perspective is valuable and may help the recognition of customary rights, it is limited as a tool to examine dynamics and change, especially flexible social-cultural practices and relations.

Legal pluralism scholars (Merry 1988; Chanock 1985; von Benda-Beckmann and von Benda-Beckmann 2011) have warned of the danger of translating indigenous laws directly into state legal procedures and emphasize the importance of deploying customary law on their own terms. The translation of *adat* law into a mere legal category has the consequence of distorting the local legal order, norms and principles (Merry 1988). Most importantly, putting dynamic customary land tenure relations under a state legalistic framework and applying legal constructions for administrative purpose and practical guidance, 'an artificial system is in danger of being created' (Ellen 1977, 68; von Benda-Beckmann and von Benda-Beckmann 2011, 174).

Further, the attention to coherent and systematic rules and socio-political institutions hides the dynamics of land relations and prevents the emergence of better understandings of how and why customary rights change and interact with other legal orders. A legalistic customary rights framework overlooks the fact that most aspects of customary law are responsive to external stimulus and internal pressure (Geertz 1983, von Benda Beckmann and von Benda-Beckmann 2011, 2006). Many observers of customary land tenure in Indonesia have shown that customary land tenure is always the subject of change (Li 2014a; Moliono 2000; Peluso 1996; von Benda-Beckmann 1979; Ellen 1977).

2.2 Customary Land Tenure as a Dynamic Social Field

This study requires a perspective that captures the dynamic of land tenure as an institution. Hence, the analysis of customary land tenure must be embedded in an exploration of the dynamic land relations both within local social relations and between local agency and larger social formations. I follow Geertz (1983) who argues that customary law is not only a system of normative ordering or a means to coerce. More than that, law is a system of local knowledge constituted by certain forms of social relations. For Geertz (1983, 176), customary law is a social institution enabling people to make explicit sense of what should happen and a form of social imagination allowing people to construct and reconstruct their world. Law functions not only through jurisprudence but also through 'legal sensibility' in which people 'imagine principled lives they can practicably lead' (1983, 234). This conceptualization of law as 'legal sensibility' treats law as a cultural tool in the ratiocination of the relationship of individual and collective rights and obligations (Fuller 1994). In regard to land tenure, customary law requires a legal sensibility to the social arrangement of norms, rights, behavior, and obligations in relation to land.

Like other customary institutions (arts, science) that are constituted through a particular social formation, customary land tenure is formed by a constellation of social arrangements that has a dynamic character. Customary land tenure is an institution that can generate rules and has the capacity to impose sanctions but is configured within larger social formations. This neatly fits with the concept of a

semi-autonomous field from the legal pluralism tradition (Moore 1973; Merry 1988). Moore (1973, 720) defines a semi-autonomous social field as one which generates "rules and customs and symbols internally, but that ... is also vulnerable to rules and decisions and other forces emanating from the larger world by which it is surrounded." The conception of a semi-autonomous social field also resembles the conception of social institutions from practice theory (Giddens 1984, Bourdieu 1977). A social institution, from a practice theory perspective, is not a set of things essentially given and present in any social entity. A social institution or a social structure is 'not ... the inevitable playing out of underlying principle' but the result of interplay of sociopolitical processes (Giddens 1984, 17).

Combining legal pluralism and practice theory, I emphasize Mentawaians customary land tenure as a result of particular social practices at a particular space and time and in a particular social formation. Customary land tenure is an institution where agency is important to understanding the production and reproduction of rules, norms, and the arrangement of rights and access, bounded in space and time. This echoes the concept of 'field' from Bourdieu (1977). As a semi-autonomous field, customary land tenure is created by the interplay between persons' regular activities (*habitus*) and 'structured improvisation' (Bourdieu 1977, 43). Customary land tenure is, then, a 'field' bounded in space-and-time where routine social practices create, produce and reproduce rules, principles, or norms. Rules organize social practices and generate social patterns while resources facilitate them (Giddens 1984). Rules evoke principles and provide procedures, while resources give powers that enable or constrain particular social interactions through control over people and material. The deployment of resources structures social institutions, and in turn institutions produce rules to distribute resources. To apply structuration theory for customary land tenure in my research, especially the notion of rules and resources in the constitution of institutions regarding indigenous land relations, requires re-stating more explicitly what rules are. Structuration theory was generally developed in the context of 'modernity' in which abstract elements such as 'law', 'money', 'writing' allow the expansion of exchange relations over a long time frame (Gregory 1990). In my research, rules as legal mechanisms to maintain rights and access to land are implicitly enunciated and dissolved in the production and recounting of stories and

story telling.

I return to legal pluralism theory in arguing that rule/law is not merely a system of sanction and obligation. Following legal pluralism scholars, law/rule is defined in a broader sense as an “undifferentiated whole constituted by morality, customs, and legal institutions” (von Benda-Beckmann and von Benda-Beckmann 2011, 174). In this sense, law is not merely an imposition of rules, but a cultural code for constructing and imagining the world. Rules do not constitute a fixed legal order, but more or less present social agents' attempts to adjust what is proper for a particular person as well as the community as a whole (Geertz 1983, 210). Not all customary communities elaborate, institutionalize, and specify rule/law in land tenure (Li 2014a; Ellen 1999). Hence, sanctions, obligation, rights and other *jural* implications of customary land tenure are linked to the general norms and values as well as social practices of the community.

The configuration of powers, rules, and resources are crucial factors in the constitution of an institution for practice theory. My emphasis on forces and powers structuring social practices of customary land tenure is part of the argument that social relations and formations are maintained and transformed through agents' conduct and the *status quo* of institution. This enables analysis of contestation and conflict of agencies as constituting part of the formation of customary tenure. Clashes or struggles over land valuation, and different power and interests produce ‘fault lines’ in social practices and a ‘system of contradiction’ (Giddens 1984, 112). This tension allows us to understand that customary land tenure is configured by the need to maintain the existing structure and the need for change. The constellation of forces and the desire for change are pivotal for interpreting the contemporary state of Mentawaians customary land tenure, where new modes of production and power insert new land valuations that are somehow opposite to those that already exist. Conceived as a dialectical process, contradiction generally paves the way for other means of change.

Continuous changes in aspects of customary land tenure are evident in cases of political and economic integration of a marginal society such as Mentawai and others

in upland settings that have been integrated into larger political-economic relations (Ellen 2012; Mertz et al. 2009; Li 2014a). In contrast to the dominant view from a legalistic approach that sees customary land tenure as a fixed and stable institution, this thesis focuses on the dynamic process of systemic contradictions. This is part of a larger argument that social patterns of customary community/indigenous people such as Mentawai are in constant-change, open-ended, processual and always relational to larger dynamics of social life in which ‘indigenous social practices always intersect and overlap with external forces’ (Wolf 1982, 14).

Forces that influence customary land tenure revolve around several important elements. *First*, land is a specific natural resource that is immovable. For land to have value, people have to ‘assemble’ discursively and/or practically diverse elements (ideology, labour, technology, its materiality) (Li 2014b: 590). Land can be allocated for specific crops and used for subsistence cultivation as well as supporting commercial purposes. Different aims may determine different land uses to generate different valuations of land. *Second*, land has both use and exchange value depending upon how people perceive it either as a socially embedded resource or a fully-fledged commodity. Economically, it is a valuable resource but is less easily commoditized so long as it cannot be narrowly defined as a private possession (Hall 2012). A thing becomes a commodity when its exchange value is separated from its social and cultural encumbrance (Marx 1970, 76). *Third*, the social meanings attached to land extend beyond economic value. To a customary community, land is a repository of human feelings, emotions, attachments, memory and belonging. Relationships to land will generate and guide collective social identity and practices (Abramson 1999; Fitzpatrick 2005).

Anthropological research in the Austronesian and Melanesian world have found commonality regarding ancestral links and mythical relations associated with land that define people’s identity, and sense of place (Abramson 1999; Fox and Sather 2006). Abramson contrasts *mythical* and *jural* perspectives on land in which the former regards it as a continuation of identity, belonging and participation, and the latter treats it merely as property. Access to land is usually attached to in-group membership inherited as inalienable rights but mostly not articulated in Western

'ownership' terms. *Fourth*, land tenure rights and claims reflect basic social relations within and between groups (lineage, occupation, division of labor, settlement). Decision-making and daily land arrangement practices may change following market opportunities and government policies. International regulation, national constitution and local decrees have been introduced to give recognition to customary rights for communities to reassert their claims, which have been previously diminished by previous state policies. Changing policies have contributed to new dynamics of land claims.

2.3. Land Tenure in an Upland Setting⁷

In the previous section I argued that the legalistic perspective of customary rights is inadequate to analyze the dynamics of indigenous communities' land tenure. The narrow concept of customary rights, with its rigid elaboration of rule and a clear cut legal procedure does not fit with societies such as that of Mentawaians living in an upland setting with limited colonial and post-colonial state presence and loosely codified local law. A body of literature on upland communities shows that customary land tenure is not usually systematically elaborated (Li 2014a; 1999; Fitzpatrick 2005; Silito 1999; Peluso and Padoch 1996). This literature is adamant that rights over land and identity in upland societies are bound and articulated by constellations of social relations, not merely by legal procedure. It is not uncommon that claims over a plot of land in an upland area become the subject of contestation involving multiple claimants (Trebilcock et al. 2015; Potter 2001). The emphasis on a constellation of social relations is central to understanding Mentawaiian customary land tenure.

Across Southeast Asia upland customary rights are created through at least two basic principles. The first is by investment of labour. Clearing forest or opening uncultivated land through planting trees, keeping livestock or building temporary huts produced rights (Dove 1993; 1995; Li 2014a; Potter 2001). The right to open

⁷ The definition of upland here follows Li (1999, xiii) and Hall, Hirsch, Li (2011, 28). Uplands are hilly or mountainous, not irrigated, and less-densely populated; they are more oriented to both swidden and non-food-crop cultivation. Uplands are contrasted to lowland, irrigated areas where the dominant population/ethnic groups are located.

forest is normally given to anyone within a community as long as a person has proper behaviour. Sharing hunting meat, attending a communal ritual, helping injured persons, inviting people to communal meals are often proper actions enough for a person to obtain access rights to land within a community. The informality of social practices giving authority for land rights is based on general agreement to what is proper social action. Rights are rarely created and expressed in a formal way, but articulated in casual and mundane social practices and relations. A second main principle in customary rights is precedence. The order of precedence generates a relative asymmetrical relationship (Fox 2009; Fox and Sather 2009) that guides the arrangement of tenure and access rights. The founding father of a village or the first settlers hold principal rights to land when newcomers would only have residual rights. As land is perhaps the main political resource, power can be gained through these asymmetrical social categories within the community.

While working previously uncultivated land and order of precedence principles offer two simple and general mechanisms in the production of customary rights, the practical application of access and tenure rights can be complicated. For example, practices governing uncultivated land use and rights to use for settlement may differ, and the rules for access to hunting grounds may be different from those for cultivating cash crops (von Benda-Beckmann and Taale 1996). The interplay between various kinds of rights and access can be more complicated when access and other rights are claimed by people having different social identities. Despite the complication, good social relations usually ensure that different claims can be sorted. Place-based identity, kinship and social alliance enable customary communities to establish arrangement of rights along the lines of local history, identity and normative practices. Local principles and local knowledge allow the development of general acceptance and flexible rules applied to sanctions and obligations. Customary practices require more constant negotiation of relationships than formal-legal solutions. Overlapping claims and loosely defined land access, particularly when the notions of legitimate rights do not require verbal statement, may enable individuals in relatively egalitarian⁸ upland communities to avoid violence that may

⁸ What is defined here as egalitarian is based on the principle of political equality in which the individual has equal rights and voice within and between groups and does not represent others in

otherwise be linked to the presence of formal and centralistic authorization (Sikor and Lund 2009). Land tenure arrangements among upland communities are not necessarily free from violence, but the social history of space production and ethic of access has to be taken into account (Peluso 1996).

The flexibility and fluidity of land tenure systems in upland settings is also related to patterns of extensive land and low population. Potential farmland is relatively abundant. The availability of land means that elaborated land tenure and tight land management are not required. The dependence on semi-domesticated resources is significant for land tenure and other social institutions (Ellen 1999). Hunting, gathering, and shifting cultivation tend not to produce rigid and fixed land tenure arrangements. It is also typical that communities in remote upland settings have limited colonial and post-colonial interventions so their land tenure is less affected by formal legal codification (Li 2014a, 85). Hence, land arrangements continue to be managed outside the formal legal system.

The flexible and fluid arrangement of customary land tenure even applies in a society that explicitly elaborates customary rights. For example, the Wola, described by Sillitoe (1999), have descent-ordered structures of genealogical hierarchy in the arrangement of land. A definite identity based on patrilineal line is the main principle to validate land rights. However, hierarchical relations are set against egalitarian principles in their upland setting. Ambiguous and overlapping social identities, mobility and the expansion of territory, reciprocal exchange, and unstable hierarchy are a few aspects used by Wola to resist or challenge power centralisation in a patrilineal system. Multiple claims of ownership in that study reflect the flux of identity and mobility that has the effect of dispersing power relations and continuously expanding social networks. Key tools to ensure diffusion of economic and political powers are “uncut social networks and limitless social exchanges” (Strathern 1996 in Sillitoe 1999, 355).

political or economic decision-making. This is a relative concept, however. For example, men in egalitarian Minangkabau or women in egalitarian Mentawai do not have political equality that otherwise applies to men and women in these matrilineal and patrilineal societies respectively.

Mentawaians in Siberut Island are exemplars of an egalitarian society in an upland setting. They still rely on a combination of semi-domesticated resources and cash crops. Hunting, fishing and gathering forest products combined with semi-domesticated roots and tuber food crops predominate in the local economy. Their cash economy relies on cultivation of semi-domesticated cash crops in non-burned swiddens⁹. Politically speaking, anthropologists have agreed that relations among and between individuals and groups, at least among males, are non-hierarchical (Hammons 2010; Schefold 2007, 2002, 1991; Reeves 2001a; Nooy-Palm 1966). The *uma* is the basic Mentawaiian socio-political unit, referring to an exogamous and extended patrilineal group related by blood or adoption consisting of up to a hundred people and one to ten households (*lalep*). The term also refers to the communal house. Political leadership is absent and all decisions related to land and property are ideally taken after discussion by consensus. The *rimata*, the prominent figure in the social group, coordinates *uma* affairs without political authority. The outward representations and internal arrangements of *uma* have been organized through collective processes in which the *rimata* has no political authority beyond earned respect.

2.4 Conclusion

This chapter has discussed the limitations of the legalistic perspective of customary law/rights and proposes the need for a more adequate socially contextualized perspective to study customary land tenure. The dominant framework deployed by state policy-makers and legal scholars in Indonesia approach customary land tenure as formal legal procedures for claim validation based on a coherent legal system. Focusing on self-regulating rules and self-contained and formal social institutions, the legalistic perspective is unable to reveal the dynamics of land relations and prevents better understanding of how and why customary land tenure has adapted to

⁹ The term swidden is used throughout the thesis to refer to the forest garden horticultural practices of Mentawaians, although they do not depend upon burning as is more commonly the case for extensive agricultural practices that are termed swidden, shifting, or slash and burn cultivation practiced in other parts of Southeast Asia. I have adopted the swidden definition of Mertz *et al* (2009, 260-1) that emphasizes the extended fallowing period required by swidden, including non-burning techniques, compared to intensive cultivation,

internal change and external pressure. Taking inspiration from structuration theory and legal pluralism, this chapter discusses customary land tenure as an institution produced by particular social formations and relations. Customary land tenure, then, is an always-changing institution where agents consciously and continually deploy their resources to make claims and obtain access and other rights. The social dynamics and fluidity characterizing land relations among upland communities have to be understood as embedded in a wider context of social and historical relations. The following chapters explore the evidence that supports this contention. The general outline of how Mentawaians have internally arranged land access and tenure rights in the next chapter will begin the exploration.

Chapter 3

ANCESTRAL STORIES AND RECIPROCITY: THE BASIC STRUCTURE OF LAND TENURE RIGHTS

This chapter describes and analyses basic Mentawaian social relations in regard to land. The chapter contains four sections. The first section describes the vocabularies and status of land, which are tied to vertical relations with ancestors and their stories. The origin of clans, their migrations and particular events in the past define the status of land. The second section shows why multiple claims exist over plots of land and how Mentawaians settle contested claims by deploying and manipulating ancestral stories, which appear inconsistent and incoherent statements on land, to maintain their access. This leads to uncertain situations in which claims and access to land may shift at any time. The third section analyzes both the importance and the relativity concept of ownership in egalitarian Mentawai. The last section examines two types of reciprocal relations (generalized and balanced) that determine access and rights to land *within* and *between* clans. In this chapter I argue that tenure rights are subject to continual adjustment and are arranged by finding relations with ancestors and generating social alliances. Therefore, the status of land depends upon the assemblage of stories and is always subject to proviso.

3.1. Ancestral Stories and the Vocabulary of Land Relations

Polak is the Mentawaian word for land.¹⁰ This is used both in a general sense referring to all solid space on the earth, either covered or uncovered by vegetation, and in a narrow sense indicating individual plots of land belonging to and cultivated by a particular person or group. They distinguish *polak* with water bodies such as a river (*bat oinan*), a creek (*bat sopak*), sea (*koat*) and small lakes (*gineta*). Land classification based on physical attributes or the character of vegetation does not determine the rights attached. This is in contrast to most indigenous people in

¹⁰ People in Muntei and Sabirut valley use the term *polak*. In other valleys, people employ *porak*.

Indonesia where physical attributes of land determine types of rights (Li 2014a; 2014b, 591-92; Dove 1985; Peluso and Padoch 1996; von Benda-Beckmann and Taale 1996). The status of land and rights attached to it are tied to ancestral stories, stories related to the origin of clans, the migration of ancestors, and other events causing fission and fusion (Tulius 2012, 200) that define the social relations between persons/groups. This explains why the word *polak* is never used and has no meaning without an adjective. An adjective explains the status of land and social relations attached to it in which relations are expressed through the production of ancestral stories (Table 1.1).

According to the shared narrative of these ancestral accounts, the original ancestors of the now about 300 autonomous clans across the Mentawai Islands once lived together as a family in a place called Simatalu on the west coast of Siberut. A dispute over mango fruit, wild boars, or pigs separated the family into several smaller groups. One brother stayed in Simatalu and kept the land and garden while the other moved to an unoccupied place and established a new family of his own. A dispute over valuable objects or a quarrel over dogs or children between two brothers in the new family led to another separation, with one brother staying and the other moving on to find new territory. Another conflict led to another split and a new family until all islands in the Mentawai Archipelago were discovered, occupied, claimed and settled. After several generations, the process of separation and migration that can be called a clan diaspora, generated a network of connected families that share a common ancestor and land.

Ancestral stories, examples of which are presented in the next section (and in Appendix 3), reveal a general pattern as to how Mentawaians define land and rights attached to it. The ancestors went out to unclaimed territory, made a sign by breaking a branch of a tree (*batti*), clearing vegetation (*siau*) or chopping trees (*saggri*) and cultivating land to strengthen their claim. These actions would mark the land as *polak sinesei* (discovered land) and the discoverer gained status as *sibakkat polak* (the claimant of land). *Polak sinesei* (see Table 3.1) was the most important status and primary source of a claim, archetypal in nature. Generally, the discovered land was extensive and encompassed the entire watershed of the river that defined it.

Polak sinesei was often interchangeable with the term for ancestor's land (*polak teteu*). The name of the discoverer, the land and the sequence of events in ancestral narratives were believed to be true and could be openly traced and confirmed or confronted. This type of land could not be expanded and was only attached to the first three or four generations of ancestors, who travelled across islands, claimed land and named it. The later generations only inherited ancestral land as common clan land.

There is an unspoken agreement that the dispersal of ancestral stories started with an eponymous ancestor about 12 generations ago. Along the movement of these generations, *polak sinesei* were exchanged and transferred over time by the ancestors and their descendants. Headhunting was common before it was prohibited by Dutch rule and was the main reason for land transfer. Taking the head of an enemy (*pulakeubat*) or threatening others with a sharp weapon (arrow, spear, machete) were serious acts that could only be solved by giving land as compensation to prevent retaliation. The family of the victims would receive *polak lulu/tulou* (land for compensation). Because headhunting raids or killing were rarely carried out individually, the originator of a headhunting expedition (*bakkat labara*) or killing (*sipamatei*) would give their allies a plot of land if they did not reveal the incident. The land given to their allies was called land for preventing bloodshed (*seksek loggau*). Accusations of sexual humiliation to a woman from another clan also required the payment of compensation, often in the form of land (*polak tulou*).

Constant conflict and the hostile environment during the period of headhunting meant Mentawaiian ancestors did not settle permanently. Before the Dutch officers pacified 'clan war', they were afraid of retaliation by other clans and kept moving until they discovered a safe place to stay. Before they moved away, they asked their allies to steward their land. In the hands of a steward (*sipasijago*), *polak sinesei* became *polak sijago* (stewarded land). *Sipasijago* could cultivate the land or give permission to other clans to use it providing they recognized the owners and did not transfer it unilaterally. If the discoverer did not find *sipasijago*, land could be exchanged with people from another clan with valuable objects, mainly commodities from outside (knives, mosquito nets, axes). Many ancestral stories contained land

transfers in exchange for food, or important ritual and heirloom objects for the *uma* such as a bronze metal disk (gong), slit drum (*gajeuma*), and magic fetish (*gaud*).¹¹ Land obtained through exchange from another clan is called “purchased” land (*polak sinaki*).¹² Land transfers through exchange were considered to involve permanent transfer of ownership, despite the fact that “the giver” clan might ask “the new taker” to retain usufruct rights. These land exchanges had been commonly practised, although not always an easy process, and were based on social alliance institutions of marriage, friendship, rivalry and peace ritual.

In the contemporary period it is uncommon for marriage arrangements to involve transfers of land. However, giving land as bride wealth (*polak alak toga*) was not an exception in the past. The size and amount of *polak alak toga* varied depending on negotiations between the wife-taker and wife-giver clans. *Polak pangurei* was land for contribution in paying bride wealth. *Polak pangurei* could be named as *polak mane* and acquired through *palukluk*, a mechanism in which the son of deceased parents visited his maternal uncle and asked for land from this uncle who had arranged his parents' wedding rituals (*si pangurei*). The uncle must give land for the nephew to avoid *oringen* (sickness). In any case, the uncle could hardly reject his nephew's proposal when he brought pigs or other valuable objects (mosquito net, machete, axe) as part of the exchange.

Ancestral stories are the repository of social relations in regard to land because they record the ways land has been acquired, by whom, where and when. They imply that all land available now is provisionally gifted from common ancestors or ancestors from other clans. In this sense, access to land was possibly acquired by tracking vertical relations with ancestors and associated horizontal social relations with other

¹¹ *Gaud* are magical mediators with the spirit world. A *gaud* contains a bunch of leaves and other parts of plants. It is used in rituals to communicate with the ancestors, or with bad spirits. It is also employed to protect against supernatural forces deployed by others.

¹² I use ‘exchange’ when I refer to land transactions in the context of reciprocal relations and ‘purchase’ or ‘sale’ in the context of land transfer involving cash in the contemporary period. Both exchange and purchase of land can also be considered as permanent transfers. The difference of permanent transfer in the context of reciprocal relations and money-based transactions is that the former is always mediated by social alliance institutions while the latter relies on individual transaction involving money and state authority, whether or not it involves social relations of friendship.

clans. The status of land was derived from *polak sinesei* and could be a combination of various statuses, depending on a particular form of acquisition and underlying social relations such as payment of bride price or as a personal gift across space and time.

Table 3.1. Land Status Terminology and Means of Acquisition

Status of Land	Method of acquisition
1. <i>Polak Sinesei</i> (land acquired through discovery)	Claiming unnamed place, the later generation only inherit these lands as ancestral communal property
2. <i>Polak Lulu/Tulou</i> (land acquired through compensation)	Compensation over killing, headhunting, threat with a sharp weapon, sexual assault.
3. <i>Polak Sinaki</i> (land acquired through exchange)	Exchange through social alliance arrangement and in the contemporary period by purchase.
4. <i>Polak Pangurei or Mane</i> (land for wedding ritual arrangement)	Payment for contributing to bride wealth/ arranging wedding rituals
5. <i>Polak Alak Toga</i> (land for bride wealth)	Bride wealth payment

Mentawaians also have vocabularies for land use, which convey physical attributes, but do not contribute to the determination of access or tenure rights to it. I describe land use here to provide a sketch that will enable us to better understand the transformation of its value—especially that of swampy and forest areas for cash crops—that is important to understanding changes in land relations in chapter 4. The most important type of land use is the flat area in the valley, defined as *pulaggaijat*.¹³ Derived from the word *laggai* meaning ‘trunk’ or ‘stone’, *pulaggaijat* has figurative meaning as ‘the place of origin’. Socially, it is associated with a particular clan that discovers and holds the land, named for that specific clan, its language dialect or the main river. Located in a valley along the banks of main rivers, *pulaggaijat* lands are physically marked by a combination of houses, swidden plots, gardens, pig farms, small creeks and bounded by river tributaries. *Pulaggaijat* are different to government settlements (*dusun* or *desa*) even though most *dusun* were once

¹³ Further elaboration about *pulaggaijat* is covered in the first section of chapter 4.

pulaggaijat. However, unlike *dusun* that arrange houses side by side, households (*lalep*) in *pulaggaijat* are spread out to give space, which is important for political and social autonomy (Hammons 2010, 136).

Within *pulaggaijat*, flat solid land near the banks of rivers or swampy areas is called *suksuk*, a valuable area that is suitable for building houses, cultivating taro gardens, planting coconut trees, and recently, for fishponds. Swampy areas along riverbanks are named *onaja* and filled by sago gardens. *Onaja* had little commercial value and people were literally free to use it for the most important subsistence crop, sago. Narrow land around *suksuk* and *onaja* near the settlement is fenced and used for taro and other root crop gardens (*pugetekkat*), and trees are used as living fences to keep the pigs out. Outside *pulaggaijat*, extensive uncultivated land is called *leleu* (forests) that can be on swampy land (*onaja*) or solid land and hills (*posa*). Hunting, collecting wild products, and travelling between *pulaggaijat* are the main reasons why people enter forests. People often refer to hills, swampy areas and old-growth swiddens as *leleu*, an unsocialized place (Reeves 2001b). *Leleu* contains a ‘hidden culture’ (Scheffold 2002, 442), a world of autochthonous and ancestral spirits whose relationships with the living are maintained through ritual (*puliaijat*) (Scheffold 2007, 487; Hammons 2010, 29-31).

In Muntei, the cultural value of *leleu* as ‘hidden culture’ has significantly changed; yet, people still speak of ‘going to the forest’ when they visit their swiddens or gardens. People transform forest to swidden plot (*pumonean*) by cultivating bamboo, sago, coconut and fruit trees. Part of *pumonean* may be reserved for a hut and raising pigs and chickens. Since the 1970s, people have started to incorporate subsistence plants and commercial crops such as patchouli oil, cloves, and cacao in the initial years of swidden establishment (*tinungglu*) (Ave and Sunito 1990, WWF 1980). As all Mentawai territory has been named and claimed, physical attributes (wet, swampy, hilly) and the character of vegetation (primary forest, secondary forest, mangrove, swidden) are less important for determination of land tenure status, which is determined by particular claims derived through an assemblage of ancestral stories. The next section will show how ancestral stories are told to arrange claims.

3.2. Multiple Land Claims and the Law of Ancestors

When I asked who are the owners of a piece of land in Muntei, I never received unambiguous answers or a fixed picture of its boundaries; I was flooded with stories of interpersonal or intergroup relationships, events and exchanges. Claims of ownership were determined by and embedded in a set of ancestral stories. Ancestral stories not only explain why clan and place come into being (Tulius 2012; Reeves 2001), but also reveal aspects of identity, group affiliation, changes in landscape, migrations, important events, and power dynamics. The story of land in Muntei was particularly complex because as I have briefly explained in Chapter 1, it was not *pulaggaijat* but a vast *onaja*. It was not a valuable place because people were afraid to stay there. The discoverer(s) of Muntei did not settle in Muntei and their descendants have been living elsewhere. When I asked some informants about particular genealogical relatedness and land claims in Muntei, I received a dozen versions. Recounted below were a number of ancestral stories important for this case study.

Here a man from Samongilai-lai called Aman Colak (45), living in Maileppet village with claims on Muntei put his story:

Samongilai-lai ancestors were living in Simatalu. Some of them moved from there after killing Sapoka men because of pigs. After migration, each ancestor established a family [in separate places] spread all over Siberut. One of the ancestors, si Pajorot, went to Cempungan in the north and stayed for a while in Saibi. When he dwelled in Saibi, he killed Sanene men and moved to Maileppet. During his journey, he discovered land from Beat Torongai to Muntei to Bat Mara. He had a lot of land. Pajorot had many names, including Pana Jojok. Pana Jojok killed a Satotou man and his child in Silangok's house. Because he was always making trouble, he lost most of his land and moved to Sipora Island. Silangok did not settle in Muntei either. Silangok asked their brother-in-law, a man from Sakerengan Leleggu, to steward his land. The discoverer and the owner of the land had gone. Now Sakerengan Leleggu men claimed it and had sold most of their land in Muntei. (interview on 11 November 2014)

Aman Loli (49), a man from Satairakrak living in Katurei village tells us his clan's version:

Si Bomata, our prominent ancestor, discovered land from Bat Majobulu to Mailepet, including Muntei. He walked from Simatalu through Sarereiket and ended in Maileppet. One of his brothers stayed in Saliguma, the other moved to Katurei. He was killed in Majobulu. The killer buried his head in the ground where a big durian tree stood. The killer was the ancestor of people who now possess land in Sabirut. We do not tell you who. You will know. We had been preparing a forum to talk about land. We suffered for a long time that our ancestor's killer sold land and got a lot of money. We will put our story and take the land from Muara to Muntei until Majobulu. (interview on 4 December 2014)

Aman Yati, a 53-year old man from the Satoleuru clan, now residing in an upstream settlement, Matotonan, explained his version:

The discoverer of land from the mouth of Sabirut River to Muntei to the mouth of Silaoinan River was Sakaelagat, a famous ancestor from Simatalu. He moved to Sabirut with his daughter. Do you know the popular shaman song about bat Maelagat [the river of Elagat]? I tell you, Bat Maelagat is the Sabirut River. The song was a proof that our ancestors discovered land in the left and right side of Sabirut. Later, later, later.... a man from Samongilai-lai group killed him and took his daughter as wife. People said that the killer was Panajojo. We doubt it. Boga, the ancestor of Sabeleake actually shot him with an arrow. His graveyard is located in *Ratei Simataluna* near Rokdok. Sikaelagat gave land to four *uma*: in Sakkelo to Sakerengan Leleggu, in Mongan Labo to Saurei, in Bat Mara to Sapojai, and in Muntei to Sabulat for cleaning the house (*pulogobat uma*) after a killing of Satotou men. Because Sikaelagat had no son, many people took his land. They have sold it to migrants and did not tell us as the owners. We are the descendants of Babatuat, the brother of Sakaelagat. We are looking for the killer of Sikaelagat and want to reclaim our ancestral land (interview on 3 January 2015).

Aman Silas (55), a man from Saruruk living in Muntei from a clan with no land claim in Muntei settlement told me:

As we know, Sibekeilagat discovered this land. But he was mysteriously killed. We don't know who were the killers. I have heard from Sabeleake men the story about killing, but I doubted it. Muntei was not an important place in the past. People were afraid to stay here. This is an open place, a gate for headhunters from the North. Old people climbed hills in Muntei to check for headhunters. People just made a pig farm here. Sago was plenty and grew well. People now struggle for land in Muntei because the ancestral story of the owners is not clear. Whoever has strong powers can claim land. If you have backing from

the village head you will win your claim. In my experience, we lost our land in Bat Mara because the hamlet head supported our rivals, Sabeleake. (interview on 22 December 2014)

Aman Lika a 40-year old from Sabulat clan, the descendant of Silangok described his story:

We did not know the story of land in Muntei until our relative from Satoko clan told us. That is our mistake. My generation no longer listens to old stories [*pumumuan*]. It's a pity because it cost me a lot. I bought land that was actually owned by my clan from other people. Now land in Muntei has been sold and we just got the rest. Anyway, I personally don't care. We got the land through a bad way. I am not sure that we can keep the land. (interview on 13 November 2014)

Initially, I was interested to find the true owners of land in Muntei. After three months' inquiry, I did not find any clues about who would be regarded as the true claimants of Muntei land. I learned that claims and counter-claims, stories and counter-stories are all statements about identity and social relations. Ancestral stories are a repository of claims where people can manipulate them to strengthen claim while rejecting others'. Competing versions of ancestral stories are familiar. The determination of a clan's identity and the narrative of its origins are deliberately constructed in order to create an 'ideology of difference' (Reeves 2001c). The narrative of ancestral stories told by a clan is shaped by opposition, complementarity and mediation (see Chapter 5) of other ancestral stories told by other clans. The core business of claims appears to be finding the 'truth' about social relations. However, unlike the purpose of state-law or other modern property institutions, truth is not the goal. Sorting claims and determining who owns land is important, but not the final destination. Each claimant uses narrative truth-claims as a tool for building social relations with allies and consolidating group solidarity, notably marked by rituals and the establishment of social alliances. Ancestral stories and multiple claims deliver 'truth' which reconfigures social relations and rituals rather than enunciate the 'truth' of ownership as an independent outcome. The principle behind the operation of this kind of customary law is not simply enacting a rule and giving justice, but enabling the community to reassess their identity and social relations.

Relatedness through kinship or genealogy, exchange, gift or compensation and

mythological/historical accounts provide the bases of land claims. Multiple waves of migration, head hunting practices, and regional residence provide sources of claims, while contemporary power structures insert new interpretations. In the quotes above, current economic interest ('they sold land to migrants') and contemporary political powers ('the hamlet head supported our rivals') show that claims can be supported by new economic and political institutions. The interplay between various sources of claims can be complicated, especially when different groups and persons put forward different claims. Therefore, the truth claims of ancestral stories cannot be taken for granted. They vary along spatial, historical, social, economic, and political lines. Assembling these diverse accounts generate a range of potential grounds of validity claims. While the basic structure of the narrative is widely acknowledged and names of places and ancestors may be clear, each clan has different perspectives and versions. Each version of these ancestral stories reflects a kind of interest or value, and the changing valuation of things inevitably transforms ancestral stories. A statement about a plot of land is always changing, depending on the context, audience, and political power at stake.

Most land disputes appeared because many clans claimed the same land. In that case, they had to show the boundary of the land and clearly tell how that boundary came into being. Physically they referred to the small rivers of the valley or other natural features to provide evidence; socially, they employed stories of social relations and events. Agreements and conflicts usually remained unresolved and were bequeathed to future generations. When there was no general consensus, they preferred to abandon the dispute for a moment, avoiding harsh hostility or open conflict. A stronger clan may put its claim into effect by making a fence, cutting trees as a sign (*ginegei*) of claim, or planting fruit trees. They also may use supernatural forces to make rivals sick. Otherwise, disputes do not necessarily change existing access to land. A clan or person who won a claim may leave the rival to use it as usual by saying "they are our family too, their children are "our nephews" and need something to eat." The disputing parties who seem to have lost their claim may tolerate their opponents exploiting the land and wait for the right moment to reassert their claim. A new agreement or consensus also does not always have immediate impact. Conflicts are latent and will appear when a new claim is proposed or land

becomes valuable economically or other external valuation enters into it. The changing site of power also could break the conflict. For example, when a member of disputing parties holds power as head of a hamlet or village, he can use the state apparatus (police) to intimidate his rivals. When a dispute arises, the whole set of stories—from early to recent generations—will be collected and put at stake.

These embedded claims and ancestral stories suggest that ancestors (*saukkui*) are the true claimants of land where their spirits and those of their descendants reside. Ancestors and living descendants are axes of land relations. The ancestors are always invited during rituals to tell the boundaries and to ‘punish’ persons or groups that claim another clan’s land. The ancestors are the law, the ‘sources of blessing’ (Schefold 2001) and punishment for all persons within the group and others beyond. Manipulating ancestral stories is not uncommon and many people create them for their own group's benefit by reconfiguring social ties with other people. None can prevent this manipulation (or 'reinvention') because the stories require not only particular knowledge and imagination about past social relations, that are compatible with contemporary relationships, but they also need blessings from the ancestors. Therefore, reinterpretation/reinvention of stories requires a deep knowledge about the genealogy of clans and the relations between them. The ancestors would send sickness (*oringen*), even death, to those who are greedy and make ‘fake’ claims in order to possess land and sell it to others. Customary law is embedded in the supernatural law overseeing reciprocal relations between living persons and ancestors. Since the perspectives of ancestors are different from those of humans (Hammons 2010) and common perspectives of persons and ancestors are built on negotiation during rituals, the certainty of ancestral law cannot be assured. Law is embedded in spiritual mediation and social identity and must be negotiated through *puliaijat* (ritual).

Although Muntei residents sometimes become frustrated with the absence of consistent rules or legal certainty, they believe that complex claims and ambiguity can in principle be settled through (*tiboi polak*), a dispute management forum in which the story of land is ideally settled by consensus of all disputing clans or persons as will be examined in Chapter 5. Muntei villagers recognize that access to

land is provisional, gained from previous generations and from other clans or persons. The security of access to land and objects on it are ensured by social practices which have been formed on the basis that all claims are legitimate and can be accommodated because all Mentawaians are related to each other by exchanging gifts and sharing rights to ‘eat’ (*kokop*)—the basis of a kind of ‘ethic of access’ described by Peluso (1996). They neither need to produce a coherent rule nor systematically regulate access and rights because the nature of land relationships worked and reworked through negotiations with ancestors and other clans. The arrangement of customary rights is adaptive and flexible. Customary tenure practices are manifested and illuminated in contested claims, giving clans and persons room to maneuver to assert their claims. The processes for contestation of claims and stories are closely linked with the landowner’s relative and fluid status in an egalitarian setting, the subject of the next section.

3.3. Land and Claims of Ownership

A landholder’s status lies in the concept of *bakkat*, its literal means ‘trunk’ (Schefold 1991), but also has a figurative meaning of ‘source’, ‘root’, ‘stem’, ‘base’, ‘origin’. This echoes the concept of precedence in the Austronesian-speaking world (Fox 1999; Fox and Sather 1996). Mentawaians distinguish between *sibakkat polak* (those who own the land) and *sitoi/sioiake* (those who come later). Despite the fact that *sibakkat polak* may casually be attributed to a man, it tends to be properly applied to descendants of discoverers of land in totality rather than to an individual person. Only as a member of the *uma*, whether born into it or by adoption, does a man have the status of *sibakkat polak*. There is a discussion as to whether the *uma* is the largest kin-group and effective landholding unit. Anthropologists have debated whether *uma* or *muntogat* is the highest social unit related by descent from a common ancestor (Nooy-Palm 1968; Schefold 1991; Reeves 2001c; Hammons 2010, 14). This is not the place to discuss the complexity of social institutions at length, but I would argue that the boundary of *uma* and *muntogat/rak-rak* as the fundamental landholder unit is not easy to define because corporate groups could be established by blood, alliance

or adoption.¹⁴ *Uma* has a double character: as an autonomous social unit with significant socio-political autonomy, and as a pool of genealogical relations that are collectively defined and reinterpreted. The dual character of *uma* affects land ownership, in that all land discovered by founding ancestors (*punu teteu*) of several kin groups belong to all their descendants, and particular land discovered/acquired by an ancestor who established a particular *uma* belongs to the relevant sub-group of descendants.

The highest status of landownership is *sibakkat polak* where claims originally derive from the act of discovery or the practice of occupation and cultivation of unclaimed territory. Therefore, descendants of an ancestor who claimed *polak sinesei* are referred to as *sibakkat polak* whose status is the primary basis for reckoning 'precedence'. The term *bakkat* meaning 'origin' or 'base' that precedes the newcomer has the same semantic implications of succession and continuity as described for the Austronesian context (Vischer 2009). The memory of who were the original landowners remains the starting point when Mentawaians try to reiterate or configure the status of current land rights through ancestral stories. The descendants of the land discoverer are called *sibakkat polak* even if it does not necessarily mean they are the actual land owners. The second category of landholder is *sitoi*, literally meaning 'who come (later) into another's territory', whether a clan or person who has been living on or cultivating the land of *sibakkat polak*.¹⁵ *Sitoi* can cultivate *sibakkat polak*'s land after asking permission or paying *pulajuk mone* (fees) but they cannot claim title or exchange or sell it to other clans or persons (Table 3.2).

Despite the emphasis on political equity, there is clear identification of a relative hierarchy among Mentawaians in regard to land ownership. The status of *sibakkat polak* and *sitoi* implies asymmetrical political positions, because *sitoi* as land-takers are always indebted to *sibakkat polak* as land-givers. Land ownership is an important resource for patronage. In this way *sibakkat polak* can always claim 'I/we help *sitoi*'. However, the hierarchy is relative, precisely because a clan is landholder in one

¹⁴ The establishment of kin groups is highly flexible. Mentawaians allow non-Mentawaians to become members of *uma* as in the case of the Satoko clan (Tulius 2012:126). And if they are large enough, they may establish a particular sub-group.

¹⁵ In other dialects *sitoi* is called *sioiake*.

settlement but they would be *sitot* when they reside in another settlement. This relative hierarchy has prevented the status of landholder from becoming too powerful and also maintained the flexibility of access. The asymmetrical political position of land-givers and land-takers is also obscured by the fact that *sitot* are not landless: they are *sibakkat polak* in other *pulaggaijat*. For example, members of Sabulat are *sibakkat laggai* in Muntei but their relatives or sub/kin groups become *sitot* in other villages. Otherwise, *sitot* in Muntei are in fact *sibakkat polak* in other places. Cross-cutting land relations and identity mediate social, economic and political ties and vice versa. The status of *sibakkat polak* might be recursively changed when *sitot* could bring new stories and convince others that the land belongs to their lineage. Since all Mentawaians are both *sitot* and *sibakkat polak* and they know each other in the settlement, *sitot* do not need to ask formal permission (particularly in the period prior to the arrival of cash crops). In return, *sitot* are expected to take care of the land and to be *sibakkat polak*'s allies.

Table 3.2. Landownership Status in Siberut

Status of Ownership	'Rights'	Obligation	Who can acquire this rights
<i>Sibakkat polak</i> (Owner of the land)	Using, exploiting, converting to swidden, transferring, alienating to other clans or persons	Contributing to rituals, maintaining solidarity, and the wellbeing of the kin-group (<i>uma, rak-rak</i>)	Member of <i>uma sibakkat polak</i> , adopted family
<i>Sitot/Sioiake</i> (Newcomer to other's territory)	Using, planting, gleaning ripe and fallen fruits (e.g.) durian, acquiring the status of owner after paying compensation to release rights (<i>pangumbek</i>).	Asking permission and making social alliance with <i>sibakkat laggai</i> ; Giving compensation/'purchasing' price to <i>sibakkat laggai</i> ;	Any clan/person, or outsider, including non-Mentawaians who pay compensation before cultivation (<i>pulajuk mone</i>) or after they pay <i>pangumbek</i> (release fee)
<i>Sipasijago polak</i> (Steward of the land)	Cultivating, extracting non-land resources and forest products; granting permission to third parties to cultivate.	Stewardship over the land; defending <i>sibakkat laggai</i> in land disputes; maintaining a good relationship with <i>sibakkat polak</i> , not able to claim ownership either by exchange or selling the land to a third party.	Any clan that has a strong social bond and alliance; Maternal clan or clan/person that has affinal relationship.

The egalitarian order and the relativity of landholder status tend to produce solidarity and cooperation and their opposites, rivalry and competition at the same time. The relativity of ownership produces a relation of dependence. Any break in social relations might lead *sibakkat polak* to unilaterally withdraw *sitoi* access. When *sibakkat polak* intend to transfer land to a third party that offers a high purchasing price or compensation, they could ask *sitoi* to leave their land. However the dependency is not one-way. With *sibakkat polak*'s claim depending on the support of *sitoi*, cultivation can be used as an important source of claims against rival claimants. The importance of good social relations encourages *sibakkat polak* to ask *sitoi* to steward their land (*sipasijago*) with rights to use, extract and collect resources, share the land or allow other clans to use it, although they cannot transfer land to other parties without *sibakkat polak* consent. When *sibakkat polak* wanted to transfer land, *sipasijago* can acquire full ownership over a plot or other part of the land they have cultivated. However, if *sipasijago* transfer part of the land without the *sibakkat polak*'s consent, their access could be unilaterally withdrawn and *sibakkat polak* might ask compensation for this misconduct.

Claims of ownership are best understood as political rather than economic issues and are perceived in terms of sovereignty rather than property. In other words, the importance of ownership represents the temporality and spatiality of the socio-political status of land givers and explains the 'creative' tension associated with the ambiguity and (un)certainly of land claims. The ambiguity of claims and uncertainty of landholder status are not a serious problem from a Mentawaiian perspective because generalized reciprocal relations within clan and balanced reciprocity between clans (Hammons 2010) ultimately structure land rights, the subject of the following section.

3.4. Reciprocity and Access to Land

Rights to land automatically follow the status of a person as a kin group member, whether at *uma* or *rak-rak* level. Access and other rights to *polak teteu* have been passed from male ancestors to male offspring. A member of *sibakkat polak* can use

land while father, grandfather or great-grandfather is still alive and regard their cultivated land as their own. He can cultivate land freely and technically, without permission from the rest of the clan. But if he wanted to transfer the land without the objects on it, he needs agreement from all men in the *uma* and any compensation and purchasing price of land transfer must ideally be shared equally among all male right holders. A clan with no more male descendants cannot transfer the land. When the last man in a clan dies, land reverts to the corporate group. The arrangement of land access within the group could be very flexible. The main factor, which contributes to the flexibility of man-land relations, is the rule of generalized reciprocity within *uma* (Hammons 2010) and its association with subsistence modes of production. Generalized reciprocity occurs among persons who have been socially and spatially located close to each other (Sahlins 1972, 193); it is exclusively practiced among members of *uma*. All *sipauma* are theoretically connected through blood ties (Loeb 1928; Nooy-Palm 1968; Schefold 1991), and property sharing, especially of food-related items, is an obligation (Hammons 2010, 20). There are also cultural mechanisms to incorporate other persons/families by adoption and or by establishing a new clan by two or more autonomous clans.

The *uma* is the most relevant social unit in terms of production, as a source of labour and landholding (Schefold 1991; Hammons 2010), hence individual production has to be contributed for the continuation of the group. The structure of the *uma* can only be maintained through generalized forms of reciprocity in land access. Each individual household (*lalep*) is free to cultivate *uma* land without formal permission, with a culturally accepted reciprocal obligation of each producer to share. The denial of equal access to ancestral land, in which a kinsman invested his labour and provided various goods and services to a kin group, may bring internal conflict and lead to separation from the *uma*. Thus a political equity principle is another factor that contributes to the flexibility of land relations. There is no norm that allows a member to exclusively claim individual rights and declare property distinctions because it would generate a political hierarchy based on land appropriation and might threaten the solidarity of the group.

While land was claimed at *uma* or corporate group level, production actually takes

place in the hands of *lalep* (households) on behalf of the group. Individual *lalep* have a kind of autonomy to enjoy the fruits of their labour. During my research, informants said ‘this is my land’ and ‘this is our land’ interchangeably when they referred to their swidden plots or trees on the clans' land. They often used the singular noun (I, my) to assert their claim. Although individual claims on land have consequences for land fragmentation, the statement of personal possession cannot be taken for granted as equivalent to the concept of exclusive ownership. When a man expresses an individual claim, he usually refers to a cluster of cultivated land in which he and his kin-group make swidden so they can spend time together on cultivated land. Mentawaians rarely exchange labor or work for one another. An adult man may help his brother or brother in law to open uncultivated land or build a canoe from the forest or erect a house. Even though they do not cooperatively work in their swidden plots, there is a general pattern that a clan establishes a cluster of family swiddens, giving a sense of safety and togetherness. This sense of collectivity is important especially because their swiddens are usually far away from the settlement. A cluster of swidden plots is preferable because they can harvest fruit collectively in *rura* (great harvest) season, the only time when exchange labor from the member clans is crucial.

After several generations, claims to land by individual *lalep* might complicate wider land arrangements. *Uma* expand as the sum of labour invested on land from previous generations (father, grandfather, and distant ancestors) does, and so individual *lalep* rights have to be acknowledged and recognized. However, there is no perceived contradiction in this complexity. A common interest between members of a group (*sipauma*) as users, *uma* as a land holding unit, and *rak-rak* or *muntogat* as a corporate group ensures and maintains the flexibility of land arrangements. In that sense, individual interests are assumed to be identical to clan interests partly because the purpose of labour investment and production is ultimately to maintain the unity and solidarity of the group. Generalized reciprocity aligned the interests of individual *lalep* within clans as well as with all members of larger corporate groups. As long as *uma* could retain the claim to land and show genealogical relatedness to other clans, individual *lalep* automatically retain access to their land. Although each *lalep* has cultivated land and the objects on land are exclusively for their own use, the land is

not always regarded in the same way. Most ancestral land is seldom cultivated, a condition that makes the division and fragmentation of land among individual *lalep* unnecessary. This setting contributes to the persistence of land as collective clan property. Even when land cultivated by individual *lalep* is inherited by their sons, it is still regarded as unitary ancestral land and a common pool for all descendants of common ancestors.

Rights to land are vested in different layers including individual *lalep*, *uma* and *rak-rak*. The boundary of claims is fluid in the determination of which layers would be emphasized (*lalep*, *uma*, *rak-rak*) depending on the amount of labour, which part of the land, how long it has been under cultivation, the contribution of the individual, and the purpose of a claim. Individual claims might be stronger and clearer for the first generation of land cultivators than for a person who acquired land through inheritance, but as a matter of principle, all social and genealogical relatedness has to be counted when claims are considered. A man is part of kin group (*uma*) and corporate group (*rak-rak*); individual identity as head of *lalep*, member of *uma* and *rak-rak* are not clearly distinguished; individual claims over cultivated land can be accepted, but the status of individual land as clan's land could not be treated as separate or subordinate. This explains why *lalep* swidden could be reverted to *rak-rak* or *uma* property and would become ancestral property for all male descendants and consequently inherited as part of the ancestral pool. People understand that they all 'borrow' land from their ancestors. "The sweat and blood of our ancestors fill this land. It cannot be divided and owned without their blessings," they say. Land is a kind of commons, a pool of inherited ancestral land cultivated by all descendants.

While generalized reciprocity guided internal relations *within uma*, balanced reciprocity (Sahlins 1972, 194-95) rules the relation *between uma* (Hammons 2010, 60) and certainly land relations. Balanced reciprocity was a necessity because, as I have explained, most of Mentawaians live on other clan's land: *sitoi* need a plot of land from *sibakkat polak*. The difference between generalized reciprocity within *uma* and balanced reciprocity between *uma* is illustrated by the terms they use for land. When a member of a group wants to cultivate land, they do not need to ask formal permission: 'Polakta simakerek', the land is ours. The word *simakerek* (the same,

together, unite) means share (Hammons 2010, 34). In contrast, access to other clan's land is only obtained after permission and *paroman* (a fair exchange) (Reeves 2001a). *Paroman* is always enacted by different persons from different clans and represents balanced reciprocity. This type of reciprocity is established through several social alliance institutions, including marriage (*putalimogat*), peace rituals (*paabad*), 'friendship' (*pasiripokat*), and rivalry (*pako'kat*).

Once a gift exchange occurs, other exchanges will follow. Gifts exchanged between clans are not always consumed and mostly circulated. Land, as a gift, is not consumable. This explains why a single transaction of a gift to build a social alliance is important. One example is the case of the payment of bride-wealth. Marriage ritual involves a single one-off exchange and for this reason, Reeves (2001a) and Hammons (2010) argue that the wedding ceremony is not an important alliance. In contrast, I argue that even a single transaction of exchange has to be recognized as a pivot in the complex and constantly changing matrix of relationship between clans. Reeves and Hammons ignored the fact that bride wealth involves items that are rarely paid through a single transaction but instead a series of payments made over many years. They also overlook the circulation of items of bride wealth from one clan to another. The movement of access and rights to land is part of ongoing exchange networks, and must be considered in this light.

Since clans were initially distant in spatial and social terms, giving and taking access to land required objects of exchange. Land is an object of value and can be used as an object of exchange. From the perspective of *sitoi*, taking land is a must because they have to cultivate land in order to live. As in balanced reciprocity, exchange is emphasized rather than giving, and returning a gift in immediate time is expected in socially distant transactions (Sahlins 1972, 195-8). To get access, *sitoi* may give compensation of which there are two kinds. If *sitoi* ask permission to gain access to uncultivated land and they offer compensation, they pay *pulajuk mone*. Literally meaning opening swidden, *pulajuk mone* is paid in advance before *sitoi* use the land. If *sitoi* have cultivated the land before and ask to possess the land, they can pay *pangumbek* (release fee). Derived from the word *ubbek* (stop, end), *pangumbek* means releasing a claim from a previous claimant. *Pulajuk mone* and *pangumbek* are

not the purchase price but compensation for gaining access for *sitoi* or transferring rights from *sibakkat polak*. *Pangumbek* can also refer to compensation for their labor and cost of food consumed during work on the land. However, compensation is not necessarily paid immediately. *Sitoi* pay *pangumbek* when they are ready to give livestock (pigs, chickens) or valuable objects (machetes, mosquito nets) to *sibakkat polak*. Other objects such as canoes and houses also can be used to pay *pangumbek*. The payment of *pangumbek* is always initiated by *sitoi*. It may take two or three generations to pay it off. The availability of land made it easier to give access to cultivate land than taking/asking a gift in compensation, which may not be formally arranged or specifically determined.

Even though visible land transfers are typically established by four social institutions, not all access to land is established in 'ritual/formal' ways. Patterns of social relations to obtain and maintain land access are subtle and mundane, working almost unquestioned or remaining informal. Frequent gifts exchanged within a web of reciprocal obligations ensure that *sitoi* can maintain access to land. Inviting *sibakkat polak* to rituals (*pulijiat*), sending a bucket of hunting meat, allowing others to harvest sago or fruit trees are examples of reciprocal relations that ensure access to land without giving *pangumbek* or formalizing social alliances through a big ritual. Even a casual story about land is considered as a gift (Hammons 2010, xiv). The mundane and piecemeal gift circulation can be referred to as practical kin or kinship in practice (Bourdieu 1977). *Sitoi* and *sibakkat polak* do not necessarily have biological ties to create practical kinship, but they share labor, access to land, and maintain good social relations. Notably *sitoi* have to actively reproduce and reconstruct relations that enable their group to retain access to land. Access to land from other clans is a 'field' in Bourdieu's terms, where *sitoi* activate social relations and *sibakkat polak* engage in them. Since the social relations and practices between *sitoi* and *sibakkat polak* are flexible and fluid, access to land is considerably flexible. Access is created by "structured improvisations" (Bourdieu 1977, 14). *Sitoi* generate different schemes and plans that are expected to last and are durable. However, as any particular claim is never fixed, access to land is also never stable and permanent, and may come under question at any time.

3.5 Conclusion

This chapter describes the way Mentawaians arrange social relations and practices to put forward claims, to gain access, and to maintain rights. This chapter provides a synchronic account of how social practices and relations determine land access. Access and rights to land are arranged through vertical social relations with the ancestors and horizontal social relations with other clans. Reciprocity structures both social relations making access to land flexible and fluid depending on the practices of gift exchange. Vertical and horizontal relations I have described in this chapter illustrate a dialectical approach, focusing on the interplay between individuals within groups, among groups, and between claims and stories. While I emphasize the flexibility of land relations, mainly because the force of reciprocal relations structure land access and rights, it does not necessarily say that this situation is in equilibrium. This chapter cannot explain change and the dynamic of land relations in the contemporary period, which requires us to examine external forces that dramatically altered the use and valuation of land. To fully grasp the dynamics of contemporary land relations, the next chapter will explain the transformation of reciprocal relations as Mentawaians have become incorporated into a wider socio-political and economic sphere.

Chapter 4

TRANSFORMATION OF LAND RELATIONS: THE CHANGING DYNAMICS OF SOCIAL EXCHANGE, PRODUCTION AND SOCIAL INSTITUTIONS

This chapter examines the transformation of land relations in Mentawai. While chapter 3 explains the way Mentawaians arrange access and tenure rights to land through reciprocal relations, this chapter examines how reciprocity has been reconfigured and transformed in specific historical contexts. I outline three different social contexts constituting dynamic land relations over time: the emergence of concentrated multi-clans settlement (*pulaggaijat*), the transformation from subsistence to cash crop production, and the formation of individual *lalep* (household) as a landholder unit. The first section of this chapter describes how *pulaggaijat* configures balanced and generalized reciprocities within and between clans and introduces the principle of locality beyond kinship. The second section analyses how cash crop production transforms land valuation and triggers land privatization, introducing the importance of exchange value. The last section examines the impact of resettlement projects to the formation of *lalep* (household) as a landholder unit. By contextualizing land relations in a specific historical context, my analysis does not take informants' statements for granted and avoids presenting an idealized "ethnographic present" as "truth". The analysis of land tenure has to incorporate specific social relations as they engage with the sphere of production and constellation of external forces (Ferguson 1994, 138; Ellen 1977, 70).

4.1. *Pulaggaijat*, Land, and Relations of Exchange

The term *pulaggaijat* comes from the word *laggai* meaning 'the trunk of the river-stones' (Schefold 2001, 367). It has the figurative meaning of 'base', 'place to settle' and refers to the original place of settlement of a particular group. Hammons (2010, 163) notes that *pulaggaijat* is identical to ancestral land. People used to relate a particular *uma* with a particular *pulaggaijat*. Hence, *sibakkat polak* and *sibakkat*

laggai mostly refer to the same group. In a general sense, *pulaggaijat* is identical with the original houses and settlement of a group that claimed land. However, I argue that *pulaggaijat* is never homogenous, despite the fact that *sibakkat polak* was, in the past, generally the dominant group in the settlement. Headhunting practices and exogamous marriage force clans to build social alliances and incorporate people from other groups to settle in *pulaggaijat*.¹⁶ It can be said that *pulaggaijat* is a settlement where *sibakkat polak* dwelled together with their allies.

The emergence of *pulaggaijat* as multi-clan landholding groups was linked to the necessity of social alliance during the later stage of clan migration when people could not discover new unoccupied land. Since there was no more land to be discovered and claimed, migrating groups had to dwell on the other clan land. Another factor constituting *pulaggaijat* as multi-clan settlements is the rule of exogamy. This norm forces a man to find a woman from another clan. Good relations between wife-givers and wife-takers can only happen if they are on good terms when they negotiate and exchange bride wealth. They have to ensure that the payment of bride wealth would not generate tension and conflict. Within *pulaggaijat*, wife-givers and wife-takers from different clans know each other's property and this provides a good start for negotiation (Hammons 2010).

The establishment of *pulaggaijat* as multi-clan settlements implies that a dwelling place lost its genealogical homogeneity. Living in multi-clan *pulaggaijat* forced Mentawaians to build different types of reciprocal relations. Land disposal had become common practice in *pulaggaijat*. However, the necessity for land exchange within the *pulaggaijat* did not undermine the social embeddedness of land relations and did not establish land as commodity. Even though the transaction of land was permanent, somehow translated as a sale (*saki*), it had to be mediated by a fair exchange institution (*paroman*) (Reeves 2001a). Since *sibakkat laggai* and *sitoi* did not have close genealogical affinity and were initially distant spatially and socially, the common relationship had to be established by the exchange of a gift. The gift

¹⁶ The exogamy principle obviously means *pulaggaijat* is never homogenous. However, there is a mechanism to incorporate women from other clans into the kin group of the husband's clan. In the marriage ceremony (*pangurei*), the wife is ritually inducted to become a member of the clan even though she would return to her original clan when widowed or divorced.

arrangements were discussed, through social alliance institutions. In this sense land transfers in the traditional context were closer to the concept of gift exchange. Therefore, alienation of land in *pulaggaijat* was never possible in purely economic terms. On a grand scale, the disposal of land in *pulaggaijat* was traditionally through the *paabad* (peace ritual), and occasionally followed the payment of bride wealth, while on a small scale, the right to cultivate land was mainly granted through the *pasiripokat* (friendship) institution and withdrawn upon relations of *pako* (rivalry).

Pulaggaijat and locality

The most significant shift of social relations related to the establishment of *pulaggaijat* was the emergence of two distinct and in some contexts opposed principles: genealogy and locality. Balanced reciprocity enabled a clan to build social alliances with other clans through land exchange. This profoundly extended and complicated access to land by expanding horizontal relations (affine, friendship, alliance) into the vertically structured relationship (genealogy) that customarily represented the primary principle underpinning Mentawaiian social structure. Horizontal relations introduced a sense of belonging to place and inserted the partly distinct principle of locality into genealogy. It implicated the element of collectivity based on settlement beyond genealogical homogeneity. Eventually, the principle of locality subdued kinship relations and allowed the establishment of a unified *uma* that was not based on blood relations.¹⁷

The establishment of *pulaggaijat* as concentrated multi-clan settlements appeared as pressure grew for more fluid land arrangements than was once the character of early single-clan *pulaggaijat*. *Sitoi* sought long-term access for their swidden plots to ensure they would be able to enjoy their labor investment and that fallowing lands would be protected. When land was abundant and a sense of scarcity was absent, land access was not difficult (Dove 1993; 1985; Cramb 2007; Peluso 1996). Around *pulaggaijat*, uncultivated land was plenty. Access to land was always granted informally to affine and allies and newcomers as long as they were not in a state of

¹⁷ For further elaboration of the concept of the corporate group, established through social affinity, see Reeves (2001c).

rivalry (*pako*). The availability of land and the necessity of social alliance allowed *sitoi* to use uncultivated land with informal permission once they decided to stay and cultivate land in the *pulaggajat*. Since everybody practically knew what others were doing in *pulaggajat*, a simple action (clearing bush, planting fruit trees, making fence) was enough to let *sibakkat polak* knew the purpose and intention of *sitoi*. Rights to cultivate land were held by *sitoi* as long as they had no serious conflict with *sibakkat polak* and did not engage in unacceptable conduct that threatens *pulaggajiat* order, such as sorcery or sexual assault.

Through balanced reciprocity and social alliances, a single unit of ancestral land in *pulaggajiat* had to be divided into individual plots for exchange with *sitoi*. The use value of land in which individual production for the common good of maintaining the solidarity of the kin group was converted into exchange value in which the value of land could be equal to four pigs or ten machetes.¹⁸ This led to the emergence of “horizontal division of resources” (von Benda Beckmann and Taale 1996, 11), a phenomenon where the ownership and rights to land and objects on it are different. While land might still be claimed by *sibakkat polak*, objects on it such as individual houses, gardens, swidden plots, sago, and coconut trees were planted and owned by ten to hundreds of individuals from several clans. This generated multiple layers of arrangements over land and the objects on it. Access to a parcel of land and various fruit trees, sago or taro gardens might be divided among different social units. A plot of land might be part of larger track of Clan A’s land, the durian trees might be owned by a member of Clan B while clove trees might be claimed by a member of Clan C, and sago stands belong to Clan D.

The horizontal division generated a rather fixed status of land and objects on it and status of persons (*sibakkat polak*, *sipasijago*, *sioiake*). The horizontal division of land also introduced the concept of ownership, when a person or a clan has autonomy to exclude others from access to their land. Rights to prevent others from access to their land were not fully applied since others could cultivate fruit trees on the owner's land

¹⁸ As I argue throughout this thesis, exchanging land for valuable objects does not make land a fully-fledged commodity (Marx 1970, 42). Again, all land exchange depends on the nature of relations among parties and on the particular events of exchange.

as long as the cultivator did not claim the land. The concept of ownership as result of complementary and conflicting rights attached to land came into being from the necessity of *sibakkat laggai* to keep their ancestral land and *sitoi* to keep their access and rights to use other clan's land for the long term. Interestingly, the emergence of private claims (at *lalep* and *uma* level) did not make land the most valuable resource. Fruit trees and other objects were more valuable than the land itself, implying that the valuation of land as collective property of *uma* or *rak-rak* still persisted. Why didn't exchange make land into the most valuable resource? Why did the elaboration of rights among and between social units (individual, household and kin group) and along social identities (original owner, newcomer, steward) not transform the land into a full commodity?

Perhaps the answer could be interpreted through the fact that, access to land in *pulaggaijat* did not require formal recognition and immediate compensation, partly because land was abundant and not considered as a scarce resource, hence lacking a marketable characteristic. Moreover, the exchange of land never happened among persons who did not know each other. In this sense, social relations were put first in the arrangement of land access. What we regard as legal implication in the term 'land tenure' was actually a broad social metaphor or general agreement on how persons communicate, behave, conduct, and the like. In this sense, the rule in land relations was not a fixed legal order but more or less a commonly held vision of what is proper for a particular person as well as community as whole (Geertz 1983, 210). Therefore, the term 'rights' in practical Mentawaians' land relations is somewhat removed from its common definition as an enforceable claim requiring legitimacy from a social political institution (Sikor and Lund 2009) but is closer to the concept of propriety in legal pluralism.¹⁹

The persistence of a social definition of land transaction could be traced from the expressions they used for transfer of rights and access. A *sitoi* who wanted to acquire rights to cultivate a plot of land might give *pulajuk mone*, literally meaning a fee for

¹⁹ The application of a bundle of rights in a narrow legal perspective is 'sometimes inappropriate' (Ellen 1977) for grasping social relations in a society that does not consider land as fully exchangeable and where sanction and duty are defined, adjusted according to interpersonal relationship.

opening swidden plot. *Pulajuk mone* could be a machete or a mosquito net. Although *pulajuk* was ideally given in advance, I did not find that Mentawaians offered *pulajuk* before they cut the trees or cleared bush. *Sitoi* might offer *pulajuk* even a couple of years after they ask permission. When *sitoi* wanted to gain full rights, they paid *pangumbek*, a compensation to release (*ubbek*) a claim or right from *sibakkat polak*. *Pulajuk* and *pangumbek* required a fair agreement or understanding (*paroman*) in a social rather than economic sense. In this way, land could not be circulated merely for the sake of its exchange value but moved along lines defined by wider social relations, particularly social alliances and mutual understanding (Sahlins 1965, 140).

The development of exchange value

A land transaction among Mentawaians within *pulaggaijat* was rarely impersonal, and always involved balanced reciprocity. The domain of land relations remained a component of the domain of interpersonal relationships. Land transactions or the transfer of rights on land were automatically embedded in social identity and relations of persons or clans. The absence of distinction meant that relationships between persons regarding objects of value and relationships between persons and things were not divorced. This proposition supports Hammons' (2010) argument on the importance of object exchanges (gifts) in the entire Mentawaiian social order. Land property was important not only because it was the primary source of political status—consider *sibakkat polak* and *sitoi*—but also the most important property that could be given as gift and object of exchange to other people in establishing or reinforcing social bonds.

As highlighted in the previous chapter, different types of rights to land could be acquired by inheritance from a patrilineal ancestor who discovered, occupied, cultivated and claimed the land, by stewarding for the owner, as a gift establishing affinal relationships and social alliance, or by 'purchasing' rights from the owner. Signs of land as objects of exchange appeared in several ancestral stories in which it was exchanged for particular objects such as food items, bows and arrows, or other land (see Tulus 2012, 200-20). In *pulaggaijat*, land was obtained from non-kinsmen by giving purchased items. However, although people exchanged objects of value

and 'paid' proper compensation, they did not perceive the transaction as a 'sale' in the modern sense. Normally, the exchange of land had entailed social alliances, or at least friendship, together with the form of land as a gift. Centuries of horizontal exchanges involving affinity, cognation, gifts and utilities had added ambiguity to the persistence of genealogy for land claim legitimacy. In general, however, land transactions involved a much broader sense of 'common' interest than that involved in pure market exchange of a capitalist character.

Although land had been exchanged for centuries, the value of land in these exchanges had never been seen in purely economic terms. Despite the importance of land for economic functions and local subsistence production, the exchange of land in *pulaggaijat* had always been in relation to political events and social institutions through peace ritual (*paabad*), marriage (*putalimogat*), and friendship (*pasiripokat*) institutions. The exchange of land did not represent a full transformation of the relations between persons and things, but continued to express the relations between persons and groups in regards to land. Changing social relations made both use value and exchange value applicable but interdependent in Mentawaiian land relations.²⁰ Through social alliance and balanced reciprocity, the arrangement of use value and exchange value of land in *pulaggaijat* was still flexible and fluid. However, the fluidity and continuity of values attached to land became increasingly difficult to perpetuate as local production relations shifted and cash crops became increasingly important for the Mentawai economy, as I will discuss in the next section.

4.2. Shifting Production and the Revaluation of Land

The persistence of subsistence production and the role of semi-domesticated resources are crucial for understanding customary land tenure and its transformation. Swidden is integral to the Mentawai mode of production. I argued (Darmanto and Setyawati 2012) that swidden is an intermediate space in the continuum of *pulaggaijat* as a cultural, domesticated, and sociable space and *leleu* as an unsociable, uncultivated, undomesticated place. Contrasting physical and social

attributes between *leleu* (dangerous, unclear) and *pulaggaijat* (clear, safe) both exist in the swidden domain. The main characteristics of *pulaggaijat* (a house, domesticated plants and livestock) co-exist with forest trees and game, the main character of *leleu*. The distinctive feature of Mentawaian swiddens lies in their main products, the fruit trees. The fruit trees complement staple food from home gardens (in *pulaggaijat*/domesticated places) and meat from forest or fish from the sea (undomesticated place). The importance of swidden lies in the production of fruit trees for social exchange, especially in the payment of bride wealth compensation.

The cultivation of semi-domesticated trees has been an important way to maintain tenure claims over land. The term *mone* (cultivated tree) is always related to the history of migrations and a point of reference for claims. Ownership of fruit trees is also a source of social prestige. Swiddens are of secondary livelihood importance, however, since staplefoods are provided by semi-domesticated roots and tubers such as sago, yams and taro, grown in separate gardens on the banks of rivers near their settlements, while meat is rarely taken from domestic stocks, which are slaughtered mainly for ceremonial and curing rituals (Persoon 2001; Hammons 2010; Schefold 1991). While fruit trees are important for social exchanges (paying compensation and bride wealth), they are less crucial in terms of diet because, at most, they are only harvested once a year. The great fruit season (*rura*), when all fruit trees produce yield altogether, occurs only about once in three years. Some cultivated trees routinely produce fruit each year but this is not significant for daily consumption.

The lesser dependency on swidden trees for the diet can be seen from the lack of elaboration of swidden techniques. Mentawaian do not burn fallen trees, weed grass and wild vegetation, and then mark the boundaries of cultivated areas. They just allow slashing vegetation for mulching (Persoon 2001; Meyers 2003). The absence of elaborated gardening activities means greater reliance on gathering and collecting non-domesticated or semi-domesticated resources (Ellen 1999). Mentawaians do not routinely visit particular swidden plots for gardening or weeding. They may build a house near a swidden plot to stay while raising pigs or feeding chickens, but only since the introduction of cash crops do they maintain swidden plots intensively. Boundaries between individual swidden plots are not clearly determined and the

erection of a fence is only to prevent pigs from eating yams or taro. The limited elaboration of swidden boundaries generates a degree of ‘amnesia’ in regard to land history. It is difficult to find a clear and distinct claim and few persons are able to convincingly demonstrate an incontestable account of land history (*tiboi polak*). The lack of clear land ownership, blurred boundaries and overlapping stories reflect the abundance of land and the fact that Mentawaians are less dependent on fixed swidden plots in the past. The persistence of the term *leleu* when people talk about matured swidden symbolizes the importance of undomesticated space (forest) as a source of daily subsistence and non-domesticated diet.

Cash crops and revaluation of land

Local production changed profoundly when copra and cloves became the main source of trade, particularly in coastal settlements, started in the early 20 century. Coconut/copra was the most long-standing cultivated crop in Siberut prior to colonial encounter (Asnan 2007,167; Persoon 1995, 9), yet it was only considered a domestic plant equal in importance to durian or jackfruit. After the 1940s when Minangkabau migrants started to settle and began to trade copra (Persoon 1997), these patterns shifted the value of coconut from local use to a global commodity. Cloves were introduced during the post-independence period (1950s), associated with low-level state interventions to develop the ‘backward people’ on the island (Persoon 1997; Bakker 1999; Ave and Sunito 1990).²¹ Its expansion closely corresponded with the government settlement campaign. Since then commercial crops have played an important role for local production, and through them, people were integrated into state development programs and the global economy. This integration was mediated by Minangkabau migrants who served and represented both state and market actors as civil servants and merchants.

Cultivation of coconut and clove is largely limited to the coastal area, particularly along the east and south of Siberut. Nevertheless, this accompanied a broad

²¹ Clove is not the only crop introduced by outside actors. Other crops such as cinnamon, citrus, rubber, areca nut and coffee have been brought by state and non-state development programs since the 1960s. Mentawaians have cultivated all of them, but for ecological and economic reasons, they don’t produce a good yield and have not become important commodities.

conceptual shift concerning land tenure. The fragmentation of land holding and ‘horizontal division’ with the transformation of *pulaggaijat* lay a foundation for the shift from fruit-tree to cash crop based production. Within a grove, individual *lalep* have to maintain an enduring claim to plural and scattered land and tree holdings in a multi-clan settlement. The cultivation of fruit trees neither stimulate *pumonean* ownership nor push jural delineation of land holding since durian and other fruit trees are locally consumed and exchanged through social alliances. However, since cash crops have been produced for external and impersonal markets, the term *pumonean* continues to be applied but with different connotations. Cash crop production does not always contribute to clan affairs as fruit trees or sago and yams do because the product itself cannot be directly shared or consumed. The organization of labour largely relies on individual *lalep*, not on labour relations at clan level. Since the suitable areas for coconut and clove cultivation are limited, each household has to ‘compete’ in finding land for cash crops.

Competition to find suitable places for cash crops has been significant in changing perceptions concerning land. While cultivating trees is not a new practice, fruit trees on *pumonean* and crop trees for the global market have different attributes. Unlike coconut or cloves, durian trees live longer and have probably stood for four to five generations. Fruit trees represent transferrable forms of property because they have regularly been exchanged and circulated along social alliance lines. But their products are consumed locally rather than transported for external markets. Fruit tree growers rarely keep them for a long period and because the location of swiddens is rather scattered, they prefer to keep fruit trees near settlements. Long-term land security, then, is less important than access to the individual tree. Coconut and clove trees also constitute transferrable property and are sometimes used for bride wealth payments, but they are less likely to be circulated through social exchanges than durian and other fruit trees. In economizing terms, having cash crops and groves in different places is impractical, requiring more labor to collect, harvest and transport their products.

Since cash crops can only be cultivated in particular areas, for reasons of geographic constraint and specific plant ecologies, land appears to be a scarce resource. In fact

the perception of scarcity is actually not completely foreign. In a myth about the origin of forest spirits (Schefold 2002, 221; Hammons 2010, 39), humans and spirits are afraid of the limits of land in Siberut to feed them. However, scarcity in myth does not reflect a real problem until the demand of copra and cloves by global markets encourage Mentawaians to transform forest and swidden plots into monocrop gardens. While land is limited, the demand is high because cultivators require plots of land for a specific number of coconut or clove trees to obtain the minimal harvest that can make an economical return on the labour investment. To ensure productivity, Mentawaians come to prefer a fixed land arrangement through permanent ownership. Permanent ownership provides incentives for planters to maintain their investment over long periods of time.

The changing valuation of land can be seen in a general trend away from mixed and overlapping land use patterns. The owners of coconut and clove trees tend now to be the owners of land. Hence, land and cash crops on it have increasingly become individualized, with land no longer recognized as clan property. Crop producers prefer to have land as household property and will not wish to return it as kin-group land. The crop owner can enjoy a greater degree of autonomy to transfer land to other parties and do not feel obliged to share the results of transfer. In an informant's words, "coconut and cocoa are sweat, not all my siblings and my nephew's sweat. They are *milik pribadi* (private possession). Other people don't have *hak* (rights)." Unlike in the horizontal division of rights over fruit trees and land where labor investment in trees and rights to land are separated, the transfer of land now follows crop transfer. Here, the cultivation of cash crops is equal to the recognition of rights to enjoy the fruits of their labor as individual *lalep*/persons. An aspiration to maintain production of cash crops becomes equally an assertion of individual and formal labor invested in coconut or clove trees as a commodity. Production of commodities has introduced the concept of ownership that is a purely economical value (exchange value) and has jural requirements. For the subsistence production of fruit and food trees, labor value is temporarily represented in the numbers of fruit trees, not in the land on which they stand. In contrast, the demand for maintaining productivity and market value invests human effort both in the land and production of cash crops on it. Permanent cash-crop gardens require a continuous and intensive

relationship.

Despite land valuation having unquestionably changed, it is hard to make a clear case that cash crops have introduced a thoroughgoing Western/modern private property transactional concept of *sale*. Mentawaians have longstanding practices of land transfer and used the term *saki*, translated as purchase price or payment by Schefold (2002, 364; 2007, 491), to describe transactions involving both social and economic exchange. Table 4.1 below shows that the value of land can be equal to specified equivalents of valuable objects. This implies that land is already an exchangeable resource and a kind of thing with exchange value, although one that remains moderated by wider socio-political and economic Mentawaiian values. The introduction of new terms and measurements in land transactions - the term *lokasi* and the measurement of land in hectares - with cash crop production is indicative of shifts taking place.

Table 4.1. Classification of Purchasing Prices for Land in Siberut Before the Arrival of Cocoa and After

Term of Transaction	Size	Payment/Compensation
<i>Before cocoa</i>		
<i>Puluh saki</i> (ten purchasing price)	An eye sight distance (<i>sanga bidang</i>)	A large cooking pan size 10 or two large cooking pans size 5, or a sigelak (a sow)
<i>Enem saki</i> (six purchasing price)	A plot of swidden (<i>sanga abaat</i>)	Six chickens or a large cooking pan size 5, two fathoms of mosquito nets
<i>Telu saki</i> (three purchasing price)	A houseplot and a yard (<i>sanga pulaleman</i>)	Three chickens or a fathom of mosquito nets
<i>After Cocoa</i>		
<i>Saki lokasi</i> (purchasing a location)	<i>Sanga hektar</i> (one hectar) <i>Setengah hektar</i> (a half of ha)	Varies depending on the location, distance to settlement, road, and access to market. It can be 1 million to 100 million IDR per hectare

The new valuation can be traced by the involvement of cash in land exchange.²² The involvement of cash disembods the context of social relations and history in land exchange, producing a fixed and permanent transfer and giving incentives for private ownership. It also introduces contractual and single-stranded land transaction measured in purely economic terms. Using cash not only to transfer land permanently, changes and clarifies land status, but also erases the entire history of social relations and work invested in the landscape (Li 2014a; Otsuka and Quisumbing 2001). However, it may be too problematic to draw a sharp line between cash and non-cash transactions involving land transfer between Mentawaians when most land transfers are still conducted on the basis of social alliances while also involving money as part of a cash-oriented economy. The next section will describe different relations and processes that emerge when land becomes a commodity after the arrival of cocoa in the 2000s and with the involvement of non-Mentawaiian migrants in its production.

Cocoa and the privatization of land

The coterminous use of *pumonean* to refer to the crop and the place for cash crop production has significantly intensified since the arrival of cacao in 2000s. Cocoa is a unique crops as it has already been examined in other parts of Indonesia and beyond (Li 2002, 2014a; Ruf and Yoddang 1999; Ruf 2004; Akiyama and Nishio 1997). In Mentawai, the “cocoa effect” starts with the ecological and economic transformation of swampy areas (*onaja*) that are suitable for this crop. Swampy areas, northeast of Muntei that had been long abandoned, have been quickly taken over with cocoa. According to custom, people are free to use *onaja* and if they want to cultivate sago, they just ask the *sibakkat polak* (original owner). In some cases, they do not need permission since *onaja* are abundant. *Onaja* have been cultivated by hundreds of villagers for more than six generations, creating a complex of sago gardens with diverse and overlapping rights. The boundaries of sago ownership are hard to demarcate because the stands are scattered and expand semi-domestically.

²² The introduction of cash started when Minangkabau traders settled and bought a plot of land in Muara Siberut and land for coconut cultivation in the coastal area in the west part of Katurei village (Map 1.1) with cash or money-like items in the 1950s. Mentawaians have followed this practice, especially when they released land to other Mentawaians who are not socially and spatially close.

Overlapping sago ownership has been a common feature since people regularly exchange both individual and collective sago stands for bride wealth and compensation payments.

The value of *onaja* have changed drastically after cocoa began to produce around the 2000. It was by chance that the pioneer cacao growers had cultivated it in a large plot of *onaja* in the Muntei area. The first harvest coincided with the good price of cocoa in the global market after the collapse of cocoa production in Sulawesi and West Africa due to civil war and disease (Neilson 2004; Li 2002; Ruff 2004). The pioneers sold their first harvest to merchants in Padang, the capital of West Sumatra province, because local merchants in Siberut did not recognize cocoa as a profitable commodity. The pioneer cacao growers established a reputation as rich men signalled by sending their children to school, consuming rice, fish and other prestigious foods, and building brick and tin-roof houses. They succeeded in gaining considerable earnings, inspiring their neighbours to take up cocoa cultivation. When the price of cacao was at its peak in 2006 (about IDR 12,000), there was a rush to replace sago with cocoa. By the mid 2000s, most of the sago stands around Muntei were replaced by cacao and land was sold. The conversion of *onaja* has become a symbol of development and economic progress. But it also has required a new mode of management.

The new mode of management is a monocrop. Cocoa production has ecologically converted a diverse and semi-domesticated landscape into monoculture. Thousands of hectares of *onaja* containing sago and forest trees that are minimally managed for ages have been quickly replaced by intensive cocoa production. From an ecological perspective, the *onaja* area plays an important role in regulating the hydrological cycle. Siberut is a young and non-volcanic Island. The soil in Siberut is a combination of clay and sand and cannot absorb rainfall quickly (WWF 1980). Lowland swampy forest and sago gardens help to absorb rainfall and maintain the water cycle. Conversion to cocoa is followed by clearing the land of vegetation that resulted in drying up the water. On the banks of the rivers, people cut their fruit trees and replace them with cocoa. Monoculture cocoa has another consequence: swiddeners must clear bush, shrubs and undergrowth. The arrival of cacao turns

unplanted natural undergrowth and shrubs, which are important to prevent erosion, into weeds. People know that the roots of cocoa, rubber or coconut trees do not hold the soil and water well. Muntei villagers told me that short periods of rainfall would cause floods in the areas near monocrop gardens.²³

Cocoa has also instigated new relations of production. Monocrop cocoa requires more intensive labor compared to clove and coconut groves. A good cacao garden has to be dry; young sprouts need to be pruned regularly; grass and shrubs have to be weeded routinely. Intensive work is visible and costly inputs (herbicides, grass-cutter machines, etc) are required. Labor is no longer devoted for ancestors or to contribute to group solidarity. To return invested labor and costs, cultivators prefer to possess land as an integral part of commodity production. This brings a new form of exchange where land and Mentawaiian producers are part of a commodity production system (Harris 1985, 153; Bernstein 2010, 88). The specific requirements of labor in cocoa production have transformed the perception of land.

The significant impact of commodity-based production is transforming the value of land as a means of production that can be exchanged on purely economic terms within the universal exchange value system mediated by money. The emergence of land as a capitalist commodity can be traced through the evolution of the word *lokasi* in Mentawaiian vocabulary. For Mentawaiians, *lokasi* is not a new term as in the case of other upland communities in Indonesia (see Li 2014a, 85). Before cocoa, every Mentawaiian had referred to their swidden, sago gardens, and hunting sites as *lokasi*. What is different is that *lokasi* before cocoa does not refer to a fixed and relatively bounded plot of land or to private concepts of individual ownership. *Lokasi* is tied to clan property as well as the place for an individual tree with ambiguous boundaries. Currently, however, *lokasi* is used when people refer to former individual *pumonean* that were converted into cash crops, transforming the meaning of *lokasi* into “a unit

²³ In the last five years, the area around Muntei has experienced four successive floods, including one that I experienced during my fieldwork in the last week of December 2014. NGOs and activists pointed to the activities of logging companies since the 1970s as the cause of flooding (Puailiggoubat 2013h), but I did not hear any complaint from Muntei villagers about logging companies. They believe that floods are a consequence of environmental changes resulting from conversion of the swampy *onaja* area for cocoa gardens.

of space that was interchangeable with similar units, individually owned, and freely bought and sold” (Li 2014a, 26). The term *lokasi* has become associated with individual claims of ownership that derive from the privatization of a common resource that is nonetheless still recognized as clan land.

The transformation of *onaja*'s value start with the replacement of sago stands with commercial crops. The new valuation of *onaja* and the demand for *lokasi* to grow more cacao make *onaja* increasingly attractive. The owners are willing to sell because they will get cash in hand for previously low value land used for a low value crop. The owners of sago land are offered cash, preferably to be paid in full, but often paid in instalments over time. Planting sago trees does not establish rights over land and politically the status of *sitoli* is weak, hence *sibakkat polak* can more or less unilaterally sell the land. If *sitoli* disagree with *sibakkat polak*'s decision, *sitoli* are asked to remove their sago stands. Ideally, *sibakkat polak* or the new owners pay compensation or purchase the trees. However, neither *sibakkat polak* nor the new owners are keen to buy sago trees and in many cases the new owners (especially migrants) do not care about the rights of sago owners and cut the trees anyway refusing to pay compensation because the price of trees is more expensive than that of the land. Consequently when new owners refuse to pay compensation, the owners of sago have little choice but to cut sago trees without compensation.

The prospect of profits from cacao and the demand for *lokasi* have triggered a rush by clansmen to privatize and sell what in the past had been de facto “open access” *onaja* and *leleu* before other members. The common practice is that a man can only sell the *lokasi* that has been cultivated by himself or his father. However, it is preferable to buy uncultivated land because it is not necessary to pay compensation for cultivated plants and the possibility of freely extracting forest trees encourages selling forestland. Eventually, uncultivated land has been the main source of dispute, as other clans also begin to lay their claims. The reliance on ancestral stories makes the determination of who owns land a complex struggle over memories and accounts. More convincing than telling a story to assert old claims is to act directly to enclose land by clearing and planting cacao in the disputed land. Clearing forest and cultivating cacao change the landscape and give credence to ownership claims. The

change of landscape in a disputed area means that *lokasi* is ready and has a better chance of transfer to a third party. The practice of de facto enclosure has been crucial in the transformation of land into a commodity. A man who succeeds in obtaining a plot of land can claim it as his own and can ask local authorities (the administrative head of hamlet or village) to issue a letter that is accepted as official recognition of his claim. 'Legally' this can only be done through official land agency (BPN) certification, for which the letter of authority from the village head is a preliminary step.

The enclosure of *onaja* has imposed individual ownership upon a previously common pool resource and 'freed' land to become a 'mobile' resource on the market. The privatization of land produces a shift in its status from gift into commodity. This also has significant consequences for land arrangements that once enabled fluid and flexible access, based on common social values and relations, but now are increasingly alienable through impersonal, jural terms of ownership under state law. *Pumonean*, now conflated with the concept of *lokasi*, has *jural* status as a legal parcel of land. The unit of cocoa production is *lokasi* now managed by individual household. *Lokasi* represents land as commodity separated from the clan's claim and the entire history previously embodied in it. *Lokasi* has exchange value for any resource (including other land) and money. Once land is privatized, it is more easily transferred by individuals rather than groups, which will otherwise encumber free movement of this factor of production. This raises the question as to why money from land transfer is hardly distributed despite the egalitarian principle once underpinning common ownership?

Most land sold to new owners has been cultivated. Since the cultivators have certain acknowledged rights based on investment of their labor, they can claim sale money as their own. There is a Mentawaiian saying, *masua rere masua lolokat*, literally meaning "whoever have wet feet, have wet throat", which is roughly equivalent to the English saying "who have the pain, have the gain." A member of an *uma* who actively struggles to get a claim by clearing and planting, seeking a purchaser, and arranging a transaction will argue a legitimate claim to enjoy exclusive rights and to gain money from a land transfer. Since the involvement of men in developing land is

not equal, conflicting principles arise as a result of land transfer that would traditionally require distribution of compensation among a large group of kin. Despite the egalitarian norm underpinning social relations in Mentawai, a tension among men to gain prestige and enhance individual interests is the main character of *uma* relation (Scheffold 2001, 361). Thus money from selling clan land is rarely distributed among kinsmen the same way as fruit trees, knives, or axes would be.

Despite land having been privatized and sold, however, Mentawaians remain unable to grasp the concept of land as a full commodity because traditional arrangements based on kinship and reciprocity work against the abstraction of land from social value, and more importantly, against ‘commodification of subsistence’ (Bernstein 2010, 28). This produces a space in between, where changes have been taking place but old principles remain intact. The perspective has persisted across generations of Mentawaians. It is commonly found that older generations unilaterally cancel their son’s land transaction, mainly to migrants or other Mentawaians who are not socially and spatially close to them. They will recite unfinished stories about land and speak about the importance of land for clan identity. They often said, “We still can live without selling land, we don’t have to grow cacao for our food”. In the meantime, the younger generation complains that elders spend too much time telling land stories and accuse them of being uneconomic. Young people, mainly those who depend on the cash economy, enthusiastically offer land with a low price to migrants. Villagers jokingly call them ‘*tuan takur*’ (the land lord) and believe the greedy will be punished by ancestors with sickness or death.

In this transition, money is crucial in land relations and marks a structural shift of Mentawaiian production and economic articulation, with *sinaki land* (purchased land) gaining the strongest status in terms of certainty. People prefer buying a plot of land that has been exchanged at least once, so that they will not have issues with a wide range of others who could potentially claim it as ancestral land or have to pay additional compensation. If problems arise, they only need to manage it with the last ‘owner’. The desire to have clear and unambiguous land status, for the economic advantages it offers, means detachment of land from its complex stories and origins. This represents a significant qualitative shift in the structural articulation of the

economy and a dialectical tension arising from 'new wine in old [conceptual] bottles' (Godelier 1972, 311). Land has been increasingly identified as a thing, a unitary space related to exchange value. The history of landscape across twelve generations and invested labor putting knives to bush, axes to trees, and sweat into soil has been distilled and converted into the universal but fractious-abstract commodity: money. The involvement of money is crucial to understand the transformation of land relations; however, money is not the only force involved in converting common land into individual *lokasi*. In the following section, I will examine the significant impact of state intervention in changing land valuation, since state resettlement projects contribute to the formation of *lalep* as landholder units.

4.3. Formation of *Lalep* as Landholder

In Indonesia, the colonial and post-colonial state launched various attempts to establish the nuclear family as the household unit. In the Dutch colonial period, household establishment was associated with efforts to control and monitor people's movements, to collect taxes from the lowest social unit, to reduce political powers of larger social units (clans, villages) and to force people to reorganize themselves as individuals or households rather than as a corporate unit (Breman 1980; Kahn 2007). In each case, the Dutch objective was economic and political—taking profit from individuals or nuclear families to increase state revenue. But this was not the immediate concern in Mentawai. The immediate objective of the Dutch presence in Siberut was to civilize 'savage' people (Bakker 1999). Dutch colonials acted as mediators in what appeared to them a state of perpetual conflict through the introduction of exchange objects that enabled them to erase headhunting practices. Their main complaint was the difficulty of organizing Mentawaians despite attempts to open concentrated settlements and appoint local leaders to rule them (Scheffold 1991, 7).

Dutch efforts in this regard paved the way for the Indonesian government to establish household-based settlements. Like other modern states, the Indonesian government was obsessed with legible space (Scott 1999): unrecognized territory had to be mapped, mobile people had to be settled, estranged subjects had to be identified and

production had to be quantified in order to make it functional for the state machine. To make Mentawaians and Siberut space legible, the Indonesian state enclosed forest, introduced sedentary agricultural production and launched resettlement schemes. Resettlement was the key policy to remove people from forest, put them into government settlements and give them crops to plant. Resettlement was part of a larger modernization project under the New Order regime (Persoon 1997) to bring 'estranged' and backward people to progress to live the same way as 'standard' Indonesian citizens. Starting initially as a small-scale program in 1972, the main objective of resettlement was to establish "larger villages while undoing the closed *uma* structure" (Bakker 1999). As Dove (1993) and Tsing (1993) show, Government officials in Jakarta believed that traditional life based on communal values was inefficient and inhibited development. Particularly in Mentawai, the state was keen to diminish the role of *uma* and promote *lalep* as a household unit.

Resettlement was not merely about building a larger political unit than clan level, but rather to remove the closed structure of *uma* that was generally believed by the state development apparatus to be the main factor that hampered development. The Department of Social Affairs designed the project and the provincial administration in West Sumatra played a key role. This meant that the perceptions of the Minangkabau—the ethnic group which dominated provincial government in West Sumatra—towards Mentawai people was crucial to the project's implementation (Persoon 1997). Minangkabau generally perceived Mentawaians as backward, primitive, unclean, and inefficient. They saw themselves and their cultural attributes—Islamic, literate, mercantile—as superior. State resettlement policies, set out to change the patterns of traditional Mentawaiian settlement, to increase productivity through the introduction of cash crops, to expand social organization beyond clans, to cultivate a sense of nationalism, establish monotheistic religious life and assimilate the tribal world into the majority 'general' Indonesian population (Bakker 1999, Persoon 1997, Hammons 2010). Rather than repeating many studies examining the cultural effect of these resettlement projects, I focus on property relations.

Resettlement and landholder changes

The Department Social project document (1987, 2; 1998, 4) stated that Mentawaians were tied to group loyalty in which *uma* rivalry prevented individuals from being good citizens while communal rituals would be a handicap for entrepreneurial skills and accumulating wealth. One main objective of resettlement was to change the structure of *uma* and put several kin groups into a government settlement by giving an individual house for each *lalep* and building a school, church or mosque for the new community. The first resettlement project was launched in Siberut Hulu (see map 1.1). Several years later some participants of the project voluntarily moved downstream to what is now Muntei. Resettlement officials held a meeting in Maileppet and asked landowner clans who had claimed ancestral land in Muntei to grant it to the Resettlement Program at the beginning of 1979. The project promised to give each family participant 2 hectares of land with formal title in the new settlement. Resettlement brought each clan living scattered in their own land into a larger settlement along the main river. It collected individual family units (*lalep*) into side-by-side dwellings and allocated them with two hectares land to earn living in a new settlement.

The introduction of 2 hectare land holdings officially configured the relations within and between *uma* in regard to property. Under traditional arrangements, *uma* is the main unit of production, consumption and distribution. However, the *uma*'s role sometimes *was* exchanged with the role of *lalep*, depending upon convenience and internal social relationships. Yet for the entire complex of social relations, the *uma* is more important than *lalep*.²⁴ While *uma* is the most relevant social unit, the individual *lalep* has autonomy to invest in and acquire property—especially in the form of fruit trees and later, commercial tree crops. While the *uma* is the landholding unit, each *lalep* can freely make their permanent swidden, sago plot, and taro garden and then claim this as *lalep* property. Political equity and egalitarian norms encourage individual *lalep* to hold property. A married man as the head of a *lalep* has

²⁴ This can clearly be seen in the role of *uma* as the primary unit of landholding, as well as the place for sharing meat from hunting and for communal ritual and/or feast arrangements. All productive activities such as hunting, pig husbandry and ceremonial endeavors are devoted to maintaining the unity, solidarity, and perpetuation of the *uma* as a group (Schefold 1991).

responsibility for arranging *lalep* contributions to collective rituals at *uma* level, while his wife cannot have property.²⁵

Unmarried men are encouraged to manage a plot of land in their teens or when they are about ready to marry. With the help of the *rimata* or older brother, young men may build a small hut around the *uma* and start to open swidden. According to a local saying, each individual adult gains yields by sweating. It makes individuals responsible to work hard; otherwise they will be hungry and subject to humiliation. Cooperation is a norm but only for particular activity such as harvesting sago or fruit trees. Opening forest, planting trees, and maintaining swidden plots are the exclusive work of *lalep*, giving a degree of control over family labor and property, and importantly providing limited social prestige. A married couple is expected to be self-sufficient so that they do not need to ask others for food. The structure of *uma* can only be maintained when all component *lalep* ideally make equal contributions and have equal shares in *uma* land and resources.

Commercial tree crops offer the attraction of producing income that requires production at individual-*lalep* level. With cash crops, *lalep* convert clan land into self-acquired property and then private ownership. New forms of cultivation have begun to establish a *de facto* fixed tenure system and have generated strong recognition for *lalep* property. Cash crops demand tenure security and encourage individual men to enclose their *pumonean* separately from their clan's common pool. The ability to demarcate undivided clan land or obtain inheritance of a plot of swidden and divide group property among brothers have become important considerations toward providing resources for particular *lalep* and their descendants.

There is an unwritten norm that whoever cultivated clan land has rights to claim 'ownership' and to inherit for their offspring. The conversion of old swiddens to

²⁵ The labor of women and children are devoted to *lalep* since they have no independent rights to possess individual property. As a matter of patrilineal principle, men are responsible to build the house, clear forest, and provide meat while women supply *lalep* with all domestic work. Women are arguably dependent upon men, living and working in their husbands' *uma*, but returning to their clan of origin if divorced or when their husbands pass away. Generally they do not carry property that the *lalep* acquired.

cocoa gardens opens possibilities for *lalep* to have a greater degree of autonomy. It creates a unit of production, consumption, and a sense of ownership and responsibility at *lalep* level. While the processes of enclosure have not entirely separated individual *lalep* from the flexible and fluid arrangement of customary land holding arrangements, it is less possible now to obtain old-growth swidden from kinsmen and certainly not possible to cultivate another clan's land without paying money. Men are more aware that availability of productive plots of land for housing and crops is now limited; hence it is important to prepare exclusive assets for their children. To do so, land has been claimed and enclosed so it can be inherited vertically from fathers to sons.

Resettlement has encouraged and most importantly intensified the enclosure of land, a process that goes hand in hand with changes in crop production. Living far away from their own land and relying on food crops, participants in the resettlement program have to find a means to get access to a plot of land for commercial cropping as soon as possible. One main strategy to get land is selling *pumonean* in the old settlement and to use exchangeable objects and money if possible to buy new land in a new settlement. Resettlement is directly connected to the introduction of several cash crops by the provincial government of West Sumatra. Since the 1960s, various government agencies have provided seed crops as part of the development package with the expectation that Mentawaians will abandon "uneconomical" production. Local government officials have strongly suggested that villagers plant coconuts and cloves and gave incentives in return for verbal agreement to participate in resettlement. In many respects this strategy has been successful in persuading people to transform the basis of their livelihood.

In constituting a nuclear family household as the unit of production, the resettlement program had reorganized the space of production in *pulaggaijat*, reifying distinctions between *lalep* and *uma* by separating the space between *lalep* and clan land. It assumed that nuclear family production would produce citizens as subjects, the standard national model consisting of parents and two children. Mentawaians tried to retain the coherence of customary clan ties by arranging house plots in a cluster according to clan. However, a new political institution was created at village level

through state law, establishing a settlement head (*kepala kampung*) responsible for applying Indonesian state regulations in the settlement. Until the demise of the New Order Regime, the head of settlement was appointed by the provincial government. The candidates were normally persons who had education from Christian missionaries or experience with government intervention, and were able to communicate in Bahasa Indonesia. While the implementation of state law was limited because of the remoteness of Mentawai villages, *kepala kampung* influenced clans living outside settlement. The knowledge of *kepala kampung* and administrative processes and mechanisms of resettlement had helped the state to identify, classify and categorize Mentawaians as abstract nuclear family subjects (citizens), who could be more readily subject to state development policies.

At least in the initial months of the project, every household had to be registered, listed and mapped. The officers and head of villages monitored the movement of people and in order to calculate the state budget for 'development'—the amount of land and food rations, the number of houses and schools. Documents related to resettlement contained a list of households, generally without considering how they related to existing *uma*/clans. In the beginning of a resettlement project, state officials and local police officers occasionally visited and checked settlements. They observed people who were not in the village and stayed at their swidden plots during weekdays and children who did not attend school. They punished the head of *lalep* who did not take responsibility for their members (cf. Hammonds 2010). This made Mentawaians manageable for state policy implementation. The term *Kepala Keluarga* (head of household) was registered as the official landholder in land distribution, while *uma* had no official status because resettlement land would be granted to the *lalep*. Because the state viewed the household as the most relevant social unit in the resettlement scheme, the position of *lalep* as a social unit was empowered while the relevance of the *uma* among resettled Mentawaians declined considerably.

The allocation of 2 hectare land plots also altered kinship and social exchange as the basis of land tenure. Through providing two hectares of land and a house for participating *lalep*, resettlement restructured internal relationships by transforming

notions of ownership, responsibility and reward. First, land became state property. The participants had access to land after the state designed it as settlement land. The *sibakkat polak* was asked to release right freely without compensation. They did not protest at that time since they were afraid of being beaten by police or sent to jail. Second, the resettlement forced people to live in other's territory. To join the resettlement project meant the participants had to move again with most of them leaving their former cultivated lands. Since the settlement and adjacent areas had already been claimed and cultivated, in practice, it proved impossible to acquire sufficient land collectively at a particular site for all resettlement project participants. The allocated land, then, has been a source of dispute among the participants and the owner of the land. It was, and still is, recognized as particular *sibakkat polak*'s land; yet for some participants of the project, the promised land should have been granted to the state prior to the project, or at least before the project was terminated, and then given to the participant. The *sibakkat polak* had to ask the state for compensation according some participants. A few participants chose to give *pangumbek* or *purchasing price* to *sibakkat laggai* without formal recognition from the state.²⁶ They took the initiative to release rights from *sibakkat polak* because the state's promise of two hectares of land per *Kepala Keluarga* was only on paper. They already knew that there was no uncultivated land around the site. While the promised two-hectare land grant for each family materialized for a few participants, the quality was usually

²⁶ There is an infamous case of land conflict in Puro, a resettlement site near Muntei (see map 1.1). Since 2002, twenty years after the launch of the resettlement program, several *sibakkat polak* unilaterally attempted to sell already allocated land to third parties (mainly non-Mentawaian migrants). The majority of participants of the resettlement project insisted that *sibakkat polak* could not sell allocated land to anybody or ask compensation from them. The participants suggested the *sibakkat polak* had to ask compensation from the Social Affairs department. However, the *sibakkat polak* ignored it and continued their attempts to sell the land. The resettlement project participants brought the case to the district parliament claiming rights as *warga negara* (citizens) of Indonesia. While they acknowledged the customary rights of *sibakkat polak*, they resisted paying a purchasing price or compensation for the allocated land. "We didn't ask the government to be settled and given 2 hectares of land," they argued (Puailiggoubat 2011). They asked the government to pay compensation. In contrast, *sibakkat polak* felt that the participants did not recognize Mentawaian custom by refusing to pay compensation. In reality, allocated land has been transferred and circulated both by the participants of resettlement and the *sibakkat polak*. The resettlement project did not deliver its promise to formalize the status of land. Land status of resettlement remained unclear. A harsh conflict ensued, forcing the District government to establish a special committee to solve the land issue. However, the panel could not resolve the problem and horizontal conflict has persisted until the submission of this thesis.

poor and the plot was often far away. The standard 2 hectares of farmland was also smaller than they had in previous settlements and simply not enough for a combination of tubers, swidden, sago garden, and cash crops. In most cases, the resettlement participants used this allocated land only for sago and banana cultivation. Soon after the resettlement, some participants returned to their ancestral land or continued to manage old swiddens, visiting the settlement on weekends; they sold their allocated land to other parties, adding to the complexity of land tenure arrangements. Others bought land from the sibakkat polak around the resettlement site and started to cultivate cash crops. Those who couldn't find a new place to cultivate cash crops and were too far away from their clan's land in other settlements had to find non-farm work or work with other families. Few participants returned to their ancestral land upstream.

Since the participants were mostly *sitoi*, who came from another valley and had only limited genealogical connections to locals, alternative channels for access to land increasingly relied on individual friendship arrangements or purchase. A new life on other's land under state administration obviously reconstituted what it meant to be an individual belonging to a *lalep* and *uma*. Reciprocity has not entirely been diminished, but competition for suitable land has shifted away a degree of dependency from their group, both spatially and socially, with whom they were previously tied through sharing food, ritual obligations, and gift exchange. While *uma* membership remains automatically embedded for any Mentawaiian, I find that the new generation born in the settlement does not rely on the clan to obtain land and depends on a wide network to earn their living, though they still maintained and attended community rituals to retain solidarity. The younger generation living in settlements tends to give little attention to their genealogy. They are more attuned to neighborhood and locality, arising from the emphasis on the family as the primary unit of production and consumption and the most relevant social unit under state administration. The structural changes brought by resettlement reduce *lalep* land access and at the same time incorporate each household into a state-based political organization, producing for a global market. Resettlement has largely succeeded in constituting the family based household (*lalep*) as the unit of land ownership, control, reward and investment.

4.4 Conclusion

This chapter has discussed three social-historical contexts that reorganize land relations in Siberut: the establishment of indigenous settlement (*pulaggaijat*), the introduction of cash crop production for the global market, and the reconfiguration of *lalep* as landholder units under resettlement. This chapter highlights how different combinations of social forces transform the practical valuation of land.

Incorporation into the global economy and the intensification of state intervention have complicated and altered previously fluid and locally adapted land arrangements. The demand for land in the resettlement area for cash crops makes it a valuable and scarce resource. The involvement of money in land transfers have facilitated the privatization of land. In the meantime, state intervention has introduced formalized individual ownership and jural categories and authority over land tenure. The cash economy and state administration have also catalysed the idea of land as a private possession and required a legal framework for establishing land status. Meanwhile, reciprocity and social alliances are not entirely lost and other means of production (labour, food production) haven't been commoditized. Uma solidarity and rivalry, marriage and other customary social alliance institutions still play important roles in land disposition. The desire to have exclusive and legal rights has collided with attempts to maintain flexible customary social and political arrangements. This inevitably triggers land conflict and contestation of claims, which reflect both efforts to maintain reciprocal relations and the fluidity principle as well as aspirations for a new set of relations based on the desire for economic security and legal certainty. How Mentawaians deal with conflicts and manage land disputes is the subject of the next chapter.

Chapter 5
**FINDING SOCIAL RELATIONS, SEEKING AUTHORITY:
DEALING WITH THE LAND CONUNDRUM**

As I have shown in Chapter 4, the shift to global market production and the reconfiguration of social organization through state settlement programs have demanded clarity of tenure, transformed the fluidity of land access, and introduced private ownership in the context of changing land valuation. The demand for clarity and the transformation of land valuation have triggered conflicts throughout Siberut Island especially in southeast coastal resettlement villages such as Muntei where the demand for land has been high and cash crops are central to the local economy. The increasing number of land disputes not only illustrates changing land use but also the transformation of social relations in regard to land. Land disputes, however, are not entirely new. Contestation of claims in Mentawai is part of the dynamic customary processes of competition and alliance through land relations, signalled by competing and complementary versions of the story of particular places held by each clan.

This chapter examines how Mentawaians have settled land disputes in the ‘traditional setting’ and after the imposition of state institutions. The first section elaborates how Mentawaians settle land disputes internally through a forum called *tiboi polak* (talking land stories). *Tiboi polak* does not always solve conflicts and claimants may organize rituals to determine who are the true claimants. The purpose of *tiboi polak*, I will argue, is not primarily aimed at finding ownership and sorting claims, but rather to finding and normalizing the social relationships attached to the land in order to (re)build a new socio-political alliance based on shared stores in which land claims are embedded. The point is that a legalistic definition of customary law is inadequate to capture Mentawaiian ‘legal sensibility’ (Geertz 1983). The second section analyses a new dispute settlement forum involving hamlet and village authorities. The involvement of state representatives in land disputes has produced a hybrid socio-political institutional mechanism that builds on *tiboi polak*.

The authority of the state is creatively elaborated by Mentawaians to establish a new political institution enabling them to readjust traditional *tiboi polak* in the context of a market economy and state-based framework of legitimation. Even though the land forum in the hamlet/village has been popular and offers the opportunity for forum shopping, I contend that the formalization of rights from a state-based village authority through the Indonesian land titling system, will advantage claimants who have a strong connection to the state apparatus and ultimately dismantle the social and cultural principles underpinning the Mentawaiian relationship to land.

5.1. *Tiboi Polak*: Finding Social Relationships, Configuring Legal Sensibility

Tiboi polak

Land dispute settlement, known as *tiboi polak*, a forum to talk through and harmonize land stories and the relationships to which they are tied, is generally organized at clan (*uma*) or corporate group (*rak-rak*, *muntogat*) level. When several individual households (*lalep*) have land conflicts, however, they may also arrange *tiboi polak* at *lalep* level. Generally, the forum is organized by two or more clans that have conflicting claims over the same plot of land. Two or more arbitrators (*sipasitiboi*) accepted and endorsed by all parties are appointed to mediate the dispute. Ideally, *sipasitiboi* know ancestral stories, the genealogy of clans involved and have the ability to prevent violence. They should not have familial ties or particular social relationships with the disputing parties, which is very difficult because of the complex social alliance system in Mentawai. The expenses of *tiboi polak* (food, drink, transport) are covered by the clan that initially proposed the forum, although it is not uncommon that disputing parties share the expenses. This is an unofficial dispute resolution mechanism because land disputes are ideally not taken to government institutions.

Tiboi polak is not always a peaceful forum and has been known to result in physical violence. In the forum, each party recites clan migrations, separations, and other events to support their claim. They also invite their relatives, or allies who have cultivated swidden around disputed land and know about the contested area to attend.

The forum may take a day or a week depending on the contestation of claims and a final statement from *sipasitiboi* is not always accepted. When there is no general consensus among disputing parties, they normally prefer to temporarily abandon the dispute in order to avoid hostility or open conflict. A new decision or consensus does not always have an immediate impact on existing resource arrangements either. The disputing parties who seem to lose their claim may tolerate the opponents exploiting the land, harvesting fruit trees, or extracting sago and wait for the right moment to reconstitute the forum and try to reassert their claim.²⁷ The parties do not talk openly about the dispute although the winner may quietly celebrate the successful claim while the loser grumbles and gossips about the unfairness of the *sipasitiboi* mediator or the magic that their opponent used to influence the forum.

The decision of the *tiboi polak* itself sometimes becomes a subject of contestation, triggering different interpretations of ancestral stories that support a new round of land claims. The loser may further propose another *tiboi polak*. If they want to organize another *tiboi polak*, they have to prepare *sipasitiboi*, food, a place, accommodation, and other practical things. Due to the cost, the next *tiboi polak* may take months or even years. During the preparation, the claimants travel to other valleys and settlements collecting ancestral stories, clan genealogies, and events that can be used to support their claim. Sometimes, they ‘invent’ new stories of genealogical lineage, the names of ancestors, associated events and relations, and then assemble them into a new claim. Further, they may change a clan name, introduce a new identity, and forge a new social alliance with other clans who share rivalry with the same opponents. A new story attached to the disputed land does not ensure a clan will win the claim because meanwhile other clans do the same.

Bat tingoik-ngoik case

During my fieldwork, I collected accounts of several land disputes around Muntei that have involved a few *tiboi polak*. One of land conflict is located in Bat Tingoik-

²⁷ A clan or person who wins a case may leave the disputed land in the hands of their opponents and other clans. The current cultivator can maintain his rights under uncertain circumstances, insisting on the priority of these ‘rights’ as relatives of the ‘true’ claimants.

ngoik (hereafter BTN), a flat area on the banks of the Mara River (see map 5.1 below). The Mara River area (Bat Mara) has been infamous for land issues since the arrival of cocoa. However, cocoa is just one of the elements that has triggered these disputes. A dozen clans have been in battle to win their claims over the Mara River area since more than seven generations.²⁸ Each clan has a different version of the land story, but they generally agree that the discoverer of Bat Mara is a man called Sikaelagat. He is a famous ancestor, believed to be the earliest man in the Mentawai history. He had sons and grandchildren but his grandchildren had no offspring. Since Sakaelagat had no living descendant, land in Bat Mara has been claimed by many clans based upon their ancestors' social relations to the Sikaelagat. Four clans now dwelling in Muntei, Puro, and Maileppet claimed that Sakaelagat and his sons transferred land to their ancestors through various arrangements (marriage, gift to a friend, compensation).

Since 2001, four *tiboi polak* have been organized and two rituals have been enacted to find valid evidence and determine the strongest social ties of these clans with Sakaelagat. The four clans—Saruruk, Saurei, Sabeleake, and later Samongilailai—have built alliances with other clans, sought ancestral stories in another valley, lobbied the administrative village head, asked shamans to enact rituals during *tiboi polak*. Yet, they can come to no agreement among the clans about the true story of BTN. The decision in each *tiboi polak* has been regarded as inconsistent and rejected by one or more clans. The alliances between them have shifted many times. In the first *tiboi polak* in 2001, Saruruk made alliance with Sabeleake against Saurey but in the third *tiboi polak* in 2011, Saurey allied with Sabeleake against Saruruk. In the latest forum in 2014, all of them sided against Samongilailai. Even though a decision about who is the true claimant cannot be reached, some members of the Saruruk clan have sold land to third parties, mainly migrants and a few Mentawaians. The land transfer has been in the form of written documents signed by village heads. Although not officially certified by the National Land Agency, BPN, the transfer is regarded as permanent. The Saurei and Sabeleake clans have sent a formal complaint to the village authority against Saruruk but they cannot stop the land transfers.

²⁸ For an extended version, see my field notes on the Bat Tingoik-ngoik case in Appendix 3.

Map 5.1. Map of Muntei and Bat Tingoik-ngoik, the disputed land referred in the text



Before I departed from Muntei, a man who came from upstream Matotonan village (see map 1.1) told me of another contested case. His clan, Satoleuru, made claim that the ancestor of Satoleuru was the brother of Sakaelagat. Because Sakaelagat had no living descendant, his land has to be handed down to the descendants of his brother. He had travelled around Siberut valley to collect ancestral stories from elders and was planning to organize a *tiboi polak*. He gathered a few men from Puro and asked their help in the next *tiboi polak*. Some of men gave support but others refused to

participate. He gave me a diagram showing the genealogical lines of Sakaelagat and Satoleuru and was confident that the Mara River area would be returned to his clan.

Two larger *tiboi polak* have been organized in Muara Siberut since my departure to discuss land disputes in Bat Mara (including BTN), involving more clans and parties around *Sabirut* valley. Men of Sabelake, Saruruk, Saurei, Samongilai-lai and other clans around Sabirut valley were invited and attended, while hundreds of men from other valleys also attended. A new story revealed that the killers of the discoverer of the land along the Sabirut, Majobulu and Bat Mara Rivers, were identified. In the period of *pasaggangan* (headhunting), four clans settled in Maileppet village were implicated in the murder of Sakaelagat. While the major events pivotal to these land stories are well known, who are now descendants of the discoverer of the land, and the detailed accounts on how the current claimants got land around Sabirut and Bat Mara are still unclear. It was widely agreed that before the claimant died, land had been given and cultivated by a hundred *lalep* from different *uma* through many ways. This means that a myriad of social alliances and latent conflicts, compensation payments, *paabad* rituals within and between clans which formed at least nine generations ago are waiting to be sorted out in order to clarify particular claims on boundaries and objects on the land.

After the latest *tiboi polak*, several current landholders in Sabirut valley (Maileppet, Muara Siberut and Muntei) found that they are a composite of several clans forged in the Dutch period in order to prepare for the last war with clans from North Siberut. Their ancestors had no genealogical relations and some of them had serious internal conflicts and land disputes before they joined together. In the meantime, many clans who were in rivalry (*pako*), discovered that their ancestors have genealogical relations. *Tiboi polak* revealed a new story that reconfigures genealogy and kinship of existing clans and certainly shakes up existing land claims across Sabirut valley. New stories could unify existing clans which were separated and in rivalry and might open divisions within a unified and long established clan. The latest *tiboi polak* could have serious consequences for current claimants, since it caused them to lose their rights over land and other property, while benefiting others, who find lost families and new stories to base their claims. In short, *tiboi polak* provides a particular

moment for Mentawaians to challenge, rearrange and reflect upon fundamental questions: who they are and how they are related, as well as what kind of rights they have to land.

Punishment and sanction from the ancestors

If *tiboi polak* cannot reach a consensus and accommodate claims, there are rituals available to resolve the impasse. A shaman (*kerei*) is asked to enact a ritual calling the ancestors (*soga saukkui/sanitu*) and to ask them who is the true claimant. The ritual is generally undertaken on the disputed land or along side of the river flowing through the disputed land. For Mentawaians, ancestors, land and descendants are interconnected.²⁹ Ancestors' spirits are believed to be living in their land. It is generally accepted that a clan who frequently enact communal ceremonies (*puliaijat*) will easily know their ancestors' place and invite them to tell land stories through the mediation of the shaman. However, not all claimants will accept what the shaman tells them. They may doubt the shaman speaks the truth. Most of my informants said that *sikerei* (shamans) are human; they can lie and be bribed. It is almost impossible to check shamans' statements because their communications with spirits cannot be verified by non-shaman, or even by other shaman. Since they have the privilege to communicate with spirits, their position is on the edge of appreciation and accusation. They are often accused of being paid in order to get a portion of the disputed land when their statement favours a particular party.

Most of the time, unsatisfied claimants abandon the result of *soga saukkui* and propose a different ritual called *tippu sasa* (cutting *sasa* rattan), which is believed to be the last resort to prove the truth. *Tippu sasa* is considered the most serious and dangerous ritual for resolving a conflict. It is conducted only at the agreement of the disputing parties. A clan or person who makes a false claim in order to take another's ancestral land will get sickness (*oringen*) or even death from ancestors' punishment. Not all claimants will take the challenge to enact *tippu sasa* because of the risk of

²⁹ Ancestor spirits in the land and autochthonous spirits in the forest are the main sources of blessing for Mentawians (Scheffold 2001). This implies a strong tie between living and dead persons. *Soga saukkui* is the ritual to call on ancestors' spirits who are living in the ancestral land and is particularly important for resolving claims over *polak sinesei* (discovered land).

death. A *tippu sasa* ritual usually is performed on the disputed ground; but sometimes it takes place at the graveyard or long house. Each claimant of the land has to attend the ritual and all adult members have to witness and cut the rattan. They have to swear that they are owners of the land or they have proof that their ancestors discovered the land. They say they will die if they lie, believing that those who pass away soon after rituals are not the true claimants. Soon after the ritual, neutral people await the fate. When bad news (sickness, accident, death) comes to one of claimants, there is a conclusion that their claim is not true. Mentawaians presume that peculiar accidents leading to death or long suffering are a sign and punishment for wrong claims.

Tippu sasa may provide a hint as to the true claimant but not actual proof of claims and formal recognition. It is also not the only way to force claimants to accept the verdict of the ancestors. I have found that some clans, having lost a member shortly after *tippu sasa*, still retain claims over disputed land. At the same time, clans with no accident, sickness among their member do not always succeed to access disputed land. Many people believe that death after *tippu sasa* is not necessarily caused by an ancestor's curse nor wrong claims. Nowadays most clans prepare and purchase magic (*gaud*) to protect them and launch sorcery to attack their rivals while they perform *tippu sasa*. They also recognize that magic and sorcery can be purchased from other clans or migrants (also from people on the mainland) to make the rival suffer. Further, the winner of *tippu sasa* does not always succeed in getting the disputed land, or in obtaining formal recognition from their rivals or the public that they are the true claimants.

The legal and cultural sensibilities of tibo polak

The important point I want to raise here is the centrality of the framework of *tibo polak*. *Tibo polak*, *soga saukkui rituals*, and *tippu sasa* do not contain a set of rules that provide clarity for dispute settlement or forcefull authority to set up the decision overland; yet, we cannot say there was no law or legal enforcement among Mentawaians. These are procedures for decision making, reiterating duty and obligation, and imposing sanctions, aimed at justice in *tibo polak*. *The forum* and

related rituals provide a social forum in which a claim is proposed, contested and every claimant has to provide stories and witnesses to demonstrate their attachment to land. *Tiboi polak* requires a long and exhaustive discussion of contested stories taking Mentawaiian history from time immemorial to current social events. The spatial and temporal details of these stories are open to variation and reinterpretation. The stories assemble diverse elements, tracing patrilineage, labour investment, land use, magical signs and past events such as killings, harassment, humiliation. *Tiboi polak* contains a flow of sayings, stories, legends, slogans, rethoric, metaphors, which are evoked, to reject others' claims, to persuade neutral parties, and to convince their version of claims. To gain a collective agreement on what is proper or not-proper, right or not-right (*isese* or *tak isese*), all social relations have to be reconfigured and spacially and temporally set in proper manner. The decision has to be produced through consideration of an entire set of social relations among the disputing parties.

Tiboi polak is clearly not an application of a legalistic form of customary law but a flexible forum in which each claimant assembles specific claims based on social relationships and events attached to particular pieces of land. The flexibility sometimes frustrates Mentawaiians. The flexibility and uncertainty of land claims may leave bitter rivalries and latent conflicts unresolved. They give a sense of endless disputes that lead to talk of *pasaggangan siburuk* (old feud, also referring to headhunting) when land disputes fed violence. Nonetheless, they do not see the uncertainty that characterises land relations as a strange thing. Different ancestral and gift exchange stories have been created, traced, accepted, manipulated, confronted, rejected to ensure continuity of rights and relationships. Working through a claim to landownership, I argue, is not merely identifying the correct ancestral *uma* or *rak-rak* or establishing undisputed facts to provide legal clarity, but rather negotiating the proper history of social relations embedding the land, and actively reconstructing proper social relations.

Mentawaiians are familiar with uncertainty and ambiguity and in most cases are able to handle this more or less smoothly, partly because of the recognition that all rights in the current period are handed down from ancestors and previous generations and

are always *provisional*. Partly also because land was still abundant, so that when conflicts occur and consensus cannot be reached, they can afford to bide their time and put it on the table again when opportunity presents or something important is at stake. In this context, the importance of *tiboi polak* is not in finding the owner of the land. More important than that is to work through diverse reciprocal relations among claimants. *Tiboi polak* provides the momentum and mechanisms for everyone to revisit and reinterpret stories and enables them to imagine proper social relations within a fluid social structure based on reciprocal relations. Telling ancestral stories is a way to orient the storyteller's perspective and to grasp the other's perspective. In this light, I accept Hammons' (2010: x) claim that a story represents a gift in Mentawai culture, an object that mediates between self and other. When parties come to the conclusion that their stories have new aspects in common, they may come to agreement and start to share their claims.

The way *tiboi polak* attempts to resolve or manage land conflicts indicates that a juristic framework may never be able to grasp Mentawaiian legal sensibilities. The purpose of *tiboi polak* is principally to resolve and reconstruct relations between men, not merely to enforce a set of rules. *Tiboi polak* is not simply a codification of explicit norms related to land tenure. It is space of social imagination that provides the opportunity for Mentawaiians to work out for themselves how they are going to live, and to 'imagine principled lives they can practicably lead' (Geertz 1983: 234). *Tiboi polak* provides a cultural mechanism to make sense of what is proper or not, what is right or not, what is justice or injustice. The principles of patrilineal inheritance and precedence, the obligation of reciprocity, and the necessity of making social alliance are set out through this dispute management institution, in which the sanctioning role of ancestors underpins enduring Mentawaiian legal sensibilities.

Tiboi polak is a perfect example of the semi-autonomous social field, defined by Moore (1973, 720), as a field "that can generate rules and customs and symbols internally, but that ... is also vulnerable to rules and decisions from outside". *Tiboi polak* is located in a wide social matrix that can affect its internal dynamic. Old sources of powers such as storytelling, knowledge of supernatural spirits, and

exchange relations are widely deployed along new lines of community power and status—through a hamlet head, elected member of legislative board or a teacher. In the struggle over claims, a clan with members holding a significant position in the settlement (head of hamlet, teacher, church clerk), with wider social networks and financial resources has advantages. Knowledge (ancestral stories, history of landscape, specific information about marriages, secrets about peculiar incidents or conflicts) is a source of power; but wealth, education, and position within the state apparatus are also important sources of powers as well. Not having enough financial muscle and social networks to organize claims and stories may deter a ‘true claimant’ from pressing their claim. Mentawaian customary law represented in *tiboi polak*, therefore, does not exist as an isolated field but interrelates with powers outside. *Tiboi polak* persists because it has an open and flexible character allowing agents inside it to continually reconfigure reciprocal relations, and enabling forces and powers outside it to build reciprocal relations with an internal logic and dynamic. One important external power, which has been inserting itself into *tiboi polak*, is state authority, a subject discussed in the next section.

5.2. Seeking Authority, Creating Property: Hamlet-Village Dispute Settlement

Tiboi polak at a village level as a shopping forum

In the context of cash crop production, aspirations for development, and the formalization requirements of state administration, unresolved land disputes through *tiboi polak* are seen as a handicap. Young men in Muntei and adjacent settlements mutter about the lack of legal certainty in *tiboi polak*. “*Tiboi polak* is only for older people’s business who want social prestige without economic benefit”, grumbled Aman Angel (32), a promising leader in neighbour settlement, “even if we won our claim and sell our land, we will have lot of debt to pay the expense of *tiboi polak*.” The new generation fosters positive preference for incorporating formal or state authority into local land relations, a trend that explains how state authority has increasingly become important in the disposition of land and its relations.

The story of the state in Mentawai is not a linear progress in which the state comes and disrupts all traditional land arrangements. Initially, the concrete powers and presence of the state is not represented by government agencies, the courts, or the enforcement of law, but through the appointment of *kepala kampung* (head of settlement) in the earlier years of Indonesia independence and the appointment of a head of hamlet (*kepala dusun*) or village (*kepala desa*) after the establishment of the resettlement project during the New Order. The *kepala kampung* was primarily appointed to solve conflicts and provide a channel for the state to impose a development scheme. It had been difficult for these heads to exert authority because in an egalitarian setting each person and clan insisted on retaining their political autonomy. Eventually, state development had consolidated a patronage system through these local leaders. With external support and connections, heads of settlements could gain more development packages than ordinary residents and deploy state support to facilitate local social, economic and political interests. Local administrative heads became a new political force, disrupting any provisional equilibrium that might have been achieved by a semi-autonomous customary regime. While state intervention intensified over the three decades of the New Order regime, the authority of the *kepala kampung* and *kepala desa* expanded not only to prevent violence and facilitate development, but also to resolve land disputes. When a clan wanted to redress a land dispute, the *rimata*, head of the clan, would ask the *kepala kampung* to take on an arbitration role. He would discuss the issue with several elders (*sikebbukat uma*) who knew the history of the disputed land and might delegate the task to a knowledgeable male elder.

Over time, the *kepala kampung* had harnessed the skills to deal with land disputes and acquired knowledge about ancestral stories around the settlement. His mediatory position enabled him both to gain support from the state and credibility from settlement residents. His strategic position representing the state positioned him as a neutral figure in tibo polak and dispute. The political authority given by state also enabled the *kepala kampung* to accumulate knowledge about land stories, and expand his own social networks and alliances. In return, he could gain experience and build reputation, which would increase public acceptance and provide opportunity to establish state and personal authority. In Muntei, the first *kepala*

kampung, who held his position for about 35 years (1969-2004), became a well-known land dispute arbitrator and the first person sought out when a land dispute arose. He was invited to government settlement throughout Siberut to resolve land disputes, at least through the period of my fieldwork, despite many rumours that he had begun taking sides for personal advantage after he stepped down as head of village in 2004.³⁰

The presence of *kepala kampung* and authority attached to them installed a new political institution in the settlement. When a land dispute could not be resolved through customary *tiboi polak*, a claimant clan could request the head of hamlet to organize another *tiboi polak* meeting at village or hamlet level. Since that time, *tiboi polak* were modified to become a hamlet or village-based land dispute forum (also called *tiboi polak*). Decentralization has gradually intensified the presence of the state and brought bureaucracy into Mentawaiian social life. With the conversion of *kampung* (settlement) into *desa* (village) and *dusun* (hamlets) as local administrative units since 1980s, appointed *kepala kampung* were replaced with elected *kepala dusun* and *kepala desa*. The election procedure has slightly enhanced the position of *kepala dusun* and *desa*. As a consequence, *tiboi polak* at *dusun* level have stronger authority and increasingly appeared as the preferred institution to solve land disputes.

The authority of the *kepala desa* and *kepala dusun* is manifested in the way they organize and the way people accept the verdict of *tiboi polak*. To gain public acceptance, *kepala desa* have to smartly combine the legal assurance of state legitimacy and authority as well as deploy traditional leadership skills and knowledge. This requires a lot of work. While the claimants are busy organizing

³⁰ As mentioned earlier, because the cost of the forum is very heavy, the claimants want to ensure they will get the disputed land. It is common practice that the claimants are willing to make a deal with the government official or other arbitrators to ensure that their claim would be accommodated. Rumours are rife that claimants promised to give a plot of land to their allies and the arbitrator if they won the dispute. The struggle for land is not only about economic advantage. Nearly all winners in the forum fail to get an economic return for their expenditure even if they sold all the disputed land. The struggle over resources is 'a struggle over meanings' (Roseberry 1988, 38). Winning a land dispute is a way to show that they have correct relations to the ancestors, proved 'truth', are solid as a group and have power to communicate with spirits. Land claims are a matter of political sovereignty. This gives an impression that land is not yet fully commoditized since social prestige remains rather more important than economic value.

their allies and bolstering their claims, the head of the hamlet is also busy organizing a team of *sipasitiboi* (arbitrators), usually consisting of elders (*sikebbukat*) who have deep knowledge of the stories of disputed land. Prior to the forum, the team of *sipasitiboi* collect stories, genealogies, and opinions from clans and persons that have cultivated near or have relations with the disputed land. All materials, evidence and stories that have been collected by *sipasitiboi* are not distributed to spectators or claimants before the final verdict. In the forum, the team gathers and hears the genealogy, stories of land, evidence, explanation of eyewitnesses from both sides, giving opportunity to spectators who know about the disputed land to speak. The collection of all information will take a day or more and when there is no new additional information, they will compare their findings, discuss the stories, and make a formal decision.

On the last day of the forum when the team announces a verdict, the *sipasitiboi* and the head of the hamlet will instruct a day's break during which lobbying, informal conversations and negotiations take place to reduce tensions and ensure all parties accept the decision. The announcement of the decision usually takes a short time, and consists of a formal rejection or acceptance signed by claimants as well as the hamlet head. Local police, village security, and local leaders also put their signature to the document. Claimants rarely accept the decision outright, adding notes and trying to modify the content of the decision. A rejection letter is attached if they appeal for a review of the verdict at another village level forum. The documents from the forum will be taken up by village, Sub-district and district level to attempt to solve land disputes where they have not been settled through this process locally. However, sub-district and district government rarely accept a request to organize *tiboi polak* unless it is directly related to a specific government project. When a village level meeting cannot resolve the conflict and sub-district does not accept an appeal, both parties may return to the 'old' ways, asking the ancestors or enacting *tippu sasa*.

Land forums at hamlet and village level cannot be seen merely as a state imposition, but have been created by Mentawaians themselves as a new institution providing space for a hybrid form of legitimacy. The main procedure of the forum is largely

based on *tiboi polak*, yet the final decision is written in a document signed by the village head and other representatives of the state apparatus as well as customary leaders. The letter signed by head of hamlet or village represents the state, marking a shift from customary *tiboi polak* land dispute procedures. Authorization of claims by head of hamlet or village is very important; however, it does not displace customary practices. It can be argued that the involvement of state authority in *tiboi polak* is an example of how local people produce their own forum shopping mechanisms (von Benda-Beckmann 1981) where they seek out alternative socio-political institutions to authorize claims. When they fail to win a claim in *tiboi polak*, they can bring a new appeal at the hamlet and village land forum. The customary *tiboi polak* is the cheapest and easiest way to organize while the hamlet or village forum are sometimes chosen to avoid violence and hostility. The hamlet /village forum offers the opportunity for reassessing ancestral stories and reconfiguring claims, but at the same time provides a quasi-legal mechanism for establishing permanent claims. This creates a hybrid institution, a socio-political relationship that is both old and new (Godelier 1972).

State authority and land as property

Tiboi polak at village level is a kind of hybrid institution where state powers and authority are blended with the flexibility of local customary practice. While a signature from the state apparatus adds an additional source of legitimation, the legitimacy and authority offered by the village forum is not ultimately fixed and final either. This has become a new subject of public debate. People perceive that claimants who have financial power and connections to government officials tend to win claims at village level. An informant used the expression ‘money talks louder than spirits’ when he told me about the practices of bribery that had become part of the village forum process. *Si pasitiboi*, heads of hamlets and villages are subject to accusations of ‘eating money’ from the claimants. It is widely known that heads of hamlets also seek out claimants who can give them economic and political support.

The most important effect of the forum is that it gives provisional authority and credentials for the winner to enclose and transfer land through formal state

documentation processes, making the land officially saleable before rivals or other clans return to challenge the decision. Unsatisfied claimants no longer only struggle against rivals but also the signature of police, hamlet/village heads and 'the law' as a formal abstracted entity. At the same time, the new owners can now refer counter-claimants to the head of village. In this sense, the significance of the forum catalyzes the creation of land as exclusive property that is extracted from social relationship (Sikor and Lund 2009). As found elsewhere in Indonesia and beyond (Fitzpatrick 2007, 143; Hall, Hirsch, and Li 2011, 33; Warren and Lucas 2013: 95), the formalization of rights in practice largely depends on semi-formal authorization in the hands of local leaders. The forum offers a sense of legal justification by involving the state apparatus to select and authorize contested claims. The popularity of the forum in Muntei is a sign of state formation and incorporation that occurred in tandem with the incorporation of local production into global markets. This is the twin process that normally, according to observers (Hall, Hirsch, and Li 2011; Warren and Lucas 2013) brings about the transformation of land into a commodity and private property. Cash crops and money facilitate conversion of land into a commodity while state introduced authority provides a new source of legitimation of claims and generates private property ownership by providing formal legal recognition.

In Muntei and adjacent villages, the forum at hamlet and village levels has become a new form of resort for land dispute settlement by imposing theoretically non-negotiable fixed land arrangements. Although *tiboi polak* at village level has become popular, it doesn't necessarily indicate a linear route of transformation from customary law into state law. Even after the forum makes a decision and heads of hamlets formalize it, resistance to the commodification and disembedding of the entire complex of social relations around land rights has persisted. The accusation of bribery against *kepala dusun* and *sipasitiboi* became stronger as indications that money trumped the spirits of ancestors arise. Decisions of *tiboi polak* at hamlet level are rejected and the authority of *kepala dusun* questioned. But despite protests and complaint, the balance between customary and state authority shifts when migrants and Mentawaians who have no social relations with land claimants or attachment to the place are involved in the business. Once land is transferred to migrants and some

other Mentawaians involving document transactions signed by the head of village, the entire history of social relations in land is replaced by a piece of paper. The land transaction document requires endorsement of other people within the clan and neighbouring landholders, and Mentawaians do recognize that selling land to migrants involving formal documents means that land would effectively be handed over permanently.

Next step toward certification of claims?

Despite the fact that land transaction through a written document is increasingly preferred, only a few properties have been formally certified in Muntei. I have previously argued that this is partly because of the financial costs and administrative problems involved (Darmanto and Setyowati 2012, 333; see also Warren and Lucas 2013, 97), but only recently I realize that it is mainly because people are in doubt about the exclusive rights and enforceable claims created by full titling or certification. People have come to realize that legal certainty provided by the BPN can be rejected by other state agencies (forestry, agriculture). They are unsure which state agencies can give tenurial security. I do not find a single case where land titling generated more conflict than *tiboi polak* in Muntei. But there is a well-known case in the neighbouring village of Maileppet suggesting why land certification fails to guarantee security of tenure and may proliferate old conflicts.

In 2011, some migrants and Mentawaian elites purchased several plots of land from the Sarubei clan in an area called *Siniti* (maps 5.1). Many clans have claimed *Siniti* for several generations and tried to organize several *tiboi polak*. A few Sarubei men took the initiative to clear forest and expand their garden. One of them is a head of one hamlet in Maileppet village. He collaborated with other heads of hamlets to create kebun percontohan, a demonstrated garden with the hope to inspire Mentawaians to take farming seriously. He offered land in *Siniti* as a site for individual garden plots in a compact area to anyone who was interested to cultivate cash crops (map 5.1). He gave a cheap price (1-2 million IDR/ha)³¹ for whoever wanted to participate in the project on several terms. The demonstrated garden

³¹ 1 million IDR equal to 100 AUD in 2011.

became the village's development program. Sarubei men and the head of village managed to obtain a legal document for land transfer from the village office with the support of sub-district authority. The head of village and head of sub-district bolstered the program by buying ten hectares and actively participating in the process. They also proceeded to land certification by involving land administration (BPN) officials. They paid a dear sum of money as "gifts" to the BPN officials who surveyed, mapped, and registered the land. Land certificates were finally issued in 2013 and announced in the local newspaper.³²

When the participant of the demonstrated garden started to cultivate rubber, a movement emerged among the Samalinggai clan who share a common ancestor with Sarubei to cancel the land transfer and neglect land certification. Samalinggai men managed to get a pile of legal documents from police at district level, legislative, and to my surprise, from the BPN itself. They also prepared a complicated map, ten pages of ancestral and land stories, and a folder of attachments, including land transfer documents signed by several clans in the 1970s to support their claim. Two young and energetic Samalinggai men devoted themselves to travel around the islands to gather ancestral stories and gain support by lobbying high-ranking officials, police, and former heads of villages around Maileppet. They showed me documents stating the Samalinggai clan owns the land while Sarubei were just stewards and only have *kokop* (use/eating) rights, not rights to dispose of it. They claimed that land in *Siniti* belongs to them and they are the only clan having rights to sell it.³³ Samalinggai men also demanded the head of the sub-district make a public statement that the land transfer from Sarubei was illegal and that he had been wrong in buying 10 hectares of land from Sarubei.

³² According to the regulations (BPN 2015), if there is no complaint within 3 months, land certification becomes full title and the holder of the certificate has private property (*hak milik*) rights under national law.

³³ This claim, of course, was denied by Sarubei men. They insisted that they have equal rights to sell land in *Siniti* citing that they were descendants of the common ancestors to Samalinggai. Aman Luisa, the prominent Sarubei man told me that they felt they were forced to sell land after seeing that Samalinggai men earned a lot of money by selling it. A couple of years earlier, a faction of the Samalinggai clan sold 70 hectares in *Siniti* to wealthy migrants, getting tens million rupiah. They used the money as a fund for the political career of a prominent clansman, who tried to be a candidate of local parliament in the 2011 general election but failed.

The struggle over Siniti land does not involve only Sarubei, Samalinggai, and other clans who also have claim on it, but also various state agencies. A couple months after the BPN registered a few land parcels in Siniti, it was found that seven of the swidden plots owned by migrants and two Mentawaians were actually state forest. A map from the National Park Office marked the Siniti area as a conservation zone. The village head of Maileppet was worried that the Forest Agency or National Park officers would report this case to the state agency in charge, Balai Konservasi Sumber Daya (Nature Conservation Agency) at provincial level. The head of village deflected the problem to the BPN officers. “They come, visit land, measure, register, and take our money,” explained the head of Maileppet village, “then several months later, they send the document.” They have never met the BPN officers again since. They then visited the BPN office in Padang and were told that the officers had been transferred to another province. There was a clear indication that the BPN officers did not carefully check the legal status of land registered and were not interested in the ancestral stories and complex land arrangements that constitute land rights in Mentawai; they simply required the formal letter signed by the head of hamlet and a paragraph-long document stating the origin of the land in order to process a land certificate.³⁴

The certification case in Maileppet shows that the state is not a single and unified actor but contains competing agencies and officers bringing different interests and agendas (Li 2007) to state processes. This also reflects the combination of overlapping authority and corrupt practices characterizing land formalization in Indonesia (Hall, Hirsch and Li 2011; Warren and Lucas 2013, 99). People often cite the example of the Samalinggai and Sarubei clan dispute and *kepala desa* certification when they express doubt about the effectiveness of land titling. They are

³⁴ The status of land in Muntei and Maileppet itself is confusing and changes along with the changing regime and bureaucracy. In 1973, all Mentawai Island was designated as state forest under Forest Department jurisdiction. When the resettlement project took place, about about 380 ha in Muntei was declared to be under Department of Social Affairs jurisdiction and then allotted to the participants as private property (*hak milik*). The Forest and Social Affairs Departments have never discussed the overlapping designation. A new spatial planning regulation classified part of Muntei land under 'other uses', Area Penggunaan Lain (APL) under Mentawai District authority and the other part as Production Forest under Ministry of Environment and Forestry. The new planning designation has been a source of disagreement among environmental NGO's and state agencies at both Central and District Government levels.

reluctant to pursue land titling because they believe it is a matter of power and connections. As Aman Lita (52), one of my key informants, told me:

You can invite as many BPN officials as you wish if you have a thick wallet or friends who clean their office chair. They don't care about Mentawai and ancestral stories. They don't care about headhunting and the painful process of getting land. Today they will come to register your land but next year they will say it is someone else's land because they got money from them. BPN staff sit in office, come once, get money, go elsewhere and leave us in pain. Look at the *kepala desa* Maileppet. He paid money to the BPN. He might need more money to pay people from the Forestry Agency in order to ensure their land [title holds]. (interview 13/12/2014)

My research data shows that only about 22 house plots and just 6 small swidden plots in Muntei are registered by BPN, only 7 of which are held by Mentawaians. All titles for swiddens belong to migrants and Mentawaians who have a certificate for their houseland and mainly come from other places. While for some certification is desirable, most Mentawaians living in Muntei seemed unwilling to take formal documents as proof of ownership. One reason they prefer to maintain 'old ways' is the wish to maintain flexibility of land arrangements. Even though villagers are keen to protect their property and gain clearer and unambiguous claims, there is little sign that they will join the BPN program. According to them, the transformation of a rather flexible property relation to a fixed entitlement will bring the end of complex provisional and residual rights, which have been embedded in social relations into the contemporary period. It will also break the history of personal or clan relationships and the story of land exchange. Exclusive ownership will distil the entire story of acquisition and transaction and squeeze the social identity of the right holders into an abstracted and disembedded form of private entitlement.

The general consensus among informants is that the BPN officials do not care about clarity or solving the social problems underpinning land claims, instead they take personal benefit at the expense of claimants, and are rewarded based on the number of plots titled.³⁵ Whatever the claims for tenure security, land title can trigger further

³⁵ This explains why the BPN officers are more interested to formalize house plots than swidden land. The incentive, either formal from state budget or "informal" in the form of 'gratuities' from the

conflict because people are afraid that full titling can give legal status to land that is acquired by a previous generation through a 'bad way', such as killing and adultery. It makes no sense that they cannot reclaim misappropriated land after it has been certified. People's disaffection with the land titling program also arises from their experience that land becomes easily transferrable and saleable outside place-based social relationships, enabling migrants to buy and sell it overriding ancestral stories, labour, and social relations attached to land, and converting what was once a social and economic relationship to a purely economic relation represented by piece of paper.

5.3 Conclusion

This chapter has examined how Mentawaians have dealt with ambiguity and inconsistency in land tenure cases and how they have attempted to resolve land conflict. *Tiboi polak* is a social institution for individuals and clans to put forward claims against rivals where truth is the subject of contestation, that must be evidenced and mediated by social relations, especially by ancestral stories and their deployment by various agents pursuing not only economic, but political 'interests' and social prestige. *Tiboi polak* does not provide legal certainty, but offers an opportunity for Mentawaians to grasp sensible legality in order to restore or reconstruct social relations. The purpose of *tiboi polak* is not narrowly legalistic, aimed only at a clear recognition of ownership, but rather provides a forum in which stories, proverbs, sayings, rhetorical arguments are presented, contested, and accepted in order to reassess who they are and where they are going as a clan, individuals, and community. It is not surprising that statements about land (claims, stories, rights) do not fall into coherent and systematic rules but "bounce off one another" (Merry 1988, 897). As a customary legal mechanism, *tiboi polak* mediation does not always resolve disputes and commonly paves the way for other mechanisms such as rituals and a hybrid legal forum through the administrative village and hamlet. The role of *tiboi polak* as hybrid customary-state dispute management

landholder, is based on the number of plots they register and certify. In the settlement, they could process more plots of land than swiddens. Registering a swidden in Mentawai also requires hard work since they are located in rough terrain without proper roads.

mechanism shows the importance of ongoing adjustment of socio-political relations in Mentawai society.

As in the traditional *tiboi polak*, the village forum does not give more legal certainty, but offers another adaptive mechanism for accommodating internal and external pressures in a flexible manner. The lack of legal enforcement of village forum outcomes continued to enable land tenure flexibility even in a period in which having exclusive land ownership supported by legal and formal recognition has been promoted strongly by the state and is regarded by Mentawaians in the mixed migrant resettlement community of Mentawai as more or less desirable. Resort to the quasi-state legal forum through administrative village mediation - that ultimately enables formal certification - has been adopted with reservations in Mentawai, and is understood to be not without risk. The persistence of ambiguity in land relations and the increasing level of conflicts are a nightmare for development projects brought by government or non-government agencies that require legible social practices and relations, the subject of the next chapter.

Chapter 6
FINDING COMMUNITY, MAPPING TERRITORY:
DISTRICT GOVERNMENT AND INDIGENOUS ALLIANCE PROJECTS
FOR LAND ADMINISTRATION

This chapter examines district government and local NGO attempts to identify land ownership and to solve the ambiguity of land claims. District government has generally perceived *tiboi polak* (land talk forum) as an ineffective process to clarify landownership and settle land disputes because it does not always produce a tangible resolution. Inconsistent and ever-changing claims over land pose serious problems for district government development projects. When the question of who are the landowners entitled to compensation fails to get an unambiguous answer, the construction of schools, church, a community health centre, and other government infrastructure projects have been halted. It is common that whenever development projects are initiated, many clans with different claims come forward to propose compensation to government, as reported regularly in the local newspaper, *Puailiggoubat* (2013b; 2013d; 2014b). Meanwhile, local NGOs working on Indigenous issues have argued that ambiguous claims and unclear ownership of customary land is a serious problem for Mentawaians when powerful actors try to grab their land. They have campaigned that Mentawaians have to have legally documented title and formal recognition of communal land from government.

The first section examines the district government program for land ownership identification and recognition, including a draft Bill on the recognition of Mentawaians society as a customary community (*masyarakat adat*). The second section analyses a community-mapping project by the Indonesian Indigenous Alliance NGO (AMAN). The mapping project is part of a campaign for communal customary land recognition. Even though NGOs and the district government have different backgrounds and rationales, both start with the premise that finding a systematic and coherent *adat* and communal land tenure system that can be made legible is needed. They share a similar approach, aimed at dealing with the

complexities of Mentawaiian land tenure through a state-based legal framework. While these projects may offer a mechanism for recognition of Mentawaiian land as indigenous territory in state law, I will argue that these projects, as proposed, will complicate rather than clarify existing land arrangements.

6.1. District Government Program for Land Formalization

Finding clans for development

In the view of district government, the complications surrounding Mentawaiian land relations have inhibited land-based development projects, especially infrastructure building (schools, roads, housing), reforestation, land titling and the like. Every edition of the local newspaper *Puailiggoubat* reports at least two development projects since 2011 that had trouble with multiple claims leading to multiple compensation cases (for example *Puailiggoubat* 2014b; 2013a; 2013b; 2013d; 2013g). In 2012, the head of district (Bupati) asked district agencies to establish a series of programs to resolve the land conundrum. The main focus of the program was the enactment of a Bill recognizing Mentawaians as the indigenous or customary community, and protecting Mentawaiian territory as customary land where customary law will be applied. The goal of the Bill was to give a formal legal guarantee for Mentawaians as a customary community (*masyarakat hukum adat*), and particularly to recognize *adat* land rights. At the same time it sought to find ‘social structure’ and ‘clarity of ownership’ in regard to land relations that would give state development projects guidance to cope with land disputes.³⁶ The Regional Body for Planning and Development (BAPPEDA) had coordinated the Bill and involved several district government agencies, including the Forestry and the Cultural and Tourism agencies.

The Cultural and Tourism Agency started with a program for collecting data about kinship systems across the Mentawai Islands. In 2012, the agency launched the three-

³⁶ Interview with the vice-district head of Mentawai on 4 December 2014. The head of the legislative assembly made the same argument.

year “*Ranji*” project, named after a Minangkabau word meaning kinship.³⁷ The four main aims of *Ranji* were: to trace the origin of Mentawai people from Simatalu, their separation and migration; understand the relation of clans (*uma*) in Siberut, Sipora, and Pagai islands; identify the ‘big’ or ‘main’ clans in Mentawai; and most importantly, to track land ownership (Puailiggoubat 2013e; 2014c; Sarogdok 2013a). In the first year, *Ranji* organized meetings in random villages, inviting two anthropologists from the State University of Padang and Bandung Institute of Technology to facilitate along with some elders supposed to have knowledge on genealogy and land ownership. According to one of the Agency’s staff, the number of attendees always exceeded the list of invited persons, but most of them were reluctant to talk. A few elders talked about some general migration stories but did not want to reveal particular land relations. After seven hamlet-level meetings, the officials and anthropologists produced a twenty-page report, which did not reveal anything substantive about ancestral stories and migrations, or provide an analysis of local knowledge on land rights.

With such unsatisfying results, the agency changed its method, replacing the anthropologists with the staff of a local NGO, Yayasan Citra Mandiri Mentawai (YCMM). For two years (2013-2015), YCMM staff and the District Culture and Tourism Agency conducted serial meetings at sub-district level (*Puailiggoubat* 2013e, 2014c). They collected a list of elders in each valley or village who had knowledge about land disputes, inviting them to a two-day meeting to explain ancestral stories and make a list of associated *uma*. They were asked to clarify data that had been collected by anthropologists in the first year. Most of those invited were former *Kepala Kampung* or *kepala desa/dusun* that had previously arbitrated land disputes. They were eager to explain the origin of the clan and keen to talk about clan migrations in the valleys and trace genealogical lines but refused to discuss the complex stories of land acquisition and dispute. The *Ranji* program collected an extensive list of *uma*, *rak-rak*, and stories about migrations and then expressed them in a diagram (see Figure 6.1). However, the data collected mainly

³⁷ People of Minangkabau origin mostly occupy the high ranking official positions of the district government agencies. This indicates the enduring impact of Minangkabau culture and politics on Mentawai.

concerned the number of *uma* and listed well-known ancestors without revealing the detailed histories and deep social relations between *uma* and land claims needed. Some of those who had been invited to participate later told me that although they explained their own genealogy and those of a few related clans, they avoided revealing land ownership and conflicts.

Responses of Mentawaians were varied. Some supported *Ranji* in the expectation that district governments could help people to understand the origin of Mentawaiian society. Particularly those who had land disputes, *Ranji* provided opportunity to collect stories how *uma* came into being and how they moved, the stories important to the arrangement of their claim. Elders came and enjoyed storytelling, testing their knowledge and skills of speaking and listening. Young and ambitious persons attended to learn how to manage the most important but difficult issue. Some villagers expressed reservations, though. They argued that *Ranji* only allowed a few people to tell stories about other clans, and were concerned that many land disputes had not been resolved and many secret stories (*pakeleat*) might be revealed in the forum. Others saw *Ranji* as no different to other routine government activities, just spending state budget without real benefit. The supporters and opponents of *Ranji*, though, agreed that it was not a proper way to talk about land and ancestral stories. The meeting was only organized for a couple of hours, usually at village head's houses. There was also a general feeling that *Ranji* could reopen past conflicts but could not manage to deal with them. One informant from Maileppet, Aman Jirga (65), told me:

People aren't always careful with their mouth and can say anything. *Ranji* can open unfinished disputes. It is different from *tiboi polak*. No *sipasitiboi*, no one can be trusted. The *dosen* (anthropologist) are smart, but they don't speak our language and I doubt they understand what we are saying. Who will take responsibility if *Satairakrak* men say that our ancestor is the killer and people take it for granted? You cannot properly verify other's claims in *Ranji*. They don't invite all of us. Some clans may lose their land [as a result].

In the last phase of the *Ranji project*, a big three-day meeting at district level was organized with five elders from each village invited to clarify data collected the year

before. I was invited to attend and had the opportunity to closely observe the forum. Persons who were well known for their ability to tell ancestral stories were invited but most of them did not attend. All participants were asked to give their stories and checked a board containing the genealogy of a few “big and important” and “well-known” *uma*. The discussion was lively. However, many stories were interrupted and stopped when other participants felt uncomfortable. It was also a general pattern that participants chose not to tell stories that might reveal details of headhunting incidents and other events that might reveal a bitter conflict in the past. These could lead to the loss of land claims or the payment of compensation, and exacerbate unresolved disputes. I observed that participants clustered around the valleys where their ancestors did headhunt in the past. People from Siberut Island gathered in two blocks ‘North’ and ‘South’ while people from the southern islands (Sipora and Pagai) sat in a different block. This invoked internal conflict and old tensions between Mentawaians from different valleys and islands closely associated with land disputes, the separation of clans, and the places of headhunting raids. It subtly expressed the fact that Mentawaiian identity and history could not be conveniently conflated and homogenized across time and space (Eindhoven 2007; Reeves 2001a; 2001c; Tulus 2015).

Husin Manai (47), a participant from North Siberut gave a statement that represented the general feelings of those present:

Will the government pay *tulou* (compensation) and enact *paabad* (peace rituals) for all of us when we tell the truth? Will ... [it] guarantee that we arrive home safely? We come here listening to ancestral stories. To be honest, we have a big worry that people will ask what our ancestor did to their ancestors. We are also afraid we may get punishment from our ancestors or get sickness because of the magic powers people use. We do not know what could happen. Even though we are the same Mentawaians, we do not know each other. When we talk about ancestors, we have to talk about land and how they acquire land. Many problems have not been resolved. We know stories but shared them little. It is easy to list the name or number of *uma*, but it will not be easy to tell the whole [account of our] relations.³⁸

³⁸ Recorded statement, 28 November 2014.

wanted a *Ranji* document that could be used as an encyclopaedia of clan histories and landownership in Mentawai (*Puailiggoubat* 2013f).

Formalizing landownership through district legislation

Since mid-2014, the District government administration has also worked with Yayasan Citra Mandiri Mentawai (YCMM) to draft a Bill on the recognition and protection of Mentawaians as an 'Adat Community' (*Rancangan Peraturan Daerah Pengakuan dan Perlindungan Masyarakat Hukum Adat*). The collaboration was unusual since YCMM and AMAN-Mentawai, a local branch of the national Alliance for Indigenous (*Adat*) Peoples with which YCMM is affiliated, are long-term critics of government policies on natural resource management and Indigenous rights (Eindhoven 2007, 2002; Darmanto and Setyowati 2012). However, the collaboration is not hard to understand since all agencies have a common platform on legalization of Mentawai as a customary society and the Mentawai Islands as customary territory. The Constitutional Court Ruling no. 35/2012 on the recognition of *adat* forest, which it ruled is not state forest, has had a great influence on the changing perception of the long term campaign of YCMM and their allies on the rights of Indigenous people in Mentawai. It can be said that both state and NGO now have a common platform at least with regard to recognition of the customary community and customary forest. More precisely, they have tried to make Mentawaiian customary practices legible for their respective interventions. I argue here that the Bill is not merely an attempt to make genuine social practices legible or to document customary practices, but also represents a fabrication of customary practices.³⁹

While the *Ranji* project is an attempt to compile information on clan genealogies and landownership, the collaboration of BAPPEDA, YCMM and legal scholars from Andalas University (based in Padang West Sumatra), is to establish the character of the Mentawai as an *Adat* Community toward recognition of its *adat* status and territory. The Bill is expected to be the summit of a series of government programs to

³⁹ For comparative treatment of the question of standardization and 'invention of tradition' see an excellent review of legal pluralism (Merry 1988), and for specific cultural contexts, see von Benda-Beckmann and von Benda Beckmann (2011, 2006), Li (2007).

resolve landownership and to be submitted to the district legislative assembly in 2015. For the district government, the Bill is particularly important to the implementation of the thousand-kilometre road program, an ambitious inaugural project launched by the head of district. The road program requires land, while local claimants demand compensation. Meanwhile, YCMM have been a long-time proponent in the Mentawai campaign to gain recognition as a customary community with attendant land rights. The NGO also have advocated the return to customary practices (*adat*) of resources management (Eindhoven 2002, 2007, Darmanto and Setyowati 2012, *Puailiggoubat* 2015b). The Bill offers a strategic arena to insert YCMM agenda, leading them to shift their strategy toward collaboration with the district government.

The district government, NGO, and legal scholars share a common definition on what a customary community is.⁴⁰ According to the Bill, a customary community has to have an elaborated system of territorial claims, customary law, wealth and property, and customary governance institutions. Mentawai is an exemplar of a customary community which possesses customary territory (*wilayah adat*), “...consisting of land, water and water bodies including all resources in it with specific boundaries owned, managed, and conserved for generations in a sustainable way for the needs of the community through inheritance from the ancestors and claiming rights of avail over land and customary forest”. The formulation of a rather legalistic and idealistic concept of customary community has been clearly influenced by a combination of national discourse on development and marginalized people and international law on indigenous rights. AMAN’s definition of *adat* and adat rights (AMAN 1999) is widely employed in the text.⁴¹ The Constitutional Court decision on *hutan adat* (customary forest) as non-state forest also affects how the district government conceptualizes Mentawaians as an *adat* community and how the district

⁴⁰ The Bill refers to an *Adat Community* as comprising “Indonesian Citizens who have specific characteristics; live communally in a harmonious way based on customary law; have special attachments to ancestral land and/or share territory; have strong relations to land and nature, and have their own value systems - economic, political, social, and cultural - in their respective homelands” (Article I).

⁴¹ The definition of customary (*adat*) community and rights attached to this term resembles Holleman’s summary of *beschikkingsrecht* (1981, 43) as the “fundamental right of a jural community freely to avail itself of and administer all land, water and other resources within its territorial province for the benefit of its members”.

incorporated the concept in their program. The district government statement on its task to “recognize, respect, and protect” the community and their “traditional rights” represents the acceptance of the indigenous rights concept in the legislation.

Protection would be built upon "recognition, diversity, fairness, legal assurance, equality, openness, full participation, and accountability"; this echoed international instruments on indigenous rights regarding the concept of free, prior and informed consent.

The core of the Bill sets out three main stages for recognition and protection of customary territory, beginning with identification, followed by verification, and finally designation of customary territory. In principle, communities can propose their own territory, which the government would formalize (Article 6). The identification process would be carried out by both community and district government. The district head (Bupati) can delegate the responsibility for identification to head of sub-district (Camat), involving participation of community and other parties such as academics and NGOs. The second stage, verification, is conducted by a Committee on Customary Community Law. The committee is designated by District Head Decree (*Keputusan Bupati*), consisting of representatives of district government, academics, community leaders (*tokoh adat*), and NGOs having competence and respect within the customary law community. Verified customary territory will be publicly reported in the mass media, government offices and public spaces. People have 60 days to check the report and are invited to put forward objections. If there is complaint, the Committee has to review the evidence, verifying facts on the ground. The final Committee’s report and recommendation is given to the Bupati before he formalizes the customary law community territory.

The Bill consists of general statements about customary community institutions or community territory, but there is no single reference to very important but complicated Mentawaiian terms associated with land tenure such ‘*uma*’, ‘*rak-rak*’, ‘*muntogat*’ or ‘*polak*’ or the contested claims associated with their histories.

According to YCMM staff, it is intended to give general guidance and a broad statement of the customary community structure in the Mentawaiian social system. The Bill gives room for communities to manoeuvre to determine which institution

they prefer to adopt. In contrast, the district administration demands that the Bill clearly identifies customary institutions that can be used to definitively establish land ownership. The Bupati specifically refers to the *Nagari*, the Minangkabau political structure and its Lembaga Kerapatan Adat Nagari (LKAN) as an appropriate model for Mentawai. This is a surprise because the Bupati is a Mentawaian and has been a long-time critic of the domination of Minangkabau culture and politics in Mentawai. The Bupati and BAPPEDA insist that the government must have a guide that can be used to identify land ownership and customary territory for development practicability. They force the team to finish the Bill in 2015 due to the implementation of the Desa Law No.6/2014 that requires district governments to choose between ‘adat’ and ‘state’ village structures, partly for financial reasons.

Even though the purpose of the Bill is to recognize customary land and territory (Simanjutak 2015; *Puailiggoubat* 2014e), it does not elaborate the role of existing customary institutions such as *tiboi polak*. No less than 16 out of 24 articles in the Bill sets out steps and procedures for customary territory designation. However, the legislation is mainly framed in terms of state legal terminology and bureaucratic procedures, with district government as the patron of this customary community designation process. The Bill emphasizes the role of the committee and Bupati in the process of recognition and designation of the customary law community and their territory. It establishes a committee of designation, specifies how long the process will take, the rights and obligations of the community, and who is to take responsibility for the financial expenditure entailed. Even though the draft carefully explains in detail how to put forward territorial claims, the Bill does not mention the importance of ancestral stories, the *tiboi polak* forum, and other mechanisms for dealing with the multiple claims concerning land issues. Otherwise, the Bill simply states that ‘all land matters will be arranged by the local community’.

The Bill is an example of the constitution of a narrow conception of customary rights and the problems posed by a legalistic conception of customary law. It also illustrates the discrepancy of legal meaning and legal order between district government and existing local practices. What is customary law and customary territory in the Bill hardly represents or accommodates the legal order of *tiboi polak*. The Bill is clearly

an attempt to incorporate a state-legal mechanism into customary tenure arrangements in order to achieve legal certainty. The customary community and its territory will be recognized after the Committee and Bupati define and validate it. Customary claims can be recognized only after confirmed from a state legal perspective. But the rules and procedures set out in the Bill, despite being termed customary, do not reflect the fluid and dynamic legal order that is central in *tiboi polak*.

The draft Bill does not provide clear indication of who constitute the local community: is it the administrative village (*desa*), administrative hamlet (*dusun*), clan (*uma*), or corporate group (*rak-rak*)? The Bill gives a short statement that the local community is represented by a board of customary leaders (*Dewan Adat*), which is again to be recognized and formalized by government. It may be supposed that the *Dewan Adat* as the representative of the ‘local community’ in the Bill is a newly installed institution at hamlet level containing representatives of each clan. The notion of *Dewan Adat* rekindles the history of *Dewan Adat* installed by YCMM and their allies in the 1990s and early 2000s aimed at organising Mentawaians against oil palm and logging companies. Despite playing a prominent role in popularizing the discourse of Adat Rights in Mentawai, the *Dewan Adat* as a new board of clans in Mentawai villages has the possibility of creating a new social structure that can generate horizontal conflict.

The *Dewan Adat* installed by YCMM in the 1990s was set up as a supra-clan institution consisting of one representative from each clan.⁴² It was an institution

⁴² I have written at length on the history of *Dewan Adat* (Darmanto and Setyowati 2012). Here I summarize briefly the origin of the institution. *Dewan Adat* started when the Social Affairs Department manipulated the size of land appropriated for a resettlement project in Rokdok in 1996. The landholders accused the department of land grabbing and asked NGOs in Padang to help them in court against the state. Activists suggested the landholders use a *Dewan Adat* as a collective institution of landholders. They won the case and got back the land. In the late New Order period, at the peak of logging company activities, the *Dewan Adat* was perceived as a powerful tool to protect land against external actors by deploying the discourse of customary rights. However, there has been a general sentiment that *Dewan Adat* became the NGO’s puppet used to fund their activities. In Madobak hamlet, the establishment of *Dewan Adat* generated horizontal conflict because some clans who had collaborated with timber companies identified that the institution was created by NGOs to get overseas funds in a campaign to conserve Siberut rain forest at the expense of their opportunity to gain economic benefit (Eindhoven 2002; Darmanto and Setyowati 2012). They also

created by both NGOs and the landholders in Rokdok, a hamlet in the upstream. Despite it has been widely acknowledged in championing *at* rights in the land claim against outside actors, only 7 out of two hundreds hamlets across Mentawai have established *Dewan Adat*. The *Dewan Adat* has been seen as an external institution created by external powers. One acute problem created by *Dewan Adat* is representation. Since the composition of clans in the settlement has never been equal, the rule ‘one clan, one representative’ is problematic. There are clans with hundreds of members and clans consisting of a couple of *lalep* (see Appendix 1). In the decision making process, big clans have to share an equal voice with smaller ones. Members of the big clans argue that they have to have more representatives. The imbalance of power between *sibakkat polak* (land owners) and *sitoi* (land users) also creates another problem. While *sibakkat polak* are not necessary the largest clan, they have more powers as landholder to posit their interest and reject other’s. *Dewan Adat* can sustain authority only by external support from the NGO and always face internal resistance.

Another source of ambiguity is the meaning of the term *ulayat* (customary territory). The Bill states, ‘*Ulayat* land is a parcel of land to which a right of avail of the customary community is attached”, and provides the following explanation of article 15: “*Ulayat* resources within the customary territory can be managed for investment based on mutual agreement of investor and customary territory [right holders].” It is not clear what is referred to as *ulayat* in the Mentawai context. Is it *uma* land? Is it corporate group (*rak rak*) land? Or is it all Mentawaiian territory? It seems that the whole section of *tanah ulayat* takes for granted the definition of *ulayat* as in the Minangkabau context (see von Benda-Beckmann 1979). The problem is, Mentawaians have never developed a structure like the *Nagari* or a lineage council institution. Commons land outside clan level is hardly found. It is true the usage of the term *ulayat* as “a degree of socio-political control over land” (von Benda-Beckmann and von Benda Beckmann 2011, 178) at *uma* level does exist, but not in

accused the NGO of selecting members of the *Dewan Adat* who supported their agenda by inviting them to national and provincial forums, but leaving out clans or men who were critical of their agenda. The establishment of the *Dewan Adat* represents a ‘green indigenous movement’ that has limited recognition of citizen subjects in the forest zone (Li 2000).

the sense of *ulayat* as an inalienable village commons, since *uma* land could be disposed of permanently.

The search for customary institutions and traditional landowners in the Bill imagines a depoliticised world in which land conflicts, contested claims, fluid arrangements of social identity and relations have been settled in advance through the introduction of the *Dewan Adat* in the Mentawaian legal order. District commitment to customary community and territorial recognition is framed in terms of the state's own ideas of what "customary" should be. The Bill assumes that the unspecified 'community' holds land communally, while Mentawaian 'communal' lands have never been commons property in any clearly defined sense (von Benda Beckmann, von Benda Beckmann, and Wieber et al. 2006,). Finding land ownership and customary community then will theoretically become a matter of finding the correct *uma*/clan for applying *ulayat* rights. *Ranji* is an exercise of administrative procedure for delineating identity in the eyes of the state; the Bill establishes a state-underwritten legal mechanism for assessing the recognition of territorial rights upon identification of clans and their claims. The problem is that the *uma*'s identity and relations are somehow always in the making. The term *uma* and its genealogical and social relations are subject to change following *tiboi polak* and any dispute that reveals new ancestral stories and social relations. *Adat* law, if we can call it that, is constructive, not merely representative. Invoking terms such as 'customary rights' and 'traditional social structure' does not reveal anything if it does not recognize the fact that finding the clan and searching for landownership are as much about establishing and reviving relationships, hence ineluctably bound to story-making, claim-making and identity-making.

Mentawaian officials are not unaware of the limits of the legalistic framework or administrative mechanisms for dealing with customary land tenure. They know that land is not only a place where a clan is found and its stories told, but also where a clan is actively entitled, social relations are built, and stories are created, in a process of reimagining the past and the future. Land is a place where things continue to happen. They know that legal procedures will truncate the fluid character of Mentawai land relations, but district agencies and their alliance partners working

within a ‘state logic’ are hoping for practical solutions to the apparently complex problems of determining claims of landownership. Under strong pressure to implement development—especially with the promulgation of the national Village Law (UU Desa 6/2014)—they formulate concepts of customary territory and institutions within the state legal framework, while ignoring the fundamental importance of principles of ancestral precedence, flexible accommodation of changing internal relationships and external opportunities. The Bill provides the state with a simplification of social practices (Scott 1999) in the form of a legal framework whereby land, identity, and stories can be recorded and monitored. The Bill and *Ranji* embody an imagination of a customary community living peacefully in customary territory, where legal guarantee from the state will determine rights and obligations once and for all, without the need for perpetual readjustment to the changing constellation of social and economic forces and shifting political alliances.

Notwithstanding my reservations above, the attitude of Mentawai district toward recognizing rights based on *adat* has potential for a genuine recognition of complexity in land relations. In many ways, the Bill opens spaces for Mentawaians to elaborate what is a proper institution and legal procedure for dealing with land claims. The general statement and lack of specified terminology in the Bill provides room for negotiation for local people to apply their own legal order alongside state-legal procedure, although there are clear signs that *tiboi polak* will not be allowed to hamper development projects. The target of formalizing customary territory is not only in making ethnic boundaries. “If only to protect our land from outside claims, we don’t need state regulation,” said the vice Bupati, “Batak, Minang, Nias have known their ancestors have no claim in our islands”.⁴³

To date the draft Bill has not been issued and the impact on the community remains to be seen. It will always be possible to find clans, identify land ownership, and collect ancestral stories if a district tries hard enough over time. It is also possible for Mentawaians to propose a rather flexible *tiboi polak* as the best legal mechanism for dealing with territorial claims in the future through revisions to the Bill.

Mentawaians do not reject government attempts to solve land issues in the context of

⁴³ Interview, 3 November 2014

development and welcome state recognition on landownership tied to clan identity, while at the same time they complain about corruption and state officers taking advantage of their interest. Mentawaians expect the district government to become involved in mediating land disputes in ways that guarantee security and prevent open hostility. However, they have emphasized that the government must take a position as neutral third party in *tiboi polak*. That is why villagers talk about a big *paabad* ritual at district level and ask the government to pay compensation on behalf of all disputants. It echoes the role of Dutch colonial rule when they ended headhunting practices by circulating objects of exchange and gifts to Mentawaians (Hammons 2010). This is a crucial point to which district government and NGOs give little attention. In contrast to perceptions that Mentawaians have to be left alone, Mentawaians themselves have expectations from the state. Unfortunately, such an aspiration is likely to prove less able to guarantee certainty than the Bill or *Ranji* may intend. The next section examines the Indigenous Alliance's attempt to make Mentawaiian land relations legible to the state by employing community mapping.

6.2. Mapping Indigenous Territory

AMAN's community mapping

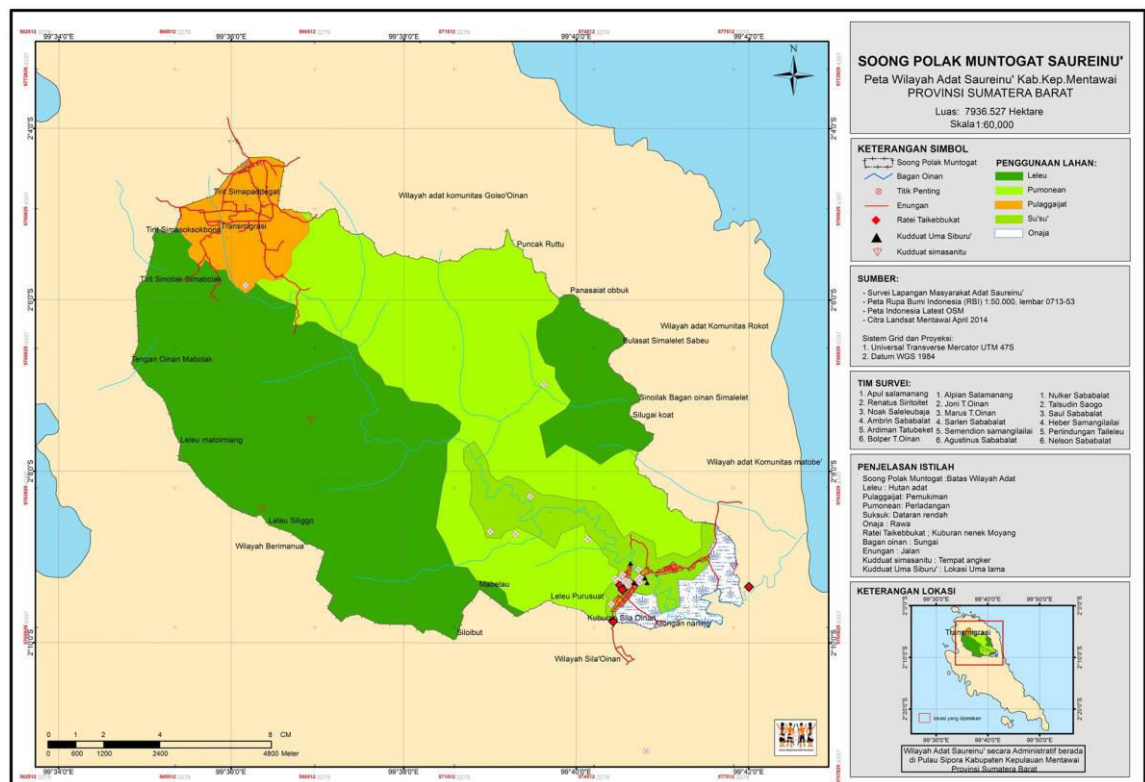
The Decision of the Constitutional Court Ruling No. 35/2012 (hereafter The Decision) concerning *Hutan Adat* (Customary Forest) has dramatically reconfigured the political status of the vast forest estate in Indonesia by recognizing that customary forest *is not* state forest. The Decision has been viewed as a milestone for the indigenous people's movement which has struggled to protect their cultural, political, and economic rights after centuries of marginalization under colonial and post-colonial rule (Rahman and Siscawati 2014). The Mentawai Indigenous Alliance (AMAN Mentawai) has taken the Decision as stepping stone, returning to the land issue as their focal point after they had previously concentrated on cultural rights and economic improvement for Mentawaians from 2002-2013 (Darmanto and Setyowati 2012). The decision echoes the platform of its parent organization, the Indigenous Alliance of the Archipelago (AMAN), after the last national congress put the land issue and the sovereignty of indigenous territory at the centre of the Congress

statement (AMAN 2012). AMAN Mentawai makes land issues the focus of their program by campaigning for participatory mapping over ancestral land. As a starting point for a community mapping program AMAN Mentawai socialized the Constitutional Court Decision at a village meeting in Sipora and Siberut Island at the end of 2014. According to AMAN Mentawai leaders, the Decision gives the Mentawaians an opportunity to reclaim rights over their land and forest, previously designated as state forest. Community mapping is a tool for Mentawaians to prove customary territory and part of a legal procedure for customary institutions according to the 2014 Village Law, especially Articles 100 and 101, stating that communities can propose their own status for the village as a *desa adat* (customary village).

Community mapping is not a new experience for Mentawaians and NGOs concerned with indigenous rights. In 1994, the NGO, Yayasan Suku Mentawai or Suku Mentawai Foundation (YASUMI), conducted participatory mapping in Siberut for an Integrated Conservation and Development Project (ICDP) (Barber, Afif, and Purnomo 1997), while YCMM worked together with Madobak villagers to draw their landscape as part of counter-mapping exercise against the Social Affairs Department's claim over resettlement areas in 1996 (Darmanto and Setyowati 2012). Both attempts left a bitter experience. Some clans accused YASUMI of selling the map to a logging company without their consent and accused NGO activists of taking advantage of their knowledge about landownership. Some of Madobak villagers refused to sign the outcome of the mapping exercise because some of the land was still in dispute. While they realized that the map could be used to contest state claims, it might also generate internal tensions. The maps remained unpublished and discussion prohibited. The difference in AMAN's community mapping is that it is neither designed appropriately for understanding local land arrangements in relation to particular projects, nor for 'counter-mapping' or creating an 'alternative' to the maps used by the state, logging companies, or conservation projects. It is conceived directly in response to legal and administrative procedures required by the

state. District government supports it, seeking to make the 'customary community' legible.⁴⁴

Figure 6. 2. Map of Saureinuk Customary Territory in Sipora Island (Courtesy of AMAN Mentawai)



AMAN had been planning a participatory territory-mapping project for seven 'communities' (including Muntei) in which they had been active. After community consent was reached, AMAN provided a few days of training in using GPS, taking coordinates and drawing them on the paper. Another meeting invited heads of hamlets, Bupati, and legislative members as well as local leaders and district officials in order to garner political support. Further, before establishing a survey team, discussions with elders, land claimants, and village/hamlet officials were organised to sketch the stories and draw land boundaries accordingly. The task of the final team of about ten persons (drawn from community members including *sibakkat polak*)

⁴⁴ See (www.amanmentawai.or.id and www.gaung.aman.or.id) on 23 February 2015 reporting that the head of legislature, head of district, and several heads of district agencies attended and supported the launch of community mapping projects.

was to do ground checks, taking GPS coordinates, and drawing the landscape that was then converted into digital maps. As I write this thesis, AMAN has finished mapping three settlements in Sipora Islands (see Figure 6.2 for an example) which will be verified and updated after consultation with the community and cross-checking the associated stories. The final map with the signature of landowners will be presented to the district government and sent to the Environmental and Forestry Ministry for registration.

Although AMAN only managed to carry out the socialization stage in Muntei in early July 2014 due to financial and time limitations, they received a positive response. My analysis here is largely based on the results of mapping in Sipora and Muntei villagers' opinions on that mapping exercise. I didn't hear any negative words from villagers despite their confusion with the term tanah *wilayat* (Mentawaiian translation for *ulayat*), which they normally called *polak uma* (uma land). One villager asked an AMAN activist, "What does customary territory represent? Does it refer to hamlets? *pulaggaijat*? *uma* or *rak-rak* land? or desa territory?" Analysing maps from Sipora Island, I shared these questions. The question remained unanswered even after maps were produced. Looking at maps titled '*soong polak muntogat*' (the boundary of customary territory) of Rokot, Saureinuk, and Goisokoinan, they simply referred to current government settlement names despite the fact that they would previously have been *pulaggaijat*. Rokot, Saureinuk and Goisokoinan are neither kinship terms, groups or landownership units nor customary territory. They were once *pulaggaijat* but were then expanded and established as hamlets. When the mapmakers put kinship terms (*muntogat*) on the hamlet territory, there was conflation between corporate group terms and state administrative classifications. The maps raise a question: what is the difference between customary territory and administrative hamlet and village territory? It seems to me the maps simply reflect a land use classification (forest, swidden plot, swampy area, mangrove forest, settlement) within hamlet or village territory. Customary territory maps are little different from government maps except for the land use classification. In fact, customary territory on the maps is overlaid on state land, and community maps are drawn on state maps as well.

An AMAN leader admitted that settlements in the southern islands of Sipora and Pagai had lost their customary institutions, laws and territory because of external pressures (missionaries, transmigration, logging companies, state administration). His statement created another puzzle: why did mapping customary territory start in a place that had already lost their customary practices and institutions? Perhaps it was due to the fact that settlement in Sipora was more coherent in terms of administrative measurement. Decades of logging companies, transmigration programs, and intensive contact with migrants have led villagers in Sipora and District government officials to prefer village administration to *pulaggaijat* or *laggai* proposed by NGOs and academics (*Puailiggoubat* 2015a). For this reason, the principal difference between customary land and village or state territory is not clear. Nor is it clear how *uma* or *muntogat* would administer and adjudicate the land disputes or how the territory will be managed. The only coherent and legible political structures are administrative hamlets and villages, which do not have authority over land. The puzzle is a double-sided one: customary territory does not have a unified and coherent political structure that is implied by the maps, while political instruments at village or hamlet level do not have unquestioned legitimacy to arrange *uma* or *muntogat* land.

6.3 Transforming Ancestral Stories to Abstract Space

Drawing a map is producing abstract space. It is a territorial strategy to regulate rights and is widely used by the modern state to assert political sovereignty. Participatory mapping and other synonymous strategies (community mapping, counter-mapping) challenge the monopoly of state to constitute what Vandergeest and Peluso (1985:387) call state territorialisation - establishing the right of the state to zone and divide space, arrange people and resources, and select who can have rights on those spaces. Participatory mapping is proposed as an alternative to state territorializing as well as a tool of empowerment and resistance to state domination. The key word is 'participation', allowing local communities to represent themselves and their claims to resources within the mapped area. In contrast to the top-down approach of state mapping that has severe consequences for local people - for instance, omitting traditional settlements in the forest and compressing diverse of

land tenure into a homogenous category - participatory mapping reveals local knowledge, elaborates social relationships, and alters imposed categories of land management (Peluso 1995: 384-5, 2005: 13). Participatory mapping has potential as a site of resistance of local people against the state and powerful actors by using mapping as “technique and mannered representation” (Peluso 1995: 384). The crucial difference, though, is not in the employment of technology, but in the way maps are produced, distributed and used locally. Participatory mapping encourages mapped people to draw, select, and modify information on land use that is important to communicate within and outside the community (Fox 1998, 3; Warren 2005).

Community mapping as carried out by AMAN does not have the focus on empowerment and counter-mapping as when it was conducted by YCMM in the 1990s, even though the main aim of this project is to provide a tool for negotiation enabling Mentawaians to assert their claim. Current community mapping is located in the context of changing attitudes of both central and district government toward customary law and of the requirement for bureaucratic procedure for the recognition of customary territory. The fact that AMAN required political support from the state apparatus (the Bupati, head of village) and used maps, statistics, and state documents (*Puailiggoubat 2015c; Sarogdok 2013b*) illustrates the extent to which community mapping is now a common agenda of state and non-state actors. AMAN’S community mapping follows a standard procedure, including gathering data about ancestral stories, *uma* or *muntogat*, inheritance, migrations, boundaries, individual claims, tree ownership, and the like. They are fully aware that spaces (land, forest, settlement) have never been abstract for Mentawaians. However, they have to deliver visible and legible space to gain external recognition.

The limits of time lead to the emphasis on village and hamlet labels on the map without elaboration or indication of clan and individual claims within the sketched boundaries. It would be very difficult to make a complicated ancestral story visible.⁴⁵

⁴⁵ AMAN provides two days of training on ‘ethnography’ for the selected young volunteers before they conduct mapping to equip the volunteers for the collection of ancestral stories. Interestingly, the volunteers are not from the community mapped. Elders are involved to show the boundary of clan lands and to ask the villagers to tell stories of the land. But for actual data collecting, AMAN selected ‘pemuda’ who have previously networked with NGOs.

AMAN leaders recognizes that the maps they have produced have not reached the aim to “tell land stories in a picture”. Community mapping brings AMAN into new territory where they have to represent historical origins, precedents, contesting claims and conflict in ‘abstract space’ precisely to minimize or preclude their effects on governance. The question regarding how ‘invisible’ social practices such as stories about genealogy and migration can be made legible through mapping on a piece of paper remains open. This question is found in any attempts to show customary territory emphasising a bounded spatial unit such as a ‘village’ (Peluso 1995; 2005, 11). The absence of local histories and the dynamics of claims in these mapped representations may have the unintended side effect to disempower the very customary practices they tried to advocate.

AMAN cannot avoid the trap of using dominant concepts and language (tenure, common property, resources management, ownership, property) and scientific procedures (GPS, ground checks, scientific method) in representing customary land. Customary territorial mapping becomes a tool for recognizing indigenous rights to their forest and territory by privileging the production of fixed and documented claims, leaving the stories of social relations tied to place more or less ‘illegible’. The discourse of ‘communal land’ predominates in the representation of customary territory/forest as a bounded territory with clear arrangements of rights and obligations held by a bounded group with clear identity. The communal rights concept as a property regime is useful to Mentawaiian political struggles against state appropriation and powerful actors from outside, and may still operate in remote areas where land sale is limited. However, it will be difficult to find a clan’s land that is fully managed communally because in a place like Muntei, in a tiny plot a clan’s land may comprise different kinds of rights, including rights on trees and other objects on the land that were described in Chapters 3 and 4. Moreover, it may consist of a wide variety of rights holders, ranging from individuals to larger groups such as *sipauma* and entire members of *muntogat*.

The community mapping campaign on communal land divided Muntei villagers’ opinion. Some supported AMAN; others were in doubt over the meaning of communal rights and ownership. People admitted that in principle, land belongs to

uma, which in practice might only be true for uncultivated land such as forest. Most land around the settlement has been used, divided, transferred to individuals within *uma* and between persons from different *uma* permanently. Once a man gives *pangumbek*, it is a sign that the right to land will be released permanently. Community-based participatory mapping has the possibility or potential to define clan boundaries, ancestral land claims and the composition of clans in a settlement. However, I doubt that it can settle land 'ownership' in the definitive manner sought by the state and commercial interests. Communal land is an important representation for defining shared, public, or open access property regimes in the face of modern enclosures, but it also easily leads to simplification of the actual constellation of relationships that link Mentawaians to land as property. AMAN has no intention to simplify and cut the histories of land transfer and social exchange that circulate access to land over time by proposing a narrow form of communal rights. In many public statements (Sarogdok 2013b; Akbar 2013; Puailiggoubat 2015), AMAN, YCMM and their allies in Mentawai have also tried to study the complexity of land access through collecting ancestral stories. However, since the main aim in pressing for communal rights is to defend Mentawaiian land against development plans such as plantation and logging, the focus on communal property rights has been dominant.

Communal land, in fact, is internally a complex of differentiated claims. My critical assessment sees AMAN's campaign on communal land as a political struggle that sidelines the dynamic complexity of claims, stories, and social relations attached to it. The emphasis on communality bolsters the sharp line between tradition/customary/ local/modern/ state/market, "the virtuous peasant and the vicious state" (Bernstein 1990, 69). It is assumed that collective or communal land arrangements will be better for sustainable resource use and conservation purposes than private ownership (Lynch and Harwell 2002; Li 2010). Most problematic is that fact that the units of communal territory that appear in the AMAN maps are villages or hamlets. By using a sedentary government settlement as the unit of territory, AMAN's mapping may take attention away from the complexity of social practices and relations between Mentawaians who have totally different ways of thinking about spatial and land arrangements from government practices.

As a tool for recognition, community mapping makes Mentawaian land claims visible and may serve to protect land against external actors. All state regimes from the colonial to post-colonial era have aspirations to accomplish their territorialization process. Especially in Mentawai, the government recognizes no-empty land, but they have never successfully produced a detailed map with significant information on Mentawai land ownership. The District administration will find AMAN's work useful because it helps government to know village territories, particularly in order to design the *adat* village and for development implementation. It can be used in tandem with the Bill and *Ranji* project to give the Environmental and Forest Ministry or BPN an understanding about local land use and people's rights to non-land resources (trees, small lakes, rivers). It also encourages people to talk about land relations and increased a sense of belonging, potentially to be used by villagers to discuss their claims. While it can potentially deepen existing contestation, mapping could also be deployed in support of land dispute settlement.

The danger is not whether powerful actors 'sell the map' to other parties to gain advantage as in the case of YASUMI in 1990s (Darmanto and Setyowati 2012, 311-21). The risk lays in the fact that maps assert permanent recognition for both land and objects on it. With fixed maps, some stories and claims will be incorporated while others are ignored. Tulus, the Mentawaian expert on ancestral stories, whose work I use, has repeatedly encouraged several clans to draw their land and to ask BPN to register and entitle it (Tulus 2015). The idea of registering the title as *uma* land is very tempting and some of the clans have been mapping their land. It is likely that land entitlement for communal lands will be promoted by the new Ministry of Agrarian Affairs and Spatial Planning (Prabowo, 2015; Alamsyah 2015; Firmansyah 2015). In Mentawai, however, it remains to be seen whether this will be widely implemented. Once communal land is officially registered, there will be no other way to challenge the outcome because the map is subject to legal arrangement. As far as community mapping doesn't select and fix particular claims, it doesn't disrupt and complicate land arrangements. Mapping customary land could accommodate local knowledge and diverse land tenure arrangements as well as supporting community empowerment and potentially bringing resource control to local people;

Yet it also may be a source of new dispute. Exclusivity, territorial enclosure, and simplification are the other side of the same coin of empowerment, recognition of local knowledge, and participation in mapping, spatial planning and decision-making (Peluso 2005; Fox 1998).

There is also another issue regarding mapping since AMAN's project has been limited to seven *dusun*. It is not clear how they will categorize land that had been acquired and owned by migrants as customary land and accommodate it in the community map. It is difficult to assess how community mapping will draw attention to land which has been in serious dispute, but is now owned by migrants and investors (in the case of a tourist resort on the smaller islands). I could not get information on Rokot, Goisokoinan and Saureinuk residents regarding the AMAN project as the maps were still in the process of publication and discussion. The leader of the AMAN project told me that they would have released the maps for AMAN and the national Agrarian and Spatial Planning ministry in September 2015 despite the fact that it had not yet been discussed with the mapped community and district government.⁴⁶ He hinted that villagers showed enthusiasm and participation when their territory was mapped. There is also little sign that Mentawaians try to avoid state intervention in order to become autonomous subjects outside government administration. Most of them are pleased to have maps and legal documents that will be useful for negotiation with outside parties such as logging companies, plantations and so on in the near future. However, I doubt customary mapping will help solve disputes over customary land tenure. Mentawaians do like to have maps, but the first question when they look at the map is who owns the land in the map, how they got the land, what kind of story is attached. Elders seeing me with a map would quickly tell me a story "My ancestor was born there... that is hunting ground for people from upstream, I paid 7 knives for that land." When they look at a map they remember past events, some exchanges, particular social relations and stories about genealogy.

⁴⁶ Community mapping is part of an AMAN Jakarta pilot project funded by the World Bank to address the Constitutional Decision on *adat* forests. AMAN Jakarta targeted seven customary communities to map their *adat* territories as part of a plan for recognition of *adat* rights over *hutan adat* before the end of 2015.

Concluding my argument, customary mapping can transform local land arrangements and incorporate the legal order encompassed by *tiboi polak* into the domain of legal procedures. It can strengthen customary rights and accommodate local land tenure, empowering Mentawaians to deal with external actors; It can also redefine customary land tenure with emphasis on the boundaries and ownership in territorial terms. Land use categories in Saureinuk, for example, can delineate land claims between hamlets, erasing some clans' lands that are cut by the boundaries of the hamlet. Insofar as maps do not making permanent claims on particular land and leave land use categories broadly defined and supplemented with information on the history of land claims, the negative effect of the map may be mitigated. There is potential that community mapping can translate fluid land ownership containing dynamic social relations into a well-informed map with considerable modification of process and medium.

6.4 Conclusion

Making land relations legible for administrative and bureaucratic purposes as well as for the campaign for protection of customary territory, as this chapter shows, brings with it a legal construction of customary rights. *Ranji*, the district Bill and the community mapping program produce boundaries that fix fluid identities and territories, focused not so much on traveling stories about ancestors, headhunting, migrations and fruit trees but on legal procedure, abstract space, and official authorization. The district government and NGO attempts are examples of the incorporation of local practices into 'the state's logic', a logic that tends to see customary tenure as fixed by definition and by legal classification and not by local historical associations and cultural sensibilities. The formalization of land access and territory are promising as a strategy to return resource control to Mentawaians (as was the goal of NGOs); yet, their resolution also represents a potential risk in which all forms of legal recognition will inevitably bring fixity, exclusivity and enclosure on some scale. These programs introduce an artificial structure and insert a source of power that can complicate existing land arrangements; but also offer space for local people to articulate their practices and meanings. State legal frameworks established through recognition of customary communities and territories by government and

NGOs are aimed at making customary land tenure legible. In doing so, they inevitably transform local discourse and practices in land relations. Concepts such as customary rights and customary territory have great importance and potential to help Mentawaians assert their claims, but also can diminish the dynamic and open character of Mentawaiian customary land tenure and will undoubtedly become a new disciplining mechanism affecting the fluidity of land relations.

Chapter 7

CONCLUSION: MAINTAINING FLUIDITY, DEMANDING CLARITY OF CUSTOMARY LAND RELATIONS

This thesis examines the dynamics of customary land relations among the Mentawaiian Indigenous people of Siberut Island. Using an ethnographic approach, it illustrates the complex nature of land rights claims and reveals the historical depth entailed in customary land relations. The thesis shows that customary land tenure is dynamic, constructed through a variety of historical processes and contexts. It also highlights the challenges that arise as market and state powers reconfigure the existing local order in regard to land. Finally, the thesis assesses the possibility of developing a land tenure regime that can both maintain equitable access through dynamic customary tenure arrangements and ensure tenurial security based on the accommodation of customary *tiboi polak* dispute management in the district government legal order.

Mentawaiian customary land arrangements initially did not treat land as a commodity. Household access rights were acquired by individual *lalep* after cultivating ancestral land or by paying compensation. Within the clan, private rights did not carve up ancestral lands. The land remained ultimately part of a common pool in which all male members had rights to cultivate. Private rights were not perceived as exclusive and alienable, however, but as contributing to the common interest in the solidarity of the group. Between clans, exchange of land came through social alliance institutions. Mentawaiians did not see land transfers as 'sale'. The 'price' involved in the transfer of land was a form of compensation for use-rights and mediated through social relations. Effectively, everybody who was not in rivalry relations with the landowning clans (*sibakkat polak*) could call on social ties to obtain the use of land. The *sibakkat polak* did not charge rent although they might ask a fee before cultivation (*pulajuk*) or *pangumbeik* when the user requests full ongoing use rights. This customary principle generated a fluid and flexible land arrangement. This fluid

pattern of land relations became established in specific historical contexts when Mentawaians were semi-subsistence oriented, and relied on semi-domesticated resources. The relations between individual household (*lalep*), the larger clan group (*uma*) and corporate kin-group (*rak-rak/muntogat*) were maintained by a complex combination of generalized and balanced reciprocity.

The arrival of cash crops and state sponsored resettlement projects has brought an external stimulus, which has in turn reconfigured customary practices. The effect of crops on land privatization is not located in the planting of trees in fallow areas as in other parts of Indonesia (Potter 2001; Li 2014a). Crop trees such as clove or cocoa do not break the swidden cycle since cultivation of fruit trees is part of the system; however, they cannot be shared as food in the way that fruit trees or sago were, and their production requires more intensive labor at the household level. This has encouraged individual *lalep* to enclose swidden plots from common land and made exclusive claims in order to maintain control over cash production. At the peak of cocoa production, the demand for land tenure security forces *sitoi* to convert their usufruct rights into full ownership by offering a release fee (*pangumbek*) and to write down previously informal transactions. There is also a cultural resource at work influencing the process of land privatization. In the egalitarian Mentawaiian setting, individual hard work and accompanying acquisitions are admirable as an important source of achieved social prestige. The popular saying *masua rere masua lolokkat* (those have pain, they have gain) gives credit to individual work. Customary tenure does not prevent personal accumulation of wealth as long as wealthy clansmen continue to contribute to the wellbeing and solidarity of the group.

In areas such as Muntei, once land was privatized and accumulated, it can be sold to migrants or other Mentawaians. This kind of transfer involves mainly cash and a written document understood by all parties as a permanent transaction. The need for cash for children's education, a Christmas party, or modern goods such as a motorcycle for travelling to Padang can be easily obtained by selling land. Debt also stimulates land transactions when people find themselves unable to repay rich creditors. Migrants and a few elite Mentawaians who are in a better position to accumulate cash seize the opportunity to accumulate land.

The familiar processes of transformation described in this thesis make land privatization seem inevitable, but the process by which land becomes a full-fledged commodity is rarely (if ever) a 'natural' process. The state and resettlement projects play a central role in the reconstitution of land relations. The state-imposed village and land titling structure has introduced a form of authority that can be used to legitimize one claim at the expense of others. Enforcement of legal procedure and paper records of land transfer authorize land as individual property as well as driving the enclosure process. The authority of the village or hamlet head can be used to establish the first stage of land titling as a permanently fixed claim over what was once a flexible land access arrangement.

While customary tenure does not specifically elaborate rules that prevent permanent alienation of land, accumulation, and commodification, Mentawaians have insisted that land cannot in principle be reduced to a narrow economic transaction. They reckon the payment of compensation (*lulu*) will release rights and create a form of individual property, but there is a general feeling that cash compensation can never fully compensate for the entirety of stories, relationships and work invested in the land. However, the permanent disposal of land does occur and is in principle possible in Mentawai customary law, insofar as alienability of land is mediated through *paroman* (a fair exchange/understanding). Multiple claims over land and disputes arising from the privatization and commodification process therefore can only be settled after negotiation and the payment of compensation. While in the past the release of rights were mediated by social institutions, the current payment of *pangumbek* tends to be equal to the purchasing price (*saki*) and land transfers tend to be treated as a sale. *Paroman* is also generally seen now by Mentawaians as a mechanism to release or acquire private rights. There is a common practice that the new landholder will give an extra gift (a packet of cigarettes, some cash) when the parties agree upon the purchasing price. The extra gift in the transaction is a symbol of *paroman*. Compensation, thus, can be perceived both as a cultural institution mediating social relations concerning land and as an economic price in regard to land. The dual meaning (sometimes overlapping) is an example of the dynamic legal sensibility of Mentawaiian concepts of customary land tenure in response to external

pressure and internal dialectical relations. The transformation and ambivalence of Mentawaiian concepts of compensation reveal both the ongoing significance of local concepts and practices and the degree to which local agency must be understood to operate beyond the antinomies of accommodation or resistance.

Disputes over land claims, compensation, and stories should not be seen as a sign of crisis or disintegration, however, but rather as part of a larger picture of a struggle over the priority of a social process maintaining fluid and flexible land use based on social relations in the face of new relations that emphasize private ownership and treat land as a commodity. Land conflicts have reemerged and intensified because it is one mechanism through which to find social relationships and adjust access to land in a period of rapid change. Conflict is the mechanism by which Mentawaians resist the transformation of land as property and commodity and insist that social relations are the main factor determining access and rights to land. Locating conflict as an expression of the persistence of customary land tenure, this thesis stresses the importance of social relations and practices as a product of an agent's experience within the context of various intersecting forces structuring land and social relations across time and space. Even though land has been increasingly regarded as a commodity and there are strong pressures for property relations to acquire 'legal certainty', the ethic of access arising from Mentawaiian reciprocal relations has persisted to a remarkable degree. The rise in land disputation is therefore to be regarded as a social mechanism for maintaining flexibility of access. Conflict and contestation in Mentawaiian customary tenure illustrate the intersection of the will to maintain a fluidity principle alongside the demand for clarity of access and use rights.

Searching for tenurial security through *tiboi polak*

I have shown throughout this thesis that Mentawaiian customary land tenure is dynamic. If we recognize *tiboi polak* as an institutional practice expressing a form of *adat* land law, it is *adat* that is flexible but also permeable to external stimulus including from market forces and the state legal order. *Adat* law in land tenure is applied, justified, and validated based on principles of precedence, patrilineal

inheritance, investment in work and social relations and taking into account the practical requirements of land use, and recently expanding contexts for transfer through compensation payment. Mentawaiian 'legal sensibility' has evolved to allow a clan, as a jural community, to transfer ancestral land either to other clans, and recently to migrants, as a permanent transfer of land as long as this involves the collective agreement of all members of the kin-group and the income from sale is distributed fairly. In some cases, a few powerful persons have unilaterally sold clan land without collective agreement, an action that leads to a break in group solidarity.

Following Clifford Geertz (1983, 184), legal reasoning is one of the most significant ways in which 'Malaysian' people try to make explicit sense of their world; indeed, it is itself partially constitutive of that world, through law's capacity to relate general concepts to particular cases. For Mentawaians, law is a culturally variable system for rationalizing the relationship between stories and norms, rights and duties, truth and justice. Instead of talking about exact rules, Mentawaians focus on narrative accounts of their social relations and the history of social practices for working out particular rights to ownership, access and use of specific land areas. A plot of land always contains multiple narratives with multiple claims to access and rights that vary according to time, place, what objects are on it, and the shifting social relations between parties. Although land use and associated claims may shift over time, Mentawaians are casual about the ambiguities that arise. Reciprocal relations within and between groups ensure that access to land could be obtained as far as they actively configure social relations among the current claimants. The circulation of stories and gifts can be used to reconfigure persons' relations with one another and in regard to land.

District government also deploys the discourse of *adat* rights in its attempt to solve the land conundrum and ensure legal certainty. Even though the draft Land Bill uses *adat* (customary) law and related terms, these terms are strongly associated with a narrowly legalistic and statist approach. It is not surprising that the Bill does not include provision for *tiboi polak* since this does not necessarily provide legal certainty or end contestation. The rigid concept of customary tenure in the Land Bill arises from its aim to resolve land conflicts and validate land ownership, rather than

reflecting the complex idea and social logic behind dynamic customary tenure. Thus it differs substantively from the legal sensibility underpinning *tiboi polak*. The absence of key autochthonous concepts and terms such as *uma*, *tiboi polak*, *paabad*, *pangumbek* and the like in the discussion of the District Land Bill confirm the subordination of Mentawai legal sensibilities to state interests.

The Ranji, Land Bill, and to some extent NGO deployment of community mapping, are examples of legal approaches enabling state and non-state actors to simplify social practices (Scott 1999) in the form of a legal framework whereby land, identity, and stories can be recorded and monitored in abstract devices such as maps, or a bundle of written customary rules. These attempts undoubtedly serve to strengthen customary rights and provide legal back up for Mentawaians within a state administrative system. It will be wrong to assume that the customary tenure system can automatically adapt to massive political and economic transformation, and give tenurial security without the assistance of a formal legal system. Mentawaians are not reluctant to participate in clarifying land arrangements or mapping their territory. They are keen to adopt and deploy mapping and state legal frameworks and blend them into existing social practices in relation to land, if the process takes place within a framework that recognizes the social dynamics that underpin customary legal sensibilities. However, legal pluralism scholars (von Benda-Beckmann 1995, 1979, Geertz 1983, Merry 1988) have warned of the danger of translating indigenous concepts into formal legal procedures and emphasize the importance of deploying local law on its own terms. Since customary tenure systems are embedded in complex social relations, any attempt to accommodate, intervene, and modify it has to recognize the peculiarity of complex social formation in which customary tenure is reproduced and modified.

The contemporary modification of *tiboi polak* at a village level illustrates the dynamic adaptation of customary land tenure. *Tiboi polak* is not simply a codification of explicit norms or a mechanism for social control; it is a Mentawaiian social institution to 'imagine principled lives they can practicably lead' (Geertz 1983, 234). Mentawaians have never seen *tiboi polak* merely as a narrowly legal procedure. It is a system that is primarily based on the adjustment of social relationships. The

flexibility of customary land tenure underlines the importance of social relations and multiple layers of social alliance. Instead of talking too much about legal rules, Mentawaians focus on the stories of their social relations and the history of social practices for working out particular rights to specific places. The elaboration and modification of *tiboi polak* to address land privatization and commodification at village level is an excellent example of how Mentawaians reconfigure customary tenure to absorb external stimulus. *Tiboi polak* is a cultural site for establishing new relationships that require legal certainty and clarity of tenure to provide recognition of individual ownership on ancestral land. Further, the incorporation of state authority in *tiboi polak* shows the willingness of Mentawaians to be incorporated into the state legal regime in search of legal clarity without abandoning existing customary tenure.

The recognition of customary rights can be a starting point for district government and NGO interventions providing real progress on land tenure security. Certainly, accommodating the customary system will give more benefit than applying simplistic state land titling to a very complicated land relationship. Even on a small scale, land certification was found to generate new conflicts, increase insecurity and allow persons who have privileged access to the state apparatus to acquire exclusive rights, leaving internal disputes unresolved. More importantly, permanent formalization of rights through land titling will truncate the multitude of social relationships that underpin customary land tenure. Searching for mutual cooperation between customary and state legal procedures can avoid the differing exclusions that arise from *adat* law and state law and will prove to be of greater practical value (Fitzpatrick 2007, 144).

The positive reference toward customary rights in the draft Land Bill can be pushed forward through the incorporation of Mentawaiian concepts and more culturally informed analysis of the main problem of insecurity in customary land tenure. Land disputes in Mentawai are rooted in the combination of internal conflicts and the new form of land transaction outside their social alliance system. With respect to internal conflicts, Mentawaians have enthusiastically talked about a great peace ritual (*paabad*) to be enacted by the district government. They expect that the government

will act as a neutral mediator in land dispute settlement similar to the Dutch role in ending headhunting practice. Expectation of a great *paabad* shows that implementation of customary land tenure requires genuine integration of customary concepts and practices into a viable legal plural order. A mediation institution might be established as an appropriate response. However, care is required because the installation of a new institution such as the Committee provided in the Bill may create a parallel socio-political institution, which can increase uncertainty and produce a new site for forum shopping (Fitzpatrick 2005, 455). This institution needn't necessarily be new, or tough. The Bill can build upon *tiboi polak* practices at village level where the heads of hamlets and villages play key roles. Instead of creating a committee to validate claims at district level, the local government may accommodate the structure of *tiboi polak* by delegating their authority to the village head, not only to prevent conflict but also organize an ad-hoc team of *pasitiboi* (arbitrators). To avoid corruption and abuse of state powers, the Bill should incorporate a clear statement that authorization from heads of hamlet/village can't be used for land titling and any formal land certification.

The authority of the state is also required in areas such as Muntei and other sub-district towns where the individualized land market has emerged and land transactions have involved non-Mentawaians. A simple and decentralized system to record land transactions without fixed title will contribute to reducing dispute. *Tiboi polak* can be modified as a decentralized process of recording rights and claims without any attempt to change their content and status, for example, by introducing title or certification for private rights. Instead of a top-down approach through the systematic identification, verification, and formalization of landownership and the designation of customary territory, the Land Bill can accommodate *tiboi polak* procedure and practices. Insofar as *tiboi polak* is not established as an institution to determine permanent rights, but allowing each clan to check, validate and record its claims, the fluidity of customary land tenure may still be maintained. This can also elevate the legal character of *tiboi polak* in the recognition of rights based on ancestral stories and social relations, and at the same time it can be used as a standard procedure to record and clarify a multitude informal/customary land transactions. This can also open the door to the acceptance of oral histories for

documenting customary land use in the state-based legal order.

I have to emphasize that incorporation of *tiboi polak* in state legal procedure requires guarantee that claims and rights will remain open as a subject of contestation as well as subject of agreement and convention. This approach will enable the general principle of ‘collective ownership and individual use-rights’ to be modified and adapted. Insofar as the registration of rights remains subject to adjustment without permanent ownership, the fluid character of Mentawaiian customary law may be preserved. In the meantime, it is also worth emphasizing that any attempt to provide legal clarity for customary land tenure should not restrict changes or internal aspirations, by, for example, introducing a regulation preventing land rights transfer, especially in an area like Muntei where the land market has become part of customary land tenure arrangements. A prohibition on land disposal will lead to further uncertainty. As customary land tenure is in a constant state of reinterpretation and renegotiation by all members of the community, the prohibition of transfer rights may protect Mentawaians from land dispossession, but as Li (2010: 399) has shown, we cannot overlook the dynamic of market relations as a force that puts great pressure on customary communities. On the other hand, it is important, however, to emphasize that land is too important to be left entirely to the free market. The government has to intervene in the regulation of rights, and in sorting claims to ‘ownership’. The intervention may differ for a place like Muntei and places where the land market has not fully developed. Since the individualization of land rights might be accompanied by violence and conflict, the dispute resolution mechanism also requires some level of government intervention.

In case a clan as a group has aspirations to deal with external actors interested in economic development (such as through plantations and timber companies), the district government and NGOs can support Mentawaians to protect their customary rights. In contrast to a position arguing that customary communities can handle external pressure without external support, the government will have to tackle some issues regarding the high costs associated with collective rights transactions (Fitzpatrick 2005). The identification of group members, the validation of landownership, managing potential claims and internal conflict require legal

intervention. The problem with a fair redistribution of compensation in egalitarian *uma* also needs legal response from district government. Community mapping can contribute in this case by providing a legal device for the group to assert their claims. It is undisputed that community mapping helps to strengthen customary rights and to demonstrate that Mentawaians are managing their land, especially to state agencies and other external actors such as timber and plantation companies seeking their resources. Maps perhaps may provide more legible and convincing tools than storytelling and oral histories alone to prove to outsiders that they have invested work and labor on the land. To avoid internal conflicts, community mapping doesn't have to define and select particular claims from particular clans over the land. It is simply a way to document customary claims to a broad territorial area and let the clans contest boundaries of their territories within and among themselves. Despite the risk of destroying the fluidity of customary perimeters and of privileging one claim against another (Fox 1998; 3), as long as internal land boundaries remained open and flexible, conflicts between clans can be minimized. In short, it should not be assumed that customary groups should deal with external actors without state, NGO, or any external assistance.

The documentation of claims and land transactions at *tiboi polak* may also require maps and other visual devices where community mapping of NGO's can play an important role. Community mapping cannot end with the mapping process but has to be contextualized in the larger socio-political process (Kosek 1998, 6). Therefore, community mapping cannot limit itself to the technologies of mapping or a simplistic legal concept of communal customary land. More than that, maps are a product of, and at the same time produce, social relationships. Community mapping is a tool for the community to direct social change. It is deployed in the conflicting contexts of land privatization and commodification, the accommodation of customary rights in state regulations, and the emergence of global pressure for indigenous rights and sustainable economic development (Warren 2005, 39). Community mapping can contribute to the search for decentralized processes of recording claims and resolving or managing conflicts and give communities a point of reference when the next conflict arises. Of course, community mapping can be used by actors involved to reconfigure social and power relations. It may reinforce existing inequality within a

community, accommodate particular interests and exclude others. In the context of Mentawaiian political equity norms, community mapping needs to ensure democratic process in which all claimant (individual and kin-group) have to be involved.

Providing sufficient land certainty, either for protecting customary rights (in the case of community mapping) or for development programs (in the case of the draft district Bill) is inseparable from identification of claims, conflict resolution and configuration of social relationships. It has to be understood that customary law/rights/land tenure is never an isolated and self-regulated system as it has been imagined from a narrow legalistic perspective (Moore 1973). The recognition of customary rights and its accommodation to individual rights have to be taken beyond the binary opposition of *adat* law and state law (Fitzpatrick 2007) and beyond the simplification of communal and private rights. In regard to land, customary law is only one force in the constellation of social relations. Customary tenure has to be intersected with state legal procedure, global economic valuation, and institutional pluralism. All of these require a more gradual approach that begins with *tiboi polak*. The designation of customary territory by district government mediated through community mapping has to begin with disputed claims brought to *tiboi polak* at village level. While community mapping may start in the area that has no land dispute, it will give a real benefit for the claimants if they can participate in the documentation process of land disputes. The benefit of this approach is that the recognition of customary territory and rights does not require a new institution and requires far less funding than systematic registration as recommended in the draft district Bill.

The accommodation of Mentawaiian legal sensibilities in *tiboi polak* and associated cultural expressions in the registration of customary rights and territorial claims without the imposition of legal title or fixation and formalization of ownership through the state land titling system may provide a real opportunity for approaching the accommodation of customary land tenure and state law. It can provide a framework for tenure security where commodity production requires legal certainty, yet retains the ethic of access in the context of reciprocal relations that continues to persist among Mentawaiians. If the Bill and community mapping can incorporate

tiboi polak as a customary tenure institution encompassing a bundle of social practices that define the way persons and groups produce and reproduce their cultural identity and relations, the resulting legal plural process can well accommodate the Mentawaians' desires to maintain fluidity and reciprocity principles with their demands for clarity and security.

APPENDIXES

1. Composition of Residents in Muntei

Uma/Clan	No. of Factions *	No. of Lalep	No. of Ind (M)	No. of Ind (F)	Settled (year)	Ancestral land (village/area)
Uma from Siberut Hulu						
Sabajou	-	5	13	8	1979	Simatalu, Malagasat (Siberut Hulu)
Sabulat	-	3	10	7	1981	Bat Pariok (Muntei); (Matotonan)
Sagari	3	11	17	32	1979	Laksanan, Bat Mangorut (Rokdok)
Saguluw	-	1	1	1	1980	Unidentified
Salakoppak	2	16	37	38	1979	Sirabai (Silaoinan); Teitei Girisit, Ligite, Soggunei (Saibi); Bat Lamao; Simoilaklak
Saleleggu	-	1	2	4	1980	Lelaubaja, Siroijat, (Simatalu), Berisigep (Sigapokna), Erat Manyang (Katurei)
Samekmek	-	13	22	24	1981	Bat Kokok (Madobak); (Matotonan); (Saibi)
Sarorougot	-	3	9	12	1979	Obai, Mabulu (Silaoinan)
Saruruk	2	23	48	42	1979	Bat Mara (Muntei); Rua Leleu, Masingitngit (Katurei); Rereiket (Ugai)
Satotottake	-	2	4	9	1980	Maliorak, Salaibea-Lupa (Silaoinan),
Sauddeinuk	-	1	2	2	1980	Unidentified
Uma from Sarereiket valley						
Sailuluni	-	2	4	6	1985	Bat Lamuri (Saibi)
Sakakaddut	-	8	26	18	1985	Unknown
Sakaliou	-	5	8	11	2012	Bat Kaliou (Rokdok); Teitei pagujjet; Bat Gejet Bat Guruk Ojuk
Sakukuret	3	13	33	16	1981	(Saibi), (Madobak)
Salemurat	2	3	8	8	1982	Bat Nippa (Taileleu); Bat Nambaliu (Ugai); Sikailu (Matotonan)
Samapopopou	-	3	8	6	2003	Matotonan, Karamajat, Tiop; Saibi
Samatotonan	-	3	6	4	1995	Tirik (Matotonan)
Satoleuru	-	1	2	0	2001	Kaleak (Sagulubbek); (Simatalu)
Siritoitet	2	5	10	4	2011	Pulau Buggei (Saliguma), (Toloulaggok)
Uma/Lalep from Other Area						
Sabattilat		2	7	1	1985	Simangkat
Sakerebau		1	3	5	2009	Bat Simaruei (Peipei), Malilimok (Katurei)
Salabi		2	5	2	2002	Tirik Saibi (Saibi)
Saleilei		1	2	1	2003	Katurei
Unidentified		1	3	0	-	
Unidentified women outside who married into Muntei clans				17		
24		129	290	288		

Migrants				
Javanese	2	4	3	1990s
Minangkabau	2	4	6	1990s
Nias	6	13	6	2000s
Batak	5	8	6	2000s
	15	29	21	
Total	144	319	309	

* Refers to an *uma* that split into several smaller groups but each group still uses the name of previous *uma*. An *uma* faction consists of one or more households (*lalep*). I note that an *uma* faction is a post-resettlement phenomenon. In the distant past when territory was available, a separated group would move to unoccupied land and declare a new *uma* and its name. The availability of space is a critical constraint to the establishment of a new *uma* after the separation (Hammons 2010).

2. A Brief History of Muntei

Timeline	Social Context	Muntei Land Relations
<i>Prior to 1900</i>	Headhunting practices; A great separation and migrations of clans; Occupation and claim all terrestrial territory	Muntei was claimed by Sakerengan Leleggu clan but empty of settlement; Entering gate for headhunter from North. People around used it as pig's farm and swidden plot. Swampy land had little value and people were literally free to use it. The Sakerengan Leleggu acquired land from Samongilailai clan as compensation to prevent bloodshed by keeping secret of a killing event (seksek loggau) done by Samongilailai men.
<i>Dutch Periods (1904-1930s)</i>	People lived in Siberut Hulu, an old settlement an hour walk upstream of Muntei. A small military garrison was established in Muara Siberut in early 1920s to ban headhunting practices. Dutch tried to establish local rule through appointment of settlement leader and to move out pigs from settlement. They did not introduce order although they were reported trying to restrict customary legal system and to take compulsory labour.	Dutch had little impact on people's life and landscape but gained a successful eradication of headhunting practices. Dutch rule chose non-interference policy and did not have a platform that changed customary tenure. Some elders recalled a kind of tax (<i>balasiteng</i>). A bulk (about 20 kg) of sago starch or 6 cent was offered to Dutch by a person who wanted to make relations to colonial.
<i>Japanese Occupation (1942-1945)</i>	People lived in Siberut Hulu. Japan period was short but they were crueller than the Dutch according to local account. Japanese soldier commanded people to train as policeman and compensated them. People who visited Muara Siberut for fishing or trading were caught for road and harbour construction.	Japanese soldiers, however, rarely visited interior of Siberut and indigenous inhabitant rarely went down to Muara Siberut. Japanese soldier even did not considerable impact in the biggest town Muara Siberut.
<i>Early Years of Independence (1945-1950)</i>	West Sumatra Government incorporated Mentawai Island into Padang Pariaman district and divided Siberut as two sub-districts. The government sent officers but they returned shortly due to lack infrastructure and language barrier. A few Minangkabau and Chinese traders decided to settle in east coastal settlement and develop a trade town	Some traders began to extract rattans in swampy forest near Siberut Hulu. They offered a gong as fee (<i>pulajuk mone</i>) to the land claimants before extracting rattan. Yet, the extraction of forest products had little impact on local tenure and traders had focused on forest product and not interested in land relations.
<i>The Old Order (1950-1965)</i>	Government held a meeting, enforcing people to leave traditional practice and chose state religion (either Christian or Islam), and burning material culture. Some native policemen were recruited to discipline 'backward people' by arranging settlement in coastal area. Teachers were sent to Siberut Hulu.	Clove, coconuts and others crops trees were introduced; People around Muntei plant coconut and cloves in small islands. Minangkabau traders bought land to Mentawaiian for cocoa plantation. People in Siberut Hulu.

<i>New Order (1966-1998)</i>	<p>Indonesia government designed about 90% of Siberut land territory as production forest. The OPKM program was first launched and implemented in Siberut Hulu 1972. PKMT program in 1971 The Social Affair Department held a meeting in Maileppet and asked land claimants to grant their land for the PKMT. Sakerengan Leleggu and Samaileppet the claimant clans signed a letter of acceptance. The project changed status of land from ancestral land to state land (tanah negara) and allowed government to allocate land and arrange certificate for the participants of the program. However, Muntei villagers refused accepting land entitlement. They preferred to voluntary arranged compensation to landowners. This decision was quite right because the resettlement program failed to deliver land title to the participants. Muntei villagers succeeded to anticipate land dispute that occurred in other place</p>	<p>Government surveillance of state forest outside the logging concession was practically absent.</p> <p>In 1978, five clans from Siberut Hulu moved voluntarily to Muntei seeking a place for clove gardens and settlement close to their coconut farm in the small islands. A few year later, other clans followed. They asked the steward of the land landownership to use it. At that time, if a clan or household had no serious problem with land claimants, permission to use or cultivate other's land would certainly be granted. They did not necessarily give a purchase but could offer compensation when they had chickens, pigs, or bush knives, axe or other object of value. A few families still have not paid compensation or purchasing price to the land claimants. Central and provincial government tried to formalize the settlement a year later.</p> <p>Government settlement introduced school, health centre, monotheistic religion, state law and governance and followed by intensification of trade and circulation of commodities. Hammons (2010) argues that settlement has disrupted indigenous' spatial and landscape orientation. Changes include intensification of swidden practices and extraction of forest product, prohibition of pig farm in settlement, and introduction of tree crops.</p> <p>Government settlement has brought a large number of populations that previously was dispersal into a single dwelling place. It shifted clan unity and solidarity and launched an authoritative structure beyond uma, and at the same time, created a <i>lalep</i> as production unit. In term of land use, government settlement forced people to abandon their swidden plot in previous settlement and promoted intensive agriculture by introduction of rice and crops production. The impact of government settlement has been varied. Except of a very few clan in southern part of Siberut and Simatalu, people have chosen to dwell in government settlement.</p>
<i>Decentralization (1999-Now)</i>	<p>Mentawai Island gain autonomy as district, separated from Padang Pariaman. This gives a sense of cultural and political 'autonomy'. District government has planned development project, almost exclusively 'infrastructure' and mainly schools, road, government offices etc.</p> <p>A flux of migrants from Mainland, especially Bataknese, Nias, and Minangkabau has flowed into new Kabupaten. They seek a job as</p>	<p>Muntei is located near the most important town in Siberut. Massive development projects, mainly infrastructures (road, schools), have been placed in Muntei and required land. In 2014, the Forestry Agency launched 'community forestry' program. They registered swidden plot of Muntei residence and adjacent village, mapped and promised to deliver 'forest tree seeds'.</p> <p>Cocoa fever attacked Siberut in the first decade of new millennia. Migrants</p>

civil servant and a new government project. They placed all over Mentawai Islands but choosed to build a house in the town and adjacent area.

NGOs campaign customary land and communal land and with support from local academics and Jakarta based NGOs, local NGOs proposed 'laggai' as the lowest and autonomous government. The laggai had been contested issue and Mentawaian did not reach agreement. In 2010, the district government choosed 'desa' than laggai.

and Mentawaian rush on land to create cocoa gardens. Migrants and elites with cash in hand invest to buy extended area and bring their relatives and people from their origin as wagers. Cocoa fever occurred in the same time when gaining higher education has been desirable and aspired. Most of land claimants sold land to migrants and elites Mentawai to pay tuituion fee and living cost of their children in the mainland (Padang, Jakarta, Surabaya). The demand was high in Muntei especially due to vast swampy area that is suitable for cocoa garden. Land disputes have been increase and the role of head of hamlets/village become important.

Muntei has been one out of seven target group of Indigenous Alliance Movement (AMAN Mentawai). However, the impact of the movement is very limited. AMAN has no special regular program to Muntei. They occasionally invites 'contact persons' or AMAN's representative for discussion at district level but no specific program for land. In 2015, AMAN started to employ community mapping in Muntei despite it was limited for 'socialization'.

3. Extract from My Fieldnotes on the Land Conflict in Bat Tingoik-ngoik, Mara River

It was generally accepted that Sikaelagat, a prominent ancestor, discovered the whole Bat Mara area where Bat Tingoik-ngoik (BT) is located. He had two sons, Patuglu and Sigetai. Patuglu had a son named Boja. Boja had a son Rareh. Rareh had a son Bekbek Sagai who only had a daughter Sarai. Sigetai married twice: from his first marriage he had no child while he got a daughter from the second one. Patuglu, Boja, and Rareh transferred the land in Bat Mara, including BT, for many clans and person in various ways—as gift to friend, compensation of killing, bride wealth payment and so on.

Until 2000s, Saruruk clan claimed BT was their ancestral land. However, tibo polak in Muntei 2001 concluded BT was not their ancestral land but given by Bekbek Sagai. Ancestor of Saruruk married Bekbek Sagai's daughter and was asked to steward area around BT. Muntei villagers recalled a tibo polak in the 1970s that acknowledged Saruruk as sipasijago (steward) of BT. Member of Saruruk exchanged part of BT to Tatebburuk clan and got a game trap in return, six generations ago. Another part was given to Satotou as compensation of killing (lulu utek). When cacao fever struck Bat Mara in 2003, Saruruk began selling land to migrants and other Mentawaians.

Uma Saurei challenged Saruruk's claim. Saurei said their ancestor Tarekdek discovered land from Bat Suddut until Bat Giu-giu in which BT is part of. Later, they revised their claim by saying they got BT as lulu utek (compensation of taking head) because si Tarekdek was killed. But they didn't tell who the killer was. They deliberately announced themselves as the discoverer of land to invite other claimants in order to find who killed Tarekdek. Clans that would claim land in BT were supposed to be the descendant of the killer. Old durian trees, swidden, and sago stands around BT were proposed as evidences that they had stewarded the land for 7 generations.

To challenge the Saruruk claim, Saurei proposed tibo polak in 2007. Saurei lost. Tibo polak stated Saruruk was the steward of BT. With help from Bokbok Dere, a prominent and reputable sipasitibo, Saruruk made alliance with clan Sabeleake against Saurei. Saruruk told that Saurei got the land from Rareh after his grandfather si Patugu killed Saurei ancestors after a land conflict from Mongan Liggut, Sarabea, Latco and Bat Tutuddai. Rareh compensated the killing with land in Bat Suddut, but excluding BT. Saurei did not accept the statement. They insisted Rareh gave the land from Bat Suddut to BT. Another clan involved in land dispute with Patuglu was Salimu clan that later got land in Bat Maeilueilu. Saurei asked Salimu clan to support their claim but Salimu rejected. Saruruk won the claim and gave a small plot of land to Bokbok Dere as 'gift'. After tibo polak, some Saruruk men frequently sold land. Saurei lost and they had been in pain seeing Saruruk men had sold their land. They chose to leave 'fallow' their claim at the moment but still collect ancestral stories. When they were ready, they would reclaim BT.

Another tibo polak was organized in 2011. Sabeleake clan invited Saruruk, Saurei, Samongilailai and other three clans to talk about BT. Sabeleake broke alliance with Saruruk and challenged Saruruk claim. They succeeded showing clan Saruruk in Muntei is not 'true' Saruruk. The origin of Saruruk clan in Muntei is Samailiming, a clan from upriver settlement in Madobak village. The true Saruruk have a right to eat but not transfer land in BT because

they are descendant of Sakaelagat from maternal side. The question is: who and where is the real Saruruk? No one answered. Sabeleake claimed their ancestor (Appra) married Boja, the daughter of Patuglu. Since Patuglu had no son, he asked his son-in-law Appra to steward the land. That was the way Sabeleake proposed their claim. Saruruk did not accept Sabeleake's version by saying Rareh's mother was from Salimu clan in Silaoinan. The fact that Sabeleake did not have many fruit trees and just a few stands of sago was proof that their claim was weak. Again, Bokbok Dere played an important role. He argued his clan was the real Saruruk and their ancestor was nephew of Sabeleake's ancestors.

Tiboi Polak did not reach consensus and the parties were in deadlock. They agreed to ask a shaman from Maileppet to enact a ritual calling the spirit (pasibari or soga sanitu). According to the shaman, Sabeleake was the true claimant while Saruruk retained usufruct rights (kokop). Saruruk lost the claim yet they occasionally sold the land. Sabeleake won the claim but they were not able to sell it. Saruruk men had ability to convince the potential buyers and skill to manage land transactions. Sabeleake did not have powers to put the claim into access. They tried to ask Saruruk for sharing money from land transfer but Saruruk men reject the question.

During my fieldwork, Samongililai clans from Maileppet launched new claims over land in Bat Mara. They challenged the story that said Sikaelagat was the owner of the land. Samongililai version said their ancestor, si Panajojok, discovered land in Bat Mara. Panajojok had several conflicts and killed men from other clans. Many people were surprised with the claim because Samongililai man who proposed claims had lived and joined in the Seppungan clan and came out after the land gained more cash value after cacao. When he launched a claim and showed the name of the ancestor, several clans demand paabad and compensation because they have been looking for the killer of their ancestors. People believed Samongililai paid compensation and enacted paabad to grab the land.

According to Sabeleake and Saruruk, Samongililai was too brave to take claim because no more land can be reclaimed in BT. Their genealogical story was weak, according to neutral observers. They shared a common ancestor with the discoverer of land in Bat Mara and BT but not the direct descendant of Panajojok. They had no swidden and fruit trees in BT and people doubted that rimata Samongililai have knowledge about Bat Mara area. Sabeleake asked Samongililai to perform tippu sasa. Samongililai's leader refused. Sabeleake got angry but they had financial handicap to organize tiboi polak. They have tried to ask their corporate group and alliances in other place to support their claim. Several times they travelled upstream to collect ancestral stories and the history of Bat Mara.

Few days before I departed, a man from Matotonan village in Sarereiket valley visited Muntei and adjacent areas to collect information about land in Bat Mara. He knew I did fieldwork and studied land relations. He was looking for me to tell the 'truth'. He claimed that Sikaelagat was the common ancestor of Satoleuru and several clans now living in Matotonan. His clan was Samoan Rimau, a rather small faction of Satoleuru clan. He claimed his ancestor was the brother of Sikaelagat. Because Sikaelagat had no male descendant alive today, they wanted to take land in BT as part of their ancestral land. He argued all clans around Muntei were sipasijago and only had usufruct rights but not to selling the land. He visited areas around Muntei regularly and collecting ancestral stories. He also tried to build alliance with several clans who have cultivated Bat Mara land. He said he

was preparing tiboï polak. While Sabeleake, Satoleuru, Saruruk, Saurei, Samongililai and other clans have been trying to establish alliances, make up ancestral stories, other clans and individuals still cultivate the land, and transfer the land to migrants.

Glossary

abbat or paabat: a peace ritual/festival

abbangan: mango

adat (BI): custom (see **arat**)

agama (BI): religion

alat/alak toga: bride-wealth

alei: friend

ama: father

aman: father of

AMAN: Aliansi Masyarakat Adat Nusantara (Indigenous People Alliance of Archipelago)

arat: norm, the Mentawai version of the Indonesian/Malay term *adat*, custom

arat sabulungan: the indigenous religion of Mentawaians,

arat sasareu: the religion from outside such as Islam, Christianity etc.

barasi: the government-built village, from a Minangkabau word ‘barasi’ literally "the cleared or the clean settlement"

bat oinan: river

bat sopak: creek

bakkat: stem, trunk, base

bupati (BI): the head of the kabupaten or regency

camat (BI): the head of the kecamatan or district

desa (BI): village, government settlement

dusun (BI): hamlet, government settlement once might be *pulaggajat*, original settlement

gajeuma: a slit drum

gaud: magical mediators, most often plants, between humans and spirits

gobbui: stories, talk equal to *tiboi*

gobbui porak: stories of land

gobbui teteu: stories of ancestors

hulu/ulu: upriver

kabupaten (BI): district/regency

kecamatan (BI): sub-district

keladi: taro

kepala desa (BI): the head of government village

kepala kampung (BI): the head of settlement

kerei: shaman, medicine man

koat: sea

kokop: eat, referring to rights for use, extract or consume other's resources

labbra: the ritual of headhunting

laggai: pulaggaijat; ancestral land or, occasionally, the origin of settlement

lalep: individual house, nuclear family

leleu: forest, hill, uncultivated and unsocialized space

lia/liat: puliaijat; communal ritual, ceremony

liat uma: compensation for taking a head in a raid/head hunting expedition, a large pig for the loss of a family member

masyarakat terasing (BI): the most isolated and estranged people

mone: garden, usually refers to durian and other fruit trees

monga: mouth of a river, downstream

mulabbra: to carry out a headhunting expedition

mulia: to perform the ritual ceremony; to be in a state of *lia*

muntogat: a group of clans sharing common ancestors; a term used commonly in the southern islands

nganga: language or dialect, refer to particular Mentawai language spoken in particular valley

onaja: swampy area

orang hulu (BI): upriver, forest-dwelling people

otonomi daerah (BI): regional autonomy

otsai: share, particularly refers to meat equally distributed in communal feasts

pabete: healing ceremony

pako: institutionalized rivalry between clans

pangumbek: compensation to release rights or ownership of land

paroman: fair and equitable exchange, understanding

pasiripokat: institutionalized friendship

pulaggaijat: the origin of settlement, generally refer to ancestral land

puliaijat: communal ceremony

parurukat uma or pauma: a collection of kin groups that are not related by blood or patrilineal tie

pasaggangan: violent conflict in the past, referring to headhunting practices

porak, polak: land

polak alat toga: land for bride-wealth

polak katukaila: land paid for humiliation

polak pukisi: land for payment for threat

polak lulu: land paid for compensation

polak teteu: ancestral land

polak uma: land belonging exclusively to one particular kin group or family

polak segseg logau: land for preventing bloodshed

polak sinaki: purchased land
polak sinese: discovered land by ancestors
polak tulou: land given as payment for misconduct
polak tulou kisi: land for assault
polak tulou pakaila: land for sexual humiliation
pulajuk mone: Fee or compensation for using or extracting resources on other's uncultivated land
pulakkeubat: headhunting expedition
pugettekat: taro garden
pumonean: non-burned swidden system
punen: ritual, ceremony
punu teteu: founding fathers or ancestors, grand children
pusabuat: separation and migration or dispersion
pusabuat sabeu: great dispersion

ranji: genealogical account, borrowed from Minangkabau term used for district program to identify, classify, and inventarize clan names in Mentawai
rakrak: a group of clans related by descent or alliance
rimata: a head of uma household, especially for ritual, having no political authority
rusuk: a small hut for unmarried people, unritualized married couples or widows

saki: purchase price
sagu: sago
Sanitu: violent and dangerous other clan's ancestor spirits, ghosts, and demons spirits
sapou: a small house for a nuclear family, in contrast to the longhouse
saraina: relatives
sareu: people from far-away, non-mentawaian
saukkui: ancestor spirits
sibakkat porak/polak: landowner, land claimants
sibakkat laggai, pulaggaijat: the owner of settlement
sikebbukat: elder
sikokop: the eater, the right-holder of consuming other's resource
sikerei: shaman
simagere: soul attached in a human body
sinappit: adopted
sipasijago porak/polak: steward of land
sipatalaga: arbitrators/mediator land dispute
sipauma: member of uma
sipasitiboi: arbitrators/mediator of land dispute
siripo: friendship
sitoi: whose come later, people living on the other's land
sopak: creek
soga sanitu: a ritual to ask/communicate to spirits in the land

suksuk: flat natural surface

suku (BI): clan or tribe

suku terasing (BI): the most isolated and underdeveloped people

tiboi: story, talk

tiboi polak: story of land

tiboi teteu: story of ancestor

tippu sasa: cutting rattan, a ritual to prove a truth by cutting a piece of rattan

tuddukat: slit drums

tulou: compensation

uman kateuba: a set of three different sizes of drum made out of palm trees

undang-undang: (BI) regulation or law

ube: tobacco

uma: the exogamous, patrilineal, patrilocal clan; the longhouse, in contrast to the sapo

YASUMI: Yayasan Suku Mentawi

YCOMM: Yayasan Citra Mandiri Mentawai

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