Intersecting spheres of legality and illegality

For those living in the borderland, it is a zone unto itself, neither wholly subject to the laws of states nor completely independent of them. Their autonomous practices make border residents and their cross-border cultures a zone of suspicion and surveillance; the visibility of the military and border forces an index of official anxiety (Abraham 2006:4).

Borderland lawlessness, or the ‘twilight zone’ between state law and authority, often provides fertile ground for activities deemed illicit by one or both states – smuggling, for example. Donnan and Wilson (1999) note how borders can be both ‘used’ (by trade) and ‘abused’ (by smuggling) concur with Van Schendel’s claim that ‘[t]he very existence of smuggling undermines the image of the state as a unitary organization enforcing law and order within clearly defined territory’ (1993:189). This is especially true along the remote, rugged and porous borders of Southeast Asia where the smuggling of cross-border contraband has a deep-rooted history (Tagliacozzo 2001, 2002, 2005).

As noted in Chapters 3, 4 and 5, illegal trade or smuggling (semukil) of various contraband items back and forth across the West Kalimantan-Sarawak border has been a continuous concern of Dutch and Indonesian central governments ever since the establishment of the border. Drawn by the peculiar economic and social geography, several scholars mention how borderlands often attract opportunistic entrepreneurs. They also mention how such border zones may promote the growth of local leadership built on illegal activities and maintained through patronage, violence and collusion.1 Alfred McCoy asserts that the presence of such local leadership at the edges of Southeast Asian states is a significant

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‘manifestation of an ongoing, incomplete process of state formation’ (1999:130).

In such situations, border communities often enjoy a fair measure of autonomy from state interference, which may exacerbate their already ambivalent relations with either state. State definitions of what is deemed illegal are often situational and inconsistent, depending on changes in government administrations and policies. In the borderland case, this reality has resulted in much confusion among border communities and a heightened mistrust of state laws and regulations. As one Iban community leader (*temenggong*) formerly employed in the logging business commented:

> In the period of illegal logging, the government and forestry said nothing. They did not declare any prohibition. The police, *bupati*, all of them were working in the logging business. Then suddenly in 2004 the government declared everything illegal. We are confused (*bingung*). What is legal, what is illegal? Who knows (*mana tahu*) what the government plans are, central or local.2

In the first place, the term ‘illegal’ presents a problem of meaning. The word glosses too easily over a complex picture, especially when understood from the point of view of the border population. ‘Illegal’ implies a sense of wrongdoing or its potential, which may be quite adequate for state-level concerns, but it does not necessarily ‘represent the ways in which border residents proudly stake their economic claim in transborder trade movement’ (Flynn 1997:324). On the contrary, although aware of being involved in something defined by distant politicians as illicit, the border population may feel no moral qualms and regard such laws as unjust and unreasonable (Abraham 2006:4). Thus, what is illegal as defined by state law is usually clear to government agents (though they too may circumvent their own laws), while border populations may more routinely engage state regulations with flexibility, not feeling as responsible for obeying laws they see as imposed from the outside and against their interests. This is most clearly seen in logging operations carried out in joint ventures between locals and the Sarawak *tukei* in the borderland since 1998 – largely deemed illegal by the central government but

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considered legitimate by border communities back in control of their traditional forests. The following cases show how this widespread ‘illegal’ logging (penebangan liar) suddenly came to be designated a problem of national importance.

Recognition of this issue should not be taken to mean that I condone, in any way, the activities described below, nor should the description of such activities imply that all Iban are equally involved. In fact, some individual Iban are actively engaged in various environmental NGOs, and whole communities (although few) strongly resist any involvement with the tukei. Finally, to understand such activities only as illegal or subversive is to oversimplify the relationship between locals and government authorities. Donnan and Wilson stress how government agents, whether they are on a national or on a regional level, themselves promote such subversive activities because of the economic benefits they bring (1999:105-6). Pedestrians agree that state power at some borders is more about regulating the flow of people and goods than preventing it (Donnan and Wilson 1999:16). In the case of the West Kalimantan-Sarawak border the traffic of ‘illegal’ harvested timber has until recently been ignored by local state authorities because of the huge revenue this illegal trade has brought the district government. According to Van Schendel and Abrahams, borderlands are characterised by a complex interplay of power and authority where local norms of what are considered licit practices are deep-rooted in borderland history and often brought into play alongside state laws.3 Local norms can also be invoked in place of state laws if the latter do not comply with what is considered legitimate in the borderland (Schendel and Abraham 2005:4-7). Such statements fit well with Moore’s (1978) understanding of a semi-autonomous social field mentioned previously.

Taking this further, the statements point towards the conceptual and practical difficulty of drawing clear distinctions between the legal and illegal when studying borderland practices. In line with Van Schendel and Abrahams, this book argues that borderlands provide excellent lenses for observing the limitations of these distinctions. Although borderlands provide especially good arenas for viewing the intersections between the state and legality/illegality in Indonesia, it is important to remember that

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3 The district government of Kapuas Hulu was quite aware of this long tradition of local autonomy in legal matters, and in order to stay on good terms with the local communities, the bupati in 2000 issued a district decree that ‘officially’ recognized the authority of a number of selected customary leaders in each subdistrict (KepBKH 2000a).
these shadowy practices of governance and government bureaucracy are found throughout Indonesia (Van Klinken 2008b). In order to deal with the problem of ‘illegality’ without solely resorting to government categories of right and wrong, Van Schendel and Abraham suggest using the distinction ‘licit’ and ‘illicit’ when denoting practices which according to local norms or social perceptions are seen as legitimate but otherwise illegal in a formal sense. This further emphasizes the importance of remembering that government authority cannot simply be equated with law and order (Abraham and Van Schendel 2005). Such a distinction between the dichotomies legal/illegal and licit/illicit is helpful for considering the often divergent views of what is deemed legitimate by central government (at least officially) and by borderland inhabitants, and it provides a better understanding of the reason border inhabitants continue to break the law.

As I will illustrate in the following paragraphs, the borderland is an arena in which complex and often illicit practices are negotiated within a triadic relationship between locally based elites, local communities, and representatives of various government institutions. This chapter will engage with these issues of lawlessness and illegality in the borderland with special attention to incidents of ‘vigilantism’ and ‘gangsterism’ that occur under the increased autonomy experienced by local communities during the logging boom explored in the previous chapter. ‘Vigilantism’ refers here to the taking, or advocating the taking, of the law into one’s own hands – that is, the circumvention of established channels of law enforcement and justice in the face of the central government authority’s apparent failure to deal effectively with criminal matters (Wadley and Eilenberg 2006). According to Abrahams, acts of vigilantism often appear in ‘frontier zones’ and here constitute a criticism of ineffectual and corrupt state institutions (Abrahams 1998:1-9).

VIGILANTES: THE USNATA KILLING

The border area is faced with many problems; in order to deal effectively with these problems I was elected as local judge in settling these local matters. People here do not trust the police and government judges. They believe in customary rule (*hukum adat*).4

The above quote clearly stresses local suspicion towards external legal authorities, a suspicion that more often than not leads to informal resolutions of local disputes. State laws are only partly recognized as long as they are believed to fit local norms of fairness and justice. As I will describe in the case below, when state laws and local norms collide, border communities are not slow to actively resist encroachment upon their legal rights.

On 13 December 2000, a courtroom in Putussibau, the district capital of Kapuas Hulu, became a murder scene when a group of around 300 to 400 Iban men armed with shotguns and machetes (parang) avenged the death of a kinsman. The victim, a 31-year-old Malay man named Usnata, was on trial for the January 2000 murder of a 35-year-old Iban moneychanger (pedagang valuta asing) named James Sandak from the border town of Badau. Before proceeding, let us take a step back in time and look into the background of this apparently cold-blooded killing.

The logging boom in the borderland had created welcome opportunities for certain energetic locals to profit from the cross-border trade in timber, resulting in a prospering local economy. Sandak was one such industrious person who immediately saw that the improvement of the local economy meant more cash circulating within the community. In his role as moneychanger, Sandak’s financial assets were based on capital input from about 80 families in the Badau area with whom he had a business relationship. Every month he distributed the revenue from his transactions to these families. In January 2000, however, the families waited in vain for their returns. Sandak never appeared and a few months later he was found floating dead in the nearby river.

The courtroom killing of Usnata attracted the attention of the national and international press as the first vigilante killing inside an Indonesian courthouse, and it resulted in a public outcry of condemnation throughout Indonesia. The incident attracted a great deal of public as well as government attention and was portrayed as a sadistic act of the masses, a vivid example of the extreme lawlessness Indonesia was experiencing in the wake of political and economic transition. The president at the time, Abdurahman Wahid, met with the victim’s family at a largely staged meeting, and provincial officials in West Kalimantan promised to bring the perpetrators to justice whatever the cost. The incident conse-
quently drew vast media attention. The head of the provincial police (Kapolda) announced in the local media that he took this incident extremely serious and would immediately dispatch a team of special investigators to the scene of the crime along the lawless border (Pontianak Post 2000e). Yet despite the eagerness to secure law and order in the months and years afterward, the incident fell ‘off the radar screen’ of local and national authorities, and out of the several hundred who participated in the killing, no one has ever been, nor will likely be, charged in the murder. District police authorities have felt no pressure to carry out the orders from the head of provincial police and to apprehend the vigilante killers. As described in previous chapters, local authorities have a healthy respect for the Iban capability for armed mobilization, and they know that the apprehension of these vigilantes would definitely lead to violent reprisal, as their actions were locally considered just punishment.

On the surface, this appeared to be another case of amuk massa (Pontianak Post 2000f, 2001) – the seemingly spontaneous killing of people accused of often petty crime in the context of an ineffectual justice system (Colombijn 2002). However, its underlying structure and motivation, something not addressed in the press, reveals the interplay of borderland identity, diminished state power, and official corruption. Sandak, the Iban moneychanger, was in fact related by marriage to Usnata, the latter having married Sandak’s cousin. Understandably, Sandak, with his bag filled with RM 85,000 equivalent to approximately US$22,400, from his transactions with various families on the border, would board a speedboat with Usnata for a long boat journey to the bank. On the way Usnata and the driver, a Padang man named Edi Caniago, allegedly killed Sandak, dumped his body overboard, and divided the money between themselves (Pontianak Post 2000e; Tempo 2001b). Only after five months was Sandak’s body discovered in the river, and the police began to suspect Usnata. (Edi had fled to the island of Batam.) Not only was Usnata one of the last people to have been with Sandak, but he had been able to buy expensive consumer goods after Sandak disappeared. According to local media, Usnata was interrogated by the district police (Polres) and confessed to the crime, saying that he and his accomplice Edi had been tempted by the large amount of cash that Sandak carried (Pontianak Post 2000e).

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Accustomed to considerable autonomy in dealing with civil and criminal matters (a practice with roots in the Dutch colonial government), Sandak’s Iban kin demanded that Usnata pay blood money in accordance with Iban *adat*. When he refused, the case was turned over to the district court for trial. After the first day of the trial, the Iban present in the courthouse decided that Usnata would probably be acquitted; they suspected that he had bribed the presiding judge. Hence they organized the attack, recruiting Iban from both sides of the border that were connected to Sandak in various ways as kin or friends. Several hundred Iban departed Nanga Badau and drove towards Putussibau in five trucks. Arriving at the courthouse in Putussibau where Usnata was detained, the crowd demanded that the presiding judge hand over Usnata to face local judgment. Shortly afterwards the crowd entered the courthouse and ran to the courtroom where they shot Usnata as he hid under the judge’s bench. The judge, who had been posted in this remote district for five years, recounted in horror how he hid in his office with an armed guard while the crowd ransacked the courtroom.

The 68-man police force who had been on hand to prevent the rumoured attack were greatly outnumbered and retreated when the heavily armed Iban men arrived. Besides being outnumbered, the police force was aware of the speed by which Iban communities could congregate and was afraid that by interfering in the incident they could end up in open battle. Furthermore, the Iban have a reputation for being fierce warriors (and headhunters), which made the non-Iban police less willing to interfere, although the police did negotiate with the vigilantes after the killing and persuaded them not to cut off the victim’s head.

Part of the Ibans’ rationale for their actions, besides revenge, was that the court was corrupt and justice from the government unattainable; they were also incensed that Usnata had refused to adhere to local norms of conduct in the borderland by paying a fine to Sandak’s family. Indeed, had Usnata paid the blood money, he would probably still be alive. Thus, though stemming from common perceptions of an ineffectual and corrupt criminal justice system out of touch with the particularities of borderland life, this vigilante killing is far different from the usual *amuk massa* killings in places like Java, which occur almost spontaneously when someone identifies a thief or similar petty criminal on the street or mar-

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6 See also *Kyodo News International* 2000; *Pontianak Post* 2000e.
ketplace. *Amuk massa* killings are rapid and immediate following identification and accusation. Usnata’s killing was planned and organized over several days, occurred in a court of justice (which is unique to vigilante killings in Indonesia), and involved direct but non-violent confrontation with police.

In light of the historical ambiguity between border communities, state institutions, and the context of *de facto* governmental decentralization and demoralization of the police and military following the fall of Soeharto in 1998, the revenge killing of Usnata makes much more sense, and a number of historical continuities appear. The strong sense of cultural autonomy – the belief that local customs should supersede national law and that the forceful pursuit of local (Iban) interests is entirely legitimate is particularly apparent in this case. The ability of the Iban to mobilize rapidly also emerges and finds its historical parallel in nineteenth-century raiding expeditions that could number in the hundreds and thousands. Although changes in Indonesian political life provided them additional latitude for exercising extra-legal judgment and punishment even in cases of serious crime after 1998, the Iban involved in the Usnata incident would not have been able or willing to engage in it without these historical precedents.

This case of vigilantism serves as a good starting point for illustrating the creative engagement with government institutions undertaken in the borderland, especially how local norms about what is considered licit often clash with formal government laws. In the following paragraphs I will illustrate this ambiguity further by returning to incidents that demonstrate the intricate patronage relations between the *tukey* and border communities discussed in the previous chapter, namely, how such local institutions of authority work in the twilight between state and society, between public and private (Lund 2006a). Returning to Moore’s (1973) concept of a ‘semi-autonomous field’ the borderland comes to constitute a social field that generates its own rules, norms and regulations that in certain instances and periods prevail over state laws, which become partially obsolete. While the outside legal system penetrates the field, it does not dominate it; there is room for considerable ‘judicial’ autonomy and the semi-autonomous social fields in which they find themselves largely determine the strategies of local actors.
‘WILD’ LOGGING AND ‘GANGSTERISM’

There is a bustling atmosphere in the border town of Badau; crowds of people working the sawmills that line the border mingle with locals at the main market, many of whom carry their shotguns and pistols wide open in public. The town is floating with counterfeit money, drugs and hard liquor, and prostitution is mushrooming in the mould of the rainy season. This is definitely a place without law and without government. Welcome to the world of the tough cowboys (koboi yang keras) (Sinar Harapan 2004d).

The above quote is taken from a newspaper article written by two Indonesian journalists based on their visit to the borderland in 2004. The article vividly describes their first encounter with the border town of Badau as a typical instance of the popular image of a frontier town, accentuating lawlessness, violence, and underdevelopment. This portrayal of the borderland as a wild frontier inhabited by rough and trigger-happy frontiersmen and lacking in state presence was common in journalistic and government accounts of conditions in the borderland during the local logging adventure from 1998 to 2005.

In the years following the onset of heavy cross-border logging, the provincial and national press reported only sporadically about the logging in the remote Kapuas Hulu.7 But in the period between 2003 and 2004, the increase in cross-border logging in the remote Kapuas Hulu district and consequent loss of national resources and state revenue began to reach the provincial and national press. Although there are no exact figures on the total value of the smuggled timber, it was estimated at the time that the province each month lost revenues amounting to US$1 million, or approximately Rp 8 billion (Pontianak Post 2004d).

Headlines with clearly nationalistic and critical undertones emerged, nearly leading to international disputes between Indonesia and Malaysia. Several incidents over the previous years of border transgression had served to keep things ‘hot’ in the media as well as in diplomatic circles.8 For example, in 2000 the Indonesian military command in West

7 Jakarta Post 2000a, 2000c; Kompas 1999a, 1999b; Pontianak Post 2002.
8 In December 2002 the International Court of Justice in The Hague ruled that the small and long-disputed border islands of Sipadan and Ligitan on the tip of East Kalimantan belonged to Malaysia (Jakarta Post 2002a). This ruling resulted in a public demand for the Indonesian government to put more effort into protecting its national borders (Jakarta Post 2004c).
Kalimantan accused Malaysia of violating Indonesia’s sovereignty by purposely moving the concrete pillars marking the borderline in order to conceal illegal logging carried out on Indonesian territory (New Straits Times 2000b). Another case involved local cross-border disputes over farmland. In 2002, a group of Sarawak communities from Sri Aman claimed ownership to 230 ha of land across the border in Kapuas Hulu from which they migrated decades ago (Kalimantan Review 2002). Police and military patrols from both sides of the border have several times been close to exchanging fire due to these disputes.\(^9\)

The Indonesian press accused Malaysia of colonizing the border area and exploiting West Kalimantan resources, alleging that large segments of the economy of Sarawak were supported by illegal logging in Kalimantan. Provocative headlines appeared, such as ‘Malaysia eats our fruit (makan buahnya), while Indonesia swallows the sap (telan getahnya)’ (Suara Pembaruan 2003) and ‘When will Malaysian ‘colonization’ (penjajahan) of the Kalbar\(^10\) border end?’ (Suara Pembaruan 2004a). The media particularly implied that the presence of Malaysian citizens, and their business undertakings, in the border area was a clear sign of Malaysia’s expanding sovereignty and its attempts to re-colonize this resource-rich region. The stronger nationalist tone to these later reports also included an explicit criminalization of cross-border activities, especially concerning logging. Sarawak authorities did not deny the allegations that certain individuals from Malaysia were violating the law on Indonesian territory, although they vehemently denied that Malaysia as a whole or its timber industry specifically was involved in any illegal activities. Instead Malaysian spokespersons claimed that the problem lay with corrupt Indonesian authorities who allowed the timber to enter Sarawak in the first place (Berita Harian 2003).\(^11\)

The tukei and their Malaysian workers came to be portrayed as gangsters armed with guns, looting national resources and intimidating local communities, with ‘Gengster Cina Malaysia’ (Chinese Malaysia gangsters) and ‘Mafia Kayu’ (timber mafia) becoming common buzz phrases.\(^12\) The

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\(^10\) An acronym for Kalimantan Barat or West Kalimantan.

\(^11\) Although rather late, the international community also became aware of the Malaysian timber barons ‘illegally’ operating on Indonesia territory (Jakarta Post 2007a).

\(^12\) Media Indonesia 2004; Pontianak Post 2004d, 2004f; Sinar Harapan 2004a, 2004b; Suara Pembaruan 2004b.
disappearance of huge quantities of timber, worth billions of rupiah, across the border stirred Indonesian national emotions (Pontianak Post 2003a). The Department of Forestry and Plantations (Dinas Kehutanan dan Perkebunan) in Kapuas Hulu estimated that in 2003 alone the country’s losses due to illegal logging in their part of the border area totalled Rp 50 billion (US$6 million), and the Malaysian tukei took approximately 273,354 m³ of timber across the border (Sinar Harapan 2005d). Major General Herry Tjahjana from the regional military command responded to these news reports describing clear breaches of national sovereignty by saying, ‘We are trying our best (berupaya sekuat) to secure the border. However, it is not easy to secure such a long border when facilities and personnel are very limited (sarana dan personel yang sangat terbatas)’ (Kompas 2004h).

Because of this change in political will to stop smuggling, national and provincial politicians in Indonesia demanded that district officials take prompt action. Despite district government assurances about dealing with these ‘Malaysian gangsters,’ early attempts to crack down on illegal logging in the border area were few and half-hearted, and the people arrested were mostly ‘small fry’ especially as district officials were in no hurry to end lucrative cross-border connections with the Sarawak tukei. District and provincial police attempts to apprehend the notorious tukei, Apheng, failed, and it seemed that the ‘gangsters’ would continue their activities unabated, abetted by district officials and local communities. For example, in 2003 the district forestry department carried out several investigations into alleged illegal logging activities along the border and filed a report to the bupati recommending follow-up investigations. The reports were subsequently rejected by the district police as were results of follow-up investigations, the reason being it would have too large a socio-economic impact on the region (Sinar Harapan 2004c).

Besides these half-hearted initiatives carried out by the district, a team from central government that went under the name of ‘Team Wanalaga’ visited the border area in early 2004. This team also made no concrete efforts to stop the logging; according to locals, it used its time in the border area to collect under-the-table ‘taxes’ from the various Malaysian logging companies. I will describe this incident in more detail later in

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13 Komando Daerah Militer (Pangdam) VI Tanjungpura.
14 Kompas 2003a, 2003c; Pontianak Post 2004l.
15 Kompas 2004c, 2004d, 2004g; Sinar Harapan 2004e.
the chapter. As mentioned in a national newspaper, the only thing to do was to wait for serious and competent politicians who are able to put an end to the ‘colonial domination’ of the Malaysian forest mafia (Suara Pembaruan 2004a).

Because of immense public pressure that accentuated the weakness of national legislation in dealing with these illegal matters, Indonesian President Susilo Bambang Yudhoyono (often called ‘President SBY’) late in 2004 pledged ‘tough action’ against illegal loggers throughout Indonesia (Jakarta Post 2004d). This statement was followed by a presidential decree directed at eradicating all such ‘wild logging’ (penebangan liar).\(^{16}\) The decree revoked all previously decrees and permits issued by district governments concerning the logging sector and gave sole authority over forest issues back to the Ministry of Forestry, enabling law enforcement officials to prosecute illegal loggers immediately after apprehension and seize all their equipment (Inpres 2005).\(^{17}\) The above events seemed to have had the desired effect and led to several high-profile Forest Law Enforcement Operations (FLE) throughout the border region.

As examples of border elite collusion with the tukei and their continuing ambivalent loyalty towards their own government I will recount here two interrelated borderland incidents that took place immediately after the central government’s official announcement about eradicating illegal logging in late 2004 and early 2005.

**CONFESSION OF A MALAYSIAN TIMBER BARON**

In early December 2004 a team of provincial and district police and military officers, representatives of other government institutions and environmental NGOs, known as the West Kalimantan Consortium on Illegal Logging (Konsorsium Anti-Ilegal Logging Kalimantan Barat, or Kail Kalbar), initiated several coordinated raids on illegal logging opera-

\(^{16}\) Within state rhetoric the concept of liar or wild is often applied in denoting illegal practices and people (such as border populations) beyond government reach and control.

\(^{17}\) This decree had been postponed several times under the former president, Megawati, allegedly due to government fears of the possible impact it might have on the social and political stability of the affected regions. Many regions depended heavily on the illegal timber trade (Jakarta Post 2004b).
tions along the border, including timber camps and sawmills in the study area. Several Malaysian citizens were apprehended.

On 7 December a raid at a local sawmill, Guntul Mandiri, about 25 km from Lanjak and a upriver logging camp, Camp Sebabai, resulted in the arrest of three Malaysian Chinese (Alok, Ling and Akiong) and the confiscation of both equipment and timber (Dephut 2005; Kompas 2004a, 2005g). The camp was emptied of anything of value and burned to the ground by the police and military, while the sawmill along the border road was simply closed down and sealed. Nearby communities prevented the sawmill from being looted and burned, as they claimed that the land on which the sawmill was erected was their property and the buildings under their protection. Government authorities confiscated approximately 22,000 m³ of timber, or 3,000 logs, as evidence. Among the equipment confiscated were seven bulldozers, six land cruisers and one fuel truck and an excavator, all bearing with Malaysian number plates (PMARI 2006). The ringleader and sawmill owner was the notorious Malaysian Chinese tukei, Apheng, who escaped. The presence of Apheng in Indonesian territory had been widely known for years, and demands for his apprehension had become more persistent. Apheng controlled at last four large sawmills that operated 24 hours a day in the subdistricts of Badau, Batang Lupar, Embaloh Hulu and Puring Kencana (Equator News 2004a; 2004b).

Local media claimed that the three people apprehended were Apheng’s henchmen (kaki tangan). According to local inhabitants, Apheng was playing badminton in another upriver logging camp during these raids and was not arrested because he was warned beforehand. The police and military were afraid of violent reprisals if they arrested him, as Apheng enjoyed the protection of surrounding, well-armed communities. He subsequently escaped into Malaysia following the old PARAKU trails. The incident is locally known as ‘Apheng’s great escape’. Many locals often referred to him as a ‘brave and generous man’ (berani dan bermurah hati), a ‘saviour’ or ‘rescuer’ (dewa penyelamat) who had made the area prosper in a way the former nationally owned companies and

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18 During interviews with senior Iban who took active part in the anti-PARAKU warfare in the 1970s, the name ‘Alok’ was mentioned several times as a key figure among the former PARAKU rebels in the area.
government operators had failed to do.19 Meanwhile, the national media portrayed Apheng as a dangerous criminal.

After these initial government raids Apheng became registered in national police (Polri) records as the mastermind behind illegal logging (otak pembalakan liar) in the border area and consequently one of the most wanted criminals on the Daftar Pencarian Orang (DPO) in the province of West Kalimantan (Pontianak Post 2004b; Sinar Harapan 2004a). As early as July 2002, before the government raids, the Kapuas Hulu police had registered Apheng together with 16 other Malaysian citizens on the DPO, but no measures were taken to apprehend them. Several outside commentators believe that this attempt by the district police to apprehend Apheng was just a manoeuvre to demonstrate active enforcement activity and deflect criticism. Apheng was placed on the DPO because he allegedly violated Article 102, Law No. 10/1995 on customs (kepabeanan) by bringing heavy equipment across the Badau border (Sinar Harapan 2004a, 2005d). Apheng was further accused of entering and operating in West Kalimantan without proper documents such as a passport and working visa. He was said only to be equipped with a short-term visa (pas sempadan), valid for 28 days. Immigration officials consequently promised to arrest Apheng the next time he crossed the border (Pontianak Post 2004c). In response to these vague attempts by district government to appear committed to upholding the law, a member of the provincial assembly (DPRD II) in Pontianak was quoted as saying, ‘This is only a trick (akal-akalan). Apheng’s situation is unchanged, he can just wander around all the way to Pontianak if he pleases, accompanied by a crowd of corrupt officials (oknum pejabat)’ (Sinar Harapan 2005d).

Later, in a March 2005 interview with a journalist from the weekly Indonesian news magazine Tempo, Apheng declared from his office in Sibu, Sarawak, ‘I am not afraid of being arrested (tidak takut ditangkap) as I am no villain (perampok)’ (Tempo 2005c). In this and later interviews he defended himself and the ‘legality’ of his business in the border area by claiming that he had received an operating permit and maps of the border area back in 1998 from the bupati office in Putussibau. He was also invited by local community cooperatives (koperasi) to build sawmills and help to open up ‘their forest’ for exploitation and sale. Apheng supposedly worked with and supplied financial input to no less than 15 coopera-

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19 Personal interviews, Lanjak, 19-7-2007.
tives, all of which had permits issued by the district government (Berita Sore 2007b; Suara Karya 2007a). Apheng stated in another newspaper interview, ‘Actually at first I did not want to take their timber. But they consistently begged me to buy. What should I do, I really wanted (ingin bantu) to help [the communities], therefore (terpaksa) I agreed to buy’ (Pontianak Post 2005b).

Apheng put special emphasis on the question of local forest ownership/rights and that all the cut timber was the property of local communities and came from their traditionally managed forest (kayu milik masyarakat adat), not from national parks or other kinds of protected forest (hutan lindung) as he often was accused of doing.

Apheng argued that since 1998 he had paid around Rp 1 billion in taxes to the customs office in Pontianak (Kantor Pelayanan Bea dan Cukai) for bringing heavy logging equipment into the Indonesian border area. He did acknowledge not paying any official taxes for bringing out the timber through the Badau border crossing because there was no official border crossing and tax office. Instead he claimed to have paid taxes to the district government and local communities:

Entrepreneurs [tukei] like us certainly want to work in a proper manner (kerja benar) and pay our taxes. In Malaysia, all dutiful citizens (warga patuh) pay tax. But to work properly in Indonesia is very difficult because regulations change rapidly (peraturan cepat berubah) (Tempo 2005c).

In the eyes of local Iban brokers, tukei involvement as partners in small-scale timber concessions in the border area was not illegal per se, as district government sanctioned it through its policy of regional autonomy. However, what might make it appear as illegal in the eyes of the central government was the subsequent export of timber across the border without proper export permits from the Ministry of Trade. Then again, the timber exporters already had paid export taxes (Pajak Ekspor Barang, PEB) to the District Industry and Trade Office (Dinas Perindustrian dan Perdagangan) in Putussibau (Pontianak Post 2003b). This interpretation of the regional autonomy laws was largely overruled by the provincial police authorities who stated that the tukei engagement in cooperative logging was by definition a crime because foreign citizens were not entitled to form cooperatives and thereby gain the right to exploit forest on Indonesian territory (Berita Sore 2007b).
In response to the allegations, Apheng argued that he had been the sole financial benefactor for border communities and district government in the area during the relevant period. He claimed, for example, to have paid for the erection of a military border post in Nanga Badau and the renovation of the police headquarters in Putussibau, to which he also donated a new patrol car. When confronted with Apheng’s claims of having ‘donated’ millions of rupiah to the police and local government, a highly placed regional police officer made the rather dubious comment that he saw no problem with accepting these donations because Apheng’s money was earned by stealing from Indonesia; it was entirely just and proper that this money should be used to develop the region (Berita Sore 2007b).

Local timber brokers interviewed claimed that Apheng paid a monthly ‘operating fee’ of approximately Rp 30 million (US$3,500) to the bupati, while subdistrict heads (camat) and police (Koramil) received between Rp 1 million and Rp 2 million a week.20

On the village level, Apheng further developed infrastructure; for example, in the village of Ukit-Ukit he provided a clean water supply and electricity, which was dedicated by the subdistrict administrative head (camat) (Sinar Harapan 2005a). According to Apheng he had invested more than Rp 1 trillion (US$110 million) in the district during the seven years he operated in the Kapaus Hulu (Berita Sore 2007a):

I am actually very concerned about the border communities, as the Indonesian government does not supply them with decent living conditions. They have not been provided with electricity, roads, water, hospitals, and good job opportunities. We tried to help out by providing these facilities…. These border people greatly need (sangat butuh) Malaysia…. Prohibited or not prohibited (dilarang atau tidak dilarang), they [local communities] will keep on cutting the trees because that is their only hope for getting something to eat…. For now I have stopped working because the sawmills are shut down. But for now much of my heavy machinery is in the safekeeping (dimankan) of the local communities. They have begged me to return, but the situation is too serious at the moment (lagi gawat). I am sad that so many people are out of a job and feel sympathy for them (kasihan mereka) (Tempo 2005c).

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20 Personal interview, Lanjak, 7-11-2003.
Portraying himself as the generous and compassionate patron taking care of his clients’ needs, which the Indonesian state is incapable of or unwilling to provide, Apheng downplayed the unequal relationship he himself had with the majority of border communities, whose share of logging revenue was minute compared with what tukei gained from the logging boom. Although local benefits were limited, what ostensibly kept the patron-broker-client network running was mutual dependency and respect. In return for the goodwill and protection of border elites and communities, the tukei provided various social services, crucial venture capital, expertise, and access to the timber market in Sarawak. By offering services that gave the locals a certain amount of social and material security, Apheng’s position as powerful patron was accepted, and he asserted the right to operate freely while locals were willing to relinquish some authority.

Despite mutually beneficial agreements, the tukei continuously had to walk the thin line of keeping all parties on whom he depended content. In doing so, he was obliged to renounce some short-term benefits and cultivate a local reputation of being trustworthy, generous, and powerful. One way of obtaining and holding onto local trust and respect was to manipulate the strained relationship border communities had with their own nation state by playing the dual role of local benefactor and ‘strong man’ or brave ‘rebel’ against unjust state laws and regulations. Praising Apheng in numerous interviews as a brave and generous patron, a man of wisdom and business acumen, locals not only expressed their gratitude but also recognized and identified strong traditional virtues of independence, bravery, courage, and wealth (Eilenberg 2003; Mashman 1991). To respect and trust the authority of a ‘brave man’ who at least on the surface appears to ‘honour’ local norms comes far more naturally than respect for and trust of a distant and contradictory state apparatus often regarded with suspicion.

The personal reputation of Apheng clearly played a vital role in maintaining local support. Such embedded traditional virtues of strong individualism and bravery continually surface in the borderland; for example, when the Iban talk about the colonial period, the name ‘Raja Brooke’, the label used for the consecutive colonial heads of the Brooke family in Sarawak, enjoys far more respect than does the often-shifting Dutch administration. Local oral narratives do not mention any of the names of the rotating Dutch officials stationed along the border. The
Brookes’ more personalized relations with the Iban and their reputation for strong and often violent leadership made them notorious on both sides of the border, but they were also known for respecting Iban norms and protecting Iban culture. In comparison the Dutch, who generally ruled the more or less autonomous Iban from a distance, gained little recognition in the local epics of brave men (Lumenta 2005; Wadley 2001c).

No doubt the many tukei operating in the borderland were quite aware that they were operating in the twilight of legality and illegality and were therefore aware that their positions were vulnerable to outside forces such as shifting legislation and politics. Operating under a constant threat, they were forced to rely on the networks of their clients to reinforce their positions. Apheng, for example, acknowledged knowing that the Ministry of Forestry revoked the bupati authority to issue HPHH logging permits as early as 2002, but he nevertheless continued his business relationship with these cooperatives and the district government. As he expressed it in a 2005 interview, ‘I am still working as usual, because I have a guarantee (jaminan) from the Kapuas Hulu District Consultative Forum (Musyawarah Pimpinan Daerah, or MUSPIDA) that I will not be harassed (diusik) (Sinar Harapan 2005a).

Apheng seemed convinced that he had been made a scapegoat and his name sacrificed (dikorbankan) in the struggle over authority between the districts and the provincial/central government. He expressed his frustration by mentioning the hypocrisy of suddenly portraying him as a dangerous criminal or mafia don working without local support. He argued that he at no time during his seven years operating in the borderland had made any effort to hide his operations (bukan rahasia), a fact the Indonesian officials and the public already knew (Tempo 2005c). As Apheng boldly stated in one of the many newspaper interviews, ‘On what basis did I enter the DPO? I am not a hardened criminal. Please arrange a meeting with President Susilo Bambang Yudhoyono so I can explain the real problems’ (Sinar Harapan 2005a).

Apheng’s claim that he did not fear apprehension has a double meaning in this regard. First, as mentioned above, he believes that he operated with the full legal support of local government and secondly, if he were to be apprehended and accused of illegal activities all the government institutions with whom he cooperated (military, police etc.) would be just as accountable and the incompetence of the government revealed. Apheng
expressed his stance on the matter through the following Chinese saying: ‘If somebody throws a bucket of water (siram air), I will certainly not be the only one who gets wet (saya tidak mau hanya basah sendiri)’ (Pontianak Post 2005b).

Only six weeks after the Kail Kalbar operation, yet another government team entered the borderland in order to apprehend Apheng and additional persons engaged in illegal logging who had escaped the earlier raids. As we shall see in the next case, the previous raid seemed to have severely angered local residents, especially in Iban communities that cooperated with the *tukei*.

SHifting loYALties

In January 2005, two national Indonesian newspapers published articles describing how a team of 27 government officials and one television journalist was investigating illegal logging in the Ulu Leboyan area in the vicinity of the Betung Kerihun National Park (Antara 2005a; Kompas 2005f). This team included district forest rangers (Polhut), prosecutors (Kejaksan Negeri Kapuas Hulu), police (Polres), and military personnel (Kodim), some of them well armed. This new team set out from the district capital of Putussibau hoping to apprehend Apheng, who had escaped the previous raids but still made occasional appearances in the area. They found that their Indonesian Kijang vehicles could not negotiate the bad roads in the hilly border area; they therefore commandeered three of Apheng’s previously confiscated Toyota Land Cruisers (with Malaysian license plates) from the district police in Putussibau.

After the team had stopped to make camp for the night at Apheng’s upriver logging camp, two pick-ups with Malaysian plates and carrying around 20 to 35 armed men approached. A local Iban man and timber broker, acting as leader of the group, began to interrogate the team, apparently not intimidated by its armed police and military members. Upon discovering the team’s purpose and its use of confiscated vehicles, the man grew angry and accused them of being responsible for the loss of local jobs. In the heated atmosphere, he ordered his men to seize the vehicles and to leave the team on foot. In a curious twist to the incident, the team negotiated transport to the local subdistrict police headquarters (Polsek) in Lanjak, to which the local group agreed. Upon arrival
in Lanjak, the locals refused to return the vehicles and fled with them across the border before the now-reinforced police could catch them. In the meantime, personnel from the district police had been despatched from Putussibau in response to rumours of the Kail Kalbar team being terrorized and taken hostage by an armed ‘mob’. The police attempt to apprehend the local group of men and retake possession of the stolen cars failed as the cars had already entered Malaysia and been returned to their owner, Apheng.

The journalist was dumbfounded by the inability or unwillingness of the police or army to intervene even though they had had several chances to act. They remained passive throughout the whole incident. The journalist reported that the security force members of the team had agreed with the Iban leader to not interfere, perhaps to avoid further conflict with local communities. Indeed, district officials later told him that the incident was a local matter and that there was no need to involve outside parties and no need to make the incident public. The provincial coordinator of Kail Kalbar, however, expressed his lack of understanding of how local Indonesians could be more loyal to a foreigner (Apheng) than to their own government. He suggested that the provincial police (Kapolda) would have to take over from the district police (Kapolres) if the latter were unable to perform their proper duties.

Controversy over the district’s lack of action intensified a few days after the Kail Kalbar incident when local media brought news of continued logging carried out by Apheng in the area. After the shutdown of his large sawmill along the Lanjak-Badau road, Apheng had simply moved most heavy sawmill equipment and personnel to another more remote and less visible sawmill away from the main road (Kompas 2005c; Pontianak Post 2005d). Perhaps the Kail Kalbar coordinator was in possession of some ‘inside knowledge’, because within two months, provincial and national police had launched yet another wave of raids, code-named Operation Forest Conversion (Operasi Hutan Lestari), resulting in the arrest of several Malaysians and Indonesians (Chinese, Iban, and Malays) involved in cross-border logging. These raids effectively closed down all logging operations in the district.

The anti-logging raids had aroused the wrath of the border communities who had come to depend economically on cross-border logging. As described in the case above, there were several confrontations between the Kail Kalbar team and locals who were often led by members of the
Iban elite who previously had functioned as brokers or intermediates between local communities and the tukei. Although these confrontations ended peacefully, local emotions ran high as the government team was accused of being responsible for the loss of local jobs. An official from the district forestry department in Putussibau described the situation as follows:

Going there [Lanjak] these days is a bit risky (agak rawan). Because they are still revengeful (dendam) toward us [Forestry Department], we have to be careful. After the big sawmill was closed and the Malaysian men were captured, more than 700 people who live around Lanjak lost their only local source of income (mata pencaharian). They are extremely displeased (rasa tidak senang).\(^{21}\)

The situation deteriorated even more under Operation Forest Conversion, which besides arrests also resulted in a total ban on transporting already cut timber across the border, a move that upset locals who had derived income from the trade as truck drivers. In response the locals sent a large delegation of around 200 people carrying along 1200 signatures to the district capital, Putussibau, to lobby for a lifting of the ban or at least allowing the sale of already cut timber, arguing that the timber came from community forests (hutan adat) and that Indonesians markets were prohibitively distant. While the new Basic Forestry Law (No. 41/1999) released in 1999 recognizes (in principle) the existence of local rights to what is considered customary forest, the legal standing of these rights is still very unclear and largely up to government interpretations as there are no clarifications of the term. Furthermore, the Ministry of Forestry must recognize all claims to customary forest, and ultimately the law states that all forest and forest resources are under state authority.

In front of the district assembly office, the delegation demanded that no further logging raids be carried out and that all confiscated timber be released. As voiced in a complaint by one prominent Iban community leader from Embaloh Hulu, ‘We are like living dead (hidup mati) [in the borderland], we ask for immediate attention. We are charged (dituduh) as perpetrators [in illegal logging] but have never enjoyed the rewards’ (Sinar Harapan 2005d).

\(^{21}\) Personal interview, Putussibau, 14-3-2007.
Although the *bupati* and local assembly members expressed their understanding of the difficulty of the situation, they were under immense pressure from the central government to take a stance on the issue. A meeting with representatives of the local communities and the various district departments (forestry, military and law enforcement) was immediately arranged. Local protests were acknowledged, but the head of police announced, ‘The police cannot release the timber that has been confiscated. All procedures must be processed in accordance with applicable law (*sesuai hukum*)’ (*Kompas* 2005e). The head of the forestry department added, ‘The forestry problem (*masalah kehutanan*) from now on is under central authority (*kewenangan pusat*), the region cannot do much (*daerah tak bisa berbuat banyak*)’ (*Kompas* 2005e).

The group’s efforts proved eventually to be fruitless, with the Indonesian Minister of Forestry, M.S. Kaban, declaring that border communities had no legal right to permit commercial timber harvesting and sell across the border.\(^{22}\) As indicated previously, more than half (56.51\%) of the land area of Kapuas Hulu is designated as protected forest, and according to the decentralization laws all protected forest is under the authority of the central government. Parts of the forest claimed as *hutan adat* by local communities are classified as protected forest. The Minister of Forestry had planned in October 2005 to visit the borderland but later cancelled his visit, to the disappointment of local communities who had hoped to express their concerns and come to an agreement concerning the logging ban with the minister (*Jakarta Post* 2005c). In response to the unwillingness of district and central government to take the necessary steps in overcoming local community hardships, an Iban leader from Badau, cited in the main national newspaper, *Jakarta Post*, replied:

> It is only natural that locals continue to fell trees in the forest. About 90 percent of the people depend on the forest to support themselves. If what they have been doing is considered illegal, then what must be done to make it legal? Unless the government provides an alternative, how can they give up their long-standing activities? (*Jakarta Post* 2005c)

\(^{22}\) *Equator News* 2005g; *Kompas* 2005b; *Media Indonesia* 2005a; *Pontianak Post* 2005c.
In an attempt to engage in a discussion with the border communities, the Kail Kalbar team in August 2005 invited community leaders and DPRD II representatives from the border subdistricts to a focus group discussion in Putussibau. In a 2007 interview the head of Kail Kalbar described the outcome as follows:

During the discussions, they presented their perspective on the matter. They talked about their rights as local citizens in using natural resource (memanfaatkan Sumber Daya Alam). But finally they seemed to realize the side effects of illegal logging. But their thinking is still very pragmatic (berfikirnya pragmatis), and concentrated on immediate needs. After the boom of illegal logging in the area we face many problems to be solved, social, economic, cultural and even political. But since the beginning Kail is not only monitoring the illegal logging but also trying to understand its root (akar) causes.\(^\text{23}\)

Despite these genuine attempts to engage in dialog, the Kail Kalbar team had no authority or means to deal with current and pressing needs of the border communities. As of 2007, no solution had been found, and the border towns that had boomed from the cross-border timber trade and flow of people and goods have become small ghost towns (Equator News 2005b). Concerns about the loss of future income opportunities were widely displayed as graffiti on houses and shops in the town of Lanjak. One local shop house carried the following message written in large letters: ‘If the timber business is shut down (kayu tutup) the people will be bankrupt (rakyat bangkrut).’ In January 2007 the Indonesian Ministry of Forestry issued a new regulation that reaffirms the central government’s control over forest and leaves the district with little legal authority pertaining to management of these resources (Perdu 2007).

**ILLEGAL BUT LICIT: CIRCUMVENTING THE LAW, ENFORCING LOCAL NORMS**

What state officials view as illegal and therefore criminal behaviour may be considered well within the bounds of the acceptable by those who dis-
play this behaviour and by the communities to which they belong (Abraham and Van Schendel 2005:25).

How have these events and the ban on logging influenced the inhabitants of Rumah Manah and other Iban communities in the Ulu Leboyan? Apheng’s company operating in the Ulu Leboyan was shut down and both logging camps and sawmill deserted. Inhabitants from Rumah Manah and surrounding communities who worked in this company have now been deprived of their only nearby source of cash income. Many men who had previously supplemented their household income with cash earned in the local logging industry are now, as they did in the past, taking up labour migration to Malaysia.

The border populations’ ambivalent relationship with their own state was clearly expressed in the days after the government crackdown, when local communities went to Apheng’s logging camp and sawmill to ‘confiscate’ machinery and timber, which they regarded as their property; in other words, the machinery was being protected for the future return of the tukei. Furthermore, in order to prevent outsiders from entering the upriver logging camps that are still full of cut timber, barriers were put up across logging roads using the locally confiscated bulldozers. During my 2005 fieldwork the large amount of logs that remained in the upriver timber camps had ‘BB’ written on them in large red letters. The letters meant ‘bahan bukti,’ which meant that the timber was being held as government evidence. According to locals more than 10,000 logs were rotting in the camps close to the national park. The ‘BB’ label had been written by the central government anti-logging teams to indicate that all timber was state property and did not belong to local communities. The battlelines between local residents and central authorities were tightly drawn up, and their conflicting views of the situation were further expressed on a partly burnt timber shack with the following dialog written in black letters: ‘Apheng is the one who loots (merampok) our country’s forest and Apheng’s followers become rich while eating Indonesia’s future.’ As a reply to this allegation, another message was written in half Indonesian and half Iban just above: ‘Who is the one not ashamed or embarrassed (enda pandai malu) about eating the revenue (makan hasil) of this forest, it is the central government (pusat). The one who actually robs the communities’ traditionally managed forests is the TNBK’. Following this message was
a drawing of a man decapitating another man with a traditional war sword (mandau).

I discussed the writings on the shack with the group of Iban accompanying me on the trip, and several interpretations seemed possible. First, the local reply points towards the long-term duplicity of the actions of government officials, military and police; it accuses them of double standards when they condemn local community involvement with the tukei while they themselves harvest the larger share of the revenues from illegal logging. TNBK is an abbreviation for the Betung Kerihun National Park (Taman Negara Betung Kerihun), which locally is seen as a symbol of state authority. Several of the participants in the government anti-illegal raids were park rangers. The creation of the TNBK has for a long time been disputed, and still is, especially as the park boundaries fall within areas traditionally recognized as community forest, and the issue of local compensation remains unresolved. Many communities see few benefits from the national park, in which all resource exploitation is illegal and no local jobs are generated. Second, the writing conveys the message that the forest is believed to be local property and that there is a growing willingness to enforce local rights.

Disagreement between government and locals about what practices are to be designated illegal has once more resulted in locals taking matters into their own hands. Similar disregard for government decisions is seen in Lanjak where trucks loaded with logs continued to navigate the road between Lanjak and the border town of Nanga Badau in the month after the crackdown, despite the ban on the transport of logs across the border (Kompas 2005c). Now, however, the logs were transported at night in order to attract as little attention as possible; in daytime the roads were deserted. But as most sawmills in the area were inoperative, the logs transported were all from before the government raids. Many cut logs had been dumped in the lake area close to Lanjak in order to hide them from confiscation, and it was these logs that now were loaded onto trucks. But as no new logging is in progress, this source was soon exhausted.

The borderland inhabitants are awaiting the outcome of the situation. At the time of fieldwork it was unknown whether there will be any further repercussions for those who had been engaged in illegal logging. Three Malaysian Chinese who formerly worked for Apheng in the Ulu Leboyan have each been sentenced to nine years imprisonment and fined
up to Rp 500 million (US$51,500), by the district court in Putussibau and
the Indonesian supreme court in Jakarta. Several others are still awaiting
trial (Equator News 2005d; PMARI 2006; PPNP 2005). In early 2007
during a short trip to the town of Badau, one of my research assistant
went shopping in the bazaar just across the border in Lubok Antu; here
he saw Apheng having a cup of coffee in a roadside coffee shop. Despite
having an arrest warrant hanging over his head in Indonesia, and a
agreement for his capture and extradition has been made between the
West Kalimantan and Sarawak police, Apheng still seems to move freely
in Sarawak (Berita Sore 2007b). Several informants claim that Apheng is
still following the situation in the borderland with interest, waiting for a
chance to return. In June 2007 a team of journalists from the Indonesian
television station SCTV (Surya Citra Televisi) approached Apheng in a res-
taurant in Sibu, Sarawak. Working undercover as Indonesian business-
men, the journalists managed to interview Apheng who again claimed
that his (former) logging operations were strictly legal (SCTV 2007).
Apheng has since left the logging business and is supposedly engaged in
the oil palm plantation industry (Berita Sore 2007a).

DEFYING THE LIMITS OF LEGALITY

The line between ‘legal’ and ‘illegal is held to be clear and definitive in-
side a given state, a hegemonic claim. Yet actual practice is ambiguous
and subject to resourceful manipulation. Legality and illegality are thus
simultaneously black and white, and shades of gray (Heyman 1999b:11).

Interviews and discussions with local border inhabitants in the period af-
cer the large-scale government anti-logging operations reveal widespread
sentiments of once again being treated unjustly by the central govern-
ment. Growing confusion over whose authority should be reckoned with,
that of district or central government, convinced many border inhabit-
ants of the government’s indifference to their situation and that it was
time once again to take things into their own hands.

The issue of illegality in regard to logging was particularly vigor-
ously discussed at community meetings and other local gatherings, where

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24 Nationwide (Kalimantan, Sumatra and Papua) more than 178 foreign timber entrepreneurs (mostly
Malaysians) have been arrested for their alleged involvement in illegal logging (Republika 2005).
people seemed to come to consensus that the legal concepts of central
government always ended up working against local practices. As stated
by an Iban leader:

We are justified when taking the timber, as it is our own timber (Kami
disini berhak ambil kayu, kayu kita). What is illegal? If they believe that the
timber is illegal, why do our logging trucks have to pay to pass the border
in Badau. Why does the district government make a gate at the border
collecting fees? If they think the timber is illegal, they have to stop every-
thing. Who did not know about the logging activities that happened in
front of everybody’s eyes (terjadi di depan mata)? The district officers knew,
the bupati knew, the police knew, everybody knew about the logging in the
border area. They did not declare any prohibitions as they all took part
in it.25

Not only were the double standards of district government discussed;
also the central government logging raids were criticized for not being
transparent. For example, a local Iban businessman on a tour around
Badau with a group of Malaysian investors in 2004 witnessed how an
anti-logging team from the central police command in Jakarta code-
named ‘Wanalaga’ stayed three days in Badau inspecting the cross-border
trade in timber. According to the businessman the team members went
around the area and collected money from all the timber companies; the
money collected was stored in an ‘Indomie’ (noodle) box and brought
along when the team left, and no receipts were given.26 Such accusations
of anti-logging teams led by crooked government officials also appeared
in the provincial newspapers, where district assembly members (Iban)
from Kapuas Hulu criticized the Wanalaga team for its dubious practices.
Included in the criticism were allegations of the Wanalaga team disturb-
ing local communities and receiving money for bypassing and ignoring
certain sawmills and timber camps during their inspection tours (Pontianak
Post 2004k; 2004l; 2004m). Apheng was, for example, accused of bribing
the Wanalaga officials with Rp 3 billion (US$300,000) (Tempo 2005d).

The confusion concerning the legal standing of forest extraction
expressed by locals in the borderland in the wake of the numerous anti-
logging operations is also to be found in the inconsistent and contradic-

26 Personal interview, Pontianak, 22-8-2007.
tory definitions of what is legal and illegal presented by the multi-level actors and the vaguely defined legislation. For example, while the 2005 presidential decree directed at eradicating illegal logging (*Inpres 2005*) mentioned previously put much emphasis on what was considered illegal timber extraction, it presented no clear indication of what then was to be considered legal. There were no clear boundaries between legal and illegal, which meant that these new laws were just as fuzzy and open to the same degree of interpretation as the previous laws on regional autonomy that had inspired the districts to secure revenue from local natural resources in the first place.

SHADES OF GRAY

The difficulty of distinguishing insider from outsider produces confusion in the minds of state forces that can no longer tell where they themselves are located. This uncertainty is a product of the interplay of the licit and the illegal, an effect produced by the coincidence of the geographic and political limits of the state (Abraham 2006:4).

Several things are at work in the incidents discussed above. First, local district government and border elites have been given more power because of national decentralization processes, and cross-border logging is seen as a good opportunity to develop and promote borderland economy, which has long been neglected by the central government. Additionally, given sharp declines in financial support from the central and provincial governments, district officials have had to find ways to provision their own ranks. Second, as described earlier, many Iban (like some district officials) do not share central and provincial government views on the illegality of current logging activities, and the interference of ‘outsiders’, such as in the government operation described above, is largely understood as a breach of local autonomy that lacks local legitimacy. As documented in this and previous chapters, the Iban have always shown themselves to be quite capable of taking the law in their own hands and carrying out acts of vigilantism when they feel injustices have been committed. Thus commonly heard remarks like: ‘what is the law’ and ‘for whom is the law’ refer to a local recognition that the ‘legitimate’ state law has little to offer them.
Being well armed and having a reputation for vigilantism, the Iban are seen as a player not to be taken lightly. So when local district police and military in the case above choose the strategy of passivity instead of confrontation the reason is twofold: first, the economic benefits of the logging boom; and second, a sound respect for local Iban ability to take action. Local police and military officials are, by and large, not ‘local’ themselves but come from a variety of places – elsewhere in the province or well beyond, such as Java and Bali. Given the link between cross-border activities and illegality, it is difficult to assess how or if local officials are involved beyond simply facilitating and collecting fees from such activities on their side of the border. It is widely known in the area that the police and the military are economically dependent upon, and indeed benefit greatly from, the so-called illegal activities, especially as there is so little help given by central command (police/military) to the subdistrict commands. Most of the local units or sub-commands within the area have been encouraged to look for an economically viable way to support their own members. It is most likely they are working together with local communities and the tukei. This once again highlights the fact that local state agents and central government do not necessarily share the same interests and that various state agents tactically support acts of illegality. This assertion relates to the point made by Heyman and Smart that intimate case studies of state illegality help to ‘transcend the stultifying assumption that states always uphold the law’ (Heyman 1999b:1).

As portrayed by the Iban borderland inhabitants, what makes their engagement in cooperative logging illegal in the eyes of the central government is a general government lack of understanding of the special circumstances of life in the borderland. Given the special borderland context and the fact that local government agents themselves for long have participated and profited from these illegal activities, locals have rendered these practices licit. Thus, being situated on the borderline between two nation-states, one wealthier than the other, the search for viable livelihood strategies inevitably means moving back and forth across the border and in and out of intersecting spheres of legality and illegality. This chapter has discussed how the concepts ‘legal’ and ‘illegal’ often blur together and how state definitions of legality are highly political and their definitions ever shifting according to state power along these state edges.

Finally, the multi-level networks, nested relationships, and fluid loyalties play a major role for understanding the outcome of the various cases.
described above. However, in order to comprehend border community actions it is essential to return to the issue of patron-client relationships and their particular formation in the borderland. Despite the inherent inequality within this relationship and the central government’s harsh condemnations of the Sarawak entrepreneurs, the larger percentage of the border population has remained remarkably loyal towards the tukai. However, the ethos of this relationship, as touched upon in previous chapters, was mainly based on economic cost-benefit calculation. Such economic motivation does not entirely explain this strong sense of loyalty shown the tukai patrons vis-à-vis the central state, locally embedded norms of respect, interpersonal obligations and reciprocity nurtured through centuries of shifting borderland life and persistent cross-border relations need to be taken into consideration. When reflecting on these conditions and patterns of solidarity, one might find the question raised earlier by the head of one of the anti-logging teams – ‘How could locals be more loyal and cooperative toward a foreigner (Apheng) than to their own government?’ – more understandable.

As we shall see in the following chapters, the anti-logging operation initiated by central and provincial government largely altered the previous state of affairs. Indeed, what we may now be seeing is a national and provincial attempt to wrest control of revenue streams and authority from the districts by outlawing locally managed forest extraction, remilitarizing the border and establishing large-scale plantation schemes. On the surface the scale once again seems to have tipped towards increasing state authority in the borderland, as we saw during the period of militarization in the 1960s and 1970s and centrally controlled logging in the 1980s and 1990s. In the next chapter, I will add further layers to my analysis of the borderland by analyzing the rhetoric of central government development programs and grand schemes up to and in the years after the crackdown on illegal logging. I will here put special emphasis on cases that demonstrate state attempts to regain authority over its borders and natural resources and how such attempts are modified on the local-level and have lead to a further strengthening of local desires for increased autonomy.