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Indonesian law and leality in the Delta : a socio-legal inquiry into laws, local bureaucrats and natural resources management in the Mahakam Delta, East Kalimantan

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Indonesian Law and Reality in the Delta

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Indonesian Law and Reality in the Delta: A Socio-Legal Inquiry into Laws, Local Bureaucrats and Natural Resources Management in the Mahakam Delta, East Kalimantan presents the findings of a four-year long study into the effectiveness of laws and regulation on natural resources management in an area, which is ecologically and economically vital for Indonesia. This socio-legal enquiry illustrates the wide contrast between 'law in the books' and 'law in reality', with a particular focus on the reasons why there is such a wide disparity between what the local government officials believed was legitimate, and what the law prescribes. This book argues that the attitudes of these officials were the result of social concern and respect felt for local users of the delta, such as small-scale fishermen and shrimp farmers. Not only had the local users long been residing in the Mahakam Delta with resource use as their only means to survive, their sense of fairness was often reinforced when local officials discovered unjust situations, for example when the central government hardly paid any attention to local people and their livelihoods in the Delta – formally a Forest Area – whilst oil and gas companies were allowed to make large profits. This sense of social concern combined with the inconsistency and incoherence of legislation, brought local officials to legal interpretations that supported their conclusion that the actual resource use was not only legitimate but also legal. As such, the local officials were often not just responsive and accommodating, on some occasions they would even act as the defenders of local users. This case study explores the challenges that many local officials in the Mahakam Delta face when balancing different interests and applying legal rules in a much-disputed environment. It provides a framework for thinking of ways to both protect environmentally vulnerable areas as well as the people living therein worldwide – by law and in practice.

This is a volume in the series of the Meijers Research Institute and Graduate School of Leiden University. The study is a part of the Law School's research programme Securing the Rule of Law in a World of Multilevel Jurisdiction and was conducted as part of a research project of the Van Vollenhoven Institute for Law, Governance, and Development.



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