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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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Propositions

1. The Indonesian state resorts to both territorial and non-territorial strategies in exercising formal control over natural resource use.
2. On most occasions instead of effectively implementing formal rules vis-à-vis the population, local officials and legal enforcers in the Mahakam Delta prefer to understand and provide legitimacy to local resource users, due to a complex of legal and non-legal factors.
3. In the sector of oil and gas exploration local officials and legal enforcers implement the law on particular occasions strictly, because of the strong interest of the state in continued operations, which bring in significant contributions to state revenue.
4. Inconsistency and incoherence in formal rules have made certain sectoral regulations, e.g. fishery regulations, illegitimate, so that they do not meet their intended goals to protect small-scale fishermen.
5. The behaviour of local government officials of not effectively implementing formal rules is not solely motivated by their pursuit of personal interests or the interests of closely affiliated groups, but also by their social concerns as well as their sense of unfairness of particular situations. .
6. In order to enhance the legitimacy of regional regulations, regional government officials prefer to gather inputs from outsiders, i.e. officials at higher government levels and academics, rather than from local inhabitants as stakeholders.
7. In terms of the ways in which tenure security evolves, it is remarkable that perceived tenure security can arise when local government officials upon observing legal violations of existing formal rules on resource use by other government agencies, are encouraged to perceive people's actual resource use as legitimate.,
8. The simultaneous existence of public officials' responsive approach to local resource tenure, and a repressive approach in their implementation of law could be seen as a deliberate attempt of government officials to maintain equilibrium between maintaining their authority and making the implementation of law responsive to external influences at the same time.
9. Administrative discretion in Indonesia occurs not only as a result of the absence and vagueness of legislation, but also of the deliberate interpretations and choices made by public officials.
10. The Indonesian legal system still suffers severely from inconsistency and incoherence between the various rules which regulate possessory land evidence.