Traditional property rights over land among the Kenyah of Pujungan Subdistrict

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INTRODUCTION
The research into customary law conducted in the subdistrict of Pujungan in 1991 has its starting point in a question that all indigenous Dayak people of Kalimantan have often been asking lately: ‘Is it true that land ownership based on customary or adat law can be recognised?’ Today the easy answer is: ‘Yes, it can be accepted if there is evidence.’ In light of administrative practices dealing with land titles that have been in use so far, the formal judicial meaning intended by the term ‘proof’ or ‘evidence’ tends to be the land certificate issued by the Office for Land Affairs (known as Kantor Badan Pertanahan Nasional).

If this is really true, has all the land of Kalimantan already been certified as evidence of ownership of the land? The answer that we give will remain full of question marks unless some wise efforts are made to harmonise views of what ‘is’ and what ‘should be.’ Thus, the attempt to reconcile fact and theory, beginning with Articles 5, 2, 3 and 4 of Law No. 5 of 1960 on Basic Agrarian Regulations (UUPA), and Law No. 56 of 1960 on Determining the Area of Agricultural Land, requires focused research in order to answer the above question.

The Pujungan Subdistrict comprises two customary territories, the Pujungan Customary Land and the Hulu Bahau Customary Land. The inhabitants are for the most part from several Kenyah subgroups, as well as related groups such as the Punan, Pua’, Nyibun, and Saben. Every customary territory consists of a number of smaller
territories (village level). The writer carried out field research in both areas in 1991 and returned in 1993 as a field research coordinator. He focused on the general aspects of traditional land ownership. In the meantime, the writer’s three colleagues, during their field work in 1993, looked at several specific aspects of traditional land ownership in three different Kenyah subgroups (see Angguk Lamis, Concordius Kanyan, and Y. Paulus Bunde, in this volume).

The research focus for this paper is the issue of land tenure among the Kenyah of the Pujungan Subdistrict. The research approach combined description and analysis to be able to clearly illustrate the facts at the time of the research as well as at the time of drawing the conclusions. As a sample, the writer selected six of the nine villages in the Hulu Bahau Customary Land, and an additional sample of four of the 12 villages in the Pujungan Customary Land. The author discussed directly with the people, traditional leaders, and customary chiefs from both customary territories by means of interviews; the author also visited the various locations in the field. In addition, the author used indirect communication techniques such as questionnaires (Figures 6.1 and 6.2).

Figure 6.1 Author conducting an interview in Long Ketaman

Figure 6.2 Old settlement site (lepun) at Long Ngiam
SOCIAL STRUCTURE AND THE PLACE OF TRADITIONAL (ADAT) LAW

The Kenyah of Pujungan no longer live in longhouses, once the traditional living arrangements in the community. Nevertheless, the communal attitude present in the stratified social structure (see Liman Lawai in this volume), which has begun to disappear, remains evident in legal matters, such as marriages or violations of social norms of decency and good manners. Stratification in social life and social relations, however, does not appear to be an obstacle because, in relative terms, the Kenyah legal system no longer distinguishes between social classes.

Generally, Kenyah society was divided into three social levels, the *paren* (or nobility), the *panyen* (ordinary people), and the *kulak* or *kula’* (slaves). This was the case among the Kenyah Uma’ Alim and the Kenyah Badeng. Yet, in several subgroups there were differences in the terminology of social classes and subclasses. For example, in the Hulu Bahau area, the Kenyah Leppo’ Ké differentiated between *datau pekukuk* (original *paren*) and *datau pebese* (mother was *paren* and father *panyen*); and among the *panyen* they distinguished *panyen tiga* (well-known ordinary people) and *panyen uma’* or *kelunan kadu* (ordinary people). In the Pujungan area, the Kenyah Uma’ Lasan differentiated between *paren pu’ub* (original nobility) and *paren ma’ding* (mother *paren* and father *panyen*), while the Kenyah Leppo’ Ndang used the terms *paren iai* (da tau) and *paren tau*. The Kenyah Bakung recognise *paren pu’un* (original nobility) and *paren ma’ding* (mother *paren*, father *panyen*), while they distinguish among *panyen tiga* (well-known ordinary people), *panyen* (ordinary people) and *panyen ja’at* (low-ranking people).

In addition to social classes, the Kenyah also have customary or *adat* institutions divided into three levels, with related functionaries. In the Hulu Bahau area, the first level is the *kepala adat bio’* (or great customary chief) of Hulu Bahau; the second level is the *kepala leppo’* (or village chief); and with regard to the third level, the Kenyah Leppo’ Ké and Leppo’ Ma’ut recognise the *pengela ta’ adat* or the *pengukun* (elders and well-known figures). The entire *adat* structure is referred to as *penteneng adat leppo’*. In the Pujungan area, the first level is known as *kepala adat bizu* by the Uma’ Lasan and Uma’ Alim, and *kepala adat bio’* by the Leppo’ Ndang, Bakung, and Badeng, that is, the Great Customary Chief of Pujungan. The second level is referred to as *pengohon adat* by the Uma Lasan and Uma Alim; *tu’a leppo’* by the Badeng; or *tu’a-tu’a bio’* by the Bakung. The third level is known as *perava adat* among the Uma’ Lasan and Uma’ Alim; *tu’a uma’* among the Leppo’ Ndang; or *tu’a penguma* among the Badeng. The elders or other well-known figures are called *pengelata adat* by the Leppo’ Ndang, or *tu’a-tu’a penguma* by the Badeng.

*Adat* functionaries have legal control of a specific area where they carry out the duties that derive from their position. The great customary chief, as head of an ethnic group and highest customary chief within a certain customary territory, maintains control of the *ulen leppo’*, or the territory of a group that includes one or more villages (in line with Law No. 5 of 1979 on Village Government). For example, the Great Customary Chief of Pujungan covers 12 villages and the Great Customary Chief of Hulu Bahau covers 9 villages. The *kepala leppo’*, *tu’a leppo’*, *tu’a uma’*, *pengohon adat*, *tu’a adat*, and *perava adat*, who ex officio assist the great customary chief, have legal authority over an area as extensive as their respective village territory within the customary territory. The *pengelata adat* or *pengukun adat* are the local *adat* officers who assist the village chief in upholding and applying local customary regulations.
This general picture describing the social structure and the hierarchical levels of adat functionaries, as part of cultural history, reinforces the evidence that the Kenyah of Long Pujungan are an indigenous and customary law-based society.

RECOGNITION OF TRADITIONAL INSTITUTIONS IN THE NATIONAL LAW
According to Law No. 5 of 1979 on Village Government, customary institutions are equivalent or at the same level as the kepala desa or village chief. They are both part of the Lembaga Musyawarah Desa (LMD) or village council, which is headed by the village chief.

The existence of traditional or community institutions is defined in Article 17 of Law No. 5 of 1979 as follows: ‘(1) The village council is a venue for consultation/discussion. Its members include village chiefs, the leaders of community institutions, elders and well-known figures in the same village.’

Law No. 5 of 1979 is very basic, because a large portion of the Indonesian people live in rural areas and their daily life, work and social interactions follow customary norms and moral norms known as adat-istiadat (traditions and customs). For this reason, adat and community institutions are highly effective for implementing village government if both can work together and are in harmony. In traditional societies, specifically among the Kenyah, these conditions still prevail.

In the meantime, Hilman Hadikusuma (1987) stated that ‘allowing customary figures to participate does not mean to revive feudalism; respecting existing customary law will instead ease the way to development.’ (quoted in Abdurrahman 1990: 35). This is especially the case if leaders and notables are part, as they should be, of these institutions, because a large part of the society, in fact, still values their customary institutions. Especially in rural areas far from easy reach of transportation and communications, adat institutions and adat notables play a very important role in creating and preserving a sense of security and order, and even of justice among the people.

This existence of adat institutions, customary laws and customs, and the traditions of a society based on law is in line with the philosophical bases or foundations expressed in:

1. The preamble ‘Taking into account’ of Law No. 5 of 1979, paragraph b, which states:
   ‘b. whereas in line with the nature of the Unitary State of the Republic of Indonesia, the position of the Village Government has been made uniform as far as possible, by paying attention to the uniformity of village conditions and the integration of existing traditions and customs in order to strengthen the Village Government and enable it to mobilise the people for development and provide a broader and more effective village administration.’

2. The preamble ‘Considering’ of the Decree of the Minister of Home Affairs (PERMENDAGRI) No. 11 of 1984 regarding Guidance and Development of Traditions and Customs at the village level:
   ‘a. whereas Law No. 5 of 1979 on Village Government only regulates aspects of Government while continuing to recognise the unity of the society based on law, on customs and traditions, and on persisting traditions as long as they support development and national security;
   b. whereas traditions and customs that have grown and developed through centuries of history have made a valuable contribution to the continuation of social life,
the struggle for independence, and the development of the Nation, the Region, and the Village.’

3. In the preamble ‘Considering’ of the Decree of the Minister of Home Affairs No. 17, 1989 regarding the Guidance and Development of Adat Institutions at Village Level:
   ‘a. whereas Law No. 5 of 1979 on Village Government continues to recognise social unity including the unity of the society based on law, customs and traditions and existing traditions as long as they support the continuation of development and national security;
   b. whereas customs and traditions are a set of values, norms and social beliefs that have grown since the beginning together with the development of rural population, are known, internalised, and practiced by the villagers concerned so that the traditions and customs that have been institutionalised within an adat institution can become more effective;
   c. whereas the customs and traditions that have taken root and can support the continuation of development and national security shall be preserved, nurtured, and developed continuously;
   d. whereas the goals and purpose of the ‘Guidance and Development of Adat Institutions’ are to enhance the role and function of Adat Institutions and preserve the traditions and customs (adat istiadat) within the Village.’

4. Paragraphs of Regulation of the Minister of Home Affairs No. 11, 1984:
   Article 1 (paragraphs d and e):
   ‘d. Customs and traditions are habits that are alive and maintained in daily social interaction in line with Pancasila.
   e. Guidance and development include all activities carried out in an effort to nurture and promote customs and traditions that support the continuation of development and national security, and do not conflict with the public interest and existing laws and regulations.’
   Article 2:
   ‘Nurturing and promoting traditions and customs are aimed at enabling these traditions and customs to promote and support the continuing development of national security within the concept of the Archipelago.’
   Article 3:
   ‘The nurturing and development of customs and traditions must be aimed at the promotion of national stability, in ideology, politics, economics and social-cultural matters as well as in the field of defence and security, and must support the smooth progress of the implementation of government, development, and social duties.’
   Article 4:
   ‘In an effort to preserve regional culture and enrich the national cultural heritage, government apparatus at all levels must nurture and develop customs and traditions which are alive and useful in development.’
   Article 5:
   ‘The head of the district as well as village chiefs and their officers are charged with nurturing and developing the traditions and customs that are alive among the people of their areas.’
5. The First Edict of Instruction of the Minister of Home Affairs No. 17 of 1989:
Determine regional regulations regarding guidance and development of adat institutions at village level as a guide to implementing Ministerial Instruction No. 11 of 1984 which regulates the following matters:

a. Undertake the inventory of existing adat institutions at village level and the reorganisation of the position, role, and function of existing adat institutions, making them more effective in the support of government, development and public life.

b. Regulate the naming and organisational structure of existing adat institutions alive in each area.

c. Regulate the inventory of financial resources and wealth of adat institutions which are used in support of the activities of these Institutions in the interests of implementing government, development, and social guidance.

d. Regulate the mechanisms that provide guidance and development for adat institutions in line with the conditions in various areas.

e. Determine the role and function of adat institutions in line with the goals and purposes which are expected to be achieved.'

For this reason, if good and harmonious cooperation exists between these two institutions, progress in village development will be easy to attain.

THE LEGAL BASIS OF CONTROL FOR OWNERSHIP

In 1945, when the Indonesian nation proclaimed its independence, which legally and constitutionally was reiterated on 18 August 1945, it stated that the territory of the Unitary State of the Republic of Indonesia covers the former colonial territory of the Dutch Indies from Sabang at the northernmost tip of Sumatra to Merauke in the easternmost part of West Papua.

According to theory, a state is sovereign if it controls people and territory, including land, sea, and air. For the Unitary State of the Republic of Indonesia, this matter was regulated in Article 33, Paragraph (3), of the Constitution of 1945, which states: 'The land and the water and the natural wealth contained in them is controlled by the state to be used for the maximum prosperity of the people.' The meaning of ‘controlled by the state’ does not signify that the state is the absolute owner of the land and the soil in the sense an individual can with ease buy and sell or change the status of land they own. In this connection, control as intended in Article 2, Paragraph (2), of Law No. 5 of 1960 on Basic Agrarian Regulations (UUPA) suggests that the state has the authority to (a) regulate and arrange the purpose, use, availability, and management of the land, the water, and space; (b) determine and regulate legal relations between people and land, water, and space; and (c) determine and regulate legal relations between people and legal activities regarding land, water, and space.

Authority that is based on the state’s right to control as intended in Article 2, Paragraph (2) of Law No. 2 of 1960 is used to achieve overall prosperity of the people in the sense of nation, welfare, and liberty in the society and under the law of an Indonesia that is sovereign, just, and prosperous. The authority of the state is not an authority founded on the right of individual ownership. Viewing state authority as identical to individual ownership would result in a general view that sees everything within the borders of the Republic of Indonesia as belonging to the state. This would mean that the state through its administrators would be free to do anything.
Here, the meaning of ‘own’ related to the meaning of region and the concept of archipelago in the general sense of the national administrative law is in fact that way. Ownership in the general sense, however, is not limited to land, water, and space but, individually, the citizens of the Republic of Indonesia, with all their property, also belong to the Unitary State of the Republic of Indonesia. On the other hand, however, if the view arises from civil law, the resulting meaning will be that found in Article 2, Paragraph (2) of Law No. 5 of 1960, which takes Article 33, Paragraph (3) of the Constitution of 1945 as its conceptual basis: ‘It is clear that the state does not own, but controls.’

For this reason, land ownership among the Kenyah people, which is based on control because of discovery, control because of purchase, or control because of exchange is in line with the theory of territorial control by the state. If land ownership based on control of a region, area, or site that is judicially under adat law, then among the Kenyah this has generally been the case since long before Law No. 5 of 1960—the Basic Agrarian Law (Undang-Undang Pokok Agraria or UUPA)—went into effect, even long before the proclamation of Indonesian independence, and even before the occupation by Japan and by the Dutch, because the Dayak ethnic groups have been living on the island of Kalimantan since about 3000 to 1500 BC (Coomans 1987).

Customary law, an oral tradition that regulates control over land, is still recognised and the articles in the 1960 Basic Agrarian Law reflect the fact that customary law is one of the primary sources for the compilation of the regulations of territorial law in particular. Etymologically, the words of hak ulayat can be taken to mean: 1) hak is right/claim in the sense of control; 2) ulayat is territory; so 3) hak ulayat is control/right over territory. So, in relation to ownership over certain pieces of land, hak ulayat refers to the territory in which one society exerts control over land in accordance with customary law.

The literal meaning of the word ulayat originates in the Minangkabau language, and clearly, as such, is not found in the Kenyah languages. Nevertheless, the meaning of tanah hak ulayat in relation to land ownership according to traditional law is found in the Kenyah expression tana' ulen leppo'. It is the right to control land, or the right to a common territory controlled by a Kenyah ethnic group according to customary law, in both the broad and narrow senses. In the narrow sense, tana' ulen is limited to a certain area, as, for example, in ulen rattan, ulen timber, and others. In the broad sense, however, it comprises the entire area or territory of a Kenyah ethnic group, as, for example, in tana' ulen leppo' Kenyah Leppo' Ké, tana' ulen leppo' Kenyah Uma' Lasan, and so on.

On this basis, then, it may be concluded that among the Kenyah ethnic group, hak ulayat is the right of ulen leppo', or the territory controlled by common or shared rights of a social group in accordance with the customary law of that particular Kenyah group. It includes land, water, air, and the objects and creatures in or on it. The use of the term ulen leppo' is in line with the meaning of hak ulayat, which is referred to as ‘… other such laws’ as found in Article 3 of Law No. 5 of 1960, which states that: ‘… the implementation of the hak ulayat and other such laws in traditional societies as long they still exist must proceed in such a way …’

Therefore, if the patterns of land control according to traditional law as discussed above are connected to Article 4 of Law No. 5 of 1960, based on the state’s right to control, then the rights over land that may be given to individuals or legal entities are differentiated as follows: a) right of ownership, right of use for construction, right of usage, right to rent, right to open land, right to collect forest products; b) right to
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pawn, right of sharecropping, right of tenancy, and right to rent agricultural land, which are temporary in nature and can be later defined according to law; and c) the right to control, which is public in nature and usually referred to as hak ulayat or other such rights found in societies adhering to traditional or customary law.

The reference to hak ulayat and other such rights in Article 3 of Law No. 5 of 1960 is a consequence of the variety of adat laws and of traditions and customs found among the various Indonesian ethnic groups that use different terms to refer to these laws and traditions. For example, in Ambon they are referred to as patuanan, in South Sulawesi as limpo, in Buru as nuru, in Java as wewengkon, in Bali as prabumian, and so on. In West Kalimantan, however, the hak ulayat and Other Such Rights are referred to by the term panyampeto or pawatasan (Jacobus 1988). In East Kalimantan, the Kenyah ethnic group uses the term ulen. This term, as explained above, is obtained from or has developed from the type of control that is based on discovery, conquest, or gift, as well as purchase or exchange.

As determined in Article 2, Paragraph (2) of Law No. 5 of 1960, the right to control of an adat community—a society united by adherence to adat law—is in line with or is an indirect extension of the authority of the state's right to control. After independence, adat law was recognised as an existing form of law that was native to and valid on Indonesian soil together with the Indonesian nation, as long as its implementation did not conflict with the Constitution of 1945, as included in Article II of the Regulations for Transfer of the Constitution of 1945, especially regarding land, which were further implemented through Articles 5, 56, and 58 of Law No. 5 of 1960.

In this connection, a professor of traditional law from the University of Jember is of the opinion ‘that ... traditional law is the manifestation of Pancasila in matters of law, in legal terms, that Pancasila is, among others, the source (welbron) and Adat Law is the mark (kenbron) of Pancasila in legal matters, because a nation or society with a Pancasila identity gives rise to, develops, applies, and maintains Pancasila law, which is commonly referred to as Adat Law.’ (Abdurrachman 1990:38).

Matters relating to land ownership and control in Kenyah society in the subdistrict of Pujungan, especially as they concern agricultural lands, are protected not only by the regulations of Law No. 5 of 1960, but also by Law No. 5 Prp. of 1960 regarding the regulation of agricultural land area (confirmed 29 December 1960). It sets maximum limits for such areas according to the following criteria: (1) not densely populated, maximum area 15 ha for wet rice fields and 20 ha for dry fields; (2) densely populated: a) not-so-densely populated, 10 ha for wet rice fields and 12 ha for dry fields; (b) rather densely populated: 7.5 ha for wet rice fields and 9 ha for dry fields; and (c) very densely populated: 5 ha for wet rice fields and 6 ha for dry fields. The population density is determined as follows: (1) not densely populated: 50 people per km²; (2a) not-so-densely populated: 51-250 people per km²; (2b) rather densely populated: 251-400 people per km²; (2c) very densely populated: 401 or more people per km².

TRADITIONAL LAND OWNERSHIP RIGHTS
As is true generally in Kalimantan, the Dayak ethnic groups of East Kalimantan still depend for their livelihood on nature, and work the land by farming, hunting, fishing in rivers, and gathering forest products in a traditional manner. Since their move hundreds of years ago from the Belujo River in Sarawak via the Kayan River, they have opened and worked the forest in one location after another, in one settlement area
Table 6.1 Types of rights in Kenyah society in Pujungan Subdistrict

<table>
<thead>
<tr>
<th>Type of Right</th>
<th>Pujungan</th>
<th>Hulu Bahau</th>
</tr>
</thead>
<tbody>
<tr>
<td>No rights</td>
<td>-</td>
<td>tana' kalangan</td>
</tr>
<tr>
<td>Open access</td>
<td>-</td>
<td>tana' nyemurat</td>
</tr>
<tr>
<td>Individual or personal right</td>
<td>tana' [mine]</td>
<td>tana' 'un [mine]</td>
</tr>
<tr>
<td></td>
<td>tana' ba'i (wa' i)[mine]</td>
<td>tana' bal [mine]</td>
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<tr>
<td></td>
<td>tana' jekau [mine]</td>
<td>tana' bekan [mine]</td>
</tr>
<tr>
<td>Traditional inherited right</td>
<td>tana' ba'i (wa' i) [ours]</td>
<td>tana' [ours]</td>
</tr>
<tr>
<td></td>
<td>tana' ba'i tepun [ours]</td>
<td>tana' tu'a</td>
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<tr>
<td></td>
<td>tana' jekau [ours]</td>
<td>tana' bekan [ours]</td>
</tr>
<tr>
<td>Community rights of adat community</td>
<td>tana' ulen leppo'</td>
<td>tana' leppo'</td>
</tr>
<tr>
<td>Right of limited/ personal use</td>
<td>tana' ulen [mine]</td>
<td>tana' ulen [mine]</td>
</tr>
<tr>
<td>seudo use</td>
<td>ulen [mine]</td>
<td>ulen [mine]</td>
</tr>
<tr>
<td>Right to rent</td>
<td>tana' selima</td>
<td>tana' selima</td>
</tr>
<tr>
<td>(nyelima tana')</td>
<td>(nyelima tana')</td>
<td>(to rent land)</td>
</tr>
<tr>
<td>Right to use</td>
<td>ngeliva tana'</td>
<td>ngaliwa tana'</td>
</tr>
<tr>
<td>(ngeliva, ngeliwa)</td>
<td>(ngelawa)</td>
<td></td>
</tr>
<tr>
<td>Right of discovery</td>
<td>[right to] metip (metep)</td>
<td>[right to] matip</td>
</tr>
<tr>
<td>Right to work/ enjoy jointly</td>
<td>tana' jagen (gagen)</td>
<td>tana' gagan</td>
</tr>
<tr>
<td></td>
<td>tana' gagan pembun</td>
<td></td>
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</tbody>
</table>

Notes:
(1) Among the Kenyah Leppo' Ké in Apau Ping; see Angguk et al., this volume
(2) Regarding the term wa’i in the village of Long Pujungan, see Anita in Egchter and Selato 1999
(3) For an explanation of the term ulen, see Angguk et al., this volume
(4) The meaning of the term jagen (gagen, gagan) remains unclear
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after another, according to need, ever since ancestral times and from generation to
generation (see Njau Anau’s and Liman Lawai’s contributions to this volume) (Table 6.1).

In addition to having to open new forest to meet their need for agricultural land
through a recycling system, they occasionally exchanged land with, borrowed land
from, and/or lent land to the citizens of other Kenyah groups. For example, the Kenyah
Leppo’ Ké in Apau Ping borrowed or exchanged the use of land with the Kenyah Leppo’
Ma’ut at Long Berini (see Njau Anau in this volume); or the Kenyah Uma’ Lasan borrowed
or exchanged land use with the Kenyah Uma’ Alim. In this way, this habitual custom
developed and was handed down through the generations, especially among those who
lived in nearby areas or who had social or kinship relations.

Over time, these activities of borrowing to use or exchanging use became customary,
and one side might even voluntarily offer its ulen as fields to be worked by another
party, as described above. For example, the ulen leppo’ that the Kenyah Leppo’ Ma’ut
abandoned in Apau Ping when they moved was subsequently and is today occupied by the
Kenyah Leppo’ Ké and the Saben (or Berau). This legal event, in fact, was recognised by
the Leppo’ Ma’ut who today live at Long Alango, Long Kemuat, and Long Berini. These
activities are approved by the traditional law of the Kenyah ethnic group in the subdistrict
of Pujungan, both in the adat area of Hulu Bahau and in the adat area of Long Pujungan.
In line with agreements concluded, for example, after the forest was opened, it was
worked over generations and planted with crops to meet daily needs, based on the
condition of the land and in accordance to a system of recycling.

In the same way, the ulen leppo’ of a Kenyah ethnic group that, for some reason,
migrated to another area could be surrendered to a related or neighbouring Kenyah
group on the basis of a joint agreement. Through other means of land acquisition,
such as exchange, various types of rights held by one party developed (even though
actual land sale seldom occurred).

In line with the legal theories advanced above, both according to adat law and
according to the Indonesian national laws that regulate land matters, specifically the
1960 Basic Agrarian Law, the ownership of land by the Kenyah ethnic group in the
subdistrict of Pujungan is well founded. This is in line with the legal theory advanced
by Iman Sudiyat (1982: 9), which states that the right to own land can be obtained by:
‘1) opening land/jungle; 2) inheriting land; 3) acquiring land because of purchase,
trade, or as a gift; 4) expiration (verjaring).’ This theory can be demonstrated in
Article 4 of Law No. 5 of 1960, in combination with Article 2, as suggested by
Parlindungan (1991: 38): ‘4) the state’s right to control can be delegated to autonomous
areas and adat societies as long as it is necessary and not in conflict with the national
interest according to the stipulations of Government Regulations.’

In the meantime, with regard to rights obtained according to traditional law (hak
ulayat), Parlindungan also states (1991: 45): ‘The article by article elucidation of the
UUPA notes that the right to open land and the right to use forest products are rights
originating in traditional (adat) law. For this reason, the UUPA applies nationwide and
the adat law only applies within the various adat environments and must be controlled
by government regulations, so that the regulation in Article 46 can apply nationally
and so that every Indonesian citizen, without discrimination as to sex, region, original
citizenship, or descent, can open land and use forest products, with protection given
to weak economic groups (Article 1 of UUPA) and preserving the hak ulayat (traditional
land rights) of the adat societies.’

This analysis does not conflict with observations on the history of the Kenyah in
the subdistrict of Pujungan, which consists of two adat areas, the Hulu Bahau area
and the Long Pujungan area, as illustrated through the lepu’un (former settlement sites) or even through sites left by earlier generations, because, as the UUPA states, the authority that they hold is obtained from the state (Hak Ulayat Negara). For this reason and on the basis of the above-mentioned facts, various types of land ownership rights have developed among the Kenyah, in both the Hulu Bahau and the Long Pujungan adat areas.

GENERAL CONCLUSION

If we look only briefly at the Kenyah societies found in those two adat areas, Long Pujungan and Hulu Bahau, which include a total of nine ethnic groups who lived as neighbours and even mixed with other Dayak groups, it is, in fact, rather difficult to determine the relationships to the land that these societies have controlled until today.

The Kenyah are an Adat Society

According to research results discussed earlier, both based on direct personal observation and on information or explanations obtained from informants and a number of respondents, matters relating to control and ownership of land are based on the traditional or adat law of the Kenyah in the subdistrict of Pujungan. In line with the statement ubi jus ubi societas (where there is law, there is a society), it becomes clear that the Kenyah are a society based on traditional law.

The truth of this statement can be demonstrated. It is shown in the social life of the Kenyah, where adat law still occupies the highest place in dealing with social conflicts among the people and even with other people outside their own adat legal unit. Therefore, traditional rights of land ownership among the Kenyah certainly were in existence long before Law No. 5 of 1960 on Basic Agrarian Regulations (UUPA).

Nevertheless, in the meantime, people are mistaken in contrasting the adat law with laws based on the teachings of the Protestant church followed by the majority of the Kenyah. Yet, if faced with a conflict or dispute over land, or with some other civil conflict, the Kenyah will settle it through consultation of the adat leaders. Examples are the conference of the adat leaders on 10 November 1991 between the Kenyah Uma’ Long and the Kenyah Leppo’ Ndang (or Ntang) who lived at Long Uli, and the Kenyah Badeng, held at Long Peliran; or the conference of the Adat Court on 2 November 1991 regarding the delinquency of elementary school students suspected of stealing sugarcane from their teacher, which was held in Apau Ping.

With this exception, in the application of adat sanctions, they are familiar with the exchange value of objects as fines, including gongs, ceramics, or large jars, mats for drying rice, beads, plaited floor mats, ba’ing (a type of sword), obo ba’ing (an unused machete), and domestic animals such as chickens and pigs. Additional evidence is found in the decision of the adat conference held between adat notables, civil servants, and the people of Long Alango in the adat area of Hulu Bahau on 5 May 1987.

Land as a Source of Livelihood

Land is a valuable possession. Not only is its significance inseparable from the life of the Kenyah ethnic group, but for generations it has definitely had strategic and vital significance for them. The life and death of Kenyah communities is heavily dependent on their land use policies. How could it be otherwise, since the Kenyah’s primary and
most important sources of livelihood are farming, hunting, fishing, and gathering forest products. The cultivation of land generally is still done in a traditional manner. This applies to both farming patterns as well as the management and conservation of land. Although a small number of people are attempting to apply new agricultural technology with a simple form and modest absorptive capacity, they are not yet able to influence the traditional methods of the majority.

Traditional planting patterns, land management, and crop care not only require labour and time but also relatively extensive field surfaces. For example, whereas in flat land at the edge of rivers, which contain humus and mud deposits from flooding, the fields are rather small, in highlands or hilly areas, which represent the general situation along the Bahau River and its tributaries, dry (swidden) fields are generally much larger.

Limited land availability—in view of land use needs and population growth with its steadily growing requirements—tends to push the Kenyah of a given village to open new lands, while control over lands owned through the generations has been decreasing. In the meantime, river traffic has gradually reached almost all Kenyah settlements. The opening of communication lines has gradually opened their areas to outsiders, bringing those outsiders increasingly close to their settlements. The coming of these outsiders, either as individuals or in groups, will nevertheless bring about another set of problems for the Kenyah in the subdistrict of Pujungan.

The Problem of Written Evidence
The reasons for establishing or developing ulen, either as ulen leppo’ or as individually owned ulen, based on adat law, left the individual rights that developed without written evidence. The Kenyah have never known written evidence. In Indonesia, documentary evidence or formal legal transcripts of land rights only became known during the colonial period, and concerned particularly lands granted under Western law, or earlier, by kings during the feudal age or by the autonomous regional governments (sultanates). Only in recent times have they followed the 1960 Basic Agrarian Law (UUPA). Yet, control and ownership of land based on adat law existed long before all these regulations or rules came into effect. This is often insufficiently realised by the local communities, because their settlements are isolated, transportation is difficult, and they can neither read nor write. All these are obstacles that from the beginning, since the arrival of the Kenyah in the subdistrict of Pujungan, have prevented them from owning certificates as written proof of their control over land.

Expected Developments
A feeling of unease or anxiety haunts or unsettles all Kenyah citizens, both those who still live around the ulen leppo’ of their early settlements and those who, for whatever reason or in whatever pursuit, have moved to urban areas. They are haunted by the threat of loss and disappearance of their traditional lands, which they have held for generations, especially since efforts have been made by certain parties to obtain control over these adat lands, both those that are ulen in the broad sense and the ulen in the narrow sense of the term, by using the theory of domeinverklaring from Dutch colonial times. There is, then, a need for the Kenyah to prove their ownership (a contrario evidence). If they are unable to do this, the land in question is state land.
Even though these fears are reasonable for the Kenyah in the subdistrict of Pujungan, they are unnecessary if the parties in question are in fact well-intentioned, that is, if they sincerely mean to develop the area for the sake of progress of the nation and its people, on the basis of existing laws and regulations. Article 33 of the Constitution of 1945, the 1960 Basic Agrarian Law (UUPA), Law No. 5 of 1979, Presidential Instruction No. 9 of 1973 (which establishes the meaning of the Public Interest), as well as other regulations and laws have provided guarantees of the principles of equalisation and justice.

For this reason, as among other people in East Kalimantan, a growing sense of justice based on the implementation of development to raise the standard of living of the entire society in line with the goals of the Proclamation of Independence on 17 August 1945, forms the basis for the hope and the expectations of all Kenyah people in the district of Bulungan, and specifically those in the subdistrict of Pujungan.

ADDENDUM 2002

By Cristina Eghenter

As noted in the Introduction, the new law (Law No. 22 of 1999) on regional autonomy and decentralisation came into effect in Indonesia. The law accommodates the aspirations of provinces, regencies, and districts for more autonomy and more control over budget and resources. It also sanctions a change away from the old centralistic system of the government towards more administrative and financial federalism.

This law institutes some major changes in the structure and authority of the government, including the status of pemerintahan desa, or village government, which is now gaining greater autonomy and decision-making power. Under the new system, the village head is elected by the people by a majority vote, established formally by the new Village Legislative Assembly (Badan Perwakilan Desa), and acknowledged by the district head. As a result of these changes, the old law on village government (Law No. 5 of 1979) is annulled. The protection and respect of adat-istiadat, or customary laws and traditions, becomes the prerogative of the Village Legislative Assembly.

More importantly, the regencies now have full legislative power on a variety of matters and issue decrees (Peraturan Daerah), including on the role of customary law. In 2001, the District of Malinau, which includes the subdistrict of Pujungan, passed a law on the ‘Empowerment, protection, and development of customary law and customary councils.’

Although the legal and social environment in Indonesia has changed, the discussion by Jacobus Frans remains relevant, particularly in connection with the function and importance of customary institutions in traditional Kenyah society.
7. Patterns of traditional land control among three Kenyah groups

Angguk Lamis, Paulus Bunde and Concordius Kanyan

INTRODUCTION
The traditional utilisation of land and natural resources is an expression of the deep relationship between humans and their environment. This relationship also determines the form of control over or ownership of land by individuals as well as by groups.

In 1991, preliminary research was carried out in the subdistrict of Pujungan by Jacobus Frans (previous chapter). Jacobus’ research included all the Kenyah groups in this subdistrict and focused primarily on judicial aspects of adat law and their position as seen from the point of view of national law. He demonstrated that the Kenyah of the subdistrict of Pujungan form adat communities, that is, communities that are still fully regulated by local traditional law.

Later, in 1993, the present three writers carried out follow-up research over three months among three different Kenyah subgroups. Paulus Bunde stayed in the village of Long Apan Baru (in the adat area of Pujungan), whose inhabitants are Kenyah Bakung. Concordius Kanyan stayed in the compound village of Apau Ping with a population consisting mainly of Kenyah Leppo’ Ké, and Angguk Lamis stayed in the village of Long Alango, whose inhabitants are Kenyah Leppo’ Ma’ut. (The last two villages are located in the adat area of the Hulu Bahau.) The three writers’ research focused on practical aspects and the implementation of adat law in daily life, especially with regard to rights over land and natural resources and to patterns of land control and the process of land transfer.
Even though there is some degree of divergence in the special attention given to particular problems relating to adat law in the different villages, this three-part chapter invites comparison of similarities and differences between the three ethnic groups studied.

**PATTERNS OF LAND CONTROL AMONG THE KENYAH BAKUNG**

This part aims at describing and determining the land rights and the patterns of land control among the Kenyah Bakung in the village of Long Apan Baru (also known as Long Aran). The traditional village (*leppo’*) consisted of several longhouses (*uma’*). The social structure of the Bakung formerly recognised three classes: the *paren* (nobility), the *panyen* (ordinary people), and the *salut* or *kula’* (slaves). Today only the first two groups are still known. Even though this social structure has increasingly faded away, these social categories still are considered in the election of the village chief and of adat leaders. This structure also continues to play a role when the people provide volunteer labour to open a rice field for the village chief. (This event is known as *mabe*.) The research data were collected through interviews with each head of family who played a role in land management activities.

**Position and Function of Adat Institutions**

The Bakung are familiar with several levels of institutional adat leadership: the *kepala adat bio’* (great adat chief), *tua leppo’* (traditional village chief or village head), *pengelata’* (adat elders or social leaders), and *pegawa’* (lower adat leaders). These adat functionaries have authority over their respective adat law areas in accordance with their position.

The village of Long Apan Baru is part of the adat area of Pujungan, which is headed by a *kepala adat bio’* (from the Kenyah Uma’ Alim) residing in Long Pujungan. It includes twelve villages (*desa*). The village of Long Apan Baru is headed by a *tua’ leppo’* (village head) serving as leader and arbiter in dealing with the various problems encountered within the *leppo’* area. Formerly the *tua’ leppo’* (also known as *paren leppo’*; see Ngindra in Eghenter and Sellato 1999) were the highest local nobility and considered the owners of the *leppo’* territory and of its people (*panyen*). Today the position of the *tua’ leppo’* parallels that of the village chief, and thus it is normal that in the selection of the village chief the people always choose a member of the *paren* group. Traditionally, the *tua’ leppo’* in fact was not an adat leader and, in settling problems within his territory, he was assisted by several *pengelata’* believed to be knowledgeable in adat matters and influential among the people. Even though longhouses no longer exist, the *uma’* continues to be a social unit lead by a *tua’ uma’* (longhouse head) or a *paren uma’* (longhouse noble). Long Apan Baru village is thus divided into three *uma’,* which today tend to be referred to as *blok,* or ‘block’, while the *tua’ uma’* tends to be known as *ketua blok,* or block chief.

In the earlier society the *pegawa’* performed an important function in dealing with disputes at the *uma’* level, endeavouring to settle them internally. Because the problems faced today are increasingly complex, it is very difficult to find influential people who are respected and capable of taking appropriate action. As a result, the duties of the *pegawa’* have shifted to the *tua’ uma’*. In addition, there is also a *pelawa’,* an assistant to the village chief, who delivers various announcements to the public.

So far the settlement of disputes relating to adat matters still follows the old procedures. In the early stages of settling a problem affecting the village, the *pegawa’*
Angguk Lamis, Paulus Bunde and Concordius Kanyan

(nowadays the tua’ uma’) attempts to solve it within the uma’ or block. Only if this proves impossible is the problem passed on to the village chief (tua’ leppo’), who is assisted by the pengelata’ as legal advisor. If it still cannot be settled, the problem is passed on to the level of the kepala adat bio’. Similarly, the selection of the village chief does not entirely adhere to the regulations of Law No. 5 of 1979, particularly with regard to the criteria for the village chief’s position, because the people still follow adat regulations.

Even though settlement patterns have already changed from longhouses to individual family houses, adat institutions still continue to function, showing that national law need not be applied as long as adat settlements are considered adequate for solving problems. In rural areas still far from easy communications and transportation, adat institutions and adat leaders still play a very important role in creating and perpetuating a sense of security and order, and even a sense of justice among the people.

Land Rights in Land Usage

In using land, especially agricultural land, the Bakung people generally tend to re-use former fields that they own themselves (right of ownership). Occasionally, they also can borrow lands belonging to others (right of use). Other types of land rights do not exist among the Bakung.

Right of Ownership

Article 20 of the Basic Agrarian Law (No. 5 of 1960, or UUPA) states that the right of ownership is a right that is passed down through the generations, and is the strongest and most comprehensive right that anyone may have over land. In line with this, the Bakung of Long Apan Baru use and own land according to adat, and their lands have been farmed for generations. They live off traditional shifting (swidden) agriculture, combined with hunting and gathering. The process of land ownership among the Bakung is very simple. Anyone who opens forest land and establishes a field on this land holds the rights to that land. Former fields that have reverted to forest (jekau) remain the property of the family that first opened those lands—or their descendants—and this right is recognised by other members of the community. Thus, as many as 85% of the 47 heads of farming families in Long Apan Baru each own between 6 and 20 plots of jekau land (see Bunde 1995). Proof of ownership often consists of the fruit trees planted along the boundaries of the fields.

The territory of the village of Long Apan Baru actually used to belong to the Kenyah Uma’ Alim, who were its early inhabitants. The Uma’ Alim were followed by the Kenyah Oma’ Long. After these two groups had migrated elsewhere, the area was occupied by the Kenyah Bakung, who are still settled there today. The transfer of the rights to the territory to the Bakung did not present a problem because it was handled by the kepala adat bio’ of the adat area of Pujungan. Ownership rights on former fields are annulled if the owner moves to another area and no descendant remains to inherit the lands. In practice, then, the abandoned land becomes land owned by the adat community. The Bakung have lived in the village of Long Apan Baru for thirty years, and so far not one member of the Uma’ Alim or the Oma’ Long, who once occupied the area made a claim to the lands they abandoned.
Because the village territory is rather extensive, every farmer can select the type of land he wants for farming (see Table 7.1). In general, the use of secondary forest (jekau) dominates over the opening of primary forest (mba’) and the use of brush land (bekan). Jekau land is considered easier to work, because its trees are rather thin (with an average diameter of 10–30cm) and not too dense, while its undergrowth is not too thick. The predominant use of jekau also is due in large part to the strategic location of the fields in valleys (leka’), on plateaus (apau), or at river confluences (long), which all had once been farmed by the Uma’ Alim when they lived there. The Bakung needed but to work the lands left by the Uma’ Alim.

Table 7.1  Type of land cleared for farming in Long Apan Baru (N=47 family heads)

<table>
<thead>
<tr>
<th>Year</th>
<th>mba’</th>
<th>%</th>
<th>jekau</th>
<th>%</th>
<th>bekan</th>
<th>%</th>
<th>Not farming</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>5</td>
<td>10.64</td>
<td>40</td>
<td>85.11</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>4.25</td>
</tr>
<tr>
<td>1985</td>
<td>3</td>
<td>6.38</td>
<td>41</td>
<td>87.23</td>
<td>1</td>
<td>2.13</td>
<td>2</td>
<td>4.25</td>
</tr>
<tr>
<td>1986</td>
<td>8</td>
<td>17.02</td>
<td>37</td>
<td>78.72</td>
<td>1</td>
<td>2.13</td>
<td>1</td>
<td>2.13</td>
</tr>
<tr>
<td>1987</td>
<td>10</td>
<td>21.28</td>
<td>36</td>
<td>76.65</td>
<td>1</td>
<td>2.13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1988</td>
<td>13</td>
<td>27.66</td>
<td>31</td>
<td>65.97</td>
<td>3</td>
<td>6.38</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1989</td>
<td>17</td>
<td>36.17</td>
<td>29</td>
<td>61.70</td>
<td>1</td>
<td>2.13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1990</td>
<td>8</td>
<td>17.02</td>
<td>33</td>
<td>70.21</td>
<td>5</td>
<td>10.64</td>
<td>1</td>
<td>2.13</td>
</tr>
<tr>
<td>1991</td>
<td>7</td>
<td>14.89</td>
<td>39</td>
<td>82.98</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2.13</td>
</tr>
<tr>
<td>1992</td>
<td>9</td>
<td>19.15</td>
<td>36</td>
<td>76.60</td>
<td>2</td>
<td>4.25</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1993</td>
<td>8</td>
<td>17.02</td>
<td>39</td>
<td>82.98</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

The opening of primary forest (mba’) was more significant in the years 1986-1989 because the people then began to use chainsaws for felling trees. They obtained these chainsaws with the income from their work as labourers in Sarawak, Malaysia. The area of primary forest opened every year is still relatively small, because in fact the felling remains difficult and very time- and labour-consuming, even though the soil of the primary forest is rather fertile. Primary forest is usually opened only to enlarge the agricultural area around existing fields. In fact, beginning in 1990, land use patterns reverted to the pre-1986 situation.

The use of brush land (bekan) for swidden fields has declined somewhat. In the Bakung language, the term bekan refers to rice fields recently abandoned, in which the rice stalks are still visible. These fields are not very fertile for farming and, if they are planted with rice, experience shows, the grass grows more thickly than the rice. The Kenyah generally use bekan land for planting secondary crops and describe these fields as kelimeng (gardens).

Right of Use
Among the Bakung, the right of use is limited to borrowing and lending land without formal agreement regarding the division of the harvest. The right to rent is also unknown, because extensive lands for farming are still available. Every farmer is free to expand the land he works according to the labour force available in his family.

In establishing swidden fields (uma’), the Bakung place great importance on togetherness and unity so that farmers of the same village join in groups at several farming locations. Farming in groups is also more effective for cooperative activities
and in fighting off pests. The members of a group do not have to be related through kinship. In a farming group, there is always a motivator, who directs the other members and gives advice. The motivator is an influential individual, usually someone from among the paren. But often he is a member of the panyen who is believed to be experienced, especially with regard to farming matters.

The farm lands that are cultivated are generally owned personally by the farmer’s family and controlled according to adat (see Table 7.2). Occasionally, however, a family lends its lands to another family. The reason for this may be that a farmer wants to join another farming group and does not own any jekau land at their location. If he also does not want to open new forest land, he can ask another person to lend him a piece of jekau land. Or a farmer (for example, the above mentioned motivator) may suggest to another family that they establish a field at a particular location and, at the same time, may offer his land to them for farming. This type of borrowing or lending occurs only rarely because almost all families have jekau land in every farming location. This lending and borrowing system is rather simple: Those interested need only inform the owner of the land. They are not asked to pay anything and, after the harvest, the rights to this land revert to its owner.

Table 7.2 Owned and borrowed farm land (1984-1993) in Long Apan Baru (N=47 family heads)

<table>
<thead>
<tr>
<th>Year</th>
<th>Plot owned</th>
<th>%</th>
<th>Plot borrowed</th>
<th>%</th>
<th>Not farming</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>40</td>
<td>85.11</td>
<td>5</td>
<td>10.64</td>
<td>2</td>
<td>4.25</td>
</tr>
<tr>
<td>1985</td>
<td>39</td>
<td>80.98</td>
<td>6</td>
<td>12.72</td>
<td>2</td>
<td>4.25</td>
</tr>
<tr>
<td>1986</td>
<td>38</td>
<td>80.85</td>
<td>8</td>
<td>17.02</td>
<td>1</td>
<td>2.13</td>
</tr>
<tr>
<td>1987</td>
<td>40</td>
<td>85.11</td>
<td>7</td>
<td>14.89</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1988</td>
<td>44</td>
<td>93.63</td>
<td>3</td>
<td>6.38</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1989</td>
<td>44</td>
<td>93.63</td>
<td>3</td>
<td>6.38</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1990</td>
<td>42</td>
<td>89.36</td>
<td>4</td>
<td>8.51</td>
<td>1</td>
<td>2.13</td>
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<tr>
<td>1991</td>
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<td>82.98</td>
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<td>14.89</td>
<td>1</td>
<td>2.13</td>
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<tr>
<td>1992</td>
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<td>80.85</td>
<td>9</td>
<td>19.15</td>
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<td>0</td>
</tr>
<tr>
<td>1993</td>
<td>37</td>
<td>78.72</td>
<td>10</td>
<td>21.28</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Land use for purposes other than farming is nearly unknown. Secondary crops such as coffee, cocoa, and pepper are only planted around the residence for household consumption. Cash crop plantations are not found, with the exception of rattan, which is cultivated cooperatively with businessmen holding forest concessions (HPH) in the Kebun Bina Desa (a village cash crop plantation program steered by the forest concessionaire).

Use of Forest Products
In between their farming activities, the Bakung do business in forest products such as rattan, timber, and eaglewood. Timber and rattan are important necessities for construction. Timber is not only felled for personal use, but it can also be sold after it is processed into beams or boards. Rattan is traded at certain times, depending on
the market price. In recent times, the price of rattan has tended to decline and, as a result, the people have been reluctant to do business in rattan.

Eaglewood is a forest product gathered specifically for sale. In recent times, its prices on the world market have tended to shoot up, causing a variety of problems between the Bakung and outside collectors (see Blajan Konradus in this volume). These problems, which continue to cause confrontation between local customary law (adat) and national law, are discussed below.

**Within the Adat Community**

The Bakung sell the eaglewood through cukong (or toké, usually Chinese traders and financial backers) who come to the area to gather it from collectors. This means that the difference between the village price and the true market price is rather marked. In practice, all economic activities of the Bakung are controlled through complex marketing networks. The forest product management is regulated by traditional customary law (adat), because it occurs within the territory of the community. Every village has reserve lands that are referred to as village preserves and commonly known as tana' ulen, ‘prohibited lands.’ But the phrase tana’ ulen as it is used now in the modern context in the subdistrict, is not yet universal or standardised, and some people do not even understand its meaning.

Fundamentally, ulen is a prohibition that can be applied to certain things. For example, ulen for a particular tree means that this tree is marked with a sign of prohibition known as atap, to prevent other people from cutting it down. The term ulen can also be used for a site or area in which an important event has taken place, such as a murder, a war, or some other historical event, which makes it impossible to use the site. Some of the land of the village may also be marked as ulen and the forest products found in this ulen area can only be used for the common interest and may not be exploited for personal interest. The social policies regarding the processing of forest products are contained in a decision of the LKMD (Lembaga Ketahanan Masyarakat Desa, Institute of Village Community Resilience) issued by the bupati (district head) of Bulungan.

The use of the term tana’ ulen of the village treasury (tanah kas desa), or land meant to be exploited to fill the village treasury, is in fact based on a new concept. The people are still permitted to take timber, rattan, and other products in the village treasury land. Even more ironically, in Long Apan Baru, the tana’ ulen of the village treasury includes lands farmed by the people and which have not yet been fully surrendered to the village. The people can still own and work these lands for their own benefit. The tana’ ulen concept here is intentionally adjusted to make possible the designation of these lands as intended for the village treasury.

**Relations with Outsiders**

In recent days, the people have been confronted with the choice of opening up to the outside. They have to be prepared to take all the risks, especially because their source of livelihood and economy have come under pressure. The coming of companies holding HPH (Hak Pengusahaan Hutan, or timber concession) in fact can bring good fortune to some of the people, but those people who rely on traditional farming will certainly come under pressure. In fact, village regulations have tried to anticipate the effects of contact with the outside world. For example, the LKMD requires individuals or groups doing business in timber, rattan, or eaglewood on the lands of the village of Long Apan Baru to pay fees in the form of money for village development. Nevertheless,
the funds that can be so netted are usually limited and originate from the local people themselves, and often this only benefits the *cukong*.

A number of cases demonstrate this. For example, the village of Long Apan Baru contains a 10 ha rattan plantation, managed by the local people together with a forest concession holder, PT Dana Mulia Bakti. The management of this plantation is hampered because the funds that are spent are not consistent with the agreed-upon rules. Initially, the funds agreed on totalled Rp. 10 million, but, in fact, only Rp. 2 million were spent, only enough for providing seedlings, cleaning the fields, and several plantings. Because of this, the rattan plantation was eventually abandoned by the people and the enterprise came to a halt because the company did not issue the remaining funds due.

Field observation leads to the conclusion that the failure of this rattan plantation business was primarily caused by inadequate coordination between the village chief, the relevant government authorities, and the timber concessionaire, culminating in failure to issue the remaining funds. Secondly, the rattan plantation that was already established was neglected and is no longer cared for because the people are not informed or aware of the importance of this plantation. And no extension worker has been made available to assist the people in their attempt at cash crop plantation.

The local people also fell timber, which is sold to interested *cukong*. Timber is felled by the riverside with simple technology. The price reaches Rp 30 000 per m³. The *cukong* collect the timber from the people, float the trunks down the Bahau River, and gather them at Long Bia and Long Peso'. It appears that this unregulated exploitation of timber does not evade the grip of timber mafias, which disregard the law in order to procure a higher profit.

**Conclusions**

The above discussion permits several conclusions. (1) Control of land among the Bakung is always based on *adat* law. Land may be owned by individuals, or *adat* communities and institutions that play a functional role in the protection of society. (2) In the traditional social structure of the Bakung, the paren had the primary right to land within the territory of the *leppo’*, while the panyen had the right to work the land. (3) There are strong indications that the Bakung have a tolerance for patterns of land control that are governed by the *adat* community (*pewatasan* or *ulen*). The community rights (*besikkingrecht*), governing land control and use, limit individual rights. (4) At present, the right of the *leppo’* to exploit its territory is the same as the *hak ulayat* (or traditional land rights), while holders of ownership rights over land are individual members of the community. (5) The process of transferring inherited lands is always based on a feeling of togetherness, of being part of the same ethnic group, and always focuses on the majority’s best interests in benefiting from a given territory. The process of land ownership, however, certainly always focuses on traditional evidence, such as the planting of one or two trees in an area once worked or farmed. (6) The use of forest products is limited to certain commodities and is temporary in nature, and still carried out in a traditional manner or with simple technology. (7) In settling disputes, the people not only continue to adhere to traditional customary regulations, but they also make decisions jointly, together with the village chief and notables. The decision is then put into writing in a ‘decree’ of the LKMD (*Lembaga Ketahanan Masyarakat Desa*) in order to regulate the use of forest resources.
PATTERNS OF LAND CONTROL AMONG THE KENYAH LEampo’ KÉ
This part attempts to discuss the manner in which the Kenyah Leppo’ Ké of Apau Ping define and confirm their land rights. The village of Apau Ping is a compound village consisting of four desa, the product of a resettlement scheme. It is located on the far upper reaches of the Bahau River. Three of the four desa are occupied by Kenyah Leppo’ Ké (see Njau Anau in this volume), while the fourth is inhabited by a few remaining families of a group of Saben that has moved to Sarawak.

The residential arrangement today does not indicate clear boundaries between the desa, and these boundaries are not considered problematic by the villagers, even though they have been drawn administratively. Reinforced by intermarriages between the two ethnic groups, a gradual integration of culture and traditional customs has occurred. Many aspects of life, including farming patterns, indicate that the Saben have voluntarily and fully submitted to the adat law of the Leppo’ Ké. The village of Apau Ping is part of the adat area of the upper Bahau.

Even though Apau Ping is difficult to reach from the coastal region, its inhabitants are not excessively isolated and are able to receive news from the outside world. Among other things, Apau Ping is a transit area for people travelling to Sarawak, and thus it is not surprising that its inhabitants are more familiar with cities in Sarawak (the town of Miri, for example) than with the towns of coastal East Kalimantan.

The data were gathered through interviews with well-known figures among the Leppo’ Ké, and by disseminating a questionnaire to several heads of families, followed by more in-depth interviews (case studies).

The Position of Adat Law
Ties to ancestral customs, traditions, and culture are no longer very conspicuous in everyday life in Apau Ping. Yet, a very close relationship to land and surviving traditional beliefs appear when the people are about to work their land. They hold a short ceremony or prayer, as a request for advice or protection, as well as for blessings and abundance for their fields. This is a transformation from the melaki ritual (see Herculanus Bahari Sindju in this volume), which was usually held by the people before they converted to Christianity.

At present, the Leppo’ Ké live in individual houses, rather than their former longhouses (uma’ dado’). This reflects a change in their values. The communal values characteristic of a traditional, or adat, society persist, while individualistic values begin to be accepted. Formerly, the primary rights among the Leppo’ Ké were held by the village (leppo’) community, led by the paren or nobility, who played a very important role in the control over land rights.

The work in the fields was carried out by turns according to the system of cooperation in groups that is known as senguyun (see Herculanus Bahari Sindju in this volume). The membership of the senguyun nugan group (for planting purposes) was fixed since ancestral times, and may have served as the community’s means of recording in memory the location of former fields. In fact, there is a general agreement on land rights, and people work their fields without challenges from the rights of others. Except in planting, the composition of the senguyun group changes every year.

The church as a social organisation is now considered as the protector of togetherness, community, and harmony among congregations. The church is also given priority in the use of lands for the interest of the congregation. Thus there are regulations regarding the existence of church fields and church land. In addition, the
church is given a chance to use forest products from certain areas around the village. The existence of an elementary school and a public health centre (Puskesmas) in Apau Ping also plays a role in changing the way of life of the traditional society.

The traditions and customs adhered to by the Leppo’ Ké not only contain sacred values, as reflected in the melaki ceremony, but they are also legal in nature and contain legal principles in the form of laws, prohibitions, and duties. The existence of legal rules within the adat provides the people with rights to prohibit access to or claim (mulen) something that is considered valuable, such as land, rivers, trees, and so on. In other words, mulen is a particular act with legal implications on the part of and for the Kenyah Leppo’ Ké. It consists of placing a marker or sign on fields or objects that are to be prohibited to others.

No official process involving other villagers occurs in claiming, or mulen, a particular item, such as a tree; no announcement or other official statement is made. The sign or mark, however, is proof that the ownership of that tree must be respected and recognised by everyone. Something may be claimed or mulen (or become someone’s ulen), as long as it has not yet been previously claimed as ulen by someone else. Violations of ulen trees by others are settled on the basis of traditional legal rules. These ownership patterns are effectively implemented by the people of Apau Ping.

Rights to Agricultural Lands
The Leppo’ Ké have a very long history in Apau Ping, and land is truly important for them as a place to live, to farm, bury their dead, and so on. Everything that is on the land can contribute to the livelihood of every member of society who needs it. Land is sacred in nature, and the people believe that there is a power that occupies the land and can protect or damage it. The social, religious, and legal aspects that are inherent in the society’s relationship with the land form the primary basis for controlling land.

The migration of social groups and their ways of life in meeting their daily needs are historical proof of the existence of close relationships between a society and the natural resources that provide their livelihood. For example, it is recognised that the individual who first opened primary forest (mba’) retains the right to the fields. This right is only that of the primary user, while the holder of the highest right is the leppo’ (as a social institution), and the rights of the leppo’ among the Leppo’ Ké is controlled by the paren who leads the leppo’ in question.

Land Ownership Rights
The system of shifting agriculture is a traditional form of control over land. After the inhabitants had been resettled in Apau Ping, population pressure gradually led to problems with regard to land ownership. Fields had only been made around the settlement (with the most distant no more than a two-hour walk away) and the land available for fields growing increasingly scarce. Residents who had settled there earlier, in 1963 (the original village of Apau Ping), gradually began to feel enclosed because the three villages that joined later (1988), i.e., Long Pengayan, Long Lat, and Long Tua, had to farm within the area of the village of Apau Ping, while they continued to claim the rights to their original territories. These conditions presented opportunities for competition over land rights among residents, no longer among social groups (leppo’ or desa). The shift of land rights from leppo’ to individuals or families is a clear shift in values.
It was possible to interview 39 heads of families who, from memory, could point out the locations, boundaries, and crops of every plot of land that they owned (see Table 7.3). Variation in the number of plots is closely related to the preference and capabilities of each farming family in using free lands (primary forest, *mba’*), which gives the opener of the land the right of ownership. Yet in the period 1984–1993, no more than three families each year opened new land in Apau Ping (see Kanyan 1995).

**Table 7.3** Total number of farm land plots owned per family in Apau Ping (*N*=39 families)

<table>
<thead>
<tr>
<th>Number of plots</th>
<th>Number of families</th>
<th>% of all families</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>8</td>
<td>20.51</td>
</tr>
<tr>
<td>11-15</td>
<td>9</td>
<td>23.08</td>
</tr>
<tr>
<td>16-20</td>
<td>6</td>
<td>15.39</td>
</tr>
<tr>
<td>21-25</td>
<td>8</td>
<td>20.51</td>
</tr>
<tr>
<td>26-30</td>
<td>5</td>
<td>12.82</td>
</tr>
<tr>
<td>31-35</td>
<td>1</td>
<td>2.56</td>
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<tr>
<td>36-40</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>41-45</td>
<td>2</td>
<td>5.13</td>
</tr>
</tbody>
</table>

Eight of the 39 heads of families (20.5%), who owned 6-10 plots of land fell into two groups: new families (newly settled in Apau Ping or newly independent married couples); and families with a greater tendency to use land covered by young secondary forest or brush land (*jekau bu’et* or *bekan*), because of a lack of available labour in their families. In the second case, the land worked was always owned land, either personally owned or owned by others. Two heads of families (5.13%), who owned 41-45 plots of land, were elderly *paren* who, as leaders, had long been helped by *leppo’* residents with work in opening fields in primary forest. Nevertheless, because land rights only take the form of right of use, even those who have many plots of land do not become landlords as is the case in Java, for example.

The system of farming in groups means that the status of land is not the main factor in owning land, since ownership tends to favour social aspects, as farming in groups creates opportunities for borrowing the land of others villagers (see above on the Bakung) on the condition that the land not be planted with perennials, such as cinnamon or coffee. Interviews with 45 families regarding their farming activities during the period 1984–1993 (see Table 7.4) show that, from 1984 to 1988, an average of 16% of all farming families chose to cultivate borrowed lands, because the groups from Long Pengayan, Long Lat, and Long Tua had not yet joined Apau Ping. Beginning in 1989, however, as a result of the resettlement in Apau Ping and of population growth, population density suddenly became high. Because of the general tendency to use *jekau* land rather than primary forest, this percentage increased sharply to 35% in 1993.

In 1993, as many as 68% of 41 respondents in Apau Ping established wet rice fields in addition to their dry rice fields. The rights to wet rice fields are more secure than those over dry fields. The people have also begun to plant and cultivate cinnamon (85% of 41 respondents; see Kanyan 1995), which is usually found wild in the forest and considered a forest product. If the cinnamon trees are cultivated and no longer considered a forest product, the rights to cinnamon fields are identical to the rights
over wet-rice fields or coffee plantations, and are no longer subject to the regulations regarding the harvesting of forest products (see below).

It should also be noted that, due to the switch from longhouses to individual houses, new married couples tend to establish neolocal residence, to the effect that these new families take initiatives on their own in the use of land around the settlement. This is leading toward more individualistic patterns of land use.

### Transfer of Land Ownership Rights

Land rights in the Apau Ping area are generally acquired by opening plots that are still free, *tana’ nyemurat*. These lands can be used by anyone since, as yet, no one holds any rights over them. They include lands covered by ‘primary’ forests that are in fact very old secondary forests—these lands were farmed by the Kenyah Leppo’ Ma’ut, who moved elsewhere about one century ago. The same is true for *tana’ kalangan*, or empty lands which have never been farmed and are not yet covered by any rights of ownership. These lands are very extensive in the area and, as a result, large land areas are not yet owned or controlled by anyone and may be used by anyone. Most farmers, however, prefer to open land covered by young secondary forest rather than primary forest (see Herculanus Bahari Sindju in this volume).

When they are ready to open rice fields, farmers first go in groups to survey the area that they will farm together, always keeping in mind the matter of the ownership of the plots. This survey results in a map showing the land ownership in that area. The farmers then hold an informal meeting. If the prospective plot of land is not yet covered by ownership rights, the farmer only needs to mention his intentions to other farmers. If the plot already has an owner, the farmer hoping to work it must determine if its owner is willing to lend it to him. On the other hand, the owner may also offer his fields to others for farming.

A formal transfer of the right of use only occurs in connection with wet-rice fields, and the length of use is determined by agreement between the owner and the user. Such transfers take place when an owner is unable to protect, maintain, or cultivate a field himself and therefore asks another to do so. A potential user may also approach

<table>
<thead>
<tr>
<th>Year</th>
<th>Plot owned</th>
<th>%</th>
<th>Plot borrowed</th>
<th>%</th>
<th>Not farming</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>27</td>
<td>60.10</td>
<td>16</td>
<td>35.55</td>
<td>2</td>
<td>4.44</td>
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<tr>
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<td>32</td>
<td>71.11</td>
<td>12</td>
<td>26.66</td>
<td>1</td>
<td>2.22</td>
</tr>
<tr>
<td>1991</td>
<td>31</td>
<td>68.88</td>
<td>13</td>
<td>28.88</td>
<td>1</td>
<td>2.22</td>
</tr>
<tr>
<td>1990</td>
<td>29</td>
<td>64.44</td>
<td>14</td>
<td>31.11</td>
<td>2</td>
<td>4.44</td>
</tr>
<tr>
<td>1989</td>
<td>29</td>
<td>64.44</td>
<td>13</td>
<td>28.88</td>
<td>3</td>
<td>6.66</td>
</tr>
<tr>
<td>1988</td>
<td>34</td>
<td>75.55</td>
<td>5</td>
<td>11.11</td>
<td>6</td>
<td>13.33</td>
</tr>
<tr>
<td>1987</td>
<td>33</td>
<td>73.33</td>
<td>3</td>
<td>6.66</td>
<td>9</td>
<td>20.00</td>
</tr>
<tr>
<td>1986</td>
<td>26</td>
<td>57.77</td>
<td>10</td>
<td>22.22</td>
<td>9</td>
<td>20.00</td>
</tr>
<tr>
<td>1985</td>
<td>32</td>
<td>71.11</td>
<td>3</td>
<td>6.66</td>
<td>10</td>
<td>22.22</td>
</tr>
<tr>
<td>1984</td>
<td>24</td>
<td>53.33</td>
<td>8</td>
<td>17.77</td>
<td>13</td>
<td>28.88</td>
</tr>
</tbody>
</table>

Table 7.4 Owned and borrowed farm land (1984-1993) in Apau Ping (N=45 families)
the owner. This transfer does not involve any type of fee and the people do not know rental rights or sharecropping.

Inheritance of ownership of dry farming lands is almost unknown, since the Leppo’ Ké are relatively new settlers in Apau Ping (1963 and 1988). The area available for farming is still adequate in light of the population’s ability to work it, and the farmers can easily obtain land to work, either owned or borrowed. In the case of wet-rice fields, however, the transfer of rights through inheritance is prevalent. An informant from Long Pengayan village, for example, admits to inheriting land from his wife’s parents.

Intervillage relations have not become tense over land ownership because of population growth, since the residents of the three villages in fact belong to the same ethnic group and many are closely related. No formal process is required if a resident of Long Pengayan opens new fields in the Apau Ping area, as long as the ownership rights of the farmer who originally opened the land are taken into account. In Apau Ping, the same is true for the rather vague boundaries between desa. Similarly, village residence is not much of a problem for the members of a senguyun group. This work institution is formed only on the basis of good social relations among fellow villagers in daily life.

Tana’ Ulen and the Use of Forest Products
The concept of tana’ ulen, which is of great importance for traditional societies, has undergone a shift in meaning, especially because of the boom in forest products (eaglewood) that has recently engulfed the interior of East Kalimantan and unsettled its people.

Tana’ Ulen
Control over land closely tied to the collective interests of the leppo’ of the Kenyah Leppo’ Ké is referred to as tana’ ulen, from the word tana’ (land) and ulen (claim; mulen means ‘to prohibit access to or to claim’). The legal meaning of tana’ ulen is that of a ‘land that is off-limits to other people’, and ‘other people’ here refers to those who are not members of the family that controls or has claimed the land in question. Formerly, tana’ ulen developed for a variety of social and religious reasons. For example, as a reward to a member of the paren who had bravely fought in an interethnic war, a piece of land was set aside for him. It had to be protected and respected by every resident.

Basically, it is the leppo’ as a communal social unit that may claim or control land. According to the Leppo’ Ké’s traditional laws, the leppo’ is led by the paren (nobility), and thus it seems as if only the paren have the right to control the tana’ ulen. Yet, the tana’ ulen may be used by the common people (panyen) at certain times (except for purposes of farming), such as ritual occasions and adat ceremonies, which are directly related to the public interest of the people of the leppo’. These occasions are restricted to members of the leppo’ itself, and require the permission of the head of the leppo’ involved. Even though the leppo’ as a communal unit within the adat community has the right to control land, the use and ownership according to traditional law is an individual or family matter.

Among the Leppo’ Ké, the territory of the leppo’ is today better known as the village territory (wilayah desa). The village head and his staff play a significant role in
the changes occurring in traditional land ownership, which is now undergoing a shift in judicial values and functions. In line with the changes and shifts in cultural, social, and economic values, and the social changes of the traditional society into a village society, the concept of tana’ ulen has also changed. It is no longer limited to certain areas controlled by the paren, but is based on the common interest of all members of the adat community (leppo’). At present, the tana’ ulen includes the entire village territory and has become the property of all villagers.

It is difficult to define the concept of tana’ ulen. The history and the purpose of the creation of tana’ ulen are different from those of the watas in West Kalimantan. Watas can be established for various reasons, but basically it is controlled by an adat community in the public interest. Tana’ ulen, on the other hand, was initially controlled by one social group (paren) within an adat community (leppo’), primarily for the interests of the paren themselves. In addition, tana’ ulen includes an overall idea of conservation, while the concept of village territory in East Kalimantan tends to have an administrative emphasis to facilitate supervision of the use of natural resources.

The setting aside of land for the village treasury, a step suggested for every village by the government, in fact is not conceptually identical with the tana’ ulen. The location of the village treasury lands is determined by the availability of natural resources. While these lands as yet have not been claimed, they are located close to the settlement, so that they can be put to optimal use by the members of the society.

Use of Forest Products

The Apau Ping area still has what may be described rich in natural resources. Forest products in general are used for consumption, except for cinnamon and eaglewood, which are beginning to form the basis for large-scale business enterprises. The business in these two commodities even involves many outsiders, because their economic value is high and their marketing channels are rather simple (see Blajan Konradus in this volume).

The regulation of the use of forest products among the people of Apau Ping themselves has not given rise to any significant problems, because the lands of the four desa within the Apau Ping area are only viewed as administrative boundaries set by the government. Nevertheless, residents of village A who are planning to gather forest products on the lands of village B are expected to report to the village head or his staff in village B. This reporting is not particularly formal and more in the nature of ‘letting him know.’ People from outside Apau Ping, on the other hand, who want to gather forest products on the lands of village B must officially report to the village chief or his staff in village B.

The regulations that become the basis for policy decisions regarding the use of forest products are always made in consultation by the four desa heads and local notables in Apau Ping. The enforcement of these regulations, however, always ran into difficulties because there were no personnel charged with the task of and responsibility for controlling the forest product collectors entering the area. The fees required from outside eaglewood collectors, that is, 10% of the income obtained, could not be levied because outsiders tended to enter and leave the area without reporting to the village chief. New rules, requiring the payment of an entry fee, were also ineffective.

Finally, regulations were made, entirely forbidding outsiders to search for eaglewood in the areas protected by the community. Only local people could go straight into the forest, and only eaglewood dealers who purchased the produce directly from these local collectors were permitted to be present. Even though these regulations appear to
have the people’s full support, they are still difficult to enforce, because, among other things, each of the four village chiefs has autonomy in setting policies regarding the use of forest products in his area, and the joint decision by the four village heads is occasionally difficult to use as a reference or control for the decisions of each village head. Furthermore, there are complicating factors within the Apau Ping community; that is, leaders who themselves violate the rules for personal profit.

**Conclusion**

From the above discussion of the system of shifting agriculture and land ownership patterns, the following conclusions can be drawn: (1) A social group’s history in the region that it controls can be demonstrated through its land-holding patterns. The history of the Kenyah Leppo’ Ké is characterised by frequent changes of settlements, as shown by the existence of a number of former settlement sites (leppu’un; see Njau Anau in this volume). According to tradition, the people still retain their land rights in former areas. (2) When settled in one area, the people have always established fields around their villages, and as long as they remain there they continue to control their former fields. (3) In the traditional social structure of the Kenyah Leppo’ Ké, the paren were the primary holders of land rights within the territory of the leppo’, while their panyen only had the right to use or work the land. (4) As a result of the development and social changes that have recently flooded the society, the leppo’’s rights of control have been reduced to the same level as other traditional ownership rights. Land ownership rights are held by individuals or families. (5) The first person to open a forest area not yet controlled by others holds the right of ownership to that land. (6) Control over land is more certain if that land is worked continuously as wet rice fields or planted with perennial crops. (7). The patterns of land ownership rights among the Leppo’ Ké have become more varied as the need for land became more varied and as the land available for shifting agriculture became scarcer.

**PATTERNS OF LAND CONTROL AMONG THE KENYAH LEPPO’ MA’UT**

The village of Long Alango is located on the upper Bahau river. Its territory includes extensive and fertile lands that are very supportive of the people’s agricultural activities. The inhabitants of Long Alango include Kenyah Leppo’ Ma’ut and several Leppo’ Ké families. Their source of livelihood generally includes dry land farming as well as wet-rice farming. There are also several civil servants (elementary school teachers and paramedics) and a preacher. In addition to farming, the people also cultivate gardens and hunt. The average educational level is elementary school. Mobility is rather high, especially among the young people, who tend to go to Sarawak to work in companies and only return home at the end of the year to visit their families.

**Village History and Territorial Borders**

Long Alango village, part of the Hulu Bahau adat area, is bordered upstream the Bahau River by the village of Long Kemuat, and downstream by the village of Long Tebulo. The formation of the traditional territory of a leppo’ and its borders are the result of the historical development of the Leppo’ Ma’ut group and the migration of its people. Until now, the transfer of territory from one village to another, as well as disputes, have been settled according to traditional law. In 1991, however, the camat (head of
the kecamatan, or subdistrict) of Pujungan ordered all villages to set definitive borders to be reported to the subdistrict office.

**Setting Borders with Long Tebulo Village**

The people of Long Tebulo village came from Long Lio’ village on the upper Ngiam river (see Njau Anau in this volume). According to Apui Njuk, village head of Long Tebulo, the Long Lio’ area is so isolated that it was difficult to meet daily needs for salt, clothing, and tobacco. With permission of the great adat chief of the Hulu Bahau, Dan Awan, Apui Njuk and several others from Long Lio’ began to farm in the Long Tebulo area, which still had extensive unused land areas. This action was welcomed by the village chief of Long Alango and, in time, many more inhabitants of Long Lio’ moved. By 1972, some of the inhabitants of Long Lio’ migrated to Long Loreh (in the district of Malinau), while the remainder moved to Long Tebulo in 1973 on the suggestion of Dan Awan and Apui Njuk.

The great adat chief set the village boundaries at the Poton Loten River confluence on the left bank of the Bahau and at the Lalut Sungan confluence on the right bank of the Bahau River. In line with the orders of the camat of Pujungan in 1991, the Long Alango village head invited the village head of Long Tebulo and his people to determine the village borders. The meeting went smoothly and the people from Long Tebulo basically gave in on everything to the people of Long Alango. The results of the meeting only reinforced the borders that had been determined long before.

**Setting Borders with Long Kemuat Village**

In the 1940s, several residents of Long Kemuat began to open land in the Alango River area, because the land around Long Kemuat was becoming increasingly insufficient. The great adat chief of the Hulu Bahau at that time (Apuy Njau) encouraged his people to establish wet rice in former dry rice fields near the Alango River, which has many tributaries that flow year round. Even though the wet-rice growing experiment succeeded well, the land was thought to be too far from Long Kemuat, and in 1948 the great adat chief and the village head of Long Kemuat village encouraged the people to move downstream to Long Alango. Because extensive empty and fertile lands were available, a number of Long Kemuat villagers agreed to the move and in 1952 the village of Long Alango was established. People from Long Kemuat gradually moved to Long Alango until the 1960s. Finally, only about seven heads of families had resisted the move from Long Kemuat, and the village of Long Kemuat could only could start to develop again after it received an influx of new inhabitants (1978) from Long Aking (Leppo’ Ké and Nyibun people; see Njau Anau in this book).

Traditionally, the border between Long Alango and Long Kemuat did not pose a problem, because the two villages belonged to the same ethnic group. To follow the instructions of the camat, however, the head of Long Alango (Ajang Apuy) invited the head of Long Kemuat (Ingan Irang) and other notables to attend a meeting. This meeting set the boundary at the mouth of the Ilan River and the Oko’ Bun Stream, calling attention first of all to the borders of the land worked by the people of the various villages: 1) dry fields and wet-rice fields worked by the people of Long Kemuat around Long Ilan and Oko’ Bun Stream belonged to the people of Long Alango; 2) at present a large part of the people of Long Kemuat are newcomers from other ethnic groups, not original settlers in Long Kemuat; 3) setting village borders at the Ilan...
River does not restrict the farming activities of the people of Long Kemuat, even though their fields are located in the territory of Long Alango. This decision also took into account the responsibility of the parties in maintaining paths connecting the two villages (located at Oko’ Bun Stream near the Apuy Njau air strip).

The village head of Long Kemuat, however, was not willing to sign this decision, because he considered the border at the Ilan River too close to the Long Kemuat settlement. A second meeting was held in Long Kemuat; it was attended by the village heads and the heads of the ‘block’ residential units of Long Alango, but it was unable to reach a decision. Only after Baya’ Apuy, the elder brother of the great adat chief at the time this research was conducted and a member of the regional parliament of the kabupaten (district) of Bulungan, had explained the purpose of defining village borders did the participants of the meeting understand (although some continued to resist), and finally the village head and the notables from Long Kemuat signed the decision that was in line with the results of the earlier meeting at Long Alango.

Controlling Land Rights
The different land rights that are based on local tradition, including the ulen and the tana’ ulen and rights related to farming activities (dry fields, wet-rice fields, gardens/orchards, and home yard) are described in detail below. Ways of settling disputes over land rights at various levels in the adat structure are also described.

Private Ulen
According to the Leppo’ Ma’ut, mulen is control or ownership of a particular object. For example, if someone finds in the forest a tree carrying a bee hive, or a fruit tree that has not yet been touched by human hand, he can own that tree by cleaning the ground around it and sticking a 2 m long piece of wood (known as cak) into the ground with its central part split in such a way as to make possible the insertion of a wood twig. The process of clearing the brush, cleaning, and sticking the cak into the ground is known as mulen. The term mulen includes the following ideas: 1) an object already has an owner; 2) the object may not be disturbed; 3) anyone who disturbs it accidentally or intentionally, can be charged with an offence and punished; and 4) the article may be used by others (for example, the fruit of the tree may be picked,) but this must be done with the permission of the owner (see Figures 7.1 and 7.2).

The ownership of the tree is an example of private or personal ulen. The same applies to land. If someone opens land in the primary forest, after the harvest that land becomes the ulen of the one who opened it. Others may work the land but they need the permission of the one who first cleared the land. Nevertheless, in daily language, the owner does not need to say ‘This is my tana’ ulen,’ but only: ‘This is my land.’

Tana’ Ulen of Adat Communities
Land is basic capital for meeting the necessities of daily life—for opening fields, hunting, fishing, collecting rattan, gathering wood for construction, and collecting other forest products—both for own use and for sale. The ulen land of the adat community of Long Alango has been in existence from the very beginning of the village, even since the people opened land for agriculture, and it expresses the direct and strong connection between the village society and its land, as seen from both inside
Figure 7.1 *Mulen* signs made by the Kenyah Leppo’ Ma’ut (by Bilung Njau)

Figure 7.2 *Mulen* signs made by the Kenyah Bakung (by Lukas Lahang)
and outside the village. In this way, the natural resources in the ulen land can only be used for the interests of the villagers. The ulen concept known in the Hulu Bahau adat area is identical to the traditional ownership rights known in various other adat communities throughout Indonesia.

After the establishment of Long Alango village, two ulen areas for the village were set aside: the tana’ ulen of the Nggeng River and the tana’ ulen of the Pande River. Both were owned by the great adat chief of the Hulu Bahau (residing in Long Alango), who intentionally claimed (memulen) them. The products of this tana’ ulen, particularly the animals hunted and fish from the rivers bordering them, can be used by all people of the village, and not only for the interest of the adat chief and his family alone. For example, if a family was unable to provide side dishes for its feasts or ceremonies by hunting around the village, they could be given permission by the adat chief to hunt in the tana’ ulen. During the dry season, the adat chief could invite the people to fish together in the rivers within the ulen lands. The people could not freely hunt or fish in the ulen lands without obtaining permission. The lands were closely guarded, and anyone trespassing was charged and had to pay a fine in the form of a machete (bayeng). So, in the eyes of the people, the tana’ ulen was also a place that kept available a supply of animals for hunting and of fish if they could no longer be found elsewhere.

Long ago, the adat chief declared the tana’ ulen on the Pande River open to the people for hunting and fishing, on the grounds that the area was located too close to the village and game was no longer as plentiful as earlier. The meeting of the village leaders and the people, led by the village head on 5 September 1993, determined that the tana’ ulen area on the Nggeng River, today the home of the WWF field station, was no longer to be monitored, on the grounds that the area produced no significant products. People from the neighbouring village were permitted to farm in the Long Alango area with the permission of the village chief. Prior to 1992, other people were allowed to enter the village area. These included eaglewood collectors from outside the district, as long as they paid an entrance fee of Rp. 50 000 into the village coffers (see Blajan Konradus in this volume). It was soon realised that their actions were very damaging to the village, since eaglewood collecting was a side activity for the villagers, carried out in the free time between their farming activities (before and after harvest). Finally, as of 1992, outsiders are no longer given permission.

Dry Fields
The primary source of livelihood of the people is dry field farming and wet-rice cultivation. The dry field farming activities begin with a meeting of the farmers to discuss potential field sites or (uma). Attention is given to soil fertility, and distance from the village. Once agreement has been reached, the farmers go in a group to view the location and delineate its borders with a path. On the following days, they begin to clear the brush, both individually and in groups, taking turns (senguyun). If the site is covered with large trees (mba’) or old (25–30 year-old) secondary forest (bekan mokon), the clearing activities are begun in May; if it is covered with young forest (6–15 years, bekan lawan), they are begun in June. To facilitate pest control, the people tend to make the fields side by side (uma’ kelindung) rather than separately (uma’ tegen).
If the fields are opened in primary forest (mba’), then they continue to belong to the one who opened them after the harvest, even if they are abandoned to revert to secondary forest. Anyone wanting to open lands once opened by someone else must ask permission from the first pioneer, who usually prefers that the fields are worked even if he cannot do it himself, since fields that remain fallow for long periods become the hiding places of pests, particularly in the uma’ kelindung.

**Wet Rice Fields**

For wet rice fields the people do not open forest, but also use former fields. Their knowledge of wet-rice cultivation is said to have originated from Apuy Njau, who had occasion to visit Java, Kuching in Sarawak, and often travelled to Long Peso’, where he observed wet-rice culture. From his experience, he taught the people how to grow wet rice on former dry fields on the Alango River. The seed he used had been obtained in Long Peso’. Subsequently, local rice varieties were planted. Because the area permits it, ditches were dug to channel water from springs in the hills for irrigation, and wet-rice cultivation expanded into the area around the Ait River, Apau Arai, and Long Arai. The borders between rice fields are the dikes made by the respective owners.

From that time until today, the methods of wet-rice cultivation have not changed. First, the people clear the land to be planted of brush, and at this time the ditches and waterways are covered with stones and leaves. The dry cuttings are burned and water is channelled through the ditches. Wet-rice planting is done individually or cooperatively (senguyun). At harvest time, the water channels are closed again. The people also channel water from the field ditches with plastic pipes for household uses. Rice fields cannot be worked continuously. After 2–3 years, production will certainly decline and a farmer will open a new rice field. This move is not too difficult because former dry fields are widely available for wet-rice growing. Large numbers of farmers still prefer dry field farming to wet-rice cultivation, even though the adat chief and the village head of Long Alango, who only cultivate wet rice, obtain two abundant harvests a year.

Because wet rice fields are established on former dry fields, the farmers tend to use recently abandoned fields (bekan) that they own themselves. If a farmer plans to use a piece of bekan land belonging to someone else to grow wet rice, the adat status of that field is not very clear, because wet-rice cultivation is a relatively new phenomenon in Long Alango. It seems that the creator of the new wet rice field is in a stronger position. There is also a possibility for the plot of bekan land to simply be given by its original owner to the creator of the wet rice field, not as a loan, but to own. Dikes between wet rice fields can still be seen clearly even though the fields have not been worked for several years. Generally, land rights to wet rice fields tend to be more certain and definite, either individually or by family, than rights over dry fields.

**Gardens and Yards**

A garden (pola) is land that is planted with crops other than rice. In Long Alango, these activities have been side occupations carried out on the dikes between the rice fields, in the yards of houses, and in former fields. Two types of crops are planted, perennials and annual crops. Trees, for example, *Lansium*, rambutan, kapok,
terap (grown for its bark and fruit), coconuts, jackfruit, and tamarind are planted dispersed and mixed in relatively small numbers, and their owners do not take care of them. Perennials planted and cared for specially are cinnamon and coffee, but not all villagers grow them. A crop planted specially is cassava, in former fields after the harvest, while bananas, papaya, and sugarcane are planted on the dikes between rice fields. Beans are planted together with the dry field rice, in small quantities. The people are not much interested in gardens beyond their own familial needs, because they are too far from markets to market their production.

It seems that rights over gardens are not known, except for perennial crops such as cinnamon, which is a commercial crop, and even this seems to be a recent development. Ownership generally relates to plants (trees) themselves, rather than to the land on which they are planted, and it is an individually or family-held right of ownership.

When they settled in Long Alango, the people still followed the old customs and traditions. The establishment of the village of Long Alango was preceded by a melaki ceremony, that is, a ceremony of calling the Brahminy kite, the messenger of the gods who can heal the sick, protect the village from all harm, and protect the fields from attacks of pests. After the ceremony was completed, the great adat chief and the village head divided the village’s residential land into yards for building houses, each measuring 15 depa (a depa is the distance to which someone can spread their arms) along the road.

The boundaries of these yards were very simple, indicated only by a fruit tree, flowering plants, a ditch, a marker, or any other sign. Even though controlled by the village, the yards are individually or family owned, and recognition of this ownership takes various forms. The residents respect each other’s ownership and do not bother each other, there is no involvement of the village government apparatus.

**Settling Land Disputes**

Disputes occur if any party feels harmed, either intentionally or otherwise, as for example in the case of T and S, who owned fields side by side. When they had opened the primary forest, the plot border was a small creek (lalut). According to T, the border was a straight line from one end of the field to the other. According to S, however, the border followed the bends of the small river.

The case was brought by the party that felt he had suffered a loss, that is, S, to the head of the block unit, who called both parties and other farmers. S and T were each given a chance to state their case and those present had a chance to respond. Then everyone conferred to arrive at a decision and T was declared in the wrong. (If the decision is still a source of concern, a field review must be held.) No cost or payment was involved in settling the dispute, only food and drink were made available for the village staff who went to the field. The substance of the decision was made public only through the assigned village staff who also served as witnesses.

If disputes develop between residents of different blocks, the settlement is arranged before the heads of both blocks. If settlement is impossible, the village head calls the parties and the heads of their respective blocks to discuss the problem. This discussion is attended by the block elders and other notables. All explanations become material to be considered in joint consultation and by the great adat chief. The great adat chief attends and gives his views regarding the settlement of the dispute, so that the decision is acceptable by both sides without too much worry or waste of energy and time.
The people adhere closely to adat law and decisions reached through consultation and discussions are considered logical. By the time the writer carried out his research, there had never been a dispute that had to be settled according to written rules and through the involvement of the government.

**Transfer of Land Rights**

The transfer of land ownership rights can occur in two ways: through inheritance and through sale/purchase. Generally, inheritance is the transfer of a right from one person to his children, the heirs. There is no differentiation between biological children and adopted children. Children (*anak sekeret*) adopted through certain adat ceremonies have the same rights and obligations as biological children. Since the Leppo’ Ma’ut have adopted Christianity, adoption of children is done through a church service led by a pastor.

An estate can be divided by its owner during his/her lifetime. One of the children who still remains in the house is responsible for taking care of his/her parents in old age. If both parents have passed away, the division of property is carried out by the oldest child, and attended by relatives from both the mother’s and the father’s side, who can provide explanations in case misunderstandings occur. Basically, the division does not distinguish between younger and older children or between sons and daughters. One of the children and his/her family, who carry on the parental home, have responsibility for taking care of and maintaining the property and the rights attached to the household and the house, the fields, heirlooms, and so on. Children who live in other villages because of marriage or who have moved for other reasons, give up their right to the inheritance to their siblings who remain in the house.

The Leppo’ Ma’ut in Long Alango became familiar with the transfer of rights by sale or purchase after 1988, when some of the villagers moved to Long Belua’ (also called Bhayangkara, near Tanjung Selor) to be closer to educational and market facilities. The villagers who left generally surrendered the rights to their wet rice fields and gardens to people who remained behind, receiving for them a woven mat, a wok, a machete, clothing according to the ‘purchaser’s’ ability, as well as money. According to informants, those who received wet rice fields or gardens did so only to protect them against the demands of other parties, while the sellers preferred to sell their land rather than leave them unused. Even though simple, this transfer of ownership rights was nevertheless a sale/purchase transaction because the land was transferred in perpetuity. Some residents transferred their land to family members or to the village without any reimbursement whatsoever; some simply left their land. Generally the buyers or the recipients of the land were people whose lands bordered directly on the lands sold/purchased. So far, only agricultural land has been sold/bought, while home yards, which are still fully controlled by the village, have not been sold/purchased; the owner of the yard can only sell the products of the plants.
Conclusion

Three conclusions may be drawn regarding control over land according to the traditional adat of the Leppo’ Ma’ut in Long Alango. First, the status of village land (territory) so far is fully controlled and regulated by local traditional law, especially as it relates to land ownership, land use, land borders, and transfer of land rights. Second, the tana’ ulen of a village is controlled by the village. This does not mean total exclusion of others though, as outsiders may use the land with the permission of the village head. Land disputes are always settled according to traditional law, that is, in a village consultation, and the decision is always honoured by all parties involved, with the result that so far no dispute has ever come before the government officials for settlement. Third, it is time that land rights came under the regulation of written law, specifically Law No. 5 of 1960. At the very least this should be the case for the yards of houses in light of present rapid population growth, economic growth and development.
8.
Traditional forest use and management among the Kenyah of the Upper Bahau Area

G. Simon Devung

INTRODUCTION
This contribution is a modified version of a paper presented at the Fourth Biennial International Conference of the Borneo Research Council in Bandar Seri Begawan, Brunei Darussalam, in June 1996. It is based on fieldwork carried out in two villages, Long Tebulo and Long Uli, in the upper Bahau River area, Pujungan District.

The absence of national laws regulating activities related to the use and management of specific forest resources does not imply that there are no effective mechanisms for the same purpose at community level (Ostrom 1992: 47). A community may possess special rules and regulations, transmitted from generation to generation, or new forms of such rules and regulations modified to meet changing circumstances and needs. These I generally refer to here as ‘traditional institutions’ (following Davis 1949; see Alisjahbana 1974: 90). The role of traditional institutions in filling the lacunae of national law is particularly clear at the operational level, as these institutions do affect the strategies of the users, their actions, and the consequences of those actions (Ostrom 1992: 20, 47).

However, it is also worth mentioning that traditional institutions are not always effective in every traditional community, at either the individual or community level. Numerous studies in various parts of Indonesia indicate that in some communities activities related to forest resource use and management by community members generally conform to existing traditional rules and regulations (see i.a. Abdoellah et al.)
TRADITIONAL FOREST USE AND MANAGEMENT AMONG THE KENYAH

1993, Atmadja 1993, Tjitradjaja et al. 1994), as opposed to other communities where
the level of conformity is somewhat poor (see Momberg 1992, Tjitradjaja 1993). It is
therefore useful to try to better examine the mechanisms that cause traditional
institutions to function or not; and to look more closely at the context of these
mechanisms.

FOREST RESOURCE USE AND MANAGEMENT

The study of the use and management of forest resources by village communities in
the upper Bahau area in Long Tebulo and Long Uli shows that the forest still represents
the main source of livelihood for the local communities (Devung 1996). Long Tebulo
(LT) is populated by a subgroup of Kenyah, the Leppo’ Ké, while the people of Long Uli
(LU) are Kenyah Oma’ Long (Uma Lung) and Kenyah Leppo’ Ndang.

The forest is used for various needs related to subsistence: rotational cultivation
of rice in both primary and secondary forest, hunting and fishing, harvesting of fruit
and plants, and gathering of building materials. The major portion of the villagers’
cash income originates from commercial forest products, particularly eaglewood (or
aloe wood, or incense wood, LT sekkau, LU sekkou, Indonesian gaharu; Aquilaria
beccariana and A. malaccensis, Thymelaeaceae, and other taxa) and, to a lesser extent,
rattan (LT uway sekka, LU vey sekko; Calamus caesius, Palmae), and resin used to
 glue machete hilts (LT-LU ketipay; Palaquium quercifolium, Sapotaceae) as well as
spice leaves (LT-LU bekkay; Pycnarrhena cauliflora, Menispermaceae) for the local
market.

Considerable variation has been observed with regard to the intensity and
frequency of the use of each of these resources, at both the individual and community
levels. The use of primary and secondary forests for the cultivation of dry rice fields is
described in Table 8.1. Field size ranges from 1.5 ha to 2 ha per household. The
households not accounted for were cultivating only permanent wet rice fields that
particular year (LT mpeng, LU sava).

<table>
<thead>
<tr>
<th>Type of forest</th>
<th>Long Tebulo</th>
<th>%</th>
<th>Long Uli</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>5</td>
<td>24</td>
<td>5</td>
<td>21</td>
</tr>
<tr>
<td>Secondary</td>
<td>6</td>
<td>29</td>
<td>21</td>
<td>88</td>
</tr>
</tbody>
</table>

In hunting and fishing, variation can be seen from the amount of hunting and
fishing equipment owned by each household (see Table 8.2). Hunting is performed
generally once a week by those who have hunting dogs and at least twice a week by
those who possess guns. Fishing is done almost every day by those who have fishing
nets, either dragnets or cast nets, when river conditions allow. Besides hunting and
fishing for household consumption, these are also done in connection with collective
needs of the village such as the harvest festival, a wedding party, or cooperative
work. The collection of commercial forest products, such as gaharu, rattan, ketipay
resin, and bekkay leaves, also shows variation in the types of products collected, the number of households involved, and the frequency of collecting (see Table 8.3).

Table 8.2 Number of households owning hunting and fishing facilities

<table>
<thead>
<tr>
<th>Facilities</th>
<th>Long Tebulo</th>
<th>%</th>
<th>Long Uli</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting dogs</td>
<td>5</td>
<td>23</td>
<td>7</td>
<td>29</td>
</tr>
<tr>
<td>Hunting guns</td>
<td>19</td>
<td>86</td>
<td>10</td>
<td>42</td>
</tr>
<tr>
<td>Blowpipes</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>Fishing nets</td>
<td>21</td>
<td>100</td>
<td>10</td>
<td>42</td>
</tr>
</tbody>
</table>

Table 8.3 Number of households involved in collecting forest products between two farming seasons (1994-1995)

<table>
<thead>
<tr>
<th>Product</th>
<th>L. Tebulo</th>
<th>%</th>
<th>Frequency</th>
<th>Long Uli</th>
<th>%</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eaglewood</td>
<td>13</td>
<td>59</td>
<td>1-6</td>
<td>20</td>
<td>83</td>
<td>1-47</td>
</tr>
<tr>
<td>Rattan</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>10</td>
<td>42</td>
<td>1-5</td>
</tr>
<tr>
<td>Ketipay</td>
<td>7</td>
<td>32</td>
<td>1-3</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bekkay</td>
<td>6</td>
<td>27</td>
<td>1-3</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The management of forest resources by the local community is closely linked to the management of the village territory and the use of the forest within, on the basis of each area’s potential and local people’s use preferences. A village territory is commonly divided into several designated areas, including a settlement area (LT ukku’ leppo’, LU ukhu’ oma), several farming areas (LT uku’ uma, LU ukhu’ umu; or LT uku’ mpeng, LU ukhu’ sava), and a restricted forest area (LT tana’ ulen, LU tana’ olen). The rest, the village’s open communal forest, is used for various purposes like hunting, fishing, harvesting fruit and plants, gathering building materials, and collecting commercial forest products.

The use and management of the forest by the community is based on the principles of common arrangement, cooperation, and mutual help in the social context of production, as well as sharing in the social context of consumption. Such principles can be seen clearly in the rules governing social relationships and in the regulations of activities related to resource use and management of each of the forest products. These rules and regulations vary both in content and complexity.

In the use of the forest (either primary or secondary) for agricultural purposes, there are rules about the location of the fields that will be cleared, the delineation of the boundaries between fields, and the timing of the clearing and burning of the fields. In hunting, regulations concern the prohibition of the use of bamboo spring spears (LT-LU belatik) and bamboo spiked traps (LU zhezang) in the hunting areas and around the settlement, the sharing of game meat, the organisation of hunting during the periods when wild pigs swim across the river (LT satung, LU satong) or when birds flock to the salt springs (LT sungan, LU songen). In fishing, rules and regulations
TRADITIONAL FOREST USE AND MANAGEMENT AMONG THE KENYAH

Concern the use of fish poison (LT tu’ba, LU tu’bo), the designation of certain streams for daily and occasional fishing, and the sharing of fish among involved parties and with relatives and neighbours (LT ngatu, LU mate). In the harvesting of fruit and plants for consumption, regulations concern collective and private ownership of trees and plants, the harvesting, and sharing of the product. In the gathering of building materials from the forest, rules and regulations mostly relate to the establishment of collective or private ownership of the trees or plants that provide the materials. In collecting commercial forest products, rules and regulations govern the customary territory (Indonesian wilayah adat), village territory (Indonesian wilayah desa), village restricted forests (LT tana’ ulen, LU tana’ olen), modes of harvesting the forest products, and the dues to be paid to the village (Indonesian iuran LMD).

Some degree of variation also exists between the two communities observed, with regard to both the content and complexity of rules and regulations, for example, the sharing of wild pig meat during the pig swimming season (see below).

The common principles underlying rules and regulations govern individual and group access to each type of resource in such a way that 1) every individual or household has more or less the same opportunity; 2) given this opportunity, there is possibility for cooperation and mutual help, as well as a chance for every individual or household to earn a larger share than others; and 3) the surplus thus obtained can be redistributed. In this way, unhealthy competition and open conflict over resource use in the community can be minimised.

The following is an inventory of rules and regulations relative to forest use and management in the two communities at the time of my field research (Devung 1996: 128–158).

**Farming**

The rice fields should be located in one or another of the designated farming areas. Fields should be side by side in clusters or at least close to one another. The field boundaries as agreed upon among households should not be altered without prior common agreement. In a given cluster of fields, the clearing of the forest should be carried out more or less simultaneously. At the time of the clearing, omens should be observed and fellow villagers notified. In a given cluster, the burning of the fields should be done simultaneously.

**Hunting**

Bamboo spring spears are not allowed in hunting areas, around the rice fields, or near the village. In Long Uli, bamboo spiked traps may be set up along the rice field fences as long as fellow villagers are notified. In Long Tebulo, the regulation for this kind of trap is the same as for the bamboo spring spear, both are prohibited.

Some hunters are more successful than others. A successful hunter must share the meat with neighbours within a radius of two houses and with close relatives (grandparents, parents, siblings) outside of that radius.

Local people usually hunt in groups with dogs. The owner of the dog pack, whether he participates in the hunt or lets others borrow his dog pack, gets the head portion (LT tulat ulu, LU tolet ule) and the tail portion (LT tulat so’et, LU tolet pali) of the catch, then the rest is evenly shared among all the hunters of the group, including the owner of the pack. When hunting is performed using a gun, the gun owner gets the head portion
of the catch, whether or not he participates in the hunt. If the bullets also belong to him, he also gets the tail portion. If the bullets belong to someone else, that person gets the tail portion, whether or not he participates in the hunt. The rest is then evenly shared among all hunters, including the gun owner and the bullet owner.

When a party goes hunting for the village’s collective consumption (LT nyamet, LU nyaméd) — for example, for the harvest festival or a wedding — the owners of the dog pack, of the gun, and of the bullets get their shares as specified above. Other hunters get the innards (LT-LU tena’i; LT betuka’, LU betukho; LT atay, LU até). Then the rest is handed over for collective consumption (LT mung kuman, LU femong omen).

During the season when wild pigs swim across the river, it is forbidden to go hunting with dogs or guns around the places where the pigs usually cross. It is also prohibited to wait for the pigs on the same bank where they descend to cross. Hunting may only be done with spears (LT buja’, LU sekke’) on canoes built from wood planks (LT alut, LU aled) while the wild pigs are swimming across the river. The hunters whose canoe is closest to the swimming pigs have priority over others, and thus, the opportunity to be the first to spear the pigs.

The first hunter to get a catch in the swimming-pig season must invite all household heads in the village to dinner (LT mung kuman, LU femong omen). At the dinner, a village official publicly announces the beginning of the season and reminds the villagers of the rules and regulations regarding this type of hunting activity. Every day during the pig swimming season, the catch must be gathered and shared among all participating hunters before they return home. Hunters who first stabbed and injured a pig get the head portion and the rest is evenly shared among all hunters, including those who have received the head portion. In Long Tebulo, this rule is valid for the entire pig swimming season. In Long Uli, however, it applies only to the first two weeks. During the following two weeks, the sharing is performed only among hunters at the same waiting site (ka), and afterwards, only among those on board the same canoe.

During the season when birds flock to the salt springs, the use of guns around the area is not allowed. Birds may only be caught using bird nets (LU kap sevi). The first hunters to build their huts in the vicinity of the spring have priority in setting their nets in front of their huts during the whole period. If another hunter wishes to use the hut and nets, he must notify the owner, and the catch must be evenly shared with him.

When there are two or more hunters setting their nets at the same time near the spring, all the nets should be taken down simultaneously. The hunter whose net has caught the most birds gives the signal to start taking down the nets. When all the nets have been folded, the hunters with the least catch must assist the others in picking the birds from the nets, cleaning up the surroundings, and resetting the nets. For their assistance they get a portion of the catch.

**Fishing**

Individual villagers are not allowed to fish using poison in the Bahau River and in rivers within the area of the restricted forest, which may be poisoned only for collective consumption. In small tributaries of the Bahau River or other small rivers outside the area of restricted forest, poisoning for individual needs is permitted. The kinds of fish poison permitted in all cases are those extracted from plant roots (LT tu’ba aka, LU tu’bo aka) or tree bark (LT sok elang, LU zak ilang). The streams where fish are known to spawn or where people usually set bamboo fish traps (ilid) may in no case be poisoned.
A person catching a big fish or a large amount of fish must share with his neighbours and close relatives. When a group goes fishing with a casting net, the catch is shared more or less evenly among the participants, the owner of the net and the owner of the canoe, whether or not they have participated in the fishing.

In the case of fishing for the village’s collective consumption, a small part of the catch is shared among the fishermen and the rest is handed over to the community.

Harvesting Fruit and Plants for Consumption

Trees and plants with edible parts—leaves, flowers, or shoots commonly used as vegetables, or fruits—growing around the village or near the rice fields may be claimed as private property by those who first found or cleared them, and may later be inherited. A claim is established by certain ownership marks: LT cek (LU ce’), a plain wooden stake stuck in the ground, pointing to the tree or plant; or LT tak ulu (LU ta’ ule), a sign resembling a human face carved in the trunk of the tree; or prohibition marks: LT sip (LU tip), a wooden stake stuck in the ground, pointing to the tree or plant, with a prohibition symbol slipped across the split upper end of the stake.

Prohibition signs usually have four escalating levels of warning. The first level has LT da’un (LU da’eng), a fresh leaf or leafy twig, placed at the sip (slip), meaning: ‘This is owned by someone!’ The sign da’un (da’eng) represents the words LT i’da un (LU é’da eng), which means: ‘someone owns (it)’. Thus this prohibition sign has exactly the same function as the ownership mark.

People are prohibited from taking edible parts from a tree or plant bearing such ownership marks without permission from its owners. If someone gets caught red-handed, the owner has the right to reprimand the thief on the spot, file a complaint through the elders, or prosecute through the adat court.

If the thief is unknown, the owner may place a second-level prohibition sign, using udu’ ai’ (Imperata cylindrica), meaning: ‘Don’t take it!’ The sign ai’ represents the word ayen which means ‘don’t’. If theft occurs again and the thief is still unknown, the owner may place a third-level prohibition sign, using udu’ tangé (Lycopodium cernuum), meaning: ‘Your bad deed makes us cry!’ The sign udu’ tangé represents the word nangé, ‘to cry’. In case of repeated theft, the last level of prohibition signs uses puten luten (a piece of burnt firewood), meaning: ‘We are now angry!’ The burnt part symbolises the owner’s hurt feelings.

People having collected forest vegetables or fruits in large quantities must share with their neighbours and close relatives. In case of need (a wedding party, cooperative work, or a sudden death), the owners of forest trees or plants with edible parts must allow the harvesting of these edibles for collective consumption.

Gathering Building and Other Materials from the Forest

Trees and plants commonly used for building materials or household implements which grow around the settlement, near the rice fields, or in the village’s common forest may be claimed as private property by those who first found or cleared them, and they may later be inherited. Ownership marks or prohibition marks may be placed next to those trees or plants. For large trees, owners also commonly carve a sign resembling a human face (LT tak ulu, LU ta’ ule) on the trunk, and recently also the initials of their name (LT tak kalung nga’dan).
A fallen tree without ownership marks may be claimed by the person who first found it, who then must clear the ground around it and place an ownership or prohibition mark or a stick (LT sekiwat, LU sekéved) across over the trunk. A tree drifting in the river without ownership marks or the initials of the owner’s name may be claimed by the person who first found and tied it up by carving his/her ownership mark (human head or initials) on the trunk.

It is prohibited to cut any standing and fallen tree bearing ownership marks or prohibition marks without permission from the owner. In case of theft, the owner may reprimand the thief on the spot, file a complaint through the elders, or prosecute through the adat court.

**Collecting Commercial Forest Products**

In the Upper Bahau customary area (**Wilayah Adat Hulu Bahau**), to which Long Tebulo belongs, outsiders are prohibited from collecting commercial forest products, and are only allowed to purchase the products from local collectors. The villagers of Long Tebulo, like villagers of other settlements in the Upper Bahau customary area, are allowed to collect commercial forest products within the territory of any village (**wilayah desa**) in the Upper Bahau, as long as they have permission from the concerned village officials. Every group going on a forest expedition, whether in their own or another village’s territory, must pay Rp. 2500 per collector as dues to the LMD (**Lembaga Masyarakat Desa** or village council).

In the Pujungan customary area (**Wilayah Adat Pujungan**), to which Long Uli belongs, outsiders are permitted to collect commercial forest products but need to procure permission from the district officials in Long Pujungan. They may not, however, enter the Sungai Lutung restricted forest area of Long Uli. For each week spent in the forest, a group of outsiders must pay Rp. 50 000 as LMD dues, whereas a group of local collectors must pay only Rp. 5000, whether the collecting is carried out in the village’s communal forest area or in the restricted forest area of Sungai Lutung.

Small *Aquilaria* trees may not be cut when collecting eaglewood, and collectors are required to gouge the trunks of large trees in order to check whether they contain any gaharu resin (Indonesian *isi gaharu*), before cutting down the tree. Likewise, young stems may not be cut in the collection of rattan. Mature rattan stems must be cut at about 1 m from the ground, and the upper part of the stem must be planted back into the ground to allow it to produce new shoots. In collecting ketipay resin, small ketipay trees may only be tapped and may not be cut down. In harvesting relish leaves (*bekkay*), only mature leaves may be picked, while the stems may not be cut down.

**TRADITIONAL INSTITUTIONS AND ACTUAL PRACTICES**

In both Long Tebulo and Long Uli, traditional rules and regulations are still effectively practiced in the use and management of forest resources for subsistence needs, at community level as well as individual level. Conversely, in the use and management of forest resources for commercial purposes, particularly in the extraction of gaharu, traditional rules and regulations seem to be no longer in effect, either at individual or at community level. In the collection of rattan, in both Long Tebulo and Long Uli, some rules and regulations are still maintained and effectively used at community level, while others are already neglected. In the extraction of ketipay resin and collection of *bekkay* leaves in Long Tebulo, traditional rules and regulations relating to the technical
aspects of extraction are still maintained and effectively used at community level but those concerned with the payment of the village dues are not in effect and are practically neglected.

Seen in the social context of production and consumption, compliance and in compliance between practices and traditional regulations may relate to a number of factors: 1) the relationship of the individuals involved in forest resource use and management activities; 2) the group’s influence on individuals; 3) the transparency of forest resource use and management activities; and 4) the nature of control in these activities. Some of these factors play independent roles in the phenomena of compliance and in compliance, while others play interconnected roles, with somewhat different causal mechanisms and intensity. These aspects can be seen in several activities of forest resource use and management as described above.

In activities of forest resource use and management that are related to subsistence needs, the interdependency of individuals involved in the activities and the group’s influence on individuals are greater, the activities undertaken are more transparent, and controlling measures can be taken directly in case of deviation. This is possible because in the social context of production there are mechanisms of cooperation and collective organisation. In the social context of consumption, there are mechanisms of mutual help and sharing. Besides, all of these activities are undertaken internally to the community. There is no interaction with other actors beyond the community members and there is no intervention of other mechanisms.

In forest resource use and management activities that are related to commercial purposes, the interdependency of individuals involved in the activities and the group’s influence on individuals are somewhat loose, the activities undertaken are less transparent, and controlling measures cannot be taken directly in case of deviation. This happens because in the social context of production the mechanisms of cooperation and collective arrangement in forest resource use and management activities are limited to the work groups and do not include the entire community. The same situation also applies to the mechanism of mutual help and sharing in the social context of consumption. Besides, some of these activities are performed beyond the internal context of the community, in interaction with outside actors beyond the circle of the community.

In both the activities of forest resource use and management related to subsistence needs, and in those related to commercial purposes, the aforementioned circumstances to a certain extent are generated by one or more situational factors, such as the existing physical environment, forest resource characteristics, population numbers, economic condition, social organisation, community leadership, production (forest resource use) system, technology, and interactions with other actors.

In the use of forest for agricultural land, either for dry or wet-rice cultivation, every household needs the cooperation and the help of other households. Such a situation is caused by the shortage of labour available in each household and the limits of agricultural technology adapted to the local environmental conditions and social organisation. For example, the limited number of days without rain needed for burning the rice fields, and the traditional organisation of rice planting (LT nu’gan, LU nogen) with fixed days for planting for each household, require a strict schedule for clearing and felling trees in the rice fields. Due to shortage of labour, every household needs the cooperation and help of the other households, in the form of either labour exchange (LT senguyun, LU sengozen) or cooperative work (LT ga’gan pembun, LU jagen fempeng), to meet such an arrangement. Table 8.4 shows labour per household involved in agricultural activities in Long Tebulo and Long Uli.
In the social context of consumption, every household can at one time or another experience harvest failure, either because of pests, a long dry season, or river flooding. Some environmental factors, such as the elevation of the rice field or soil conditions, may cause more detrimental effects to some households’ rice fields than others. In such conditions, the unlucky households normally expect to be allowed to help harvest others’ rice fields (LT mettau, LU metto) and get a share of the rice for the service to make up for the shortage in meeting the needs of their annual rice consumption. It is also common that after the harvesting season the unlucky households still expect to be allowed to help pound rice for other households and receive some of the pounded rice in return for the service.

With the interdependency of households in the social context of production as well as in the social context of consumption as described above, it is understandable that rules and regulations relating to the use of forests for agricultural fields are normally adhered to. Some individual adjustments in order to conform to the rules and regulations may occur, for instance, at Long Tebulo. In the last five years, for two consecutive farming seasons, two households were late in beginning the clearing of their wet rice fields. They decided to make smaller fields, and thus managed to catch up with their fellow farmers and burn and water the fields at the same time as they did, although they knew that they would have a smaller harvest.

The decisions concerning the location of the fields, the boundaries among fields, the time to begin clearing and burning the fields are traditionally determined collectively, either in village meetings or in discussions held among households of the same cluster. In that way, group influence on individuals is greater, and conformity to what was agreed together more guaranteed (Krech et al. 1967: 506). Activities following those decisions and arrangements are also undertaken collectively, thus being more transparent, and the necessary controlling measures can also be applied directly in case of deviation.

Hunting and fishing also involve cooperation and mutual help among households. First, not all households possess hunting or fishing equipment, as shown in Table 8.1. Those that do not possess hunting or fishing equipment commonly expect to borrow it from those who own it, or to be invited to join in hunting or fishing activities. Due to a shortage of adult males in certain households, it is also common that those possessing the equipment prefer to lend it to other households or to invite members of other households to go fishing or hunting with them. The thick forest and rapid river current

<p>| Table 8.4 People (per household) involved in farming activities (1995-1996 farming season) |
|---------------------------------|-----------------|--------|-----------------|--------|</p>
<table>
<thead>
<tr>
<th>Number of people</th>
<th>Households Long Tebulo</th>
<th>%</th>
<th>Households Long Uli</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>7</td>
<td>34</td>
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<td>29</td>
<td>8</td>
<td>33</td>
</tr>
<tr>
<td>4</td>
<td>2</td>
<td>10</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
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<td>1</td>
<td>5</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>7</td>
<td>3</td>
<td>14</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>
also encourage people to go together when hunting or fishing, especially if the destination is quite distant from the village, or if they go hunting and fishing at night.

In the social context of consumption, as people do not go hunting or fishing every day—or if they do, there is no guarantee that they will always be successful—people as a consequence also depend on the sharing of meat and fish by their fellow villagers. Such conditions of dependency urge people to consciously conform to the rules and regulations relating to hunting and fishing arrangements. Such arrangements are also decided collectively either at the village level or at group level, as has been described before. Group influence on individuals is therefore greater, forcing them to conform to the rules and regulations.

Deviation from rules and regulations relating to hunting and fishing arrangements is also easily found out. Most of the activities are commonly undertaken together with other people. The hunting and fishing areas are frequently visited, especially during particular seasons such as the wild pig swimming season, the salt spring bird season, or the fish spawning season. In such conditions, controlling measures can be also applied directly when necessary. For example, in the 1990 wild pig swimming season, a hunter went chasing his prey on the river bank alongside the area that is prohibited during that season. After seeing his canoe by the beach, other hunters, who arrived later to wait for the wild pigs to swim, got mad and hoisted the canoe to the top of a nearby *laran* tree (*Dipterocarpus oblongifolia* Bl.).

Those who come home from hunting or fishing with an abundant catch are also easy to notice. The boats are always parked at the bathing area by the river bank, which is commonly shared with neighbours, and the path to every house in the village is wide open. Given these conditions, the rules concerning the obligation to share meat and fish with close relatives and neighbours tend to be readily conformed to by the villagers. Individual adjustments to rules and regulations exist among the hunters in both Long Tekulo and Long Uli. If the catch is too heavy to carry home, the hunters normally leave the heads and the innards in the forest. In such a case, the owner of the hunting dogs or the gun would get the fatty skin of the catch (LT-LU *nyak*) instead of the head or tail portion.

In harvesting fruit and plants for consumption, although more limited, cooperation among parties involved is also frequently needed. To harvest edible parts and fruits of big and tall trees, people usually need someone to climb the trees; or if the location of the trees is quite distant from the village, they prefer to have some company. In the afternoon, in both Long Tekulo and Long Uli, one can notice groups of two or three women coming back from the adjacent forest with vegetables or fruits in their baskets (*kiba*).

In the social context of consumption, when someone comes from the forest with abundant vegetables or fruits, it is very common that fellow villagers ask for some. At special occasions such as funerals, weddings, or cooperative work, people also get vegetables or fruits from fellow villagers as a contribution. The obligation to share with fellow villagers is frequently stressed, particularly in the words of advice given to the bridal couple at the wedding ceremony, or as part of the advice given to new settlers in the village. At Long Tekulo, the advice concerning this obligation is: *Ayen ma’em, buk uba’ tareng kuman sin, kuman atuk, kuman bua’, atek tareng lina ngatu maan panak, maan i’da cen a’jo’* (‘Don’t be selfish, if you want to eat game meat, eat fish, eat fruits frequently, you must also frequently share yours with your relatives and neighbours’).

The influence of the group on individuals is also great in this context. Deviation from the rules and regulations will bring blame on the offender from all parties. The
prohibition on taking vegetables or fruits from trees having ownership marks without
the owners’ permission is always reiterated in the village meetings, especially when
those fruits are in season, to avoid conflict and disputes among households. In Long
Uli, the forefathers’ advice concerning this is frequently recited by the elders in
meetings: É’en vonén beva, beva kadu loung (‘Don’t fight over fruit trees, fruit trees
have many fruits’).

Taking vegetables or fruits from trees bearing ownership marks without the
owners’ permission is also easy to notice, as such trees are commonly close to the
owner's residence or rice field. The custom of sharing, the influence of the group on
the individual, and the location of the fruit trees or vegetable plants, make the rules
and regulations relating to the harvesting of fruit and plants easy to conform to.

The case of gathering building materials and other plants for domestic use from
the forest is more or less similar to that described for hunting and fishing, as well as
for harvesting fruit and plants. In the social context of production, cooperation among
fellow villagers is sometimes needed because not all households possess the necessary
working equipment, such as chainsaw (sensor or shinsow) for felling trees and cutting
wood, or motor boat (ketinting) for transporting materials. When traditional equipment,
such as axes (LT asay, LU azê), is used for felling and cutting trees, or when a rowboat
or wooden raft is used for transporting materials, even more cooperation is needed
among households and may sometimes involve all the households in the village (LT
ga’gan pembun, LU jagen fempeng). During my stay in the field, I had the opportunity
(twice in Long Tebulo and once in Long Uli) to observe people undertaking village
collective work, namely gathering building materials from the forest for house
building. In the social context of consumption, in emergency cases, such as when
someone’s house or boat is washed away by a flood (e.g., on 26 April 1995), fellow
villagers usually lend the spare building materials, boat keel or hull they have to the
family in need.

The rules and regulations concerning the prohibition on cutting trees or plants
bearing ownership marks for building materials without the owners’ permission are
commonly conform to by the villagers. Besides the cooperation and the custom of
sharing mentioned above, the location of such trees and plants is commonly close to
the paths frequently used by the villagers. Deviations or violations are easy to notice,
at least when the violators take the materials home or when they dry the materials in
their open yards.

In the collection of commercial forest products, especially gaharu (eaglewood),
cooperation in the social context of production is relatively limited and a considerable
number of alternatives are available to the collectors. Outside collectors only need
limited cooperation with local villagers during their short stay in the village. Their
cooperation is often limited to the village authority (pengurus desa) and/or the host
family. If there is a problem or difficulty during their stay, they can easily move to
other villages. Cooperation among the local collectors is also limited, as the collection
is commonly done in small groups, or even individually, and the provisions needed for
the expedition for the most part supplied by the gaharu traders (buyers) who act as
their patrons.

In the social context of consumption, the sharing of products collected during the
expeditions is limited to the members of the collecting group. No direct sharing with
fellow villagers is expected, even if the collection is known to have been successful.
This way, the rules and regulations concerning the collection of commercial forest
products are perceived by people to limit rather than bring benefits. As a consequence,
those rules and regulations tend to be neglected whenever possible. Such a tendency applies to rules and regulations concerning the areas off-limits for collection, village dues payment, and the mode of collection.

Geographical aspects and the characteristics of the resource also play an important role in the poor conformity to the rules and regulations. The vast customary areas (wilayah adat) as well as village areas (wilayah desa), and restricted forest areas (tana' ulen) allow people to encroach on these areas from various entry points, beyond the control of the local authorities and inhabitants. The gaharu trees are widely scattered and those potentially containing gaharu resin seem to grow more abundantly in remote locations that are rarely visited by the villagers in their subsistence-gathering activities. Such conditions make it difficult to secure and control the implementation of rules and regulations concerning prohibited areas or permitted modes of collection. No one is able to check who goes where, and who cuts which gaharu trees and how.

The quantity of gaharu trees encountered in a collecting trip also plays a considerable role in the compliance with rules and regulations concerning the modes of collection. The collectors both in Long Tebulo and Long Uli admitted that, if during the trip they encounter many gaharu trees, they normally leave all small trees and selectively check the big trees for gaharu resin before felling them. However, if they encounter only a few gaharu trees during the trip, they prefer to fell all the gaharu trees that they find, regardless of size or content indicators, especially when it is already late in the afternoon.

Conformity to the rules and regulations in the collection of rattan, ketipay resin, and bekkay leaves varies. In the collection of rattan, the rule concerning the obligation to cut only mature stems is usually complied with, as the collectors realise that rattan with mature stems weighs more and does not break easily. The rule concerning the obligation to plant the upper end of the stem back into the ground, however, is hardly conformed to, as it is quite time consuming and hard to do in the midst of thorny clumps, especially when large-scale collecting is taking place.

In the collection of the ketipay resin and bekkay relish, rules relating to the modes of collection are quite well conformed to. Ketipay trees are hardwood, so collectors are naturally reluctant to fell young trees, which normally have less resin. The bekkay stems are climbing vines wrapped around other trees. Even if the collectors cut the stems, it is impossible to pull the stems down to pick the leaves. If they fell the main vine, it will cost more time and energy. The natural tendency in this case is to pick mature leaves on the lower part of the stem, which can be easily reached by climbing or from the ground.

Regarding the LMD dues, the collectors are only willing to pay it when they have obtained a successful harvest during their trip. In such a case, as the collectors put it, not only the LMD dues would be paid, but also ‘the tenth for the Church’. The principles applied here are similar to those used in the sharing of game meat in hunting or in the sharing of fish in fishing activities. However, what exactly a big harvest is depends very much on the collectors’ own evaluation at a particular time. Commercial forest products are mostly sold directly to the traders (buyers) in Long Pujungan or Long Alango, so it is hard to know precisely how much one has received in payment. When fellow villagers ask the collectors about the sale, they usually answer: un kedi’ut da (‘only a little’)! Another complicating factor is the bon system (credit, advance payment in kind). Even if a large quantity of products is sold, their profit will be much smaller after they have paid back their debts to the trader.
Actually, the system of LMD dues was relatively simpler before 1990. The collection of commercial forest products, especially rattan, was done collectively and was directly organised by village authorities. The collection was done during the LT *buka ulen* (LU *mesik olen*) or ‘open the restricted area’ season, which usually took place after the rice harvest. The payment of LMD dues could be controlled, as it was directly deducted or paid from each collector’s rattan harvest or from the proceeds of the sale. The principles applied in the collection were similar to those practiced in the sharing of game meat when people go hunting in groups during the wild pig swimming season, or in the sharing of fish when groups go fishing with poison for a village party.

CONCLUSIONS AND POLICY IMPLICATIONS

After examining the phenomena above, at individual level, I am inclined to see conformance or nonconformance to traditional rules and regulations as an ‘adjustment process’ (Bennet 1980: 252). Rules and regulations are coercive in nature. Response to such coerciveness may vary from one individual to the next, and from one situation to another. In the cases observed in Long Tebulo and Long Uli, it seems to depend mostly either on ‘external group control and pressure’ upon the individual (Keesing 1958: 305); or simply on ‘pragmatic considerations of self-interest and expediency’ in deciding whether to conform or not to the rules and regulations (Krech *et al.* 1967: 506; Beattie 1977: 168). Ethical motivations (awareness and responsibility) functioning as ‘internal individual repressive control’ (Keesing 1958: 305) could not be discerned in the cases observed.

At community level, I tend to see conformance or nonconformance as an ongoing process of retaining or modifying traditional rules and regulations to meet the community’s persisting or changing circumstances and needs (Ostrom 1992: 62). As a process, at some points, it may, or may not, be well adaptive, in the sense that it may, or may not, lead to efficient and fair management of forest resources (Ostrom 1992: 47).

However, without pretending to blindly admire everything that is ‘traditional’, it is important to realise that traditional institutions and regulations still exist in various communities simply because of their greater long-term adaptive value (Bodley 1976: 52). Following this consideration, if adjustments, changes, or substitutions are needed in the existing traditional rules and regulations, it is necessary to be able to identify which factors have played a role, in what conditions, and by what mechanisms, in allowing the institutions to function well or not function.

Information on such factors, conditions, and mechanisms is badly needed in order to design policies concerning adjustments, changes or substitution of traditional institutions, whether in terms of rules or in terms of regulations. Even when there is a significant gap between practices and associated rules and regulations, it is worth looking at whether the rules or regulations themselves need to be adjusted, changed or substituted; or whether the monitoring system and the sanctions need to be modified.

Various practices of use and management of forest resource by traditional communities, as seen in the Upper Bahau region, have some implications with regard to policy. One practical implication is the necessity of pluralism and flexibility in rules and regulations to accommodate as much as possible the needs of communities with different environmental, social, and institutional contexts. For this purpose, studies aimed at finding typologies of forest resource use and management by various communities living in and around forest areas are needed. By taking such typologies into consideration, it would be much easier for planners to design various policies.
adjusted to the various types of existing forest resource use and management, either regionally or nationwide.

In designing policies, the principles of traditional management regarding access to forest resources and control over their use should also be considered and accommodated. If not, the implementation of policies would face the same fate as the payment of LMD dues, which was simply neglected because it was not in accordance with traditional principles and common practices of forest resource use and management.
INTRODUCTION
The Leppo’ Ké and the Nyibun are two ethnic groups belonging to the larger group of the Kenyah, who are presently living in the subdistrict of Pujungan, specifically in the desa (administrative villages) of Apau Ping, Long Pengayan, Long Lat, Long Berini, Long Kemuat, Long Alango and Long Tebulo (see Table 9.1). Leppo’ Ké and Nyibun are also found in the villages of Long Loreh and Gong Solok along the Malinau River, and in Long Banga’ and Long Selaan, in the Baram area of Sarawak. The village of Apau Ping, the focus of this research, is the last settlement on the upper Bahau River, a very isolated area. The village of Apau Ping consists of four desa: Apau Ping proper, Long Lat, and Long Pengayan, inhabited by Leppo’ Ké and Nyibun, and the desa of Long Tua, which has very few residents, from the Saben group (also known as Berau, see Table 9.2).

This research into the history of the Leppo’ Ké and the Nyibun uses the ethnohistorical method and is based on interviews with people able to provide historical information. All interview results were crosschecked, and the historical events were then reconstructed accordingly. For accuracy of data, lepu’un (former sites of villages) and other historical sites were visited.

Social Organisation of the Leppo’ Ké and the Nyibun
Even though Apau Ping is an isolated village, the values of modernity have begun to affect it. As in other traditional societies that have subsequently disappeared, these new values slowly but surely have begun to replace traditional values.
Table 9.1  Leppo' Ké and Nyibun population in Pujungan Subdistrict

<table>
<thead>
<tr>
<th>Desa</th>
<th>Total</th>
<th>Composition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Families</td>
<td>Persons</td>
</tr>
<tr>
<td>Apau Ping</td>
<td>20</td>
<td>108</td>
</tr>
<tr>
<td>Long Pengayan</td>
<td>25</td>
<td>122</td>
</tr>
<tr>
<td>Long Lat</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>Long Berini</td>
<td>30</td>
<td>197</td>
</tr>
<tr>
<td>Long Kemuat</td>
<td>16</td>
<td>75</td>
</tr>
<tr>
<td>Long Alango</td>
<td>55</td>
<td>397</td>
</tr>
<tr>
<td>Long Tebulo</td>
<td>18</td>
<td>102</td>
</tr>
<tr>
<td>TOTAL</td>
<td>168</td>
<td>1017</td>
</tr>
</tbody>
</table>

Table 9.2  Population of the compound village of Apau Ping

<table>
<thead>
<tr>
<th>Desa</th>
<th>Total</th>
<th>Composition</th>
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<tbody>
<tr>
<td></td>
<td>Families</td>
<td>Persons</td>
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<tr>
<td>Apau Ping</td>
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<td>Long Pengayan</td>
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<td>122</td>
</tr>
<tr>
<td>Long Lat</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>Long Tua</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>TOTAL</td>
<td>52</td>
<td>257</td>
</tr>
</tbody>
</table>

Figure 9.1  A cluster of Leppo’ Ké swidden fields near Apau Ping
The first school was established in the settlement of the Leppo’ Ké and Nyibun when they were still living in the village of Long Lat in 1964, with a teacher by the name of Pak Tasa. In 1978, an Inpres (Presidential instruction) school was established. As a result, the people in the seven villages of the Leppo’ Ké and the Nyibun now have an elementary school level education. A junior high school (SLTP), however, is found only in the capital of the district, which is far away, and the senior high school (SMU) is even farther away downstream. Therefore, the present educational level in the village of Apau Ping is generally limited to elementary school level. There are also people who have never attended any school, and only a few people have gone on to institutions of higher learning in Samarinda.

The Leppo’ Ké and the Nyibun as a whole have been Protestants for more than ten years, with half of them belonging to the GKPI church (Gereja Kristen Pemancar Injil) and half to the GKI church (Gereja Kemah Injil Indonesia), each church with its own separate building. The relationship between the two congregations is a friendly one and every month the two churches hold a joint service. Religious services take place on Sundays and on high holidays such as Christmas and Easter, and also on certain other occasions such as deaths, weddings, and baptisms.

Economic Situation
The economy of Apau Ping is based on agriculture, gardens, animal husbandry, hunting and fishing, gathering of forest products, and handicrafts. Agriculture is aimed primarily at meeting local needs for rice, which has been the staple food since former times. Rice is planted in wet and dry fields (Figure 9.1). The main crops in gardens are vegetables, such as string beans, bitter gourd, white and yellow squash, cucumbers, eggplants, amaranth, mustard greens and hot peppers. In addition, cassava, taro, sweet potatoes, pineapple, bananas and papaya are also planted.

Animal husbandry is also intended for own consumption and is limited to chickens and pigs. Their by-products (eggs) are sold only if a trader or other consumer from outside happens to be looking for them (for example, a researcher). The people have always been known as hunters of wild game and fish eaters. The preferred game are wild pigs, deer, barking deer, mouse deer and squirrels. The favourite fish are paked, selareng, baung and pasa. The animals hunted and the fish caught are intended for domestic consumption.

Forest products are collected to guarantee a source of additional income to be used for purchasing daily necessities that people cannot produce themselves. Forest products gathered are gaharu or eaglewood, resin, and various types of rattan, especially rattan sega. The main handicrafts produced are beadwork, rattan weaving, and sa’ung, a broad sun hat made of leaves and decorated with pieces of cloth. Among other handicrafts, iron tools are manufactured, such as decorative swords, shields, and hats decorated with bird feathers and used in traditional dances (kanjet).

Modern trade activities only began after the four villages joined together in Apau Ping, but these activities are still limited to one or two families that have enough capital to open small shops. Because access to outside markets by either river (Figure 9.2) or plane continues to be rather problematic, the shops often run out of trade goods. The commodities traded also remain limited to daily necessities, such as tobacco, cigarettes, kerosene, salt, granulated sugar, and some medicines.
Kinship System

Three factors impinge upon the kinship system: lines of descent, the locality of a married couple, and the system of relationships and associated terminology. The Kenyah Leppo’ Ké and the Nyibun recognise paternal lines of descent and use the father’s name after the personal name. For example, if a man is called Njau and his father’s name is Anau, he will be called Njau Anau. The wife usually resides with her husband’s family, which is a practice locally known as ngiban. Recent developments have seen changes, however, because of the disappearance of the longhouses. The newly married pair now live in their own house, separated from either spouse’s family, as agreed upon by all parties involved (see the map in Figure 9.3). The kinship system has always shown a tendency towards bilaterality, that is, both the paternal and the maternal families are part of the kinship environment. Names used for family members are from both the paternal and maternal side.

Social Stratification

Society, traditionally, was stratified. Formerly, the community within one village (leppo’) was divided into groups based on residence in and affiliation to longhouses (uma’). The people belonged to three social classes: the paren or nobility; the panyen or common people, subdivided into panyen tiga or prominent individuals, and panyen ngelayan or ordinary commoners; and the group of ula’ or slaves. The paren were the power holders, both as paren leppo’, village lords, or as paren uma’, longhouse lords. Nobility status was by birth, based on paternal as well as maternal descent. The panyen tiga comprised the descendants of the intermarriage of nobility with commoners, or those commoners who had their social status upgraded because of some personal achievement. The slaves were generally descendants of prisoners of war or of people sentenced/punished. In recent times, the slave class has disappeared as a result of assimilation into the commoner class.
The other traditional social institution is the adat or customary organisation. In a village, there is a customary chief, a deputy chief, and their chosen assistants and staff (pegawa' and pengerak). The customary chief and his deputy are usually chosen from among those descendants of nobility who were considered most influential among all the longhouses in the village. They are in charge of maintaining order in the village according to customary law, and regulating and performing traditional adat ceremonies. They serve as village judges and act as advisors to the kepala desa (village head). Their assistants, pegawa', were chosen among trusted panyen tiga individuals from each of the longhouses by the customary chief, his deputy, and the people. They served as intermediaries between the customary chief and members of the community. As advisors to the customary chief, they were involved in decision making. The staff or pengerak (‘mobilisers of the people’) were selected from among the panyen tiga or the panyen ngelayan by the customary chief, his deputy, and their assistants. A staff member in that position must be able to talk well, must be popular with people, persuasive, and willing to obey orders. Any instructions from the customary chief or the head of the village were announced by the pengerak who walked from house to house delivering the message or the instruction with a clear voice. If necessary, he also mobilised the people to carry out the instructions. Above village level, there is a great customary chief (great adat chief) who is in charge of the entire customary land (Wilayah Adat) of Hulu Bahau and all the ethnic groups in it, including the Leppo' Ké, Nyibun, Leppo' Ma'ut, and Saben. The great customary chief (formerly referred to as highest nobility, or paren bio’) has always been a member of the village nobility of the Leppo' Ma'ut, now settled in the village of Long Alango.

In addition to these two organisational structures based on social class and customary institutions, there are also other traditional organisations, such as that for implementing cooperative work and those based on age groups. There is also the official governmental apparatus, which will not be discussed here.
Social Institutions
The formal institutions that maintain public order—dealing with the settlement of conflicts, the imposition of fines, and social control—are the customary institutions, the village government administration, and the head of the church congregation and its associated leaders. In addition, every elder, or every individual regarded as an elder because of his position in the family, informally becomes an administrator of social order in their respective families. Similarly, all villagers have the responsibility and the obligation to maintain social order within their own environment.

If conflicts occur, efforts are made to settle them within the family first. Only if they cannot be settled are the problems brought to a higher level, according to the nature of the conflict. In general, social order is well maintained because of, in the first place, the existence of institutions and mechanisms that represent and involve all societal organisations and groups, and, secondly, because order is supported by a system of fines that, by local standards, are heavy.

HISTORY OF THE LEPO’ KÉ AND THE NYIBUN

Origins of the Kenyah
Written sources on the history of the Leppo’ Ké and the Nyibun are very rare and limited to foreign writers (Fischer and Gramberg 1910, van Walchren 1907). But much can be learned from local oral traditions, even though these often contain differences, depending on the memory of the informant. According to Oko’ Bilung Lerang, an informant who is now approximately 75 years old, the ancestors of the Leppo’ Ké lived in the Belaga river area in Sarawak and were led by a chief known as Apuy La’ing. From Apuy La’ing to Oko’ Bilung Lerang, ten generations have passed, with the following succession of leaders: La’ing, Apuy La’ing, Mahan Apuy, Apuy Mahan, Lian Apuy, Apuy Lian, La’ing Apuy, Apuy Jalung, Lerang Apuy, and Bilung Lerang. Assuming an average of 25 years per generation, we can estimate that the ancestors of the Leppo’ Ké lived along the Belaga River at the end of the 17th century (Figure 9.6).

Other sources indicate that, at that time, all the Kenyah groups were still together, and the Leppo’ Ké had not yet separated from other Kenyah. From the upper reaches of the Belaga River, the Kenyah moved in the direction of the Iwan River and first settled at Apau Julun (c. 1700). The first split occurred as one group of Kenyah moved to the Lemeting River and eventually continued on the upper Iwan River, and another group remained in Apau.
Julan until today. The group that went to the Iwan River finally settled in a highland area known as Apau Data.

**On the Upper Iwan River (18th century)**

The upper reaches of the Iwan River were occupied by three successive waves of Dayak peoples from Telang Usan (a village on the Baram River, Sarawak). These were: the Modang and the Ga’ai; the Kayan and the Kayan Bahau; and the Kenyah. When the Kenyah arrived in that area, the other groups had already moved on southward to the Apau Kayan plateau. The Kenyah, initially one group, eventually split in several subgroups, including the Leppo’ Ké and the Nyibun (see Henoch Merang, pp. 15–17). The Kenyah in Apau Data eventually broke up into several independent groups, each with its own separate longhouse, to areas that they considered suitable for settlement. The inhabitants of the various longhouses multiplied, so that the longhouse (*uma’*) became a village (*leppo’*) consisting of several longhouses. The name of the *leppo’* eventually became the name of the ethnic group, which often retained the name of the location of the village of origin. For example, the Kenyah Leppo’ Ma’ut originated from the Ma’ut River.

The breakup in the Iwan River area was caused by frequent famines since the land in the area was not fertile for agriculture, and by frequent warfare between groups or longhouses. For example, according to informants, a power struggle between brothers led to a breakup. The younger brother, by the name of Lenjau, moved to the Akah River in Sarawak, taking many people with him. The elder brother, instead, remained on the upper Iwan River and continued to obstruct the departure of Lenjau. He went to the Akah River and brought back to the upper Iwan River a follower of the younger brother. In revenge, the younger brother came to the Iwan River and killed that person. Because he was under pressure from other groups, the older brother moved his group to Bawang Ipung (see below). In this manner, a number of groups moved to find other areas that were more secure or fertile. The following describes the sequence of moves that brought the Leppo’ Ké to their present location (see maps and sketches).

**The Kenyah Leppo’ Ké**

**Bawang Ipung (1780–1800)**

Bawang Ipung is located in the water divide area of the Iwan, Lurah, and Pujungan rivers. The move to Bawang Ipung was intended as an escape to a safer and more fertile area. In Bawang Ipung, the Leppo’ Ké encountered the Nyibun for the first time. From there, they moved to Apau Urung.

**Apau Urung**

Apau Urung is located on the mountain ridge between the upper Lurah and Pujungan rivers, on the upper Sa’an River. After they had settled in Apau Urung, the Leppo’ Ké were attacked by the Kenyah Uma’ Alim from the Pujungan River. A large war broke out, which led to subsequent feuds between the two groups (who thereafter were often at war). From Apau Urung the Leppo’ Ké moved to Long Bena.
The Lurah River: Long Bena and Long Apan (1810-1840)
Long Bena is located on the upper reaches of the Lurah River. Not feeling safe in Long Bena because of continued attacks by the Uma’ Alim, the Leppo’ Ké finally moved downstream along the Lurah River to the area known as Long Apan (c. 1830) under the leadership of Njau Lian. Since there, too, they were not safe, they moved once again and left the Lurah River altogether.

Sawa’ Bio’ (c. 1850)
Sawa’ Bio’ is located on the upper Beraa River in the mountains between the Lurah and the Beraa rivers. While settled there, the Leppo’ Ké were once again attacked by the Uma’ Alim from the Pujungan River. After about five years, the Leppo’ Ké moved down to Bawang Liong on the lower Beraa River. Initially, they established a settlement on a hilltop. Beginning to feel safer as they were further and further away from the base of the Uma’ Alim, they moved to nearby locations on the banks of the Beraa River.
Figure 9.6a Historical settlements of the Kenyah Leppo’ Ké (1)

- **SUNGAI BELAGA**
  - **APAU JULAN**
    - **HULU IWAN**
      - **MALAYSIA / S. AKAH**
  - **BAWANG IPUNG**
  - **APAU URUNG** attack by Uma’ Alim
  - **LONG BENA**
  - **LONG APAN**
  - **SAWA’ BIO’** attack by Uma’ Alim
  - **HILIR S. BERAA** (Lunggung Batu - Tokok Nggau - Apau Batu - Bawang Liong)
  - **NGGON PUTON (+/- 1860)**
  - **APAU AIU’ / A. LUBUNG / A. SULING (+/-1870)**
  - **TOKOK DOK (+/- 1875)** (see Part 2)
  - **NGGAU LIANG (+/- 1875)** (see Part 3)
Figure 9.6b Historical settlements of the Kenyah Leppo’ Ké (2)

- TOKOK DOK (+/- 1875)
- NGGAU LIANG (+/- 1875)
  (See Part 3)
- LONG PENGAYAN (+/- 1905)
- KA’ BUANG (+/- 1930)
  - APAU PING (1963)
  - LONG BANGA’ (1963)
  - LONG SELAAN (1972)
Figure 9.6c Historical settlements of the Kenyah Leppo’ Ké (3)

NGGAU LIANG

- NDA' PA (1905)
- UMA' LASAN (1905)

LONG LAT (1930)

LONG LIO' (1925)
- LONG MUTAN (1925)
- LONG SIBAU (1925)
- LONG ATUAH (1932)
- LONG BULAN (1934)
- S. TUBU'

LONG MENGAYAN
- LONG TEKOLAH (1966)
- LONG LOREH (1972)
- LONG LIAN (1978)
- APAU PING (1988)

LONG LOREH (1972)
- LONG TEBULO (1973)
- GONG SOLOK (1975)
- LONG KEMUAT (1978)
- LONG BERNI (1980)

LONG AIBI (1932)

LONG BERIL (1973)
- GONG SOLOK (1975)
- LONG KEMUAT (1978)

LONG AKING (1963)
Figure 9.7 Migrations of the Leppo’ Ké (2)

Nggon Puton (c. 1860)
The Leppo’ Ké were once again forced to move from Bawang Liong and build a new village on a hilltop, at Nggon Puton, between the Bahau and the Semué rivers. The phrase *nggon puton* in the Ngorek language means ‘interrupted ridge’. There are no remains at this site, except for fruit trees such as *abong* (a species of *Nephelium*), which are quite large. According to some accounts, the Leppo’ Ké village consisted of 20 longhouses with roofs made of leaves. The threat from the Uma’ Alim persisted even then, and after they had settled in Nggon Puton for some time, the Leppo’ Ké moved to a location across the Bahau River.

These three sites are on the highlands between the Bahau and the Ngiam rivers. Apau Aii’, Apau Lubung, and Apau Suling are located at a distance of only about 500 m from each other. The compound settlement consisted of 30 longhouses headed by the 'paren bi’o’ Apuy Lian. Remains such as a ditch that once surrounded the village like moats for defensive purposes can still be seen. Subsequently, there was disagreement among the heads of the longhouses which led to the breakup of the settlement into two parts. The first part, consisting of 25 longhouses, moved to Nggau Liang, following their leader Lawing Usat La’ing. The five remaining longhouses moved to Tokok Dok under the leadership of Jalung Irang.

The Ngiam River: Nggau Liang and Tokok Dok (c. 1875)
Nggau Liang was located on a mountaintop between the Salo’ and the Pengayan rivers (a tributary of the Ngiam River), while Tokok Dok was located on a mountaintop between the Kuyat and the Salo’ rivers (both tributaries of the Pengayan river). After the Leppo’ Ké settled at Nggau Liang and Tokok Dok, war with the Uma’ Alim broke out again. As a result of the extended feud, the Uma’ Alim gathered their allies, the Kenyah Uma’ Kulit, Leppo’ Ndang, and Leppo’ Ma’ut, to attack the villages of the Leppo’ Ké and the Nyibun. They were defeated by the Leppo’ Ké at Nggau Liang. At the beginning of the 20th century, the Leppo’ Ké from Nggau Liang split into two parts, one part moving to Uma’ Lasan, and the second part to Nda’ Pa’. In the meantime, the Leppo’ Ké of Tokok Dok had moved to Long Pengayan.

The Nyibun
We will leave the Kenyah Leppo’ Ké temporarily to follow the movements of the Nyibun. According to informants among the Leppo’ Ké, the Nyibun were living in Bawang Ipung before the Leppo’ Ké (about 1780–1800), who only subsequently arrived in Bawang Ipung from the Iwan River. Their village was located close to that of the Nyibun. For security reasons the Leppo’ Ké and the Nyibun moved together to the upper reaches of the Lurah River (Figures 9.5, 9.8 and 9.9).

The Lurah River: Lepu’un Jalung and Apau Angan (1810–1820)
The Nyibun village site on the upper reaches of the Lurah River was known as Lepu’un Jalung and located very close to the village of the Leppo’ Ké in Long Bena. It was located on the top of a hill and was very pleasant and clean. From there, the Nyibun
Figure 9.8a  The historical settlements of the Nyibun (1)

BAWANG IPUNG

LEPU' UN JALUNG

APAU ANGAN

LONG BENA

SAWA' BIO'

Figure 9.8b  The historical settlements of the Nyibun (2)

TOKOK ISAU (1860)  attack by U. Alim

SUNGAI TUBU' (1890)  attack by U. Alim

UMA' LASAN  join the Leppo' Ke

LONG MUTAN (1925)  LONG SIBAU (1925)

LONG ATUAH (1932)  LONG ABAI (1932)

LONG BULAN (1938)

LONG AKING (1963) (1965)

LONG KEMUAT (1975)  GONG SOLOK (1975)

LONG BERINI (1988)
moved to nearby Apau Angan, which was also located on a hilltop. They remained there a long time because the area was a very effective stronghold.

**Long Bena (c. 1830)**

After remaining for some time at Apau Angan, the Nyibun no longer felt safe and decided to join the Leppo' Ké. For the first time, they lived on the bank of a river. Although the Leppo' Ké may have been about to move to Long Apan at that time, the Nyibun remained in Long Bena, also close to their allies, the Kenyah Leppo' Ma'ut, who lived at Long Sungai Ma'ut, thereby forming a strong defence network. But on the upper Lurah River, there were frequent attacks by the Uma' Alim and their allies, who were fierce warriors. In the end, the Nyibun felt under pressure and went in search of a safe and fertile area. They decided to follow in the steps of the Leppo' Ké who had moved from Long Apan to Sawa' Bio'.

**Sawa' Bio' (c. 1850)**

At Sawa' Bio' the Nyibun suffered a famine caused by an extended dry season, and people were forced to eat cassava in order to survive. Later they moved from Sawa' Bio' to Tokok Isau.
The Upper Bahau: Tokok Isau (c. 1860)
Tokok Isau was located in the mountains on the upper reaches of the Lian River. At that time, the Nyibun were led by a high aristocrat by the name of Irang. When Irang died, his son Bilung Irang succeeded him, but the Nyibun were not happy with his leadership. Some of them decided to join the Leppo’ Ma’ut, who had already moved from the upper Lurah River and settled in Long Nan, while other Nyibun joined the Leppo’ Ké at Nggau Liang. While they were in Tokok Isau, the Nyibun were again attacked by the Uma’ Alim and they asked for help from the Leppo’ Ké. After the Uma’ Alim were defeated by the Leppo’ Ké at Nggau Liang, Bilung Irang moved with the rest of the people across the watershed, to the Tubu’ River.

The Tubu’ River (c. 1890)
After the Nyibun had been living on the Tubu’ River for some years, the Uma’ Alim realised that they were no longer living in proximity of the Leppo’ Ké and they took the opportunity to attack them again (c. 1900–1905). Many Nyibun died in this attack, especially children and old people, and the Uma’ Alim burned the Nyibun houses. The Leppo’ Ké, who at that time were settled in Uma’ Lasan and Nda’ Pa’, heard the news and, before the Uma’ Alim could attack again, they sent young men to take the Nyibun survivors from the Tubu’ River back to Uma Lasan and Nda’ Pa’ to join the Leppo’ Ké. From that time on, the history of the Nyibun becomes one with that of the Leppo’ Ké at Uma’ Lasan.

The Dutch Period to the Present

Uma’ Lasan (1905)
At Uma’ Lasan, the Leppo’ Ké and the Nyibun formed one settlement that consisted of three groups: Apau Kian (a group of Nyibun, led by Lenggang Ipuy), Apau Namam (with a majority of Leppo’ Ké, led by Jalung Kiring), and Nda’ Tilang (with a majority of Nyibun, led by Bilung Irang). In 1906, the Dutch colonial government sent a military unit under Captain Fischer to Uma’ Lasan, with a plural assignment. They were supposed to forbid war among ethnic groups, ensure safety for the movements of the Dutch government in the interior, advise the people to move their settlements from the mountaintops to the river banks, and punish those who violated Dutch orders. In 1925, the Leppo’ Ké and the Nyibun of Uma’ Lasan finally moved to Long Lio’, on the banks of the Ngiam River.

Long Lio’ (1925)
After the area had become safe thanks to the Dutch government, the Leppo’ Ké and the Nyibun scattered to various locations. Eight longhouses of Nyibun and Leppo’ Ké led by Jalung Lenggang moved to Long Lio’; two longhouses led by Apuy Bilung moved to Long Mutan; and one other longhouse, led by Dungau Bilung, moved to Long Sibau. After several years, the village of Long Lio’ suffered an epidemic of cholera and many of its residents died. The entire village of Long Lio’ burned down because of an old woman who was roasting a pig, and all its residents were forced to take refuge in their rice barns. In 1932, the group that had moved to Long Mutan moved to Long Atuah, on the Berini River. From there, it moved again to Lulou Bulan (or Long Bulan) in 1938, under the leadership of Apuy Bilung, and then once again back to Long Aking.
In Long Lio’, remains such as house and rice barn stilts, as well as fruit trees such as mango, coconut, and citrus, can still be found. Downstream from the village, four Nyibun graves can still be seen; they are made of hard lemelai wood, 5 m high, and hold jars containing human bones. According to Oko’ Bilung Lerang, these are the graves of Jalung Lenggang, Lerang Lenggang, Usat Bilung, and Bilung Usat.

**Long Aking (1963) and Long Tebulo (1973)**
The Nyibun living in Long Aking were led by Jalung Apuy. During his period of leadership, the confrontation with Malaysia (1963–1965) took place. In 1975, Long Aking broke up into three parts: one part moved to Gong Solok (district of Malinau), under the leadership of Lawai Apuy; the second, led by Ingan Irang moved to Long Kemuat (1978); and the third remained at Long Aking, to later move to Long Berini under the leadership of Jalung Apuy (1988). These groups have remained in these locations until today (see Figure 9.10).

**Figure 9.10** Nyibun informant Jalung Apui at Long Aking (Long Berini)

One longhouse that had moved from Long Lio’ to Long Sibau under the leadership of Dungau Bilung moved again to Long Abai (1932), and then again to the Tubu’ River. After several years in the Tubu’ River area, the group returned to Long Abai, and then moved to Long Aking (1965). In 1972, part of the population of Long Lio’ moved to Long Loreh (district of Malinau). Another part remained for a while in Long Lio’, but later moved downstream to Long Tebulo (1973), on the Bahau River, under the leadership of Dan Awan, and has remained there until today.
Let us now return to the second splinter group under the leadership of Njuk Apuy, which moved from Nggau Liang to Nda’ Pa’. Nda’ Pa’ was located on a mountaintop between the Pengayan and the Ngiam rivers, and it was only about 500 m from the site of Uma’ Lasan village. At Nda’ Pa’, the Leppo’ Ké and the Nyibun lived together. After Njuk Apuy’s death, the leadership was taken over by his younger brother, Lerang Apuy. It was at that time that the military unit under Captain Fischer arrived. In Nda’ Pa’, the remains of a fortification and a 7 m wide ditch that surrounded the village are still visible. From there the group moved to Long Lat.

Around 1930, the village of Nda’ Pa’ moved to Long Lat, on the banks of the Ngiam River. This village consisted of six longhouses under the leadership of Lerang Apuy. At that time, the interethnic wars (ngayau) had ceased, and the area could be described as safe. Lerang Apuy died and the leadership passed to Ging Apuy. In 1966, the village of Long Lat split into three parts: one part moved to Long Tekolah (district of Malinau); the second to Long Pengayan, under the leadership of Lenjau Lawing; and the third group remained in Long Lat.

Downstream from the village, one can still see four Nyibun graves with 4 m high poles made of *jangin lapan* wood, large jars containing human bones and sealed with gongs, and with stone slabs on top. According to the informants, these graves were erected to contain the bones of two women named Bai Lian and Bun Lawing, both in one jar; of their husbands Njau Irang Njau Cin, who died in 1960; of Lawing Dungau Usat Aran, a high aristocrat of the Nyibun who joined the Leppo’ Ké in Long Lat, and died in 1930; and of Lian Bilung Njau Igau.

All the people who stayed put at Long Lat moved to Long Loreh (district of Malinau) in 1972-73, under the leadership of Laway Lerang, and live there until today, except for four families who remained at Long Lat under the leadership of Bilung Lerang. These four families eventually moved from Long Lat to Long Lian upon the advice of the government, and joined the multigroup settlement at Apau Ping in 1988. The group that moved from Long Lat to Long Pengayan also finally moved to Apau Ping in 1988 under the leadership of Lenjau Lawing, upon the advice of the government.

We return to the five longhouses that had left Tokok Dok to settle in Long Pengayan around 1905 under the leadership of Lawing Jalung. After the visit of the Dutch military unit, life there began to feel safer because the interethnic warfare had come to an end. From Long Pengayan, the Leppo’ Ké then moved to Ka’ Buang (1930) (Figure 9.11).

The move from Long Pengayan to Ka’ Buang was led by Jalung Lawing. At that time, Christian missionaries (KINGMI) began spreading Christian beliefs in the interior, where the old religion still prevailed. In 1931, the missionary Fisk baptised 221 people in the Bahau River area. The village of Ka’ Buang was destroyed by a fire caused by a child. When Jalung Lawing died, the leadership passed to his son Apuy Jalung. The village of the Leppo’ Ké then included seven longhouses. After Apuy Jalung died and was succeeded by Njuk Anye’, the village of Ka’ Buang suffered a cholera epidemic, which caused
many deaths and prompted two longhouses to move to Long Banga’, on the upper Baram River in Sarawak, under the leadership of Njau Asang.

**Apau Ping and Long Banga’ (1963)**
The five longhouses that had remained in Ka’ Buang later moved to Apau Ping under the leadership of Njuk Anye’, and became the original village of Apau Ping. When they had newly settled in Apau Ping, the confrontation with Malaysia broke out and many people were involved as volunteers. In 1993, Apau Ping was led by the village chief Aran Lenggang. The people of the two longhouses that had moved to Long Banga’ in the end split again: one longhouse moved to Long Selaan, while the other remained in Long Banga’.

**DISCUSSION**
The preceding analysis leads to the conclusion that, in the past, the frequent movements of groups of Kenyah Leppo’ Ké and Nyibun—as well as other Kenyah groups—were generally caused by their search for better land. The selection of a location for settlement was based on the consideration of several important factors: the size of the area needed by the group, and in light of its population growth; soil fertility, which was crucial for meeting subsistence needs; security and defence, in order to avoid hostile attacks; and health to prevent outbreaks of diseases. In addition, there were frequent disagreements among the high aristocrats in a village which caused groups to break up. Generally, a group always had to negotiate among these factors and, in fact, security was given highest priority. A small and weak group, for example, first of all sought security, even though the surrounding soil might have not been sufficiently fertile. A large and strong group like the Leppo’ Ké, whose population was estimated at about 3000, out of necessity left the fertile area of Long Bena in order to escape the attacks of the Uma’ Alim and their allies.
Security was also an important factor in the selection of village sites. Two types of sites were most common. First, hilltops and high plateaus. These could be easily defended because of their steep slopes, they were usually reinforced with fortifications made of tree trunks and sharpened bamboo, and surrounded by broad and deep ditches. The other type was a location along a river and usually also surrounded by fortifications. The first type of site was usually selected in a situation threatened with the outbreak of big interethnic wars or even attacks from hostile headhunters. This type of site was not most suitable for the wellbeing of the people, as they often suffered from water shortages, and made it necessary to dig a pond at the village site in order to collect rainwater. An example of such a pond can still be seen at the Uma’ Lasan site. If conditions were safe, the second type of location was generally chosen for settlement.

A group could also maintain two settlements at both sites at the same time, one of them on the banks of a river, and the other on the top of a nearby hill. Most people would live in the village by the river and only retreat to the fortified village on the mountaintop for defence when getting news of enemies approaching the area. A two-village situation is reported with regard to the Leppo’ Ma’ut when they were settled on the lower Ngiam River. A similar arrangement may have existed among the Leppo’ Ké when they were living in Bawang Liong.

Generally the history of settlement patterns shows that groups like the Leppo’ Ké tried to prevent differences among the paren uma’ aristocrats from causing the group to break up. If a group remained together or lived very close by, it could defeat its enemies, like, for example, the Leppo’ Ké who succeeded in defeating the Uma’ Alim and their allies at Nggau Liang. On the other hand, if they split up and settled far from each other, like the Nyibun when they moved to the Tubu’ River, they could easily be attacked and destroyed by their enemies. Similarly, the history of the Leppo’ Ké shows a pattern of mass movements (for security reasons), not movements of small groups. Even in the event the Leppo’ Ké were forced to settle temporarily in locations that were less than suitable for their needs along their route movement—for example from the Lurah River to the upper Bahau River—they nevertheless remained together.

In time, especially under the Dutch government, movement and settlement patterns changed. One of the effects of the presence of the Dutch government became very noticeable after 1925: the formerly frequent interethnic wars started to disappear and the situation became safer. Settlements that were formerly one large village began to break up into several small villages; and settlements that had been located on hilltops began to move down to the river banks. The social structure began to change, too, because slavery was abolished by the Dutch government.

It must be mentioned that changes in settlement pattern were the result of the peaceful situation, which also triggered certain other effects: differences among the high aristocrats became increasingly obvious and could not be limited by considerations of security, and therefore breakups occurred. Also, the desire of the people for larger territories, for agricultural land, for hunting grounds and fishing, promoted the establishment of villages at a further distance from each other. The wish for fertile soil and improved welfare pushed the people to seek settlement areas near rivers. The shift to locations by the river banks was strongly supported by the Dutch government, which could thus control the inhabitants more easily. In fact, the Dutch government recommended that the people gather in large, easy-to-reach villages on the river banks, but this was not achieved during the colonial period.

After Indonesia achieved independence, three kinds of change occurred among the Leppo’ Ké and the Nyibun. First, the Indonesian government required that the villages
that were scattered and located in upstream areas of river tributaries join and move to the banks of the main Bahau River. This objective was finally achieved in the 1980s. Secondly, the effects of Christianisation led to changes in the settlement pattern because of the disappearance of the longhouses, which from the 1960s to the 1980s were gradually replaced by individual family dwellings. Thirdly, the establishment of the official village administration and the influence of Christianity gradually changed the traditional social structure, progressively weakening the role of the aristocrats. In addition, the changes in the social structure and the decline of the traditional religion were accompanied by the loss of a number of customs and traditional cultural features.

The most important event in the lives of the Leppo’ Ké and the Nyibun in the last three decades, however, has been the mass movement out of the subdistrict of Pujungan, especially the move to the Baram River area in Sarawak, which took place during the Confrontation (Long Banga’ village in 1963), and to what was then the neighbouring district of Malinau (the villages of Long Tekolah, Gong Solok, and Long Loreh, between 1966 to 1975). These mass movements originated in the people’s desire to find easier and more pleasant living conditions than those prevailing in the very isolated area of the upper Bahau River, and conditions that would provide, among others, education, health, and access to market. Individual or family moves have also taken place to the coastal areas of the district of Bulungan (Tanjung Selor area) in an effort to seek work or pursue higher education; and to Sarawak, in search of waged work.

**Figure 9.12** A Leppo’ Ké or Nyibun carved stone on a hill in upper Ngiam area
Figure 9.13 Stone barkcloth beaters excavated in Apau Ping

Figure 9.14 Author and ancient Nyibun funerary monuments at Long Lat site

Figure 9.15 A Nyibun funerary monument in the upper Ngiam River area