

## The confession of a timber baron: patterns of patronage on the Indonesian–Malaysian border

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This article explores the socio-economic significance of patronage at the edge of the Indonesian state. It argues that marginal borders and adjacent borderlands where state institutions are often weak, and state power continuously waxes and wanes, encourage the growth of non-state forms of authority based on long-standing patron–client relationships. These complex interdependencies become especially potent because of traditionally rooted patterns of respect, charismatic leadership and a heightened sense of autonomy among borderland populations. The article contends that an examination of these informal arrangements is imperative for understanding the rationale behind border people’s often fluid loyalties and illicit cross-border practices, strained relationships with their nation states and divergent views of legality and illegality. The article contributes to recent anthropological studies of borders and believes that these studies could gain important insight by re-examining the concept of patronage as an analytical tool in uncovering circuits of licit and illicit exchange in borderlands.

**Keywords:** patronage; illegality; borders; borderlands; Indonesia; South East Asia

### Introduction

South East Asia’s forest-rich borderlands are frequently associated with rural poverty, lawlessness and informal economies. Remote locations, limited communication and transportation infrastructure and lack of long-term development initiatives act as constraints that limit ‘formal’ economic opportunities. Weak state institutions and accompanying social and material insecurity have created extraordinary spaces of engagement for entrepreneurial segments of borderland society often operating in the grey zone of illegality. An interesting case in point was the intricate patronage relationship that developed between Malaysian timber barons and Indonesian villagers during the rampant smuggling of timber across the Indonesian–Malaysian border over a 5-year period of increased regional autonomy after Indonesian President Suharto resigned in 1998. In particular, the notorious Malaysian timber baron Apheng, working in tandem with ethnic borderland communities along the heavily forested stretch of border in the province of West Kalimantan on the island of Borneo, attracted considerable publicity within the

Indonesian media and government. Working outside the authority of the central Indonesian state, Apheng was nationally depicted as a violent gangster or Mafioso raping the nation's forests but locally seen as a generous patron providing basic services and social security. From 2000 until a major national crackdown on illegal logging in 2005, the West Kalimantan borderland was considered to be under the sole authority of Apheng and he was depicted in national news media as its de facto king (*raja*) (Kompas 2004b).

At first impression, the timber boom that took place along the Indonesian border and local involvement in these activities were best understood as a direct outcome of the chaos following the large-scale administrative decentralization processes taking place in Indonesia after Suharto's fall. It seemed that the remote, disadvantaged and subdued border regions had rebelled and wrested control out of the hand of central government institutions that for so long had been ruled by the strong and repressive central state apparatus of Suharto's New Order regime. This explanation provided an instant clue to local incentives, but left too many factors unexplained. It did not account for the effectiveness and smoothness with which these cross-border timber-logging practices, seen by central government as illegal but locally as licit, were executed. One puzzle that was left unanswered was the intimate and very personal relationships between the major actors, involving Malaysian timber barons, local elite brokers and border villagers.

Clues of causality emerge when we explore the continuity of these patronage relations both within the country and across the border. The frenzied decentralization processes provided an exceptionally good environment for these patronage relations to blossom freely, but were not the sole explanation of their formation. Patronage relations on the Indonesian–Malaysian border were not a new construct but part of a long history of local cross-border strategies that fitted well the waxing and waning of state power. This article argues that patron–client relations shape crucial social and economic links that can be analysed as coping strategies in response to the specificities of living in a remote and underdeveloped corner of the Indonesian state that encourage people to seek more personal connections in order to make ends meet. The West Kalimantan border communities have for long lived within a contested and ever-changing borderland environment. For centuries, they have been involved in an ongoing struggle to maintain control over their traditional forest resources under the fluctuating power of former colonial rule and more recently the Indonesian state. This struggle has involved dealing with both national and cross-border interests in the harvesting of their forest resources. In order to comprehend local actions, as more than mere criminal activities, it is essential to uncover the circuits of licit and illicit exchange, multilevel networks, nested relationships and fluid loyalties that make up the particularities of patronage relationships and their special formation in the borderland (see Figure 1).

### **Borders, patronage and illegal logging**

In the last decade, there has been a wealth of studies focusing on the intricate relationship between the state and its border inhabitants. Within this framework,

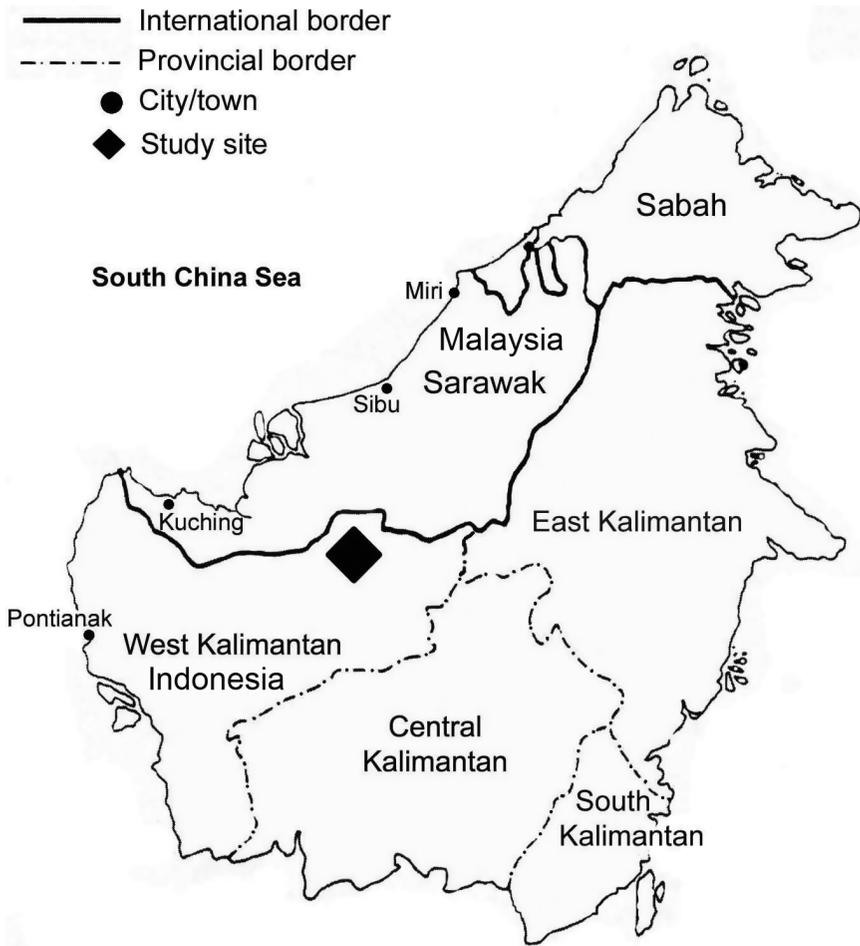


Figure 1. The island of Borneo.

borders are seen as significant areas of research because they provide a unique setting from which to observe the formation of state power and sovereignty. Moreover, a focus on borders is one way of challenging inherent images of the state as a cohesive and unitary whole, an approach that attempts to capture the more intricate ways in which state and society are intertwined in the margins (Donnan 2001, Donnan and Wilson 2010, Zartman 2010). In South East Asia as elsewhere, these studies embrace different attempts to understand the dynamics of state borders, adjoining border regions and their populations from below. Here state borders are not merely lines drawn on maps, not only places where the nation state enforces its outer territorial sovereignty and imposes its strict authority but

also places of intricate local agency (Amster 2005, Horstmann and Wadley 2006, Ishikawa 2010, Eilenberg 2012). Abraham and van Schendel (2005, pp. 4–7) argue that borderlands are characterized by a complex interplay of power and authority as local norms of what is considered legitimate practices are deep-rooted in borderland history and often brought into play alongside state laws. These local norms can also be invoked as a replacement for state laws if these do not comply with what is considered legitimate in the borderland. Taking this further, they point towards the conceptual and practical difficulty of determining a clear distinction between the legal and illegal when studying borderland practices, as these practices often take place within the grey zone of legality and illegality. As underlined by several border scholars, the examination of intimate patronage relations with regard to resource access provides an especially good starting point in understanding border practices as they unravel in resource-rich borderlands as they highlight the success of well-connected local elites in positioning themselves as brokers negotiating access to valued resources through their lucrative relations with state officials and cross-border networks (Sturgeon 2005, Walker 2006).

Patron–client relationships are by no means a new research topic in Indonesia. Such dependency relations are generally considered instrumental in the misuse of political power and the structuring of the flow of resources (Crouch 1979, Anderson 1983). The patrimonial rule of Suharto was to a large extent fuelled by the rewards of state-licensed forest concessions in places like West Kalimantan. A large body of work has emphasized the fraught hierarchical or vertical relations among the New Order regime, higher level dominant political elites and the military (Mietzner 2009, Mackie 2010), and others have focused on the more horizontal and fragmented networks, factions and coalitions within party and ethnic politics, especially how middle-level elites mobilize followers along ethnic or religious lines for political ends (Klinken 2008, 2009, Smith 2009, Tomsa and Ufen 2012). Recognizing the importance of political clientelism (party-centred patronage and favours) in the structuring of the New Order regime and post-Suharto Indonesia, this article draws inspiration from a group of scholars who looked at the role of micro-level patronage networks in an attempt to comprehend the boom in illegal timber logging in frontier regions of Indonesia after the onset of decentralization in the late 1990s (McCarthy 2006, Wollenberg *et al.* 2006, Obidzinski *et al.* 2007). They not only adopted a village perspective on patronage, but also took into account the broader, macro-political setting. This perspective is appropriate for the borderland setting that accentuates remote forest-dependent borderland communities who are heavily reliant on local intermediaries (brokers) to translate their needs and desires across different levels of authority. Further, the special social and economic affinity with neighbouring Malaysia and a long history of semi-autonomy add an extra layer to these ties of dependency. High value placed on regional autonomy among the ethnic border population has made hierarchical dependency relations based on political patronage less pronounced.

In his study of informal networks involved in illegal logging in Sumatra, McCarthy (2006) points out that understanding the localized and very personalized

relationships is imperative for an understanding of the complexity behind these logging practices. He argues that local-scale informal networks become especially significant in marginal regions, where formal institutions of the state are weakly constituted and where rules imposed by a central state are often inconsistent with local traditions and so lack local legitimacy. Informal alternatives are thus needed to provide services and fulfil needs normally met by the state (McCarthy 2006, pp. 14–17). Patronage networks are developed to achieve certain goals in situations of public institutional uncertainty. Such goals are more often than not about access to valuable resources and the benefits accruing from these. In such situations, members of local elites (at the village and district level) often take a leading position as brokers between local villagers and higher level patrons. In the case of forest exploitation, local elites are usually not equipped with the amount of capital needed to go into business on their own and need financial and technical backup and support from higher level patrons. These may include local and extra-local state officials (police, military, etc.) and wealthy outside entrepreneurs (e.g. Malaysian timber barons). Obidzinski (2003, p. 18) notes how long-term rooting of patronage relations in Indonesia has moved from more traditional forms of patron–client relationships involving highly asymmetrical power relations, where the client was highly dependent on a patron, to a form that resembles ‘cooperative, symbiotic, quid-pro-pro exchange relationships where individuals involved act as partners’. Local engagement in these patronage relationships was largely an attempt to meet certain localized economic subsistence and political needs (2003, p. 33). It is argued that local engagement in networks of patronage should be analysed as a localized coping strategy, based on mutual respect and trust, and enacted in response to the shifting and unpredictable political and economic situation in the borderland. Although the prime mechanisms driving most parties within the networks are cost–benefit calculations, and the main interest is economic advancement, their execution is very much determined by local norms and values. The face-to-face character of these relationships creates relations of mutual trust, even friendship, which further enhance personal bonds. Such loyalty or solidarity can be closely related to local conceptions of honour and obligations (Eisenstadt and Roniger 1980, p. 50). The borderland case clearly shows the persistence of these bonds of trust and interpersonal loyalty, which is deeply rooted in local social organizations.

### **Patronage networks on the Indonesian–Malaysian border**

The dramatic political changes driven by the fall of President Suharto and the subsequent execution of large-scale decentralization policies drastically changed the power relations between the central Indonesian state and its outer islands. Like many other provinces of Indonesia that are rich in forest resources, the province of West Kalimantan, bordering the Malaysian state of Sarawak on the island of Borneo, experienced an increase in regional autonomy. The decentralization laws issued by the new reform government in 1999 created *inter alia* new opportunities

for district governments to manage the forestry sector. The remote districts situated in the densely forested borderlands interpreted these decentralization laws as the go-ahead to take sole control of revenue flows from the lucrative forestry sector. The increase in regional autonomy and the vaguely defined decentralization laws quickly engendered a logging boom along the border with Malaysia (Wadley and Eilenberg 2005, Obidzinski *et al.* 2007). A critical element in this boom was the presence of Malaysian–Chinese timber barons, known as *cukongs*,<sup>1</sup> operating in tandem with district government officials and local brokers in the border district of Kapuas Hulu.

Kapuas Hulu is divided into no fewer than 23 subdistricts with a total population of only 209,860, with the ethnic border population reaching approximately 37,000. It lies in the most northern corner of the province, more than 700 km from the provincial capital Pontianak on the coast, but only a few hours' drive from the main economic centres in Sarawak (BPS-KH 2006). The district is more than twice as economically dependent on forestry as other districts in the province of West Kalimantan. Owing to its vast forests, remote location and lack of functioning infrastructure, there have traditionally been few other economic opportunities available. According to district statistics, between 2001 and 2005 an average of approximately 25,282 km<sup>2</sup> was stated as being under various categories of forest. That is more than 80% of the total land area of 29,842 km<sup>2</sup> (BPS-KH 2006).

The majority of the indigenous communities, known under the umbrella term Dayak, who inhabit the hilly borderlands of Kapuas Hulu, still reside in extended longhouse settlements and their economy is based on subsistence agriculture and forestry, its fundamental component being rice farming in hill swiddens. As a supplement to the household economy, the majority of the male population engages in different kinds of waged labour across the border in Sarawak where they share close kinship relations with similar ethnic populations. Though living within the borders delimiting the Indonesian nation state, these communities, as a consequence of labour migration and ethnic affiliation, have more knowledge of the Sarawak state capital, Kuching, than their own distant provincial capital, Pontianak. During the New Order regime of Suharto, local income opportunities were almost solely derived from labour migration to the economic centres in Sarawak. In the late 1960s, Suharto divided the widespread forest areas along the border into large timber concessions. Logging licences were largely awarded to Suharto's business partners and military entrepreneurs. From the 1960s until Suharto's fall in 1998, local communities received little compensation for forest logged and the majority of the jobs went to labour migrants from other parts of Indonesia.

### **Timber barons and border elites**

In Kapuas Hulu, a large Malaysian-based company hastily took over logging where the former Indonesian companies run by Suharto cronies had been expelled a few

years previously. According to the border population, the head of the company, a Malaysia *cukong*, began negotiations with local brokers and wider communities in early 2000, having already received the initial go-ahead from the district government. In order to accommodate the large amount of timber, the *cukong* built a large sawmill on the Indonesian side of the border. According to local informants working in the sawmill, it processed approximately 100–120 tons of timber per day. From 2000 onwards, large parts of the 2000 km long border were considered under the sole authority of this particular *cukong* with the unofficial blessing of the regional government.

Apheng is the youngest of three brothers running a large business empire specializing in timber logging based in the Malaysian town of Sibü. During the 1999–2005 timber boom in the borderland, Apheng, in his mid-forties and married to an Indonesian, was a highly experienced timber contractor whose main area of expertise was logging in old-growth forest in frontier regions, especially in remote and demanding regions outside the formal control of the legal apparatus of the state.

Even prior to his arrival in the borderland, Apheng had established intimate relations with local leadership figures of tribal heads who acted as brokers between him and local village communities in negotiation over forest access. Many of these local figures that made up the border elite were familiar with Apheng's companies from working in the Malaysian timber business across the border in the 1980s and 1990s. Being well-connected on both sides of the border, Apheng was in a unique position to capitalize on the uncertainty of the situation.

The border elite have for long acted as brokers or mediators between villagers (the clients) and various other actors, including state officials, the military and non-state institutions like powerful cross-border entrepreneurs (the patrons). They largely derive their position as brokers from their greater access to knowledge and better established and very personalized networks on both sides of the border. That being so, they have become 'gatekeepers', linking local communities with the outside world. It is important to note that the redistribution of resources taking place in these networks involves a certain amount of inequality. In their role as brokers, local elites primarily seem to secure their own personal interests and those of their nearest kin, whereas the number of benefits reaching the village level is often limited. The border elite do not engage in patron–client relations solely for their own gain, however. For example, village heads need to balance the local needs they are expected to meet by both close kin and the larger community.

In order to provide a better picture of the ambivalent character of these brokers, I will briefly introduce Ranting, an industrious village headman in his late thirties from the border district of Kapuas Hulu. His family's success is largely based on cross-border labour migration, employment in the Sarawak timber industry. His family was economically successful by local standards, which meant that Ranting was one of a lucky few sent off to boarding school in the district capital, Putussibau. After finishing high school, he was sent to the provincial capital Pontianak on a government scholarship where he obtained a university degree in

economics and became one of the few in the area to be college educated. While Ranting was at university in the 1990s, his father, a highly regarded tribal leader, was killed in a logging accident. After returning to the borderland, Ranting took over his father's position of community leader and in early 2003 succeeded in obtaining a position as a civil servant in the district. Besides working as a civil servant, Ranting was also the person who was most deeply engaged in negotiating logging agreements with ethnic kin across the border and with Apheng.

For Ranting, applying the benefits of being a government civil servant and simultaneously cultivating economic and social relations with kin and friends across the border posed few contradictions. Ranting, like many other inhabitants in the area, acknowledges his strong affiliation with Sarawak and cross-border ethnic identity while at the same time he takes strategic advantage of his Indonesian identity when it benefits him and his community. For example, while working in the district office, Ranting did extensive lobbying to benefit his own community. He succeeded in allocating funds for a new school just next to his village and, paradoxically, he had Apheng's company clear the building area of trees with their bulldozers. Besides negotiating benefits for his own community, Ranting also managed to direct some resources into his own pocket and invested in land, shops and a new house in Putussibau.

Ranting, like most other local timber brokers, creatively used his relationship with Apheng. The local brokers knew that Apheng would have immense difficulty operating in the border area without their support. His dependence on their authority gave the brokers considerable leverage in negotiating their own benefits; for example, several brokers established small but lucrative trading businesses in the border towns, ordering cheap consumer goods from across the border in Apheng's name. Ranting forged his role as broker between local communities and Apheng by continuously negotiating the opportunities offered by his dual position as government official and local tribal head, which again enhanced his bargaining power over local forest resources. Ranting confidently played on this advantage of fluid loyalties to his own and his community's benefit.

Thus, the actions of these men have not been purely predatory, and they are also regarded as conscientious community leaders. Border elite authority is immensely dependent on the goodwill of the majority of borderland society. This is especially so as their authority is based on various kinds of local reciprocity, and they need a certain degree of local legitimacy to exercise their authority. Their high status within society is not a fixed given, but a result of constant negotiations and the distribution of favours. All members of the elite have strong kinship ties, responsibilities and commitments to their birth villages and fellow village members. Local displays of benevolence, such as sponsoring schooling for less well off kin or financing community development projects, are intricate tools for maintaining legitimacy. Long-standing personal ties put certain restrictions on the freedom to act and these elites are constantly under local pressure to deliver either economic or social benefits.

What makes these brokers especially adept in taking on the mediating role is their capacity and confidence in moving among the very local village level, the regional level of district and province and the transnational level. Knowing the 'rules of the game' puts them in an ideal negotiating position when it comes to the control of access to local resources. The large network of these elites further makes such patronage systems extremely dynamic and well adapted to sudden change in the local setting. Local elites have thus been quick to take advantage of the uncertainties arising from decentralization to venture into relationships with local government and Malaysian entrepreneurs.

Apheng's experience and efficiency are known not only in Indonesia as he is also highly sought after in other forest-rich regions of Indonesia and South East Asia such as West Papua, Vietnam, Cambodia and Thailand. He has even worked as a timber contractor in the Amazon, Brazil and equatorial African countries like Cameroon and the Congo (Sinar Harapan 2005). Apheng has become an extremely popular figure among the borderland population, his popularity completely superseding that of the district head. As portrayed by a local timber broker,

The presence of Apheng brought new colour in life as Apheng could offer something different than the Indonesian concessions. These concessions did not contribute anything to the communities who own the forest. I know that the relationship with Apheng was not equal, but this time every village received some compensation for logged forest. In my opinion, Apheng was a smart and brave man, a magnificent mafia. (Interview, 2 March 2007)

His success is partly owed to his ability, as a patron, to get things done and provide the necessary services where the former concessions (and central government) have failed. Besides creating local jobs in his sawmills and timber camps, he maintained the local networks of dirt roads and more generally sustained a booming border economy. As the non-farming population expanded, locals developed daily vegetable markets where women from nearby communities sold their produce; shops, cafes, bars and hotels proliferated in the market towns; and prostitutes from outside the area catering for the loggers were ubiquitous. Apheng was the sole economic force during this period. Originally invited by the local government and communities, Apheng felt extremely self-confident and secure operating in the area, despite several arrest orders issued by the provincial government. He did not attempt to hide or conceal his operations. Many locals referred to him as a 'brave and generous man, a saviour or rescuer, who made the area prosper in a way the former nationally owned companies and government had failed to do' (Interviews, 19 July 2007). Meanwhile, in the national media, Apheng was portrayed as a dangerous gangster terrorizing local communities (Sinar Harapan 2004a).

A vivid example of Apheng's self-confidence was the erection of a large and fully equipped sawmill on the Indonesian side of the border. Besides being closer to the timber source, a sawmill on the Indonesian side allowed Apheng to circumvent legal restrictions in Malaysia, where the state did not allow raw logs to be

imported. The ‘illegal’ sawmill allowed Apheng to process the harvested timber immediately and have it sawn into export-friendly wood. When the wood crossed the border, it was legally certified by the Malaysian authorities and stamped as being of Malaysian origin. The timber was later exported to international markets in China, Japan, the United States and Europe (EIA/Telepak 2004). In 2002, this sawmill and its associated timber camp employed more than 700 people. The timber camp was a major construction situated close to the border, with numerous feeder roads going in all directions. Apheng himself claimed that his sawmills and timber camps in the border area employed more than 2000 people in total (Tempo 2005). It has been estimated that Apheng made a profit of Rp 400 billion (approx. US \$45 million) per year from his logging business in the borderland (Sinar Harapan 2004b) (see Figures 2 and 3).

### The raids

In 2004, as a result of central government attempts to regain authority over the lucrative forestry sector and reduce immense public criticism of the national authorities’ incompetence in dealing with illegal logging along the border with Malaysia, Indonesian President Susilo Bambang Yudhoyono pledged ‘tough action’ against illegal loggers throughout Indonesia (Jakarta Post 2004b). This statement was later followed by a presidential decree directed at eradicating all such ‘wild logging’. In state rhetoric, the word ‘liar’ or ‘wild’ is often



Figure 2. Cartoon in provincial newspaper. Picturing how the Malaysian timber barons (*cukongs*) roamed freely in executing their logging business (Photo courtesy: Pak Kekes, Pontianak Post, 16 September 2006).



Figure 3. Cartoon in provincial newspaper. Picturing the public demand for tough action taken against the Malaysian timber barons (*cukongs*) (Photo courtesy: Pak Kekes, Pontianak Post, 14 November 2006).

applied to denote illegal practices and people (such as border populations) beyond government reach and control.

The decree revoked all previous decrees and permits issued by district governments concerning the logging sector and gave sole authority over forest issues back to the Ministry of Forestry, enabling law enforcement officials to arrest and prosecute illegal loggers and impound their equipment (Inpres 2005). The new strong government position against illegal logging led to several highly profiled ‘forest law enforcement operations’ in the region.

The presence of Apheng had been widely known for years, and demands for his arrest were becoming more persistent. In the border area, Apheng controlled at least four large sawmills operating 24 hours a day. On 7 December 2004, military and police personnel raided Apheng’s main sawmill and logging camp along the border. The raid resulted in a few arrests and the confiscation of both equipment and timber (Kompas 2004a, Dephut 2005). The ‘ringleader’ Apheng escaped unharmed across the border after being tipped off by corrupt officials. After this initial government raid, Apheng became registered in national police records as the mastermind behind illegal logging in the border area and consequently became one of the most wanted criminals in the province of West Kalimantan (Pontianak Post 2004a).

The border populations’ ambiguous relationship with their own state was clearly expressed in the days after the government crackdown, when local

communities went to Apheng's logging camp and sawmill to 'confiscate' machinery and timber which they now regarded as their property. On the other hand, as claimed by locals, the machinery was being protected for the future return of Apheng. Furthermore, in order to prevent outsiders from entering the upriver logging camps that were still full of cut timber, barriers were put up across logging roads using the locally confiscated bulldozers. As Apheng himself said,

... for now much of my heavy machinery is in the safekeeping of the local communities. They have begged me to return, but the situation is too serious at the moment. I am sad that so many people are out of a job. (Apheng cited Tempo (2005))<sup>2</sup>

During fieldwork in the area in 2005, I noticed how a large amount of remaining logs in the upriver timber camps had 'BB' written on them in large red letters. BB (*Bahan Bukti*) signifies that the timber was government evidence. The message was written by the central government anti-logging teams and indicated that all the timber was state property. The battlefield between locals and central authorities was tightly drawn up, and their conflicting views of the situation were expressed on a nearby partly burnt timber shack, on which the following dialogue was written in black letters: 'Apheng is the one who loots our country's forest and Apheng's communities become rich while eating Indonesia's future'. In reply, another message was written just above: 'Who is the one who is not ashamed about eating the revenue of this forest, it is the government. The one who actually robs the communities traditionally managed forests is the TNBK'. Beneath this message was the drawing of a man decapitating another with a traditional sword. I discussed the writings on the shack with the group of people accompanying me on the trip, and several things seemed to be at play in the messages. First, the local reply points to the long-term duplicity of the actions of government officials, military, police, etc.: it accuses them of double standards in condemning local community involvement with Apheng while themselves harvesting the larger share of the revenues from illegal logging. TNBK is an abbreviation for the Betung Kerihun National Park (*Taman Negara Betung Kerihun*), seen locally as a symbol of state authority. Several of the participants in the government anti-illegal raids were park rangers. The creation of the TNBK has for long been, and still is, disputed, especially as the park boundaries are placed within local traditionally recognized forest, and the issue of local compensation is still unresolved. Many communities saw few local benefits from the national park, as all resource exploitation is illegal and no local jobs are generated. Second, the writing conveys the message that the forest is believed to be local property and that there is growing willingness to enforce this right.

### **The confession**

In a 2005 interview with a journalist from the weekly Indonesian news magazine *Tempo*, Apheng declared from his office in Sibu, Malaysia, 'I am not afraid of

being arrested as I am no villain' (Tempo 2005). In this and later interviews he defended himself and the 'legality' of his business in the border area by claiming that he had received an operating permit and maps of the border area from local government back in 1998. He had also been invited by the border communities to build sawmills and help open up 'their forest' for exploitation and sale. Apheng put special emphasis on the question of local forest rights and claimed that all the cut timber was from local communities' traditionally managed forest and was therefore their property. He argued that since his arrival in the area he had paid around Rp 1 billion in taxes to the customs office in the provincial capital for bringing heavy logging equipment into the Indonesian border area. He did acknowledge not paying official taxes for bringing the timber out across small border crossings, as there was no official border crossing with a tax office. Instead, he paid levy to the district government and border communities (Pontianak Post 2005).

According to local brokers, the timber baron's involvement as a partner in small-scale timber concessions in the border area was not illegal per se, as district government sanctioned it under the law of regional autonomy. What might have made it appear illegal to central government was the subsequent export of timber across the border without proper export permits from the Ministry of Trade in Jakarta. The Malaysian timber barons had already paid export taxes to the district industry and trade office in the border area, however (Pontianak Post 2003b).

In response to the allegations, Apheng further claimed that he had been the sole financial benefactor to both border communities and district government during his operations in the area. He claimed to have paid for the erection of military border posts and for the renovation of police headquarters, to which he also donated new patrol cars. On a village level, Apheng developed infrastructure; for example, in one village he provided clean water supply and electricity, which was subsequently inaugurated by the administrative head (Sinar Harapan 2005). Apheng has also claimed that he invested more than Rp 1 trillion (US \$110 million) in the borderland during the years he operated in the area and changed the desolate border towns into prosperous boom towns (Berita Sore 2007).

Portraying himself as the generous and compassionate patron taking care of his clients' needs – needs which the Indonesian state was unable or unwilling to fulfil – Apheng downplayed the unequal relationship he himself had with the majority of border communities, whose share of logging revenue was minute while Apheng himself gained immensely from the logging boom. Although local benefits were limited, what ostensibly kept the patron–broker–client network running was mutual dependency and respect. In return for the goodwill and protection of border elites and communities, Apheng provided various social services, crucial risk capital, expertise and access to the timber market in Malaysia. By providing services that gave the locals a certain amount of social and material security, Apheng's position as powerful patron was accepted and he earned the right to operate freely, while locals were willing to relinquish some authority. Despite such mutually beneficial agreements, Apheng continuously had to uphold a precarious

balance in keeping all parties on whom he depended content. In doing so, he was obliged to renounce some short-term benefits and cultivate a local reputation for being trustworthy and powerful.

One way of obtaining and upholding local trust and respect was to manipulate the border communities' strained relationship with the state by playing the dual role of local benefactor and 'strong man' or brave 'rebel' against unjust state laws. Praising Apheng in numerous interviews as a brave and generous patron, a man of prowess, locals not only expressed their gratitude but also recognized and identified the strong traditional virtues of independence, bravery, courage and wealth (Mashman 1991). Respect for and trust in the authority of a 'brave man' who at least on the surface appears to 'honour' local norms comes far more naturally than respect for and trust in a distant and contradictory state apparatus often regarded with suspicion. The personal reputation of Apheng played a vital role in upholding local support. There is no doubt that Apheng was quite aware that he was operating in the grey zone of legality and illegality and was therefore aware that his position was not completely guaranteed and therefore vulnerable to outside forces such as shifting legislation and politics. Operating under this constant threat, he was forced to rely on his clients' networks to reinforce his position. Nevertheless, Apheng seemed convinced that he had now been made a scapegoat and his name sacrificed in the struggle for authority between the local and central government. He expressed his frustration by citing the hypocrisy of their suddenly portraying him as a dangerous gangster working without local support. He argued that he had never made any attempt to hide his operations during his years operating in the borderland, a fact the Indonesian officials and the public already knew (Tempo 2005).

The anti-logging raids also severely angered the border communities who had come to depend economically on cross-border logging. The Minister of Forestry had previously, in October 2005, planned to visit the borderland but later cancelled his visit, to the disappointment of the border communities who had hoped to tell him of their dire situation and come to an agreement concerning the logging ban (Jakarta Post 2005). In early 2007 during a short trip to the border town of Nanga Badau one of my research assistants went on a shopping trip to the bazaar just across the border in Lubok Antu; here he saw Apheng having a cup of coffee in a roadside coffee shop. Several informants claim that Apheng is still following the situation in the borderland with interest, waiting for a chance to return.

In June 2007 a team of journalists from the Indonesian television station SCTV approached Apheng in a restaurant in Sibul, Sarawak. Working undercover as Indonesian businessmen, the journalists managed to interview Apheng, who once again claimed that his former logging operations were strictly legal (SCTV 2007). Despite Indonesian police and military efforts, Apheng was never apprehended and in 2011, he was still moving freely in Sarawak with an Indonesian arrest warrant hanging over his head. Apheng has since left the logging business and is now supposedly engaged in the lucrative oil palm plantation industry on both sides of the border (Interview, 7 April 2011).

### **For whom is the law?**

Interviews and discussions with the border population in the period after the government anti-logging operations reveal a widespread sense of having been treated unjustly by the state. Growing confusion over whose authority should be reckoned with convinced many border inhabitants of the state's indifference to their situation and that it was time once again to take things into their own hands. In particular, the issue of illegality concerning logging was the subject of lively discussion at community meetings and other local gatherings, where people seemed to come to the general understanding that the state's legal concepts always ended up working against local practices. As stated by a local tribal leader,

We are justified when taking the timber, as it is our own timber. What is illegal? If they (government) believe that the timber is illegal why do our logging trucks have to pay to pass the border? Why does the district government make a gate at the border collecting fees? If they think the timber is illegal, they have to stop everything. Who did not know about the logging activities? They happened before everybody's eyes. The district officers knew, the district head knew, the police knew, everybody knew about the logging in the border area. They did not declare any prohibitions as they all took part in it. (Interview, 30 May 2007)

Local confusion concerning the legal standing of forest extraction in the wake of the anti-logging operations is echoed in the inconsistent and contradictory definitions of what is legal and illegal presented both by the multilevel actors and by the vaguely defined legislation. For example, although a 2005 presidential decree intended to eradicate illegal logging put much emphasis on what was considered illegal timber extraction, it presented no clear indication of what was to be considered legal (Inpres 2005). There was no clear boundary between legal and illegal, which meant that these new laws were just as fuzzy and open to the same degree of interpretation as the previous laws on regional autonomy. Many border people did not share state views on the illegality of the logging activities. The interference of 'outsiders' as in the government anti-logging operation described above is largely understood as a breach of local autonomy and lacks local legitimacy.

Thus commonly heard remarks like 'What is the law?' and 'For whom is the law?' refer to a local recognition that the 'legitimate' state law has little to offer. Not only were the double standards of the local government discussed, the central government's logging raids were also criticized for not being transparent. For example, a local businessman on a round trip in the border area with a group of Malaysian investors in 2004 witnessed how an anti-logging team from the central police command in Jakarta stayed 3 days in the border town of Nanga Badau inspecting the cross-border trade in timber (Pontianak Post 2004c). According to the businessman, the team members went around the area collecting money from all the timber companies; the money collected was stored in an 'Indomie' noodle box and accompanied the team when it left, and no receipts were given (Interview, 22 August 2007).

The borderland inhabitants are still awaiting the outcome of the situation. It is unknown whether there will be any further repercussions for those who were engaged in illegal logging. Three Malaysian Chinese who formerly worked for Apheng have each been sentenced to 9 years' imprisonment and fined up to Rp 500 million by the district court in Putussibau and the Indonesian Supreme Court in Jakarta. Several others are still awaiting trial (PPNP 2005).

### **Conclusions**

The Apheng case indicates that the often taken-for-granted and largely naturalized distinction between 'legal' and 'illegal' with regard to informal border economies seems overly simplistic and presents a problem about meaning. Especially when understood from the point of view of the border population, it glosses too easily over a complex picture. 'Illegal' implies a sense of wrongdoing or its potential, which may be quite adequate for state-level concerns but does not necessarily 'represent the ways in which border residents proudly stake their economic claim in transborder trade movement' (Flynn 1997, p. 324). On the contrary, although aware of being involved in something defined by distant politicians as illegal, the border population may feel no moral wrongdoing and regard such laws as unjust and unreasonable (Abraham 2006, p. 4).

Thus, what is illegal as defined by state law is usually straightforward for agents of the state, whereas borderland populations may more routinely observe state regulation with flexibility, not feeling as beholden to adhere to laws they see as imposed from the outside and against their interests. To understand such activities only as illegal or subversive is to oversimplify the empirically muddled relationship between locals and the state. Here border scholars like Donnan and Wilson (1999) stress how agents of the state, whether on a national or on a regional level, themselves often collude with the retention of such subversive activities because of the economic benefits they bring. State power on some borders seems to be more about regulating the illicit flow of people and goods than preventing it.

During the heyday of cross-border illegal logging from the late 1990s until 2005, stories of cross-border smuggling monopolized the headlines of national news media. The headlines vividly expressed how the state had failed to uphold its territorial sovereignty by letting anarchy and lawlessness flourish in the Indonesian borderlands (Jakarta Post 2000, 2003, 2004a). The border population were often depicted as disloyal citizens because of their illicit cross-border connections with Malaysian 'gangsters' and 'Mafias' (Pontianak Post 2003a, 2004b). Because of the illicit engagement of Malaysian timber barons on Indonesian soil, issues of national pride dominated debates and when public emotions ran high it was even suggested that the citizenship of certain elements of the border population should be withdrawn.

Despite the inherent inequality within the patron–client relationship and the central government's and national media's harsh condemnation of the Malaysian

timber barons and their local collaborators, the larger percentage of the border population has remained remarkably loyal towards the Malaysian timber barons even though the ethos of this relationship is mainly based on economic cost-benefit calculations. Such economic motivation, however, does not entirely explain the strong sense of loyalty shown to these patrons compared with the central state. Locally embedded norms of respect, interpersonal obligations and reciprocity nurtured through centuries of shifting borderland life and persistent cross-border relations need to be taken into consideration.

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### **Notes**

1. The term *cukong* – financier, boss or entrepreneur – is often used as a negative connotation to describe Indonesian/Malaysian businessmen of Chinese descent who work in the grey zone of legality.
2. In the years after the crackdown, Apheng managed to persuade the border communities to return most of his machinery after receiving a protector's fee.

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