Land & Development in Indonesia
The Indonesia Project, a leading international centre of research and graduate training on the Indonesian economy and society, is housed in the Crawford School of Public Policy’s Arndt-Corden Department of Economics. The Crawford School is part of ANU College of Asia and the Pacific at The Australian National University (ANU). Established in 1965 in response to profound changes in the Indonesian economic and political landscapes, the Indonesia Project has grown from a small group of Indonesia-focused economists into an interdisciplinary research centre well known and respected across the world. Funded by ANU and the Australian Department of Foreign Affairs and Trade, the Indonesia Project monitors and analyses recent developments in Indonesia; informs the Australian and Indonesian governments, business and the wider community about those developments and about future prospects; stimulates research on the Indonesian economy; and publishes the respected Bulletin of Indonesian Economic Studies.

ANU College of Asia and the Pacific’s Department of Political and Social Change focuses on domestic politics, social processes and state–society relationships in Asia and the Pacific, and has a long-established interest in Indonesia.

Together with the Department of Political and Social Change, the Indonesia Project holds the annual Indonesia Update conference, which offers an overview of recent economic and political developments and devotes attention to a significant theme in Indonesia’s development. The Bulletin of Indonesian Economic Studies publishes the conference’s economic and political overviews, while the edited papers related to the conference theme are published in the Indonesia Update Series.

The ISEAS – Yusof Ishak Institute (formerly Institute of Southeast Asian Studies) was established as an autonomous organization in 1968. It is a regional centre dedicated to the study of socio-political, security and economic trends and developments in Southeast Asia and its wider geostrategic and economic environment. The Institute’s research programmes are the Regional Economic Studies (RES, including ASEAN and APEC), Regional Strategic and Political Studies (RSPS), and Regional Social and Cultural Studies (RSCS).

ISEAS Publishing, an established academic press, has issued more than 2,000 books and journals. It is the largest scholarly publisher of research about Southeast Asia from within the region. ISEAS Publishing works with many other academic and trade publishers and distributors to disseminate important research and analyses from and about Southeast Asia to the rest of the world.
Land & Development in Indonesia

Searching for the People’s Sovereignty

EDITED BY

John F. McCarthy
Kathryn Robinson
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The Indonesia Update conference is an annual event organised by the Indonesia Project, part of the College of Asia and the Pacific at The Australian National University (ANU). The conference is a key public event that brings together ANU’s academic expertise in Indonesian studies and the global network of scholars studying Indonesia in order to address a pressing theme. This volume publishes the papers from the thirty-third conference, held at ANU on 18–19 September 2015.

The Australian Department of Foreign Affairs and Trade provided financial support for the conference through its annual grant to the Indonesia Project. We gratefully acknowledge this ongoing support, which is critical to maintaining ANU’s place as a leading global centre for the study of Indonesia’s economy and society. Thanks also to the ANU College of Asia and the Pacific for its support for Indonesian studies, the Indonesia Project and the annual Update conference, which is one of its showcase events.

We thank the authors, who contributed their expertise and diverse perspectives on land rights and land tenure—key challenges for the term of President Joko Widodo. The Director of the Indonesia Project, Associate Professor Budy Resosudarmo, enthusiastically endorsed our proposal for this theme and gave us strong support in organising the conference and throughout the publication process. We thank him for this opportunity and for his leadership of the Project.

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John F. McCarthy and Kathryn Robinson

*Canberra, April 2016*
## Glossary

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<th>Term</th>
<th>Meaning</th>
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<tr>
<td><em>adat</em></td>
<td>custom or tradition; customary or traditional law</td>
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<tr>
<td><em>afdeeling</em></td>
<td>regency (Dutch colonial period)</td>
</tr>
<tr>
<td><em>aksi sepihak</em></td>
<td>unilateral action</td>
</tr>
<tr>
<td>AMAN</td>
<td>Aliansi Masyarakat Adat Nusantara (Indigenous Peoples Alliance of the Archipelago)</td>
</tr>
<tr>
<td>APIMI</td>
<td>Association of Plantation Investors of Malaysia in Indonesia</td>
</tr>
<tr>
<td>APP</td>
<td>Asia Pulp and Paper</td>
</tr>
<tr>
<td>APRIL</td>
<td>Asia Pacific Resources International Holdings Ltd</td>
</tr>
<tr>
<td>AusAID</td>
<td>Australian Agency for International Development</td>
</tr>
<tr>
<td><em>bagi hasil</em></td>
<td>share tenancy</td>
</tr>
<tr>
<td><em>bagi untung</em></td>
<td>profit sharing</td>
</tr>
<tr>
<td>Bakorstanas</td>
<td>Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional (Coordinating Agency for the Maintenance of National Stability)</td>
</tr>
<tr>
<td>Bakosurtanal</td>
<td>Badan Koordinasi Survei dan Pemetaan Nasional (National Coordinating Agency for Survey and Mapping)</td>
</tr>
<tr>
<td>BAL</td>
<td>Basic Agrarian Law</td>
</tr>
<tr>
<td>Bapenanas</td>
<td>Badan Perencanaan Pembangunan Nasional (National Development Planning Agency)</td>
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<tr>
<td><em>beschikkingsrecht</em></td>
<td>right to self-determination (Dutch)</td>
</tr>
<tr>
<td>BIG</td>
<td>Badan Informasi Geospatial (National Geospatial Information Agency)</td>
</tr>
<tr>
<td>BKM</td>
<td>Badan Keswadayaan Masyarakat (Community Self-help Office)</td>
</tr>
<tr>
<td>BLU</td>
<td><em>badan layanan umum</em> (public service agency)</td>
</tr>
<tr>
<td>BMH</td>
<td>PT Bumi Mekar Hijau</td>
</tr>
<tr>
<td>BP3K</td>
<td>Balai Penyuluhan Pertanian, Perikanan dan Kehutanan (Agriculture, Fisheries and Forestry Extension Office)</td>
</tr>
</tbody>
</table>
BPHTB  
bea perolehan hak atas tanah dan bangunan (land and building transfer tax)

BPN  
Badan Pertanahan Nasional (National Land Agency)

BPS  
Badan Pusat Statistik (Statistics Indonesia), the central statistics agency

BRI  
Bank Rakyat Indonesia (Indonesian People’s Bank), a state-owned commercial bank

BRWA  
Badan Registrasi Wilayah Adat (Ancestral Domain Registration Agency)

BTI  
Barisan Tani Indonesia (Indonesian Peasants Front)

Bulog  
Badan Urusan Logistik (the national food logistics agency)

_buruh harian lepas_  
casual day labourer

cadastre  
register of extent, value and ownership of land for taxation purposes

_camat_  
subdistrict head

CIFOR  
Center for International Forestry Research

CLEP  
Commission on the Legal Empowerment of the Poor

_controleur_  
inspector in a regency (Dutch colonial period)

CoW  
Contract of Work (Kontrak Karya)

CRS  
PT Citra Riau Sarana

CSR  
corporate social responsibility

Darul Islam  
Abode of Islam; the name of an Islamic-state movement that rebelled against the central government in the 1950s, and remains active in a largely non-violent form

_demonstrasi_  
demonstration

DNPI  
Dewan Nasional Perubahan Iklim (National Climate Change Council)

DPR  
Dewan Perwakilan Rakyat (People’s Representative Council), the lower house of parliament

FAO  
Food and Agriculture Organization of the United Nations

FPIC  
free, prior and informed consent

FSPI  
Federasi Serikat Petani Indonesia (Indonesian Federation of Peasant Unions)

_gadai_  
pawning, mortgage

_ganti rugi_  
(minor) compensation for damages

GAPKI  
Gabungan Pengusaha Kelapa Sawit Indonesia (Indonesian Palm Oil Association)

_haji_  
title for someone who has completed the _hajj_ pilgrimage to Mecca

_hak adat_  
customary right

_hak guna bangunan_  
see HGB
hak guna usaha see HGU
hak komunal communal right
hak menguasai (state) right of control
hak milik freehold right
hak pakai land use right
hak pengelolaan management right
hak ulayat communal right, collective right, right to self-
determination, right of avail
HGB hak guna bangunan (right to build, right to use
buildings)
HGU hak guna usaha (land cultivation right, plantation
right, commercial lease right)
hibah gift, bequest
HKTI Himpunan Kerukunan Tani Indonesia (Indonesian
Farmers Association)
HTI hutan tanaman industri (industrial plantation forest)
HuMa Perkumpulan untuk Pembaharuan Hukum
Berbasis Masyarakat dan Ekologis (Association for
Community and Ecology Based Law Reform)
hutan adat customary forest
hutan desa village forest
hutan hak forest under rights, private forest
hutan kemasyarakatan community forest
hutan lindung protection forest
hutan negara state forest
hutan tanaman industri see HTI
hutan tanaman rakyat community plantation forest
IFC International Finance Corporation
IFLS Indonesia Family Life Survey
INPOP Indonesian Palm Oil Platform
inti core (of a Nucleus Estate and Smallholder scheme)
IP4T Inventarisasi Penguasaan, Pemilikan, Penggunaan
dan Pemanfaatan Tanah (List of the Control,
Ownership, Use and Utilisation of Land)
IPB Institut Pertanian Bogor (Bogor Agricultural
University)
IPEDA iuran pembangunan daerah (local development
contribution)
ISPO Indonesian Sustainable Palm Oil
IUP izin usaha pertambangan (mining business permit)
izin lokasi location permit
izin mendirikan bangunan building permit
izin usaha pengelolaan
dan pemanfaatan

business management and utilisation permit

JAPHAMA
Jaringan Pembelaan Hak-Hak Masyarakat Adat
(Indigenous Peoples Rights Advocacy Network)

JATAM
Jaringan Advokasi Tambang (Mining Advocacy Network)

JKPP
Jaringan Kerja Pemetaan Partisipatif (Network for Participatory Mapping)

Jokowi
(President) Joko Widodo

kabupaten
district, regency

kampung
village, low-cost urban neighbourhood

Kampung Deret
Kampung in a Row (building program, Jakarta)

Karam Tanah
Koalisi Rakyat Anti Perampasan Tanah Rakyat
(Coalition of the People Against Land Grabbing)

kawasan hutan
forest area, forest zone, forest estate

kawasan konservasi
conservation area

kecamatan
subdistrict

kedaulatan pangan
food sovereignty

kedaulatan rakyat
the sovereignty of the people, popular sovereignty

kelurahan
neighbourhood; urban village administrative unit
(below kecamatan)

Kemitraan
Partnership (in this volume, refers either to a type of nucleus estate–smallholder scheme or to the Partnership for Governance Reform, a non-government organisation)

KKPA
Kredit Koperasi Primer untuk Anggota (Primary Credit Cooperative for Members)

Komnas HAM
Komisi Nasional Hak Asasi Manusia (National Commission for Human Rights)

KPA
Konsorsium Pembaruan Agraria (Consortium for Agrarian Reform)

KPK
Komisi Pemberantasan Korupsi (Corruption Eradication Commission)

kraton
court

KSM
Kelompok Swadaya Masyarakat (Community Self-help Group)

KUDETA
Koalisi untuk Demokratisasi Pengelolaan Sumberdaya Alam (Coalition for the Democratisation of Natural Resources)

kuli
coolie, labourer

ladang
unirrigated agricultural field

landraad
regional law court (Dutch colonial period)

LBH
Lembaga Bantuan Hukum (Legal Aid Foundation)

LOI
letter of intent
LPND Lembaga Pemerintah Non-Departemen (non-ministerial central institution)

maro half-share (Javanese)

masyarakat adat customary community, indigenous peoples

masyarakat hukum adat customary law community

masyarakat terpencil remote community

masyarakat tertinggal neglected community

merelu two-thirds share (Javanese)

MIFEE Merauke Integrated Food and Energy Estate

Minangkabau ethnic group indigenous to the Minangkabau highlands of West Sumatra

MOA memorandum of agreement

MonSingSel the area comprising the five subdistricts in the city of Singkawang plus the four surrounding subdistricts (West Kalimantan)

MOU memorandum of understanding

MP3EI Masterplan Percepatan dan Perluasan Pembangunan Ekonomi Indonesia (Master Plan for the Acceleration and Expansion of Indonesian Economic Development)

MPR Majelis Permusyawaratan Rakyat (People’s Consultative Assembly)

musrenbang musyawarah perencanaan pembangunan (development planning meeting)

musyarawah deliberation

NES Nucleus Estate and Smallholder (scheme)

New Order the Suharto era, 1965–98

NGO non-government organisation

orang asli Sorowako original inhabitants of Sorowako

paduseraasi harmonisation or reconciliation (of spatial plans)

pajak bumi dan bangunan land and buildings tax

palawija secondary food crop

PAN Partai Amanat Nasional (National Mandate Party)

PBB pajak bumi dan bangunan (land and building tax)

PD Partai Demokrat (Democrat Party)

pembangunan development

pembaruan agrarian agrarian renewal

pemekaran ‘blossoming’, referring to the process of subdivision of government administrative units

perhutanan social social forestry

Perum Perhutani State Forestry Corporation

petani gurem marginal farm household (usually specified as farmers who have access to less than 0.5 hectares of land)
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>PETI</td>
<td>pertambangan emas tanpa izin (gold mining without a permit)</td>
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<td>PGRS</td>
<td>Pasukan Gerilya Rakyat Sarawak (Sarawak People's Guerrilla Force)</td>
</tr>
<tr>
<td>PHBM</td>
<td>Pengelolaan Hutan Bersama Masyarakat (Community-based Collaborative Forest Management)</td>
</tr>
<tr>
<td>PHP1</td>
<td>PT Permata Hijau Pasaman 1</td>
</tr>
<tr>
<td>PIR</td>
<td>Perkebunan Inti Rakyat (Nucleus Estate and Smallholder scheme)</td>
</tr>
<tr>
<td>PIR-Trans</td>
<td>Perkebunan Inti Rakyat Transmigrasi (Nucleus Estate and Smallholder for Transmigrants)</td>
</tr>
<tr>
<td>PKI</td>
<td>Partai Komunis Indonesia (Indonesian Communist Party)</td>
</tr>
<tr>
<td>plasma</td>
<td>small plantation plots provided to smallholders; smallholder farmers in a Nucleus Estate and Smallholder scheme</td>
</tr>
<tr>
<td>PNPM</td>
<td>Program Nasional Pemberdayaan Masyarakat (National Program for Community Empowerment); an umbrella program for community development</td>
</tr>
<tr>
<td>PPKR</td>
<td>Pembangunan Perkebunan Karet Rakyat (People's Rubber Development Scheme)</td>
</tr>
<tr>
<td>PPP</td>
<td>public–private partnership</td>
</tr>
<tr>
<td>priyayi</td>
<td>the traditional Javanese ruling class (or the outlook of this group)</td>
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<tr>
<td>PRONA</td>
<td>Proyek Operasi Nasional Agraria (National Land Registration Project)</td>
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<td>Proyek Administrasi Pertanahan</td>
<td>Land Administration Project</td>
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<tr>
<td>PT ANTAM</td>
<td>Persero Aneka Tambang (a state-owned mining company)</td>
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<td>PT Inco</td>
<td>PT International Nickel Indonesia</td>
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<td>PT MMM</td>
<td>PT Monterado Mas Mining</td>
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<td>PT SIA</td>
<td>PT Sime Indo Agro</td>
</tr>
<tr>
<td>PTP</td>
<td>Perseroan Terbatas Perkebunan (state-owned plantation company)</td>
</tr>
<tr>
<td>pucuak adat</td>
<td>highest adat leader (West Sumatra)</td>
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<tr>
<td>rakyat</td>
<td>the people, the masses</td>
</tr>
<tr>
<td>rakyat kecil</td>
<td>insignificant masses</td>
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<tr>
<td>RDTR</td>
<td>rencana detil tata ruang (detailed spatial plan)</td>
</tr>
<tr>
<td>REDD</td>
<td>Reducing Emissions from Deforestation and Forest Degradation</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>--------------</td>
<td>-----------------------------------------------------------------------------</td>
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<td>REDD+</td>
<td>Reducing Emissions from Deforestation and Forest Degradation, extended by sustainable forest management, conservation of forests and enhancement of carbon sinks</td>
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<tr>
<td>reforma agraria</td>
<td>agrarian reform</td>
</tr>
<tr>
<td>reformasi</td>
<td>the ‘reform’ (post-Suharto) era</td>
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<tr>
<td>RK</td>
<td>Rukun Kampung (Harmonious Kampung)</td>
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<td>RPKAD</td>
<td>Resimen Para Komando Angkatan Darat (Army Para-Commando Regiment), Special Forces</td>
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<td>Roundtable on Sustainable Palm Oil</td>
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<td>RT</td>
<td>Rukun Tetangga (Harmonious Neighbours)</td>
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<td>rukun</td>
<td>harmony</td>
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<td>RW</td>
<td>Rukun Warga (Harmonious Citizens)</td>
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<td>Survei Angkatan Kerja Nasional (National Labour Force Survey)</td>
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<td>REDD+ Taskforce</td>
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<td>sawah</td>
<td>irrigated rice field</td>
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<td>Scale Up</td>
<td>Sustainable Social Development Partnership (Riau)</td>
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<td>sertifikat tanah</td>
<td>land certificate</td>
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<td>SKT</td>
<td>surat keterangan tanah (letter of land clarification)</td>
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<td>SMS</td>
<td>Sertifikasi Massal Swadaya (mass land-certification project)</td>
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<td>SPI</td>
<td>Serikat Petani Indonesia (Indonesian Peasant Union)</td>
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<td>SPP</td>
<td>Serikat Petani Pasundan (Sundanese Peasant Union)</td>
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<td>SPPF</td>
<td>surat pernyataan penguasaan fisik (declaration of physical control)</td>
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<td>SPPT</td>
<td>surat pemberitahuan pajak terhutang (land tax record)</td>
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<tr>
<td>suku terasing</td>
<td>alien tribal community</td>
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<tr>
<td>surat penyerahan tanah</td>
<td>land transfer letter</td>
</tr>
<tr>
<td>swadaya</td>
<td>self-help</td>
</tr>
<tr>
<td>swadaya murni</td>
<td>independent smallholder</td>
</tr>
<tr>
<td>tambang rakyat</td>
<td>people’s mining</td>
</tr>
<tr>
<td>tanah bengkok</td>
<td>salary land (used to pay village government staff)</td>
</tr>
<tr>
<td>tanah kas desa</td>
<td>village treasury land (Javanese)</td>
</tr>
<tr>
<td>tanah kemakmuran</td>
<td>welfare land (Javanese)</td>
</tr>
<tr>
<td>tanah terlantar</td>
<td>neglected land, abandoned land, unused land</td>
</tr>
<tr>
<td>tanah ulayat</td>
<td>communal land</td>
</tr>
<tr>
<td>Team IP4T</td>
<td>Tim Inventarisasi Penguasaan, Pemilikan, Penggunaan dan Pemanfaatan Tanah (Team Listing the Control, Ownership, Use and Utilisation of Land)</td>
</tr>
<tr>
<td>TKI</td>
<td>tenaga kerja Indonesia (Indonesian migrant worker)</td>
</tr>
<tr>
<td>TKW</td>
<td>tenaga kerja wanita (woman migrant worker)</td>
</tr>
<tr>
<td>Term</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Topografische Dienst</td>
<td>Topographical Service (Dutch colonial period)</td>
</tr>
<tr>
<td>transmigrasi</td>
<td>government-sponsored internal migration</td>
</tr>
<tr>
<td>tuan tanah</td>
<td>lord of the land</td>
</tr>
<tr>
<td>UKP4</td>
<td>Unit Kerja Presiden Bidang Pengawasan dan Pengendalian Pembangunan (President’s Delivery Unit for Development Monitoring and Oversight)</td>
</tr>
<tr>
<td>wakaf</td>
<td>Islamic foundation</td>
</tr>
<tr>
<td>WALHI</td>
<td>Wahana Lingkungan Hidup Indonesia (Indonesian Forum for the Environment; Friends of the Earth Indonesia)</td>
</tr>
<tr>
<td>WBH</td>
<td>Wahana Bumi Hijau</td>
</tr>
<tr>
<td>Yayasan Pondok Rakyat</td>
<td>People’s Shelter Foundation (Yogyakarta)</td>
</tr>
</tbody>
</table>

**Currencies**

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>US dollar</td>
</tr>
<tr>
<td>Rp</td>
<td>Indonesian rupiah</td>
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