

Land certification: Watch out for local dynamics

Indonesia's land certification (LC) programs are great for improving the country's equitable and sustainable economic development, National Development Planning Board (Bappenas) head Bambang Brojodonegoro proudly said at a recent public lecture at the University of Melbourne.

The government has thus long crafted national programs like the National Agrarian Operations Project (Prona) and the People's Service for Land Certification (Larasita), in 1981 and 2006, respectively, to facilitate LC programs in urban, rural and remote areas.

Following the advice of economist Hernando de Soto, the post-Soeharto administrations believed LC programs could provide legal security over land ownership, potentially increase land investments, reduce land tenure conflicts and improve the use of agricultural land. Thus, while Indonesia is known as one of the most difficult and expensive countries in terms of land registration, "ranking 107 out of 177 countries", according to a 2015 study by Martin E. Gold and Russell Zuckerman, administrations, especially under President Joko "Jokowi" Widodo, have worked hard to improve the ineffective and expensive bureaucracy to streamline the LC programs.

Since the 1980s, the government has managed to issue 45 percent of its total target for 2022. By 2013, out of the 100 million plots of land in 430 regencies, LC programs covered some 45 million plots, leaving a backlog of about 60 million certificates, as this newspaper reported in 2016. Jokowi pledged "to give certificates to people every day", and that he "will monitor it closely". The administration is also committed to issuing 21 million new land certificates between 2017 and 2019. But this commitment



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seems very ambitious — between 2007 and 2011, the government could only certify 560,000 of 5.2 million plots per year.

Nevertheless, LC programs may have led to some unintended problems such as the increase of land markets, land tenure conflicts and deforestation in Indonesia.

Today's main problem of our LC programs is that they have encouraged people to treat land as a commodity that can be easily bought and sold for capital accumulation.

Scholar JL Gordon, through his ethnographic research in Manggarai, Western Flores, in the 1970s, found that "land for which titles have been issued can be bought and sold, and within the last decade a new class of wealthy entrepreneurs has emerged in Manggarai capable of buying land. They can buy jeeps, build houses, and buy land. Usually they do all three. But land is often their first choice." More recently, in Mbay, Central Flores, researcher MM Bhenge found that certified land had been highly commodified freely among indigenous people and migrants since the early 2000s. Mosalaki (local traditional leaders) have appealed to the National Land Agency (BPN) regency office to stop giving LCs to indigenous people in Mbay.

Furthermore, land tenure conflicts usually happen when local governments launch LC programs, especially in Flores, Maluku and Papua, where land is considered a collective asset and strict bans on certificates are in place. Thus, once these assets are certified individually, especially

clan land, which is certified for commercial purposes, land tenure conflicts usually start. Moreover, in some cases, the BPN's regency offices usually issue LCs to meet national targets, ignoring strict procedures.

Finally, LC programs in Kalimantan and Sulawesi have some negative impacts on deforestation and forest degradation, although deforestation here is induced by many factors such as fires, corruption, illegal logging and imprudent policies on forest governance.

In Kalimantan, those with LCs in hand tend to either convert their individual forests into agricultural land or sell them to large agricultural plantations, such as for palm oil or timber. In Sulawesi, certified land is easily bought and sold among indigenous people and migrants who come to Sulawesi for "boom crops" like cocoa. Thus, those indigenous people who have lost their land tend to encroach government-protected forested land, as Tania Murray Li wrote in 2007. But last year, Jokowi announced plans to give free land certificates to local growers to speed up oil palm tree replanting.

Therefore, LC programs in Indonesia may have increased land commodification, land tenure conflicts, inequality in land ownership and deforestation. The BPN reported that between 2011 and 2013, there were 2.3 million land transactions in Indonesia. According to the BPN, in 2013, there were 4,000 cases of land tenure conflicts and some might be related to LC programs. The Gini coefficient of land ownership inequality also increased, from 0.5 in 1983 to 0.7 in 2003. Similarly, the annual deforestation rate rose from 1.8 million hectares in 1990 to 3.8 ha in 2003-2004.

This bleak picture of LC programs may suggest that the occasional successes of LC programs

in developed countries, as pointed out by de Soto, do not automatically occur when implemented in developing countries such as Indonesia. One possible reason is that LC programs in Indonesia seem to ignore local cultural and structural conditions in relation to the land property rights regime.

Introducing collective land certification (CLC) programs may thus be one of the solutions to these problems. By the 1980s and 1990s, for instance, the government had introduced CLC programs in Flores.

In the certificates, called Series A, all the names of clan members were registered as the plot owners. Series A certificates were usually held by the clan chief. The land tax would be paid by all listed landowners.

These CLC programs may have helped to preserve local cultures and traditions in relation to land, enhanced rural development, reduced land tenure conflicts and prevented land commodification in rural communities in Flores.

Therefore, President Jokowi's programs on issuing land use titles in some communities to promote rural development, including for forest land, may be more effective by implementing CLC based on local cultures and traditions. The government should re-evaluate LC programs in some rural areas and replace them with CLC so as to be more attuned with complex and diverse local dynamics in Indonesia.

The writer, a student in development studies at the University of Melbourne, Australia, is researching agrarian change in Flores, East Nusa Tenggara, for his master's thesis. His studies on land and forest issues in eastern Indonesia for Gadjah Mada University (UGM) have been published in international and national journals.