

## STATUS REPORT ON INDONESIAN LAND REFORM, 2020



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# Status report on Indonesian land reform, 2020

## Executive Summary

In August and September 2019, at the invitation of the Minister of Agrarian Affairs and Spatial Planning, Kementerian Agraria dan Tata Ruang (ATR) / Head of the National Land Agency, Badan Pertanahan Nasional (BPN), Landesa traveled to Indonesia to understand the government's progress in implementing the president's agrarian reform agenda. Our review focused on: (1) understanding the conditions under which the government could acquire plantation land and distribute it to farmers, (2) women's involvement in the agrarian reform process, and (3) the experience of smallholder farmers who received allocated during earlier decades.

We met with government officials, women and men farmers, and civil society actors in North Sulawesi, West Kalimantan and East Java, visiting communities that either had recently received or were about to ownership of land formerly used by plantation companies, and also communities that received such land decades earlier. In Jakarta, we met with leaders of the Land Reform Directorate of BPN, officials of Bappenas, the planning agency that sets national targets and budgets for agrarian reform, as well as representatives of agrarian reform and women's rights NGOs.

**Productive use of land distributed during earlier reforms.** To understand the experience of smallholders who received land during earlier agrarian reforms, we met with farm families who received land in Gambaranyar and Kulon Bambang hamlets in Blitar Regency of East Java. We found that the landless plantation workers who received ownership of land ten years ago have transformed themselves into independent smallholder farmers who have capably put land to productive agricultural use. Today, home ownership is broad-based, houses are permanent, and the neighborhoods have improved. Examples from these two villages show that land redistribution to the ex-plantation laborers can dramatically improve their lives and the local economy, and that communities are able and willing to invest their time and effort to make the most of their land and opportunities. There is value in BPN systematically reporting on and showcasing lessons learned and outcomes from such communities, which will generate support for scaling land redistribution efforts and improve the result of land allocations across Indonesia.

**Progress of land reform (2015-2019).** President Jokowi has committed to improving agrarian reform as a strategy for addressing poverty and social and economic disparity. The Minister of ATR/BPN has identified the agrarian reform program as a national strategic program. The administration issued Perpres No. 86 of 2018, a key step towards reinvigorating agrarian reforms. It also made progress toward realizing its national mid-term targets for implementing the national agrarian reform program during 2015 - 2019. The government has made impressive progress on land certification to reach targets for granting title to smallholder farmers who received land under earlier reforms, and also met its target for distributing 400,000 ha of "redistribution land." Unfortunately, almost no progress has been made on release of forest land for the agrarian reform.

While the mass certification efforts are laudable, some observers assert these efforts are not entirely within the spirit of the President's commitment to advance agrarian reform. "Redistribution land," which focuses on new lands (land reform objects) for distribution to new families (land reform subjects) is the type of agrarian form likely to have the greatest impact on reducing poverty. Combining new land reform objects and former land reform objects into a single category for national targets obscures the level of progress being made with new land reform

objects, and also obscures what is being budgeted for new land reform. It is more complicated and more expensive to identify and allocate new land reform objects. We therefore recommend that BAPPENAS and BPN clearly distinguish the major categories of agrarian reform, set separate targets for distribution of new land reform objects, budget separately for the programming focused on each target, and make targets public to increase public understanding and accountability.

**Distribution of expired HGU and abandoned land.** Perpres No. 86 establishes promising new sources for land reform objects in the form of expired HGU and “abandoned” land. At the time of the assessment, BPN reported that the government had redistributed 397,286 ha of abandoned and ex-HGU land out of a five-year target of 400,000 ha. While the headway against the targets represents progress, the targets themselves appear to be low relative to the scale of the challenge nationally. We examined two sites in North Sulawesi and West Kalimantan where plantation companies had abandoned land that the government subsequently allocated to farmers. At both sites, the district government, BPN and the plantation companies have cooperated, and land redistribution has ameliorated longstanding conflicts.

Greater impact could be achieved through more ambitious national targets and better coordinated efforts that makes full use of Agrarian Reform Task Forces at the national and regency levels. We therefore recommend that the Ministry of ATR/BPN and Bappenas develop realistic Kabupaten targets for allocating new land after conducting an accounting of potential ex-HGU and abandoned land. To ensure adequate human resources to implement the president’s ambitious agrarian reform initiative, the Ministry of ATR/BPN should establish, fund and socialize sub-national Agrarian Reform Task Forces and increase staffing of the BPN Land Reform Directorate.

**Distribution of ex-forest land.** Perpres No. 86 includes ex-forests as a source of land reform object, and ambitious national targets set a goal of redistributing 4.1 million ha of ex-forest land. However, there has been almost no progress in allocating forest land to farmers and customary communities, and the potential scope of forest land to be released is unknown. It appears stalled progress can be attributed to MOEF’s reluctance to map land for release. Furthermore, innovative approaches may be needed to enable environmentally sensitive ex-forest land redistribution.

We therefore recommend that Ministry of ATR/BPN and Bappenas jointly analyze satellite imagery to estimate the extent of ex-forest land available for redistribution, paying special attention to where families are living in designated forest areas. Provided that the Ministry of ATR/BPN can create protections against further forest encroachment, the President should issue an instruction to revise the process for releasing forest land to authorize BPN to inventory and map forest areas pertinent to new land allocation and submit recommendations to the President's office to release such land for allocation.

**Women’s land rights and women’s participation in agrarian reforms.** Women’s involvement in agrarian reform processes and benefits is necessary to achieve the perpres objectives of reducing poverty and advancing social justice and public welfare. The government has tremendous scope to include women and secure their documented rights to land within the agrarian reform program.

We therefore recommend that the Ministry of ATR/BPN have a stronger focus on women in land administration and agrarian reform. For certification of land rights, the Ministry of ATR/BPN should revise the process to require families to consider joint titling and registration in the name of women. For new land allocations, the Ministry of ATR/BPN should work with Bappenas to set targets for women to receive land rights and include priority targets for vulnerable groups (e.g.,

widows and women-headed households living below the poverty line). The Ministry of ATR/BPN should collect sex-disaggregated data so that it can track progress. The Ministry of ATR/BPN should ensure adequate staffing and resources to integrate gender and women's land rights issues into land administration and agrarian reforms. The Ministry of ATR/BPN should establish a national-level multi-stakeholder "women's land rights task force," organized alongside the Central Agrarian Reform Task Force, to guide the equitable inclusion of women in agrarian reform targets, priorities and processes.

While the Ministry of ATR/BPN has accomplished ambitious certification work, going forward, Indonesia agrarian reform will benefit from greater transparency, strong focus on new land allocations (ex-HGU land, abandoned land and ex-forest land) and more intentional inclusion of women.

## Introduction

In late August and early September 2019, Landesa traveled to Indonesia for 16 days to explore the Indonesian government's progress in implementing the president's agrarian reform agenda. We made this trip at the invitation of the Minister of Agrarian Affairs and Spatial Planning, Kementerian Agraria dan Tata Ruang (ATR) and the National Land Agency, Badan Pertanahan Nasional (BPN). Landesa was joined by Akhmad Safik, a land law expert who worked closely with Landesa for several years in the early 2000s.

The research team prioritized three matters. (1) We understood that a large part of the agrarian reform land targets did not involve redistributed land, but that at least some of the reform focused on allocating land previously used by plantation companies. We were interested in understanding the local political conditions under which the government could acquire plantation land and distribute it to farmers. (2) We also understood that women were not very involved in the agrarian reform process. We wanted to understand why this was, and what prospects there were for increasing their inclusion. (3) And finally, we understood that some within the Ministry of ATR/BPN questioned whether smallholder farmers are able to make good use of land allocated to them, and we wanted to visit smallholders who had received land, particularly in earlier decades, to document their experience.

To answer these questions, the research team traveled to two regencies on Sulawesi and Borneo. In North Sulawesi the team visited Mangkit Village, a remote village of plantation laborers who, after a 20-year struggle, recently received ownership of land formerly used by coconut plantation companies. The team discussed the allocation process with the Vice-Bupati and local BPN officials in Southeast Minahasa Regency. The team returned to Jakarta to meet with leaders of the Land Reform Directorate of BPN as well as officials of Bappenas, the planning agency that sets national targets and budgets, including targets for agrarian reform. The team also met with representatives of agrarian reform and women's rights NGOs described throughout the report. The team then traveled to West Kalimantan to meet farmers obtaining land from an expired oil palm plantation, as well as the elected Bupati and local BPN officials from Sanggau Regency. Akhmad Safik subsequently visited Blitar Regency in East Java to gather information on how families had fared since receiving land in land reforms conducted over a decade ago.

This report summarizes the research team's main findings and recommendations. Part I assesses the productive use of land distributed during earlier reforms. Part II analyzes the progress of land reform

(2015-2019). Part III discusses the distribution of expired HGU and abandoned land, and Part IV the distribution of ex-forest land. Part V focuses on women's land rights and women's participation in agrarian reforms. The final part summarizes recommendations.

## **Part I. Productive use of land distributed earlier**

Prior to the present assessment, we were told that some within the Ministry of ATR/BPN questioned whether smallholder farmers are able to make good use of land allocated to them. We therefore interviewed smallholders who had received land to document their land reform experience, how they are using (ex-plantation) land, and the impacts of land distributions. Gambaranyar Hamlet in Sumberasri Village and Kulon Bambang Hamlet in Sumber Urip Village, both in Blitar Regency, provide examples of communities who had benefited from land distributions in earlier decades. Mangkit Village in Southeast Minahasa Regency provides a more recent example of land distributions completed under Perpres No. 86 of 2018.

### **A. Experience of farmers in Gambaranyar Hamlet**

In Gambaranyar Hamlet of Sumberasri Village in Blitar Regency, a 2009 distribution of plantation land transformed the lives of residents. The plantation company held long-term use rights (Hak Guna Usaha, or HGU) granted by the government. The residents had been plantation laborers whose livelihoods were severely undermined by a massive layoff and plantation inactivity that resulted from Indonesia's 1998 financial crisis. In order to feed their families, community members occupied and planted crops on the land company's HGU land, and began pressing the company and the government to redistribute this land to them.

In 2008, the company agreed to release 212 ha of land, including 160 ha already occupied by the community and 52 ha for non-resident plantation workers. Ex-HGU land was redistributed in 2009, according to a scheme approved by the community. Resident families received 0.03 ha for a house plot and between 0.2 and 2 ha of arable land.<sup>1</sup> The redistributed land was registered in 2010.

Since receiving the land redistribution certificates, the villagers of Gambaranyar Hamlet have become free from pressure and intimidation. They now enjoy clear legal status for their land rights, and continue to productively cultivate the land. Almost 90% of the families cultivate the land individually.<sup>2</sup> Initially, families planted corn and cassava, which could be harvested quickly and consumed immediately. Over time the families planted avocados as well as cloves, which they sold to middlemen. Some in Gambaranyar rent out their land in order to obtain capital to begin other economic activities.

Since receiving the land redistribution certificates, the villagers of Gambaranyar have become more economically prosperous. Land redistribution has empowered community members to undertake additional livelihood sources to supplement the wages they receive as plantation laborers. Today, about 20 years after they began using the house plots, a permanent house has been built on each one. This has greatly improved the neighborhood. Many members of community now own motorcycles and other

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<sup>1</sup> The size of the redistributed agricultural land varied from group to group. For example, 0.6 ha was allocated to each leader of the land rights struggle, 0.4 to each head of family, 0.2 ha to each married couple who lived with their parents, and 0.1 ha to each widow or elderly person. The remaining 10 ha was allocated for public roads, public facilities, social facilities, bengkok land, and village treasury.

<sup>2</sup> The remaining 10% include certain groups who do not cultivate the land, like the elderly or those with physical disabilities.

family assets. Additionally, the arable land that each family received provides an additional source of income, which families use to fulfill household needs (savings, school fees, other secondary needs). They can also send their children to high school, which was not possible previously.

### **B. Experience of farmers in Kulon Bambang Hamlet**

Thanks to the 2011 redistribution of 280 ha of ex-HGU land, allocated in 331 plots, the residents of Kulon Bambang Hamlet in Java's Sumber Urip Village in Blitar Regency have been transformed from land-insecure tea plantation laborers to land owners and independent smallholder farmers. Under an ex-HGU land redistribution scheme approved by all community members, about 25 ha was allocated for community settlements, with each family receiving around 0.07 ha for a house plot, and 1 to 2 ha of arable land.<sup>3</sup> Another 50 ha was allocated as collective land,<sup>4</sup> and a portion was allocated for public roads and village infrastructure. At the time of registration, the 331 redistributed plots were further divided, and the government issued 1,151 certificates, with separate certificates issued to husbands, wives and children.<sup>5</sup>

Land certificates now protect their ownership rights to a house plot and arable land. They no longer feel anxious or afraid when cultivating the land. Each family has been able to put their 1 to 2 ha of arable land to productive use. For example, community members plant and harvest wood, raise livestock and grow coffee, chili and seasonal crops.

After learning from the experience (and certain challenges) in Gambaranyar Hamlet, the families of Kulon Bambang Hamlet established their own credit union, PAWARTAKU, which has enabled the community to be better organized and to use the land to produce for their own needs without having to borrow money from money lenders and banks. With the income generated from the harvests, they can invest in improving the land and can also fulfill other family needs. And whereas the families previously lived in non-permanent houses, they now enjoy ownership of decent, permanent houses, an indication of improved economic status. The community's children now continue their education in high school, rather than stopping after elementary school.

### **C. Experience of farmers in Mangkit Village (Southeast Minahasa)**

Today, after many years of struggle, the women and men of Mangkit Village in North Sulawesi are happy. As a result of ex-HGU land redistribution in 2018, the community has concluded its decades-long fight for land rights. Before, they were land insecure and experienced longstanding conflicts with the plantation companies that held HGU rights to the coconut plantation. The companies had not used the land for many years, but were reluctant to release their right to renew the HGU rights. Once the community persuaded the company to release their HGU rights, the government distributed the land to village members as a land reform allocation. Based on Mangkit Village's participatory mapping exercise,

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<sup>3</sup> Specifically, distributions were as follows: 2 ha to each leader who led the struggle for getting the HGU land from the plantation company, 1.2 ha to each militant farmers, and around 0.7 ha to each other household.

<sup>4</sup> This included 5 ha for research and development purposes (in collaboration with a local university to develop and share knowledge), and 10 ha for a community-owned tea plantation.

<sup>5</sup> This registration approach was taken to respect women's rights to land and to also reduce the risk of land transfer.



the government distributed 390 parcels to 125 households, in parcels up to a maximum of 2 ha, with most being about the same size.<sup>6</sup> Since the distribution, the community reports no agrarian conflicts.

In particular, the issuance of land certificates has been vitally important since it signifies that individual women and men own the ex-HGU land. The certificates enabled people to improve their land and their lives, a fact noted by the Vice Bupati, local BPN officials and the community members themselves. Community members already report economic benefits. For example, women reported that ownership of land and trees, which produced big harvest of commodities like cloves, has created opportunity for generating income. The village head reports that there is more income for household expenditures, including, for example, purchase of furniture.

Secure land rights in Mangkit Village have enabled the local leaders, women and men to turn their attention and investments to improving the local economy.

#### **D. Support received by Blitar and Mangkit farmers**

In Blitar Regency in Java, both Gambaranyar and Kulon Bambang hamlets benefitted from organized community members. In Gambaranyar Hamlet, the community established an informal land redistribution committee. It did this in 1998, during the hamlet's struggle to obtain HGU land in the wake of Indonesia's economic crisis. The community informally decided that if the company did release HGU land, 600 families would be entitled to a parcel of land, provided they were still living in the hamlet.

Additionally, Gambaranyar Hamlet was eligible to benefit from PRONA (Program Nasional Agraria), the national land certification program funded by the Central Government. This program fully subsidized the registration costs for poor people who lack the money to pay for land certification. Unfortunately, due to lack of information and corruption, some villagers paid for their registration.

In Kulon Bambang Hamlet, the community developed a land redistribution scheme that all community members endorsed, and established a community-based credit union (CU) to support the community's land reform beneficiaries.

The CU required mandatory community participation and financial contribution of Rp. 1,650,050 (around 118 USD), which includes health savings, mandatory savings and retirement savings. The CU helped the community members avoid distress sales of land, which had accounted for 25% of the land transfers in the five years following the land redistribution. The CU provides capital to smallholder farmers so they can avoid borrowing from informal money lenders or commercial banks. The CU allows the borrowers more flexibility in paying their debts over time, which enables them to cope with financial problems without being forced to immediately repay the loan. If borrowers fail to make payments, the CU will reschedule the debt and provide borrowers the opportunity to earn money to pay the debt. The CU also has rules and policies to help community members financially cope with challenges such as crop failure or repeated business failure.<sup>7</sup> And the CU has established some products to finance family needs,

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<sup>6</sup> In neighboring Basaan Sattu Village, 125 parcels were distributed to 123 households (see also Section III).

<sup>7</sup> If there is a crop failure, the remaining debt becomes a new debt with a rescheduled payment period. If member's business fails repeatedly, the CU will write off the loan interest (but not the principal debt owed).

such as loans for house construction, renovation or repair,<sup>8</sup> weddings and childbirth ceremonies, hajj pilgrimage and capital for agricultural activities.

Mangkit Village in North Sulawesi recently completed land redistribution and asset legality phases of the agrarian reform program, and is now eager to improve the economy of the people, including through “access reform.” The village head shared that the community is excellent in managing land and farms, noting that 90% of the community’s land has already been utilized, and 75% is already producing the cloves, nutmeg and vanilla. The community is already receiving training to boost economic productivity. It has received organizational training from Konsorsium Pembaruan Agraria (KPA) and has started to organize into groups to manage the community unit. It has constructed a building on collective land to serve the community. The community has lots of ideas for different business.

However, there remain access-related issues that require government support. For example, new roads are needed to improve the transport of farm products, such as papaya, by motorcycle or car. One woman shared the people can produce, but if there is no road access, the produce cannot be transported to market. In a focus group discussion, women also identified needed inputs, including seedlings, agricultural tools and equipment, such as herbicide sprayers. Access to finance is also crucial. The community is also interested in engaging the Ministry of Cooperatives and Small and Medium Enterprises to support access to financing.

#### E. Analysis and recommendations

Land redistribution has worked well to transform the lives of common people, both in the earlier reforms benefiting two hamlets in Blitar Regency on Java and the recent reforms in Mangkit Village in North Sulawesi. Landless plantation workers were transformed into land owners and independent smallholder farmers, from families with a limited economic future, to families with a brighter economic future. These new land right holders are putting land to productive agricultural use, raising livestock and growing coffee, fruits and other crops. Some production is consumed, and some is marketed to cities. Additionally, home ownership is broad-based, and houses are permanent. Both the house plots and the arable plots now provide a diversity of income sources. In Blitar Regency, the neighborhoods have improved, not only with better housing and more economic prosperity, but also good asphalt roads. Children now have better and higher education than before.

Examples from these three villages show that land redistribution to the landless, ex-plantation workers can dramatically improve their lives, and that communities are able and willing to invest their time and effort to make the most of opportunities to build stronger community structures. The land redistribution efforts of BPN, and the resultant economic and social impacts, are laudable. There is value in systematically reporting on and showcasing lessons learned, best practices and outcomes to generate support for scaling land redistribution efforts and impact in other locations across Indonesia.

- i. **Recommendation:** In order to address the issue of landlessness and resolve land disputes, Indonesia should continue allocating land to landless smallholder farmers and plantation laborers, while providing support, such as providing information on the importance of community organizing before and after land distribution and supporting access to finance.

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<sup>8</sup> The home-related loans become available after the CU member is able to save 10% of the value of the house (through one year of saving). The CU creates a payment scheme that the family can afford. The CU will keep the land certificate as collateral in order to ensure that the borrower will not use the land certificate to obtain a separate loan from a commercial bank.

- ii. **Recommendation:** BPN should study and document the economic and social impacts of past land reforms, including reforms in which plantation companies cooperated to help support plantation workers obtain land, and disseminate findings broadly.
- iii. **Recommendation:** The Ministry of ATR/BPN should explore ways in which communities can cooperate with plantation companies to participate in their supply chain, such as using Kabupaten Task Forces (led by the Bupati) to encourage plantation companies to support landless farmers and plantation laborers.

## Part II. Progress of land reform: 2015 – 2019

### A. Agrarian reform targets and progress

In March 2017, President Jokowi publicly stated that agrarian reform is not only a way to resolve agrarian conflict between people and corporations or people and the state, but is also as a tool to address poverty and social economic discrepancy, especially for the poorest 40% of population in Indonesia (Republika 2017). The President committed his administration to improving agrarian reform, accelerating land registration and implementing the social forestry program (“Jokowi confides” 2018), and agreed when civil society organizations asked him to lead agrarian reform directly rather than assign leadership to a minister (“Welcome protester” 2019).

In the first meeting with House of Representatives (DPR) after the reassignment of the Minister of ATR/BPN, the Minister stated that BPN would focus its program to create world class spatial and land management in Indonesia by optimizing agrarian reform implementation, accelerating land registration, improving technology-based management by launching e-mortgage facilities and implementing the spatial planning program (“Ministry of Agrarian Affairs and Spatial Planning meets the Commission” 2019). During a public consultation, the Minister stated that the agrarian reform program is a national strategic program (“Public consultation” 2019), meaning that it has been prioritized by the Government.

The issuance of Perpres No. 86 of 2018 was an important event (“Implementation opportunity of Perpres 86” 2018). The perpres is a presidential regulation, issued by President Jokowi, that sets out rules and guidance to implement agrarian reform. A key aim is to reduce inequality in land tenure and ownership.

The perpres was perceived as breathing fresh air into the nation’s agrarian reform program (“A hope of a farmer” 2019), and was a visible step towards accomplishing the President’s promise to reinvigorate agrarian reforms in Indonesia. The perpres has established more concrete pathways and processes for the agrarian reform implementation in order to uphold social justice in addressing inequality of land ownership, land holding, land use and land utilization (“Challenge and optimism” 2018).

However, some observers note that implementation of land redistribution is still very low compared to registration of land rights that were previously granted (which is known as “asset legalization” at BPN). Further, it is reported that agrarian conflict has been expanding in many regions due to increases in infrastructure development projects.

A December 2019 article in the online environmental news site Mongabay cited four concerns raised by agrarian and environmental actors in Indonesia (Arumingtyas 2019):

(1) Although the President has spoken of the importance of the agrarian reform and social forestry programs in reducing imbalances in land holdings and resolving agrarian conflicts, implementation of the reforms has not been impressive.

(2) The National Human Rights Commission (Komnas HAM) has stated that the persisting agrarian conflict issues reflect unfulfilled social justice for people whose lives depend on land and natural resources. In 2017, 269 cases of human rights violations reported to the Commission (23.14% of all human rights violations) involved agrarian conflict. In the period 2018-2019, the Commission managed 196 agrarian conflicts, and the biggest cases are in 29 provinces.

(3) AMAN (Alliance of Indonesian Customary Groups) says that the Government has been strengthening its support for investment activities while its commitment to recognizing and protecting customary rights has been fading away.

(4) According to KPA ("Agrarian conflict" 2019), during the period 2014-2018, 41 people died, 546 were tortured, 51 were shot and at least 940 activists were arrested because of agrarian conflict. KPA believes the implementation of agrarian reform program focuses more on land registration rather than land redistribution, and that this repeats mistakes of the previous administration.

The agrarian reform program focuses on five broad categories of land. (1) "Redistribution land" involves various types of land reform objects (explained further below). (2) "IP4T" involves inventorying land ownership, land holdings, land utilization and land use in specific geographic areas.<sup>9</sup> (3) "Legalized asset" involves granting title to smallholder farmers who received land under an earlier land reform, sometimes dating back several decades. (4) "Transmigration" involves granting title to farmers or plantation laborers who received land as part of a government transmigration program relocating families from overpopulated islands to underpopulated islands. (5) "Release of forest" involves identifying new land reform objects located within designated forest areas, and then administratively "releasing" the land from the forest so that it can be distributed to new land reform subjects.

Table 1 shows five-year targets through 2019 for each of the five categories, and progress through 2018. The targets were set by BAPPENAS after consulting with BPN and (in the case of the forest release targets) the Ministry of Environment and Forestry.

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<sup>9</sup> Although BPN has been managing land administration system in Indonesia since the enactment of Basic Agrarian Law in 1960, BPN only manages and records data on land that has been registered. Since the total number of land that has been registered is still low, BPN is not able to control and supervise millions of land parcels that are still unregistered. Therefore, BPN has initiated the IP4T (Inventarisasi Pemilikan, Penguasaan, Penggunaan dan Pemanfaatan Tanah) program to inventory land ownership, land holding, land use and land utilization in any given area, including forest and non-forest area. Although the maps do not include parcel detail, they do show areas of agrarian HGU, IUP mining concessions, forest, land owned by community (hak milik and HGB) in non-forest area, community enclaves within forest areas, land controlled by a state agency, and "free state land" (released forest not yet claimed by any rightholder). The maps show a spatial-structure (struktur ruang) as well as a spatial-pattern (pola ruang).

**Table 1. Implementation of national agrarian reform program, 2015 – 2019**

Type	5-year target	Achievement during 2015 – 2019		As percentage of target
		Parcels	Ha	
Redistribution land	400,000 ha	545,429	412,354	103.09%
IP4T	18,206,340 parcels	1,273,685	n/a	7.00%
Legalized asset	3,900,000 ha	11,654,969	2,589,448	66.40%
Transmigration	600,000 ha	70,142	47,176	7.86%
Release of forest	4,100,000 ha	25,310	19,490 ha	0.47%

Source: Adapted from National BPN and Sanggau BPN

Although the government has made impressive progress with regard to the "Legalized asset" category, some observers assert that legalizing rights that were granted by the government in the past is not entirely within the spirit of the President's commitment to conduct agrarian reform. The government has also made strong progress regarding the "Redistribution land" category, and even slightly exceeded the target of 400,000 ha. The government made essentially no progress during five years with regard to the "Release of forest" category, which also involves new land reform objects and new land reform subjects.<sup>10</sup>

## B. Redistribution land

At least some of the "Redistribution land" involves the designation of new land reform objects for distribution to new land reform subjects. This part of the agrarian reform seems most likely to address social tensions related to land whose control is contested by agricultural laborers and smallholder farmers. Beginning in 2018, provinces began reporting three types of Redistribution land: "expired HGU," "neglected land" and "other state land."

**Table 2. Breakdown of redistributed land**

Type	Achievement by period			
	2015 – 2017	2018	2019	Total
All redistributed land	196,483	200,809	155,921	553,213
including . . .				
- Expired HGU	n/a	9,956	2,874	n/a
- Neglected land	n/a	0	977	n/a
- Other state land	n/a	190,853	152,070	n/a

Source: Adapted from BPN

<sup>10</sup> The amount of released forest totals 980,000 ha. This includes land released but not yet delineated or demarcated, and so not yet available for distribution to individuals. A considerable amount of the land classified as forests may not represent functional forests. (See Part IV on Distribution of ex-forest land). The achievements of 2015-2019 come from forest release in Sanggau Regency in West Kalimantan. Of the 4,100,000 ha target, MOEF has identified 437,936 ha as the target for allocating agrarian reform object in forest areas. The allocation of 5,315 ha represents 1.22% of the MOEF's 437,936 ha goal.

Although Table 2 does not include disaggregated data for all five years, at least 62% of the total amount of "Redistribution land" processed during the last five years was "Other state land" (342,923 ha out of 553,213 ha total). During both 2018 and 2019, more than 95% of "Redistribution land" was "Other state land." The category "Other state land" includes land that was physically distributed to smallholder farmers and agricultural laborers during earlier land reforms, but not formally titled. In this respect, such land resembles the "Legalized asset" land in Table 1. Assuming the nature of land distribution during 2018 and 2019 resembled the activity during 2015 – 2017, it appears that only a small fraction of the redistributed land was either "Expired HGU" or "Neglected land" that represented "new" land reform objects.

### C. Analysis and recommendations

New land reform objects, which necessarily involve new land reform subjects, may have the greatest impact on relieving land insecurity. In addition, identification of new land reform objects and new land reform subjects is much more complicated to do, as compared to registering rights to land reform objects distributed during earlier reforms. Identification of new land reform objects and new land reform subjects will necessarily require more budget resources and more highly qualified personnel.

Combining former land reform objects and new land reform objects into a single category obscures how much progress is made with new land reform objects, and also obscures how much is being budgeted to meet the various targets. For this reason, we recommend that BAPPENAS and BPN set separate targets for the distribution of new land reform objects, and budget separately for the programming focused on each target.

It would increase public accountability, and public understanding, for these targets to be made public. Public targets would also help to demonstrate the government's commitment to expanding the number of smallholder farmers and agricultural laborers who can gain secure rights to agrarian land.

- i. **Recommendation:** BAPPENAS and BPN should distinguish four major categories: (1) land to be certified that was not a land reform object, (2) land to be certified that was previously allocated as a land reform object, (3) new land reform objects created from agrarian land, and (4) new land reform objects created from ex-forest.
- ii. **Recommendation:** BAPPENAS and BPN should budget separately for programming focused on each target. The budget should be based on a realistic accounting of the personnel and other costs needed to make progress on each target.
- iii. **Recommendation:** BAPPENAS and BPN should make the disaggregated agrarian reform targets and progress available to the public.

## Part III. Distribution of expired HGU and abandoned HGU

Perpres No. 86 is being implemented slowly to allocate expired HGU and "abandoned" plantation land to farmers. Examination of successful ex-HGU land distributions was a central focus of the current assessment.<sup>11</sup> At the time of the assessment, BPN reported that the government had redistributed

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<sup>11</sup> While agrarian conflicts are addressed in Perpres No. 86, and they are an important driver of agrarian reforms, it bears noting that this assessment did not focus on specific conflicts, which are a police matter. Such conflicts are the focus of the Presidential Staff Office Team to Accelerate the Resolution of Agrarian Conflict, and various civil society organizations like KPA and Women's Solidarity.

397,286 ha of abandoned and ex-HGU land out of a five-year target of 400,000 ha. This assessment examined two districts where land is being allocated to farmers – in the provinces of North Sulawesi and West Kalimantan. At these sites, the district government, BPN, and the plantation companies are cooperating.

#### A. Sources of land reform objects

Key sources of land reform objects include land for which the HGU rights have expired and HGU which has been abandoned.

At both sites visited by the research team, plantation companies had abandoned the land. In Mangkit Village, in Southeast Minahasa Regency in North Sulawesi, the source of land reform objects was land used by three coconut plantation companies that were issued 25-year HGU rights that began in 1982 and expired in 2007. The community struggled for decades to persuade authorities to designate the land as a land reform object. The Ministry of ATR/BPN finally assessed the land as abandoned (under a then-new 2010 government regulation), and the new Bupati agreed with that assessment as well as the decision to redistribute the abandoned plantation land to the people. The community also had to engage in challenging negotiations with the companies.

In Sanggau Regency, the land reform object came from the release of 8,000 ha of land that PT Kebun Janda Prima (a large oil palm company that has a large HGU concession) was not able to use because people lived on this section of land. According to the Bupati, Sanggau Regency has 12,000 ha of ex-HGU land. In West Kalimantan, the government has met its target of redistributing 111,000 parcels – the largest redistribution of all the provinces under Perpres No. 86.

#### **Box 1. Complexities in the sources of objects for land distribution**

The sources of objects for land distribution are complicated, especially for HGU land. Releasing HGU rights can be a means for resolving conflict, as reported by the Bupati in Sanggau Regency. The example from Mangkit Village highlights the challenges one community faced in resolving conflicts around the status of coconut plantation land that the plantation companies ultimately abandoned. It included a long process of community, government and company engagement to determine that the land should be treated as an object of land reform.

In Sanggau Regency, one company provided release of 8,000 ha, but the prospects for identifying other land reform objects are more challenging. For example, many companies hold rights to smaller areas of land, and the government (and communities) may need to interact with several companies to negotiate the recognition of land reform objects. Additionally, some older HGU concessions in practice overlap with forest areas, implicating the Ministry of Environment and Forestry (MOEF) in addition to the Ministry of ATR/BPN. This overlap is relevant to the identification of new land reform objects because ex-HGU land could be an automatically available land reform object or it could be land which stays within MOEF's domain.

#### B. Potential scope of land reform objects is unknown

It may be difficult to estimate the total amount of abandoned and unused plantation land. It depends on whether the particular HGU is (and will remain) active. This status can be hard to discern as a factual matter. For example, there can be differing views as to whether the HGU holder has abandoned a

particular piece of land or is planning to use it in the future.<sup>12</sup> Current rules, practices and judicial rulings give HGU holders strong rights to contest the cancellation of the HGU rights, even if the rights have expired according to the terms of the concession agreement. Some HGU holders also have strong political influence. Public processes for considering renewal or cancellation of HGU rights could make the process more socially legitimate in the eyes of the general public, but it would expose the HGU holders to public scrutiny, which might be uncomfortable for some HGU holders.

It is also currently difficult to determine the total area and location of HGU land that exceeds the concession area granted by the government. However, with BPN's cooperation, it should be possible to estimate and verify using satellite imagery. If such data were made public, this would go far towards establishing public confidence in the system.

Another difficulty with estimating the existence and size of potential land reform objects is the fact that the MOEF has reportedly designated some areas as forest that were previously allocated as HGU by BPN. Thus, although the law does not allow BPN to allocate forest as HGU, some HGU that BPN granted earlier may now be claimed by the MOEF once the HGU expires or is abandoned. The effort to determine the scope of land reform objects must be supported by implementation of IP4T in every land office so that the baseline data on object and subject can be documented, recorded and updated.

### C. Perpres No. 86 framework for defining objects and subjects

Under Perpres No. 86, there are 13 types of land reform objects. Of these, two important categories are ex-HGU land and abandoned HGU land. Additionally, Perpres No. 86 allows for an expanded group of land reform subjects. Whereas Government Regulation No. 224 of 1961 was criticized for only benefitting farmers, Perpres No. 86 benefits non-farmers as well, including civil servants and merchants.

In Mangkit Village in Southeast Minahasa Regency, the land released was abandoned land that had expired HGU rights. Through the agrarian reform process, the government allocated the abandoned HGU land in 515 parcels to 248 households. A total of 390 of those parcels were distributed to 125 households in Mangkit Village, and the remainder went to neighboring villagers who used a portion of the abandoned land. In Sanggau Regency, the local land office considers the 8,000 ha of unused land released by the plantation company to be redistributed land (not merely certified land) because the land was previously controlled by the company. It is land redistribution with the certificate to be handed over as part of asset legalization.

In the studied sites, farmers were the main beneficiaries. In Mangkit Village the beneficiaries were coconut plantation laborers who did not previously hold land. In Sanggau Regency, the beneficiaries were farmers and other villagers, mostly Dayaks, who claim to have earlier lost their customary land to the plantation company.

Perpres No. 86 also does not specifically mention women (or any specific categories of women) as potential land reform subjects. In Northeast Minahasa Regency, the village of Mangkit mobilized (and with support KPA and the KPA-affiliated Farmers Union), actively included women in the process and benefits of land redistribution. In Sanggau Regency, the research team did not receive information about the number of women subjects. (See Part V on women's participation for more information.)

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<sup>12</sup> The company may have taken out loans using the HGU rights as security, and may be unwilling to cede the HGU rights even if not able to use them.



#### D. Capacity of Task Force, including roles of District and BPN in practice

Implementation of Perpres No. 86 requires a coordinated effort across government agencies. The Coordinating Minister for Economic Affairs chairs the National Agrarian Reform Team, which has overall responsibility to coordinate the work of the various ministries. The Central Agrarian Reform Task Force assists the National Agrarian Reform Team and is chaired by the Minister of Agrarian Affairs and Spatial Planning/BPN.

Within BPN, the Land Reform Directorate facilitates land distribution through its planning, budgeting, supervision and evaluation and monitoring functions. However, the directorate does not appear to have power to push through land reform decisions.

Similar task forces are organized at the provincial and regency levels. Central members of each task force include the Ministry of ATR/BPN and leadership of the provincial government (Governor) or district (Bupati) / municipality (Mayor). The 33 provincial BPN offices, through the Provincial Agrarian Reform Task Forces, hold the actual responsibility as part of their supervisory responsibility over districts (and cities) who are the implementing agents, through the Kabupaten/Municipality Agrarian Reform Task Forces.

Local government capacity and cooperation was critical to the implementation of Perpres No. 86 in the two districts assessed in North Sulawesi and West Kalimantan. In both sites, the Bupati and the local BPN office actively collaborate. At both sites, the Bupatis proactively support the goal of distributing land to common people, and the local BPN office serves as the key technical and coordinating institution, advising on and coordinating technical matters. Additionally, there exist strong relationships, intentional coordination and mutual agreement between the Bupatis' office/district government and the local BPN office around the goal of redistributing land to the people.

##### **Box 2. Importance of local parliament in supporting agrarian reform**

The institutional design of the task force relies on the Bupati in implementing agrarian reform program; however, without support from the local parliament, it is very difficult to allocate the budget necessary to implement the agrarian reform program.

Perpres No. 86 has facilitated collaboration between the Bupati/district government and local BPN office and harnessed local government capacity to implement land redistribution – even in advance of establishment of a Kabupaten Agrarian Reform Task Force. In Southeast Minahasa Regency, Perpres No. 86 enabled the technical land agency to sit across from the district government to discuss and advance land distribution, according the head of the local BPN office. Such communications were indispensable in redistributing ex-HGU land in Mangkit Village and also identified as a necessary step in the forthcoming work to establish a district-level task force. At the time of the assessment, Southeast Minahasa BPN had received a letter authorizing it to begin collaborating with the district government, but it had not yet established its Kabupaten Agrarian Reform Task Force nor secured funding. Local stakeholders identified this lack of a task force and funding as a gap.

In West Kalimantan, the Sanggau Regency has established its Kabupaten Agrarian Reform Task Force and has also established a Land Reform Consideration Committee (PPL). The task force includes the Bupati, who serves as the Chair, the head of the local BPN, who serves as the Vice Chair, and BAPPEDA, among others. The Bupati recognized the indispensable role of the government in executing the agrarian reform program. He stated that the “most important attitude here is [that of] the Bupati and BPN.” For the distribution of ex-HGU land objects, the Bupati works together with BPN, particularly for

land outside the forest, where land rights and land distribution are under the authority of BPN. At the time of the assessment, the task force members were cooperating to achieve the target for 2019, namely distributing 12,000 ha of ex-HGU land in 14,000 parcels. For 12,000 ha of ex-HGU land, the local BPN office is measuring the land, and planned to discuss the results with the task force, noting that the work to define the subject and object of agrarian reform is the responsibility of the wider task force, not just BPN. The Land Reform Consideration Committee is responsible for deciding which agrarian reform subject will receive which agrarian reform object. The Bupati also cooperates with the village head and the people, and has a dedicated office, the Special Land Affairs Unit, which interacts with the villages. Bappeda coordinates village proposals for land to be included in the inventory.

With respect to equitably engaging village women and ensuring they also benefit from ex-HGU land allocation, it bears noting that the Agrarian Reform Task Forces did not specifically focus on women's involvement. However, different key government informants—at the national and local level—either expressed interest in the issue or identified additional stakeholders who could support women's involvement, suggesting areas of untapped potential for attending to gender-related and women-specific land issues. (For more information, see Part V.)

#### **E. Capacity of Task Force, including roles of community and NGO in practice**

In both of the visited districts, the research team found that the community and NGOs played key roles that supported the distribution of ex-HGU. In Mangkit Village, the local land office acknowledged that cooperation by the people, and their good intentions, facilitated the successful transfer of ownership of ex-HGU land to community members. The village head of Mangkit Village described key roles and sustained points of responsiveness and cooperation. For example, the village responded to the new Bupati's instruction to submit a proposal to BPN requesting land certificates. Village leaders worked together with the local BPN office to negotiate with the three HGU owners to release their HGU rights. In 2016, the village conducted its own participatory community mapping, which mapped the land used by all land users, including women (wives, widows and adult non-married women), and the land parcels they used (along with village assets and company heir parcels). Subsequently, BPN conducted a mapping in 2018. The process was expedited by that fact that BPN merely had to confirm the community's map. Afterwards, the community organized itself to have all the land users in Mangkit Village (including widows and adult non-married women) visit the local land office to receive their certificates.

*Notably, Mangkit Village internally agreed to allocate rights to both women and men within each household. Each married couple received a full land share, and divided this share between themselves, receiving two demarcated plots. Each widow received a full land share in her own name. (See Part V for more information.)*

KPA and the Farmers Union (which is a part of the KPA network) actively supported the community, including its female members, throughout these points and activities, especially the community mapping process.

BPN reported that, thanks to the efforts of community (supported by NGOs), it received no complaints. Women and men community members, who were already organized, mobilized to fill out their own forms for the certificates. According to BPN, it was "easy" to complete 515 land certificates, and the office had no qualms in approving the certificates for issuance.

In Sanggau Regency in West Kalimantan, Kabupaten Task Force members also noted the importance of wider cooperation, especially government cooperation with villages and NGOs. Members saw the value of a “bottom up” approach that originated with the community. Before embarking on redistribution of ex-HGU land, the local BPN office holds socialization meetings to inform the community of each step, from land measurement through issuance of the certificate. As mentioned above, the village head and community also cooperate with the Bupati’s office.

The Bupati and local BPN office in Sanggau Regency also valued the cooperation of NGOs and farmers organizations. The Bupati had signed an umbrella MOU with a coalition of NGOs, and issued a decree to enable the government and NGOs to work together. Sanggau Regency has included four NGOs in the Kabupaten Agrarian Task Reform Force, namely, Elpagar, YBSBK, Lembaga Bela Banua Talino (LBBT) and Pancur Kasih, and included one NGO in the Land Reform Consideration Committee. The Bupati mentioned that he had worked with NGOs earlier and gained an understanding of their importance. He believes, for example, that farmers organizations and NGOs play a key role in strengthening communication and aligning farmers’ expectations with government plans.

**Box 3. Cooperation readily available in other villages**

Interviews with people from another village, yet to benefit from agrarian reforms under Perpres No. 86 noted that the village and sub-hamlets were ready to actively cooperate. They stated that lists of agrarian reform subjects could be made quickly. All that was required was clear direction, adequate information and transparency.

**F. Analysis and recommendations**

Perpres No. 86 establishes promising new sources for land reform objects: it makes available for redistribution ex-HGU and abandoned land in locations where people live and depend on the land. In so doing, communities and local government have a path for securing land rights for smallholders. In both Southeast Minahasa Regency and Sanggau Regency, this has helped reduce longstanding conflicts and disputes between companies and communities and put the communities on a path to make productive use of their land. Given these kinds economic and social outcomes, it is laudable that the government has reached its target of redistributing 400,000 ha of ex-HGU and abandoned land.

There remains greater opportunity that could be achieved through more ambitious national targets (especially relative to the ex-forest land target of 4.1 million ha, discussed below in Part IV). It will be key to base these on solid estimates or accounting of this category of land reform objects. There also exists greater opportunity for economic and social gains if the land reform objects are distributed to beneficiaries who are landless and land-insecure, especially women. This will require the government to make information and processes more transparent, which will in turn require expenditure to create additional bureaucratic capacity. Achievement of targets may require officials to encourage companies to release unused and underused land. Officials must intentionally focus on helping women to become land reform subjects.

To advance agrarian reform, Perpres No. 86 leverages the capacity of coordinated effort. More capacity will be needed both at the national level, particularly within BPN’s Land Reform Directorate and at the regency level, where the key implementers are located. The Agrarian Reform Task Forces are key implementing mechanisms; support and investment in them will likely correlate with advances in redistributing this new, challenging land reform object at scale. Needed capacity can also be found by systematically drawing on CSOs, particularly grassroots organizations, and the community itself through use of “bottom up” approaches.

- i. **Recommendation:** The Ministry of ATR/BPN should increase staffing of the BPN Land Reform Directorate to ensure adequate human resources to implement the president's ambitious agrarian reform initiative (socialization of Perpres No. 86 and capacity building).
- ii. **Recommendation:** The Ministry of ATR/BPN should support the formation of provincial- and district-level task forces and the socialization of Perpres No. 86, which would include the documentation and dissemination of the practices of Kabupaten Task Force members that have successfully identified and allocated ex-HGU land to women and men smallholders.
- iii. **Recommendation:** To aid in identifying sources of land reform objects, the Ministry of ATR/BPN should increase the transparency regarding HGU boundaries to identify HGU areas that are unused.
- iv. **Recommendation:** The Ministry of ATR /BPN should conduct an accounting of potential land reform objects.
- v. **Recommendation:** Based on an accounting of potential land reform objects, the Ministry of ATR/BPN and Bappenas should create realistic Kabupaten targets for allocating new land reform objects (beyond legalized asset certification), and fund Kabupaten Task Forces.
- vi. **Recommendation:** To facilitate land redistribution of new land reform objects created from agrarian land, the Ministry of ATR/BPN should consider piloting a public process for determining the status of ex-HGU and abandoned land and also renewing HGU, and should commission a comparative study of company incentives for releasing land.

#### Part IV. Distribution of ex-forest land

Although the present assessment focused on distributions of ex-HGU land under Perpres No. 86,<sup>13</sup> several officials, including officials in West Kalimantan, also discussed land tenure reform issues in forest areas. In Sanggau Regency, the Ministry of Environment and Forestry (MOEF) has cooperated with BPN to inventory 17,000 ha of land used by communities within designated forests. It is also necessary to map the inventoried areas, and MOEF controls decisions regarding mapping as well as the budget for mapping. As of September 2019, MOEF had only agreed to the formal release of 7,000 ha of the 17,000 ha in Sanggau Regency. While maps have been made, MOEF has not delineated the area and the area has not been physically demarcated (and aligned to the maps). Therefore, the land still remains under the MOEF's authority. Sanggau Regency had a 2019 target of distributing 600 ha of ex-forest land. According to a local BPN office presentation, 604 ha of forest land had been released in two sub-districts in six villages.

Given the government's target of distributing 4.1 million ha of ex-forest land, there has essentially been no progress in actually allocating forest land to farmers and customary communities who physically converted the forest for residential and agricultural uses during recent decades and the more distant past. BPN at the national level reported that it has only determined borders (and technical issues) on 200 ha of ex-forest land. It appears that the lack of progress can be attributed to MOEF's reluctance to map the land for release.

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<sup>13</sup> During Landesa's field research trip in August and September 2019, the team did not meet with the MOEF or NGOs working on forest issues, but subsequently contacted several NGOs to learn more.

#### A. Potential scope of forest land to be released is unknown

The potential scope of forest land to be released is unknown. In Sanggau Regency, MOEF determines the forest boundaries. The local land office relayed that it cannot calculate the potential land available outside what is indicated as forest and village. While the inventory is complete for the 17,000 ha, the BPN office in Sanggau does not know how much potential land could be inventoried. For example, according to the local BPN office, there are about 20,000 ha in new places within the forest area that are similar to the 17,000 inventoried ha, and this combined the area covers almost half of Sanggau Regency. It was reported the MOEF agreed to the 17,000 ha (as opposed to the other 20,000 ha) because the heads of villages within the 17,000 ha are active and have been proposing the areas for years.

Outside what is indicated as villages in the map of the region, the BPN officials also did not know the extent of land used for agriculture and habitation within forests, which could be good candidates for release from the forest area. One local BPN official shared that inhabited enclaves within forests are very separate from one another, making it difficult to estimate the extent of designated forest land that is occupied. It would require field visits to measure each area using GPS. Additionally, what land could be inventoried depends on the village head, who can propose areas where people live and utilize the land. Despite these challenges, the local BPN office was trying to determine estimates because such land “will be a land reform object in the future.”

#### Box 4. Steps in the forest release process in Sanggau Regency

The local BPN office in Sanggau Regency described the steps in the process: (1) inventory of land (with Bappeda proposing the inventory team, and with MOEF wanting BPN to be involved only in the inventory); (2) members from BPN, MOEF and Bupati’s office propose and share a list with MOEF, and complete the remainder of the inventory (includes determining who will analyze findings and decision of how much land will be allocated); (3) development of a map, with MOEF holding the budget and authority for the mapping; (4) maps and field demarcations aligned; (5) forest land released; and (6) re-delineation required to determine the new forest border within Sanggau Regency.

While it might be possible to use satellite imagery to identify and map occupied enclaves within forests (gathered through IP4T activities conducted in forest areas for land rights data), BPN does not have authority to do such mapping. Bappenas could ask for this information, but it lacks the technical authority to gather this information.

Satellite imagery could also be used to map the extent of oil palm plantations to compare against the “shape file” that defines the HGU concession boundaries in HGU licensing documents. The research team learned that the national government has ordered companies that hold HGU rights not to share the shape file of the HGU boundaries. Without the full shape file of the boundaries, it is difficult for local BPN officials to determine whether the plantation operator is using less than the HGU concession, or has expanded its use beyond the HGU concession to encroach into forests or other land. Because the HGU is a government decision to allocate public land for private use, it should be publicly available under the Freedom of Information Act. In 2017, the Indonesian Supreme Court ordered BPN to make the data on HGU in forest land (in form of the shape files) available as public documents. BPN has not yet executed the order.

#### B. Perpres No. 86 framework for defining objects and subjects

Perpres No. 86 defines objects and subjects of agrarian reform. Under Perpres No. 86, the list of land reform objects has been extended to 13 types, including ex-forest land. Article 7(1)(d) specifically

includes land that the MOEF has released from forest areas or which MOEF has designated as a land reform object after the forest area boundaries have changed. Additionally, there is the land used by plantation companies (described in Part III above), given that in practice some HGU areas are within forest areas. Notably, Perpres No. 86 does not provide guidance on land reform objects in event of the overlap between ex-HGU land and forest areas.

Perpres No. 86 explicitly allows “community groups” to be beneficiaries of agrarian reform. While the present assessment focused on land redistribution to individual subjects, agrarian reforms in West Kalimantan may impact community groups. For example, at the time of the assessment, the Bupati of Sanggau Regency was preparing to issue a decision letter officially recognizing a particular community as a customary community. Once the community is recognized, it may propose areas it wants to use as customary forests. The government was also distributing land to individual members of the same community.

### **C. Capacity of Task Force, including roles of District and BPN in practice**

Sanggau Regency has established its Kabupaten Agrarian Reform Task Force, which includes the Bupati, the local BPN office and others. According to the Bupati, the government in Sanggau Regency is involved in redistributing three types of land reform objects, one of which is ex-forest land. The Bupati works together with BPN (see roles outlined above). BPN also helps encourage forest land to be included within agrarian reform. The village head, who interacts mainly with the Bupati, proposes and advocates for the government to release forest areas occupied by villages.

The government has focused only limited human resources on identifying and releasing forest areas occupied by villages. To make up for this lack of focus, the local land office in Sanggau Regency highlighted the importance of a “bottom up” approach, relying on the active support of citizens at the grassroots level.

Land issues involving land designated as forest are complicated by the fact that forestry issues are outside the authority of both the Bupati and BPN. That authority sits with MOEF at the national level. For example, the local BPN office in Sanggau Regency does not have specific authority (and cannot be involved) in social forestry. The regency must coordinate with MOEF regarding forest communities, presumably at the provincial level since MOEF no longer maintains district offices.

### **D. Roles of MOEF and Bappenas**

MOEF and Bappenas play distinct roles within the agrarian reform process. MOEF has a central role to play in the forest release process—controlling the decision and the process (see Box 4), and also is responsible for social forestry.

Critically, MOEF is a gatekeeper for communities located in forest areas who need access and rights to land, whether through agrarian reform (land distribution or asset legalization) or social forestry. For example, the Bupati of Sanggau Regency discussed how his office is advancing land access through different schemes under MOEF and BPN.<sup>14</sup>

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<sup>14</sup> The government in Sanggau Regency has transferred land for two social forests used by customary communities, one covering 651 ha and another covering 2,229 ha, the largest in Indonesia. Local regulations support transferring to people rights to customary forests, including formally recognizing communities. Sanggau’s Bupati

An essential issue of land redistribution in forest areas is how to protect functional forests given the competing need to secure rights to forest-dependent people and customary communities. The Bupati in Sanggau Regency highlighted the importance of protecting forests, including allowing communal (social) uses under the social forestry scheme that focuses on protecting forests. He reported that in the designation of social forestry the community understands that it cannot fully control this land and that some community land must be protected.

While the Bupati supports the goal of protecting and conserving forest land, including through community-based social forestry schemes, he feels that some of the forest land also needs to be given to individuals, including for their residential use. Land in the forests occupied by impoverished villagers must be targeted and released from the forest area and distributed to them. The land should be distributed and certificated because people live there and depend on the land.

Additionally, the Bupati feels that without changing the land status out of forest land, it will be difficult to reduce the poverty rate. As an example, people may be prevented from planting coffee because the land is designated as forest. According to the Bupati, the biggest priority for agrarian reform is addressing land use where the poor are—which includes those who live on forest land. The MOEF is reportedly reluctant to release land for residential purposes.

Wahana Lingkungan Hidup Indonesia (WALHI) and KPA, both members of the National Committee for Agrarian Affairs (Komite Nasional Pembaruan Agraria), agree on the need to release land in the area where people live in the forest and need land. But WALHI does oppose the release of functional forests to be directly converted into plantations.<sup>15</sup>

Bappenas determines the budget of any program proposed by technical ministries like the MOEF. It may also exert control over the implementation of any budgeted program, including the agrarian reform program that requires strong commitment from the Ministry of ATR/BPN as well as MOEF.

#### **E. Analysis and recommendations**

There is an environmental imperative to preserve functional forests. There is also a social imperative to enable forest release to benefit common people who live in forest areas and who depend on land, especially those living in poverty. The latter could be addressed by meaningful progress toward meeting the national target of redistributing 4.1 million ha forest land. Interventions must effectively address both imperatives.

More transparency, data collection and collaboration are needed to determine the scope of potential forest land which could be released and to critically align the areas with where people live. Assuming the environmental issue can be adequately addressed, there is a need to “unstick” the forest land release and ex-forest land distribution process that so far has made essentially no progress in allocating forest land to farmers and customary communities. Innovative approaches may be needed to enable

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shared that in five more villages the head of the district will give recognition and manage the land. The plan (through 2024) for the Bupati’s second term is a target of 16,000 ha of customary forests.

<sup>15</sup> Previously, such conversion required several steps, such as the forest being downgraded to a production forest.

environmentally sensitive ex-forest land redistribution. Changes to intragovernmental rules and approaches may also be needed.<sup>16</sup>

To balance the need to stabilize the livelihoods of forest encroaching families with the competing need to protect the forest from further encroachment, it might make sense to create social forestry "concession buffers" around the encroached enclaves that have long been used for agriculture and habitation, and to require such buffers before the encroached area is privatized and allocated to smallholders.

- i. **Recommendation:** The Ministry of ATR/BPN and Bappenas should jointly analyze satellite imagery to estimate the amount of land within designated forests that has been encroached by smallholders, and also identify and list customary law communities present in these forest areas (with input from grassroots CSOs, who have extensive on the ground knowledge) that might be good candidates for creating social forestry concession buffers adjoining the encroached area.
- ii. **Recommendation:** Provided that the Ministry of ATR/BPN can create a suitable protection against further encroachment in forest, the President should issue an instruction to revise the process for releasing forest land to give joint authority to BPN to conduct inventories and map areas within forests and submit recommendations to the President's office to release forest land for allocation to occupying smallholders.
- iii. **Recommendation:** The Ministry of ATR/BPN should consult with forest conservation NGOs to explore the creation of new processes that will allow for privatization of existing encroached areas within forests while protecting against further encroachment; one idea is to create social forestry "concession buffers" around land within designated forests that is functionally used for agriculture and habitation, and to require such buffers before the encroached area is privatized and allocated to smallholders.

## Part V. Women's participation in agrarian reform

The research team also examined women's participation in the land allocation process, and in land certification efforts more generally.

### A. Why women's land rights matter

Women should constitute a substantial segment of agrarian reform beneficiaries in Indonesia. Women constitute around half the population, numbering some 135 million (Worldometers). Women comprise an estimated 75% of rice producers (JICA 2011). Despite women's significant participation in agriculture, engaged in almost every stage of agricultural production, they lack access to land, credit and other services (ASEAN Post Team 2019).

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<sup>16</sup> For example, rules give MOEF the authority to control (and to slow) key aspects of the forest release process. The local BPN office's role/authority is limited to inventorying the land, but they have technical capacity to do other aspects of the land release process, such as mapping. Also overlapping forestry regulations hinder the work to advance agrarian reform, because BPN officials attempting to identify land reform objects, which in law and practice are unclear, can face personal liability if violate the regulations, according to a retired land reform director.



In rural Indonesia, land rights are critical for food production, income generation and household wellbeing. Research by Landesa in the 2000s found a number of gender and women’s land rights issues in law and practice (Mitchell, Prosterman & Safik 2004, 2). For example, it found gender inequality in terms of women’s unequal access to and control over land, and while formal legal protections exist, they were inadequate and undermined in practice. “[M]ost communities continue to follow patriarchal traditions and customs that limit women’s access to productive resources” (Hermawati & Saari 2011, 36). Insecure land rights can hinder women’s capacity to carry out their productive roles and also impair their voice within the household and community. And women are particularly “likely to lose their land rights upon widowhood, divorce or desertion,” as reported by the Asian Development Bank (OECD 2019).

**Box 5. Women are a diverse population**

Women are a diverse population in Indonesia: they follow different religions, have different ethnic backgrounds, and have different marital statuses. Census data from 2010 surveyed around 95 million women, and over 26.8 million women were single (never married), 57.4 million were married, 8.7 million were widowed (and not remarried), and 2.3 million were divorced (and not remarried) (UN Data 2020).

According to global research, when women have secure rights to the land and its resources, they earn and save more, their children are better nourished, healthier and more educated, and these women are less at risk of domestic violence (Landesa 2015).

**Box 6. Documented women’s land rights – possible but not the norm**

Initially, in raising the issue of women’s land rights, a common refrain was sharing the West Sumatran example of passing land through the female line. Landesa recognized this point, and acknowledged that West Sumatra was an outlier; the patriarchal norms in families and communities limit women’s land ownership across much of Indonesia. This limit points to the fact that leaving the decision solely to families and communities, in cases where the culture is discriminatory, may inadvertently lead to discrimination against women and inequality in terms of women’s rights to enjoy documented, secure rights to land.

Additionally, securing women’s land rights within the agrarian reform process would help the government meet legal obligations imposed by the Indonesian Constitution and laws, as well as commitments enshrined in international agreements to which Indonesia is a signatory. Articles 27 and 28 of the Constitution guarantee the fundamental principles of equality and non-discrimination and the right to receive special treatment to enjoy equal opportunity and benefit. Article 9(2) of the Basic Agrarian Law provides that all citizens—women and men—have equal opportunity to obtain land rights to acquire its benefits and yields for themselves and their families. In addition, women (both married and unmarried) have equal rights as men to use, own and control land and assets, including to use them as collateral (Civil Code art. 570, Marriage Law art. 35, Constitution art. 28H(4)). And the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Indonesia ratified, obligates states to ensure women’s right to “equal treatment in land and agrarian reform” and to eliminate discrimination within marriage and family relations, including with respect property (respectively, arts. 14(2)(g) and 16).

**B. Land administration lacks a systematic approach to women and land**

The members of the Agrarian Reform Task Forces that the research team interviewed acknowledged that they had not given much thought to how the reforms affect women. At the national level, BPN officials state that the laws and regulations are neutral with regard to women, and do not overtly

discriminate against women. BPN officials acknowledge that there are no land policies or regulations specific to women, although one official recalled that one older regulation prioritizes land distribution for widows of the fighters of independence (Regulation No. 32 of 1961, art. 8).

Additionally, BPN officials stated that, in the prioritization of agrarian reform subjects, there is generally no discrimination based on gender. BPN focuses on ensuring that land rights are provided to the head of household, and does not focus on whether agrarian reform subjects are male or female. BPN considers that it would be too burdensome to consider the gender of land reform subjects, and that the government should not concern itself with property relations within the family. BPN takes a passive approach with respect to the gender of agrarian reform beneficiaries, deferring to families and communities to determine whether women should be included in the list of community members to be recognized as land owners and certificate holders.

Cultural norms, including Islamic norms, often place men in a dominant role within the family. Given these norms, BPN felt that there was nothing it could do to advance women's land rights. Consequently, BPN is not addressing gender and women's land rights related issues in land administration.

However, it is worth noting that Bappanas, a key Agrarian Reform Task Force member, is responsible for preparing the presidential regulation on National Midterm Development Planning (RPJMN), and the RPJMN 2015-2019 identifies "gender mainstreaming" as an important issue. Thus, Bappenas is responsible for ensuring that rules pertaining to gender mainstreaming are adopted and implemented by technical ministries and other government institutions. In Southeast Minahasa Regency, the local BPN office stated that, in its experience, most certificates are granted to men. In the case of Mangkit Village, it accepted the community's decision to have documented rights granted equally to women and men. The local BPN office also appreciated the village leadership's decision to fully include women in the agrarian reform process and its benefits. The office believes that it is better to include women in villages across Southeast Minahasa Regency. In Sanggau Regency, the Bupati noted that regulations there do not mention men or women, stating that there are no differences in terms of the rights of women. There are, however, regulations on women's empowerment generally; they are just not specific to land. While women were involved in certification, they were not involved in the targets for land certification. Further, the local government is not specifically asking for women to be included.

While the Agrarian Reform Task Forces are not focusing on gender and women's land rights issues, some task force members—at the national and local level—were open to

**Box 7. Leaving women's land rights to communities and families**

The choice about whether women have documented land rights is left to communities and families.

In Mangkit Village, the community chose to systematically promote women's legal rights to land. Women received their own land markers to demarcate the land they used. The community agreed to equally and separately recognize land rights for wives and husbands and to recognize land rights for widows. Women and men filled out forms for their land certificates at the local BPN office. Women (wives, widows and adult non-married women) and men now equally enjoy documented land ownership. (See subsection C for more information.)

In Sanggau Regency, one village reported that each family decides whether the wife's or husband's name is placed on the land certificate. Widows also can receive land certificates. There is no joint titling (due to the concern that this would create inheritance-related conflicts). In another village, it was reported that for a large parcel, the husband's and wife's name would both be listed, while for a smaller parcel only one name would be listed.

discussing possibilities around closing the gap.<sup>17</sup> For example, BPN was open to inclusion of provisions in the draft Land Bill to prioritize land reform subjects not only based on poverty, but also to advance social protection, such as for women who have been subjected to violence by men. In Southeast Minahasa Regency, the head of the local BPN office is interested in developing a local program to inform other villages how Mangkit Village included women in the process and as agrarian reform beneficiaries. In Sanggau Regency, the Bupati discussed the possibility of issuing a decree to promote women's empowerment and access to land.

### C. The experience of women in Mangkit Village

In Mangkit Village, women—including wives, widows and adult non-married women—productively use and manage land. They also actively participated in their community's land rights struggle and the agrarian reform processes used to distribute HGU land. For example, women were involved in all community meetings, were included in the community's leadership group, held women-only meetings to discuss their ideas on land and other issues, contributed ideas during community meetings and played key roles in the process such as collecting money. Women also received information regarding Perpres No. 86 and received notice on when the community would start the participatory mapping process. As part of that process, women received their own land markers to demarcate and measure the land they used, equally dividing the land shared with their husbands. Women and men went together to the local BPN office to fill out forms for their land certificates. Women's participation was intentionally planned for and actively encouraged by local village leadership and supported by KPA, the agrarian CSO that assisted the village.

As a result of the community's proactive and socially inclusive efforts, women have become land owners in their own name. Married women received some three to four thousand square meters of land, and each widow received rights to both her own parcel and the parcel of her deceased husband.

*Key lesson learned – In distributing and certifying land for people who manage the land, the local government in Southeast Minahasa learned that that women can develop and manage their own land.*

Women reported feeling unequivocally happy. They no longer experienced land tenure insecurity or physical threats resulting from their land use. After having equally participated in the community's struggle for land rights, they also had achieved gender equality in land ownership. Having land rights in their own name also provided women with social protection in the event of marriage dissolution.

### D. CSO focus on women and their rights to land

CSOs like KPA and Women's Solidarity are champions of gender equality and women's land rights. KPA has a high concern for women and their issues within Indonesia's agrarian reforms.<sup>18</sup> It recognizes the value of land for women, noting that documented land rights for women create land tenure security for the entire family since many women are reluctant to sell land. KPA understands that women's inclusion

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<sup>17</sup> E.g., BPN was open to the idea of affirmative action to prioritize widows as beneficiaries of agrarian reform. In Northeast Minahasa Tenggara, the head of the local BPN office brainstormed the potential for a local government initiative to sensitize the issue of women's land rights and women's participation in agrarian reform. In Sanggau District in West Kalimantan, the Bupati was considering including input from PKK, a women's organization.

<sup>18</sup> KPA regularly discusses the issue of women and agrarian reforms, regularly gives public attention to the issue, and promotes women's leadership within KPA. KPA has also engaged the National Commission on Violence Against Women on the issue of women's land rights and related programming.

cannot be achieved by focusing only on the final output of agrarian reform implementation. Rather, all processes (including preparations, meetings and all activities) require focus on women, starting at the early stages. This continuous focus includes many critical elements, such as:

- Designing how to prioritize (and not limit) women as subjects in land distribution, and how to include women in land administrative structures and processes;
- Raising awareness about agrarian reform for women, men and youth, and also socializing grassroots organizations about women's issues and the value of including women;
- Providing training opportunities for women (e.g., on how to prepare beneficiary lists for themselves, their families, and communities);
- Hearing women's voices, which necessitates involving women representatives and soliciting women's concerns and inputs to accommodate what women want;
- Harnessing women's capacity in decision making and in roles critical to advancing agrarian reform processes (e.g., to aid land use planning in preparation for land redistribution and support fulfillment of administrative requirements); and
- Monitoring various stages of processes to ensure that a community's decision to include women translates into women's names in the final lists for land certificates.

Informed by this understanding, KPA played a critical role in supporting Mangkit Village through its gender inclusive participation in the agrarian reform process. The outcomes there satisfied both the community and government.

Women Solidarity is another CSO that advocates for gender equity in agrarian reform, stresses the importance of protecting women's land rights (including in areas of land conflict), and focuses on empowering women in this context.

Additionally, Perempuan Kepala Keluarga (PEKKA), a women-headed household empowerment organization, was keenly aware of the poverty and land tenure insecurity issues that affect women-headed households. It reported that women-headed households comprise one out of every four families, and are disproportionately represented among the poor (i.e., the bottom 40% of the economic ladder that the government targets for social protection programs).<sup>19</sup> Based on PEKKA's experience, this diverse segment of the population is also relatively invisible to the government, which recognizes only two types of women-headed households, namely widows and divorcees. PEKKA, however, works with seven categories of women-headed households. (See Box 8.)

**Box 8. PEKKA's Seven Categories of Women Headed Households:**

PEKKA recognizes and works seven categories of women-headed households, namely:

1. widows
2. divorced women
3. wives left by their husbands
4. unmarried single mothers

<sup>19</sup> PEKKA shared that of those in lowest 40% on the economic ladder, a quarter are women-headed households, and that of all women-headed households in Indonesia, over 70% are located in the bottom 40%.

5. wives whose husbands are sick and unable to work
6. women with husband's incompetent of supporting the family
7. daughters who have to be [the] main bread winner.

"Most of these women are not listed as family heads in the family card despite being the main bread winner" ([Indonesia Development Forum](#) 2018).

PEKKA has worked effectively with government and communities to reach and service women-headed households (including with respect to their legal identity). Formerly, these women had not been reached by conventional programs due to their invisibility as households.

PEKKA reports that a majority of the women it works with do not have land—in a situation where women supply 75% of farm labor, often working as landless laborers. Moreover, where the family has land, women have less opportunity to inherit it.<sup>20</sup> When land is held in men's name, women are vulnerable to losing access to the land, including due to divorce or not being compensated upon land takings or transfers. Notably, PEKKA was particularly focused on and knowledgeable about the social and legal aspects related to the intersecting issues of legal status, marriage and land. (See Box 9.)

Similar to the reports of KPA, PEKKA saw that women wanted to protect their land as the source of their livelihoods (e.g., for growing rice, vegetables and fruits), and were less inclined to sell land as compared to their male counterparts. PEKKA also saw the additional obstacles women-headed household encountered in accessing and enjoying the land they and their families depend upon.

**Box 9. The intersecting issue of legal status, marriage and land for women-headed households**

PEKKA reported that 65% of marriages are not registered. Without proof of marriage, women lack legal protection in the event of divorce or abandonment.

Clarifying women's legal status following the dissolution of an unregistered marriage is a challenging issue. Following a "social divorce," a woman must first have the marriage recognized and then have the divorce recognized before she can obtain a new government-issued family card recognizing her as the head of household. Only then can she exercise legal rights as a head of household, including rights to obtain access to land, justice and social protection.

**E. Bolstering capacity to address women's land rights in land administration**

The Agrarian Reform Task Forces have not prioritized women's inclusion in the agrarian reform process, and none of the task force members appear to have devoted resources to building capacity to increase women's involvement in these processes.

The BPN Land Reform Directorate in Jakarta has some awareness of the legal and social issue of women's land rights. But even here, the staff could further increase their awareness of women's involvement in agrarian reform processes. Although the processes are largely neutral, the application of those processes results in very few women receiving land rights, and in this sense the agrarian reform processes are biased against women. The Land Reform Directorate expressed interest in exploring these

<sup>20</sup> For example, under Islamic inheritance rules, females receive less land than men, and in some communal land areas, bias against women creates obstacles to accessing and cultivating land without a male family member.

issues further, and was open, for example, to receiving technical assistance to prepare provisions for the draft Land Bill that would prioritize widows as land reform subjects.

Bappenas is an important member of the Agrarian Reform Task Force given its role to support the comprehensive development plans across the sectors, including land and gender and women's empowerment. Bappenas supports gender equality and women's empowerment issues, but has not actively translated this support to the work of the task force.

Also, although Perpres No. 86 includes community empowerment provisions that undoubtedly would apply to women and men, BPN reports that the national level task force is not currently planning for community empowerment.

Although the government has encouraged gender mainstreaming, this is not yet a focus within agrarian reform processes. According to BPN, the Ministry of Women's Empowerment and Children Protection (MOWECP), which promotes gender-related capacity, has met with BPN, but the focus of the conversation was on gender parity in BPN staffing and the rights of women working at BPN. MOWECP has general gender mainstreaming expertise that could inform agrarian reforms. The National Commission on Violence Against Women also engages on the issue of women's rights including with respect to land.

In Southeast Minahasa Regency, the local BPN office is interested in developing a local government program to introduce to other villages how Mangkit Village included women in the process and as agrarian reform beneficiaries. It has started discussions with the local office of MOWECP to support the inclusion of women in agrarian reforms. In Sanggau Regency, the Bupati agreed it may be necessary to empower women more, noting that currently the local government relies on NGO assistance to support women's inclusion, and there is no women-focused representation on the Kabupaten Agrarian Reform Task Force. Bappeda is part of the Kabupaten Agrarian Reform Task Force and reported on the local gender and development targets. The Bappeda representative also noted that MOWECP is present at the regency level, and seeks to achieve targets under its index of women's empowerment.

#### **F. Analysis and recommendations**

Women ought to make up a substantial segment of direct agrarian reform beneficiaries, given a female population of 135 million, a women-headed household population of 10 million, and rural women's high poverty rate and reliance on land. Women's involvement is necessary if agrarian reform, in the words of Perpres No. 86, is to "reduce poverty" and "improve social justice and public welfare." Failing to adequately include women in agrarian reform risks disadvantaging millions of women, while limiting their families' ability to benefit fully from the reform. Viewed from another frame, the government agrarian reform program has tremendous scope to include women and secure their documented rights to land.

- i. **Recommendation:** The Ministry of ATR/BPN should commission local NGOs, including women's organizations, to conduct research into understanding how women smallholders experience land rights, and how women and their families benefit when women hold land rights, and then receive and act on the research findings and recommendations.
- ii. **Recommendation:** The Ministry of ATR/BPN should arrange for a gender and land advisor to support BPN and the Land Reform Directorate in integrating gender and women's land rights into agrarian reforms.

- iii. **Recommendation:** The Ministry of ATR/BPN should arrange for training of BPN officers to help them understand: (1) how women and their families benefit when women hold land rights, and (2) how to secure women’s land rights and increase women’s participation and empowerment within the agrarian reform program.
- iv. **Recommendation:** The Ministry of ATR/BPN should collect data to reflect the sex and marital status of land right holders.
- v. **Recommendation:** The Ministry of ATR/BPN should revise the process for certifying land rights to require families to consider joint titling and registration in the name of women.
- vi. **Recommendation:** The Ministry of ATR/BPN should work with Bappenas to set targets for women to receive land rights to newly allocated land reform objects, either as joint owners or individual owners; include priority targets for vulnerable groups, such as widows and women-headed households living below the poverty line; and disaggregate agrarian reform data by sex.
- vii. **Recommendation:** The Ministry of ATR/BPN should direct Bappenas and BPN to establish a national-level multi-stakeholder “women’s land rights task force,” organized alongside the Central Agrarian Reform Task Force, to guide the equitable inclusion of women in agrarian reform targets, priorities, and processes.

## Summary of recommendations

The government is to be commended for its ambitious certification work. To advance the broader agrarian reform program, it will be important to encourage greater transparency, to provide strong focus on new land reform objects, and to ensure reforms include women’s land rights going forward. Building on the progress made to date, there is the potential for the government to make this stream of land redistribution into a river that can benefit millions of Indonesians.

The table below contains specific recommendations organized according to the parts laid out in this assessment.

Part	Recommendations
<b>Productive use of land distributed during earlier reforms</b>	<ul style="list-style-type: none"> <li>i. In order to address the issue of landlessness and resolve land disputes, Indonesia should continue allocating land to landless smallholder farmers and plantation laborers, while providing support, such as providing information on the importance of community organizing before and after land distribution and supporting access to finance.</li> <li>ii. BPN should study and document the economic and social impacts of past land reforms, including reforms in which plantation companies cooperated to help support plantation workers obtain land, and disseminate findings broadly.</li> </ul>
<b>Progress of land reform (2015-2019)</b>	<ul style="list-style-type: none"> <li>i. BAPPENAS and BPN should distinguish four major categories: (1) land to be certified that was not a land reform object, (2) land to be certified that was previously allocated as a land reform object, (3) new land reform objects</li> </ul>

	<p>created from agrarian land, and (4) new land reform objects created from ex-forest.</p> <ul style="list-style-type: none"> <li>ii. BAPPENAS and BPN should budget separately for programming focused on each target. The budget should be based on a realistic accounting of the personnel and other costs needed to make progress on each target.</li> <li>iii. BAPPENAS and BPN should make the disaggregated agrarian reform targets and progress available to the public.</li> </ul>
<p><b>Distribution of expired HGU and abandoned land</b></p>	<ul style="list-style-type: none"> <li>i. The Ministry of ATR/BPN should increase staffing of the BPN Land Reform Directorate to ensure adequate human resources to implement the president’s ambitious agrarian reform initiative (socialization of Perpres No. 86 and capacity building).</li> <li>ii. The Ministry of ATR/BPN should support the formation of provincial- and district-level task forces and the socialization of Perpres No. 86, which would include the documentation and dissemination of the practices of Kabupaten Task Force members that have successfully identified and allocated ex-HGU land to women and men smallholders.</li> <li>iii. To aid in identifying sources of land reform objects, the Ministry of ATR/BPN should increase transparency regarding HGU boundaries to identify HGU areas that are unused.</li> <li>iv. The Ministry of ATR/BPN should conduct an accounting of potential land reform objects.</li> <li>v. Based on an accounting of potential land reform objects, the Ministry of ATR/BPN and Bappenas should create realistic Kabupaten targets for allocating new land reform objects, and fund Kabupaten Task Forces.</li> <li>vi. To facilitate land redistribution of new land reform objects created from agrarian land, the Ministry of ATR/BPN should consider piloting a public process for determining the status of ex-HGU and abandoned land and also renewing HGU, and should commission a comparative study of company incentives for releasing land.</li> </ul>
<p><b>Distribution of ex-forest land</b></p>	<ul style="list-style-type: none"> <li>i. The Ministry of ATR/BPN and Bappenas should jointly analyze satellite imagery to estimate the amount of land within designated forests that has been encroached by smallholders, and also identify and list customary law communities (with input from grassroots CSOs, who have extensive on the ground knowledge) that might be good candidates for creating social forestry concession buffers adjoining the encroached area.</li> <li>ii. Provided that the Ministry of ATR/BPN can create a suitable protection against further encroachment in forest, the President should issue an instruction to revise the process for releasing forest land to give joint authority to BPN to conduct inventories and map areas within forests and submit recommendations to the President's office to release forest land for allocation to occupying smallholders.</li> </ul>



	<p>iii. The Ministry of ATR/BPN should consult with forest conservation NGOs to explore the creation of new processes that will allow for privatization of existing encroached areas within forests while protecting against further encroachment; one idea is to create social forestry "concession buffers" around land within designated forests that is functionally used for agriculture and habitation, and to require such buffers before the encroached area is privatized and allocated to smallholders.</p>
<p><b>Women's land rights and women's participation in agrarian reforms</b></p>	<p>i. The Ministry of ATR/BPN should commission local NGOs, including women's organizations, to conduct research into understanding how women smallholders experience land rights, and how women and their families benefit when women hold land rights.</p> <p>ii. The Ministry of ATR/BPN should arrange for a gender and land advisor to support BPN and the Land Reform Directorate in integrating gender and women's land rights into agrarian reforms.</p> <p>iii. The Ministry of ATR/BPN should arrange for training of BPN officers to help them understand: (1) how women and their families benefit when women hold land rights, and (2) how to secure women's land rights and increase women's participation and empowerment within the agrarian reform program.</p> <p>iv. The Ministry of ATR/BPN should collect data to reflect the sex and marital status of land right holders.</p> <p>v. The Ministry of ATR/BPN should revise the process for certifying land rights to require families to consider joint titling and registration in the name of women.</p> <p>vi. The Ministry of ATR/BPN should work with Bappenas to set targets for women to receive land rights to newly allocated land reform objects, either as joint owners or individual owners, and include priority targets for vulnerable groups such as widows and women-headed households living below the poverty line, while disaggregating overall agrarian reform data by sex.</p> <p>vii. The Ministry of ATR/BPN should direct Bappenas and BPN to establish a national-level multi-stakeholder "women's land rights task force," organized alongside the Central Agrarian Reform Task Force, to guide the equitable inclusion of women in agrarian reform targets, priorities, and processes.</p>

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