

03 LAND MANAGEMENT

Indonesian city governments widely lack adequate data and information on land and property making urban management and planning difficult. The absence of accurate and robust land and parcel data inhibits local governments' ability to collect property taxes and achieve necessary public service provision. There is also a lack of coordination and consistency among the public institutions tasked with land titling and cadastral surveying.

The bottlenecks in land titling, private property rights (including those pertaining to informal but valid land tenures), and land records (notably the lack of comprehensive digital cadastral maps) not only stoke social conflict between long term residents and urban renewal forces, they further disadvantage private landowners and developers in land assembly negotiations with state institutions. Urban redevelopment often induces forced evictions, inadequate compensation and social unrest, disproportionately affecting low income households in informal settlements.

The lack of transparency, data and a straightforward development process also creates opportunities for corruption. Local administrations exercise considerable discretion in interpreting laws and allocating rights with respect to holding, purchasing, and developing land, creating opportunities for rent seeking. Consequently, private developers tend to develop suburban and ex-urban projects, which entail easier and cheaper land assembly.

Law No. 2/2012 is expected to improve the clarity and transparency of the land acquisition process and strengthen public confidence in the Government's efforts to advance the infrastructure agenda. Drawing on the lessons learned from the Presidential Decree No. 36/2005, this law has helped to increase public confidence. Areas of significant improvement include the process for land valuation, procedures for acquiring land for public infrastructure, the mechanisms for addressing grievances, and compensation for affected or displaced individuals. For instance, the new regulation provides specifics about the inventory of affected people and assets, the consultation process, compensation, and dispute settlement. It also sets a specific

timeframe for each of the acquisition stages and sub-stages, including the maximum time that a court may take to resolve disputes related to land acquisition.

Meanwhile, some municipalities have been exploring innovative, democratic and equitable approaches to urban land use planning and management. In Solo, the municipality relocated street vendors from Banjarsari Park, where many unemployed workers had congregated in the aftermath of the Asian financial crisis, to the purpose-built Pasar Klitikan Notoharjo in Semangi. The process of relocation (2005-2008) followed two years of meetings and negotiations with street vendors. Then-mayor Joko Widodo (Jokowi, who was elected president of the Republic of Indonesia in 2014) engaged in over 50 open dialogue sessions over lunch with the vendors. In doing so, the government gained input from vendors on how to improve the connectivity and visibility of the relocation site and offered concessions such as stall ownership certificates and access to business loans. The final relocation from Banjarsari to Klitikan was marked by a parade, which drew further public attention.





03 PENGELOLAAN LAHAN. Banyak pemerintahan kota di Indonesia tidak memiliki data dan informasi yang memadai mengenai tanah dan bangunan, sehingga menyulitkan pengelolaan dan perencanaan perkotaan. Ketiadaan data akurat dan andal untuk tanah dan persil menghambat kemampuan pemerintah daerah dalam menghimpun pajak bumi dan bangunan dan memberikan layanan publik yang diperlukan. Selain itu, masih kurang koordinasi dan konsistensi di antara berbagai lembaga publik yang bertugas membuat sertifikat tanah dan survei kadaster (mengukur dan menetapkan batas tanah).

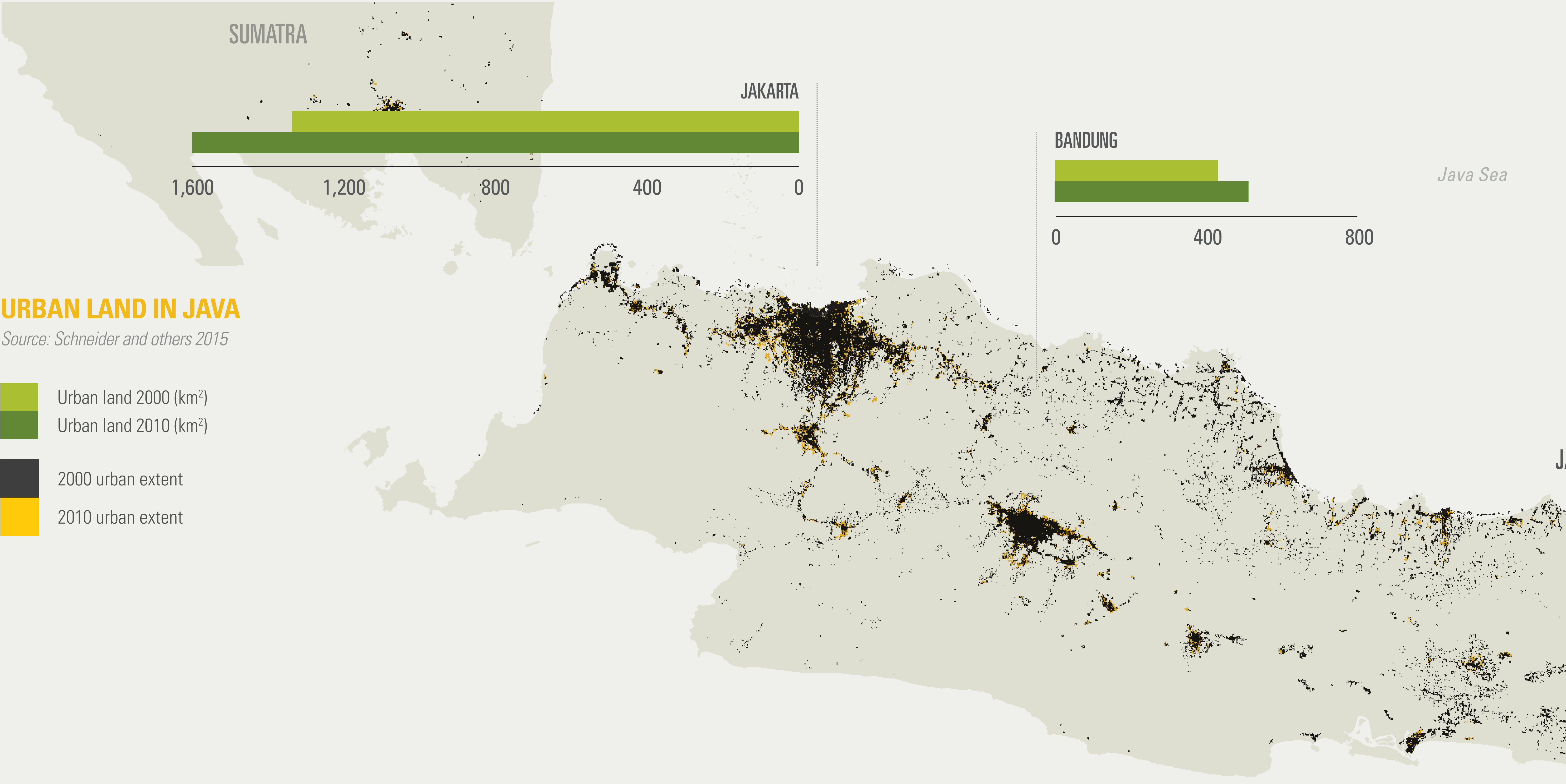
Hambatan dalam pembuatan sertifikat tanah, hak atas properti pribadi (termasuk yang terkait dengan hak penguasaan tanah secara informal tetapi sah/valid), dan catatan pertanahan (terutama minimnya peta kadaster/pertanahan digital yang komprehensif), tak hanya menyulut konflik sosial antara penduduk lama dengan pihak-pihak yang melakukan pembaruan perkotaan, tetapi juga merugikan pemilik tanah pribadi dan pengembang dalam negosiasi konsolidasi tanah dengan lembaga negara. Pembangunan kembali daerah perkotaan sering menimbulkan penggusuran paksa, kompensasi yang tidak memadai, dan keresahan sosial, yang banyak menimpa rumah tangga berpenghasilan rendah di permukiman informal.

Tidak adanya transparansi, data, dan proses pembangunan yang jelas juga menciptakan peluang korupsi. Pemerintah daerah menggunakan kewenangan diskresi yang cukup besar dalam menafsirkan hukum dan mengalokasikan hak terkait penguasaan, pembelian, dan pengembangan lahan, sehingga membuka kesempatan bagi pencari rente. Konsekuensinya, pengembang swasta cenderung membangun proyek di pinggiran kota dan perumahan mewah di luar perkotaan, yang konsolidasi tanahnya lebih mudah dan lebih murah.

Undang-Undang No. 2/2012 diharapkan dapat meningkatkan kejelasan dan transparansi proses pengadaan tanah, serta memperkuat keyakinan masyarakat atas upaya Pemerintah memajukan agenda pemenuhan infrastruktur. Dengan mengambil pelajaran dari Peraturan Presiden No. 36/2005, undang-undang tersebut membantu meningkatkan keyakinan masyarakat. Peningkatan signifikan turut mencakup proses valuasi/penilaian tanah, prosedur pengadaan tanah untuk infrastruktur publik, mekanisme penanganan pengaduan, dan kompensasi bagi individu yang terdampak atau terpaksa pindah. Sebagai contoh, peraturan baru memberikan perincian mengenai inventarisasi

orang dan aset yang terdampak, proses konsultasi, kompensasi, dan penyelesaian sengketa. Peraturan tersebut juga menetapkan jangka waktu setiap tahap dan subtahap pengadaan, termasuk batas waktu terlama bagi pengadilan untuk menyelesaikan sengketa terkait pengadaan tanah.

Sementara itu, sejumlah kotamadya sedang mengkaji pendekatan yang inovatif, demokratis, dan adil terhadap perencanaan penggunaan dan pengelolaan lahan. Di Solo, pemerintah kota merelokasi pedagang kaki lima dari Taman Banjarsari yang menjadi lahan berjualan para pengangguran korban krisis keuangan Asia, ke Pasar Klitikan Notoharjo di Semanggi yang khusus untuk berjualan. Proses relokasi (2005-2008) terjadi melalui pertemuan dan negosiasi selama dua tahun dengan para pedagang. Walikota saat itu, Joko Widodo (terpilih sebagai Presiden Republik Indonesia pada tahun 2014) mengadakan lebih dari 50 kali sesi dialog terbuka dengan makan siang bersama para pedagang. Dari pertemuan tersebut, pemerintah memperoleh masukan dari para pedagang mengenai tempat relokasi agar bisa lebih terlihat dan lebih terhubung, serta menawarkan konsesi seperti sertifikat kepemilikan kios dan akses ke pinjaman usaha. Relokasi final dari Banjarsari ke Klitikan ditandai dengan parade yang menarik perhatian publik.



URBAN LAND IN JAVA

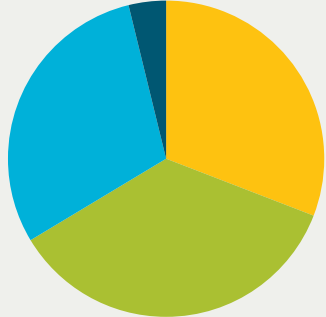
Source: Schneider and others 2015

TOTAL, URBAN AND RURAL
POPULATION AND TIER
PROPORTION

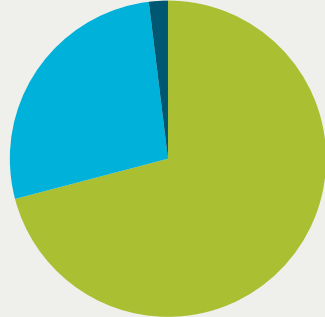
2010

- Tier 1 cities
- Tier 2 cities
- Tier 3 cities
- Tier 4 cities

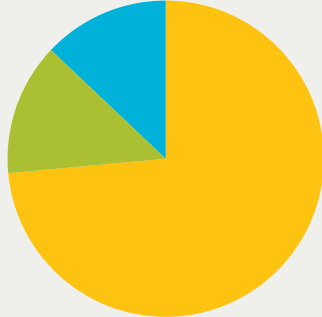
①
SUMATRA
52.654.698 PEOPLE
39,1% URBAN / 60,9% RURAL



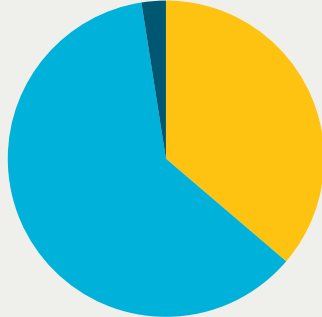
②
KALIMANTAN
14.452.578 PEOPLE
39,1% URBAN / 60,9% RURAL



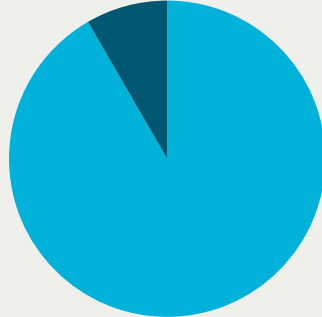
③
JAVA
144.369.250 PEOPLE
39,1% URBAN / 60,9% RURAL



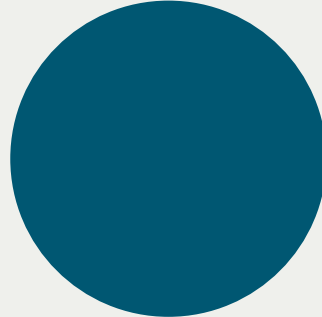
④
SULAWESI
17.601.286 PEOPLE
T39,1% URBAN / 60,9% RURAL



⑤
SUNDA / MALUKU
11.972.106 PEOPLE
39,1% URBAN / 60,9% RURAL



⑥
WEST PAPUA
3.780.833 PEOPLE
39,1% URBAN / 60,9% RURAL



Source INDO DAPOER

In Bali, urbanized land often meets rice paddies that have been held by families and communities for centuries. Increasing land vaules and the influx of tourism make such unbuilt sites targets of land speculation and residential redevelopment.

Di Bali, lahan urbanisasi sering kali berbatasan dengan sawah yang sudah dimiliki keluarga dan masyarakat selama berabad-abad. Nilai tanah yang semakin tinggi dan masuknya pariwisata menjadikan lokasi nirbangunan semacam itu menjadi target spekulasi tanah dan pembangunan kembali untuk tempat tinggal.





High-rise upper-middle class housing in Jakarta.
Bertingkat tinggi kelas menengah atas perumahan di Jakarta



INDONESIA HAS SEEN A LARGE EXPANSION IN URBAN LAND AND URBAN POPULATION OVER THE PAST DECADE

Indonesia has the third-largest amount of urban land in East Asia, after China and Japan.

Between 2000 and 2010, the amount of urban land in Indonesia increased from about 8,900

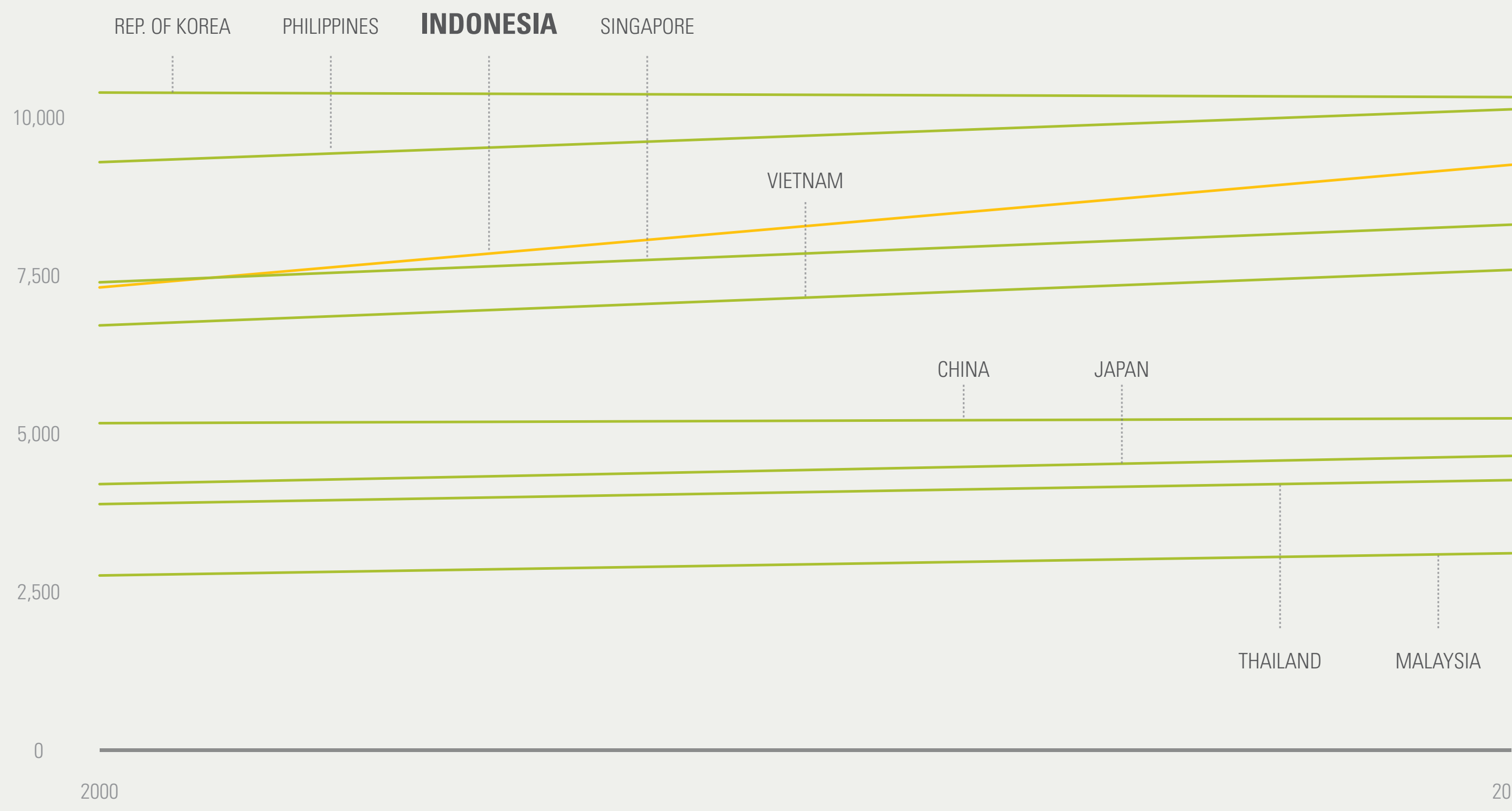
square kilometers to 10,000, an increase of 1.1 percent each year. Whereas this represented among the slowest average annual rates of increase in the region, it was still the second

largest increase in absolute amount of urban land, after China.

Yet, much of Indonesia's urban land is compact. The amount of new urban land added per new

urban resident during the 2000-10 period was less than 40 square meters, the smallest amount of any country in the region (World Bank 2015: 81).

Urban population density increased in 80 out of 83 urban areas between 2000 and 2010 (World Bank 2015: 81). Total urban population density increased sharply during this period, from 7,400 people per square kilometer to 9,400. This was the largest increase in urban population density of any country in the region during the period. Urban population density in Indonesia is among the highest in the region, more than double that of Malaysia or Thailand, though lower than that of the Republic of Korea and the Philippines (World Bank 2015: 81).



9,421
people/km²

URBAN POPULATION DENSITY

population per km²

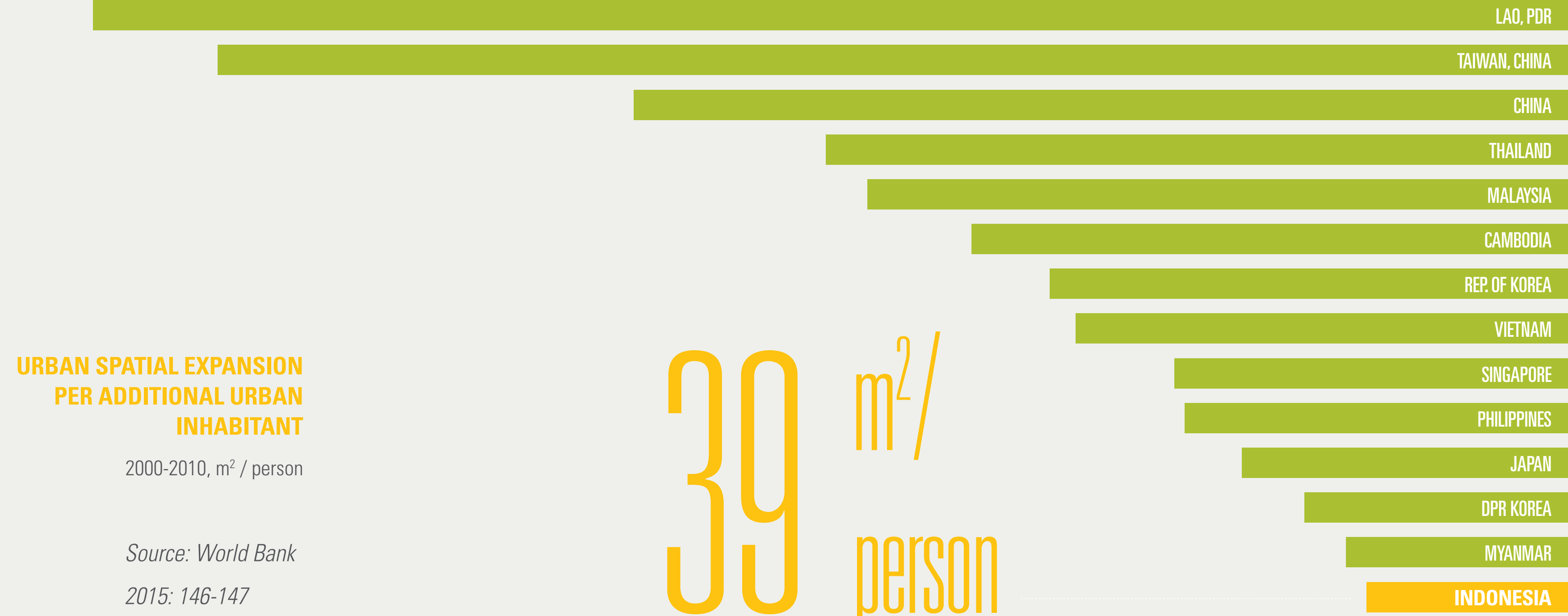
Source: World Bank 2015:
146-147

URBAN SPATIAL EXPANSION PER ADDITIONAL URBAN INHABITANT

2000-2010, m² / person

Source: World Bank
2015: 146-147

39 m²/
person



Construction site of the first underground transit line along Sudirman Road in Jakarta.

Lokasi pembangunan jalur angkutan bawah tanah pertama di sepanjang Jalan Sudirman di Jakarta.

