Collaborative Governance for Safeguarding Land Rights in Indonesia

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Abstract:

Indonesia Government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency since 2015 has been doing Systematic and Complete Land Registration (PTSL) to provide legal certainty for land ownership rights. This policy aims to accelerate the certification of land rights throughout Indonesia, ensuring that people who control parcels of land have a clear legal basis for their ownership. Along the way, there have been various obstacles and challenges in implementing this policy. One the issues is the need for coordinated and collaborative efforts between various stakeholders to ensure the success of this program.

Collaborative governance is a crucial approach in addressing land rights issues in Indonesia. The idea of collaborative governance is to involve multiple stakeholders, including the government, private sector, and civil society, in decision-making and implementation processes. Stakeholders can come together to jointly identify problems, develop solutions, and oversee the implementation of those solutions.

Safeguarding Land Rights through Collaborative Governance can be an effective approach to addressing the complex issues surrounding land rights in Indonesia. It can help to ensure that the interests of all relevant stakeholders are taken into account, and that the solutions developed are sustainable and equitable, be it regarding funding, monitoring, or legal aspects.

The implementation of collaborative governance in safeguarding land rights issues in Indonesia can take several form and methods. One example is the collaboration with World Bank (WB) to strengthen public participation in managing land administration, including the provision of legal assistance to resolve land disputes. Other example is the establishment of community-based land registration methods, three-dimensional cadaster (3D cadaster) with Korean LX, and the introduction of the Particpatory Land Administration (PALAR) instrument with Netherland Kadaster.

This paper aims to explore the role of collaborative governance in safeguarding land rights in Indonesia. It will examine the key stakeholders involved, the challenges and opportunities of collaborative approaches, and the potential impact on improving land tenure security and supporting 2030 agenda and achieving Sustainable Development Goals (SDG).

Keywords:
Safeguarding, Land Rights, Collaborative Governance.

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1. INTRODUCTION

Indonesia's land tenure system has long been a subject of contention, with ongoing conflicts between indigenous communities, private companies, and the government over land rights. To address this complex issue, a collaborative governance approach that involves various stakeholders could be an effective strategy. Safeguarding land rights through collaborative governance is crucial for ensuring social justice, environmental sustainability, and economic development in the country.

One of the fundamental perspectives of land management in Indonesia is that all land rights have a social function, and the government is responsible for managing land resources (Yusrizal & Lubis, 2018). However, the implementation of this principle has been challenging, often leading to conflicts between local communities and government policies. The government's efforts to create legal certainty through the National Land Law have had limited success due to the complexity of land tenure issues and the lack of effective enforcement mechanisms.
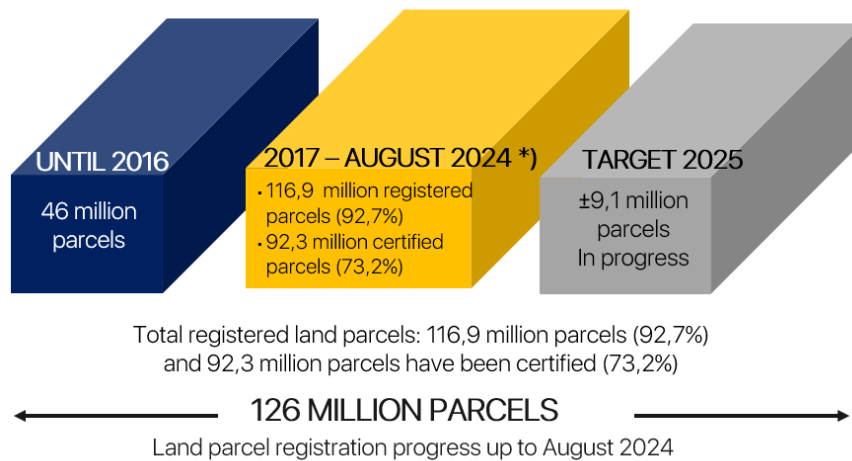

Figure 1. Indonesia's Land Registration Progress. (source: team analysis, 2024)

The number of land ownerships in Indonesia has increased significantly in recent years (Figure 1), leading to a rise in land conversion and conflicts over land use. The government's policy on the Granting of Permits for Change of Land Use has been an attempt to regulate land use changes, but its implementation has been uneven and often favored the interests of private companies over those of local communities (Setyoningsih & Silviana, 2022). The collective land certification policy, which aims to improve land governance, has also faced challenges in its implementation, with issues related to the formal and material validity of land certificates. (Setiabudhi et al., 2019)

To address these challenges, a collaborative governance approach that brings together various stakeholders, including local communities, government agencies, private companies, and civil society organizations, could be a more effective solution.

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Collaborative governance involves the coordination and cooperation of multiple stakeholders in the decision-making process, allowing for a more inclusive and transparent system of land management. This approach can help to balance the interests of different actors, ensuring that the social function of land rights is upheld and that the needs of local communities are addressed.

One key aspect of collaborative governance for safeguarding land rights in Indonesia is the involvement of local communities in the decision-making process (Greenway, 2021). Another aspect is the help from foreign donors and UN organizations that support capacity building and provide funding for land conflict resolution. Foreign donors can help to bridge the gap between local communities and the government, facilitating dialogue and promoting more equitable land governance. Additionally, the government can play a crucial role in creating an enabling environment for collaborative governance by establishing clear legal frameworks, providing resources and technical support, and ensuring accountability and transparency in the land management process (UN Habitat, 2023).

This essay will discuss three success story examples from different regions in Indonesia that demonstrate how collaborative governance has been effectively used to safeguard land rights. The story will highlight key factors that contribute to the success of this approach, such as the involvement of foreign stakeholders, the advantage of local leadership and community engagement, and the importance of balancing power dynamics and managing conflicts. As well as its function in supporting 2030 agenda and achieving Sustainable Development Goals (SDG).

2. RESEARCH METHOD

Qualitative research has long been recognized as a powerful tool for delving into the complexities of human experiences and social phenomena. It allows researchers to ask questions that cannot be easily quantified, shedding light on the everyday realities and nuances that are often overlooked in more numerical approaches (Goering & Streiner, 1996). One of method is by reading report or article that employ qualitative research. Qualitative research is often used to understand "the whys and hows of the opinion, and experience — information that is difficult to obtain through other research methods."

We look at the current cooperation in land rights safeguarding in areas with common ownership. The stakeholders came from foreign NGOs and government agencies cooperation report related to land tenure and conservation efforts. The qualitative approach relies on a fundamentally different philosophical stance than quantitative research, focusing on interpreting and understanding human experiences rather than seeking to measure and predict phenomena.

2.1. Location

This research is located in several regions in Indonesia with an implementation period of 2018-2023. All data were collected using annual report analysis with several foreign cooperation partners, such as the World Bank, LX Korea and Netherland Kadaster

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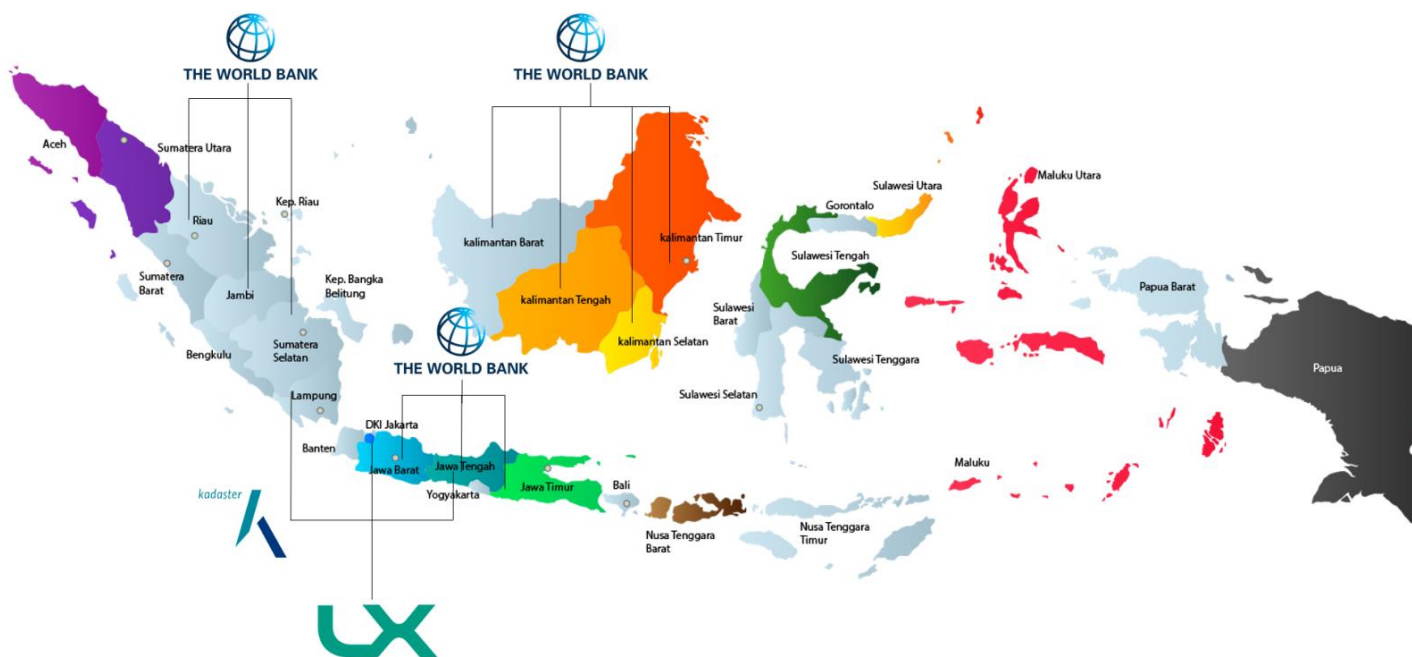Kathmandu, Nepal, 14–16 November 2024

Figure 2. Research Location. (source: team analysis, 2024)

The research in collaboration with the World Bank is in the form of the Program to Accelerate Agrarian Reform (PPRA), with an implementation duration from 2019-2024, which is completed in 6 phases. The program locations are in 10 provinces, namely Riau, Jambi, South Sumatra, West Java, Central Java, East Java, East Kalimantan, West Kalimantan, South Kalimantan and Central Kalimantan. The overall objectives of the PPRA are to increase the security of land tenure using participatory mapping, to improve the accessibility and transparency of land information, and to promote sustainable land management related to forest boundary demarcation and environmental safeguards.

The research in collaboration with the LX Korea is in the form of the 3D Cadastre and Digital Twin Project for Future 3D Land Ownership Register in Jakarta. It took place in Jakarta Provine from 2022 to 2023. The main objective of the 3D Cadastre and Digital Twin Project for Jakarta is to create a system for a future 3D Land Ownership Register. This suggests a move towards a more modern and comprehensive method of registering land ownership that takes into account three-dimensional aspects of property, which is essential for densely populated urban environments like Jakarta.

The last one is the research in collaboration with Netherland Kadaster with Participatory Land Registration (PALAR) in 2018, which took place in Central Java and Lampung 2018. PALAR is a systematic community-centered land titling project. Essentially, it is a method for collecting the spatial and legal data required for land titling by involving the community in the process.

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The approaces were taken are community involvement iin data collectio and were designed to be adaptable to local circumstances and needs.

2.2 Data Collection

Data collection is a critical aspect of research, as it provides the foundation for understanding the phenomenon under investigation. Researchers have a wide range of data collection methods at their disposal, each with its own strengths and weaknesses. When selecting a data collection method, researchers must consider factors such as the research question, the target population, the available resources, and the desired level of accuracy and reliability.

Data which are used for this research collected from the report from the stakeholder of the project. One method, or a combination of several data collection methods, should be used in conjunction with the research design. These include historical archive analysis, participant observation, outside observation, interviews, questionnaires and content analysis. In this study we try to look the current trend of collaboration in the research area.

The implementation stage involves actually gathering the data. To obtain valid research information data, researchers determine data collection techniques that are appropriate to the problems to be studied. Achievement and failures found in this study are critically examined and analyzed. Then it combined with the collaborative governance framework to provide the key success factors for collaboration in research and can be used in the next project.

There are three main sources of report that were used for this research; (1). 2022 K-City Network Smart Solution Project Final Report a Preliminary Feasibility Study on the 3D Cadastre and Digital Twin Project for Future 3D Land Ownership Register in Jakarta, Indonesia. (2). Program to Accelerate Agrarian Reform: Annual Progress Report 2023, and (3). Participatory Land Administration in Indonesia: Quality and Usability Assessment.

2.3 Collaborative Governance in Land Rights Safeguarding

Collaborative governance is a vital aspect of modern research, as it enables researchers, policymakers, and stakeholders to work together to address complex challenges in a more inclusive and effective manner. However, the success of collaborative governance is not a given, as it can be fragile, time-consuming, and risky, potentially leading to suboptimal outcomes (Ansell & Torfing, 2017). Understanding the factors that contribute to the success or failure of collaborative governance is crucial for researchers and policymakers alike.

One key factor that can affect the success of collaborative governance is the underlying contextual conditions. Collaborative governance is more likely to succeed in situations where there is already a push or pull toward collaboration among constituent groups. In such cases, collaborative platforms can serve as a catalyst and facilitator for voluntary collaborative efforts, rather than mandating collaboration.

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Land rights safeguarding is seen as one of the key challenges facing modern governance. Recognizing and protecting land rights can help prevent land conflicts, which are a major source of instability and violence in many parts of the world (Oxfam, International Land Coalition, & Rights and Resources Initiative, 2016). Essential for ensuring social justice and equity, particularly for marginalized communities who have historically faced dispossession and discrimination. The good practice of land rights safeguarding will lead to efficient land administration systems, including registration and titling, are crucial for resolving disputes, preventing land grabbing, and ensuring equitable access to land resources (Kasimbazi, 2007).
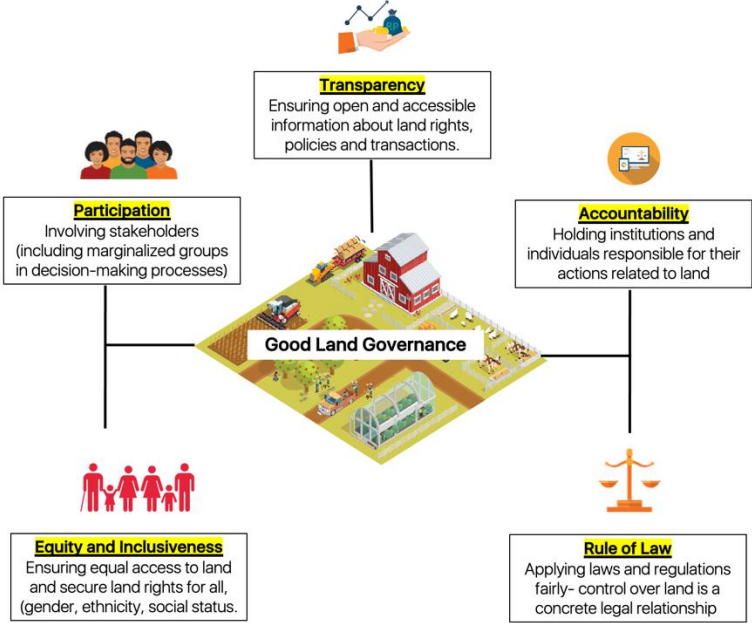

Figure 3. Good Land Governance Model (source: team analysis, 2024)

Collaborative governance approaches have been proposed as a way to address land rights safeguarding. These approaches recognize the need for multiple stakeholders, including government agencies, private entities, and civil society groups, to work together to develop and implement effective land use policies. Government plays the main role in collaborative governance. Weak governance, characterized by corruption, lack of transparency, and ineffective enforcement mechanisms, can cripple efforts to establish and protect land rights (Hilton, Wehrmann, & Beall,2015). Government actions can hinder community-led initiatives, even when unintended. Government decisions around funding, policy, and even local government structure can negatively impact the effectiveness of the projects within the collaborative project (Greenway, 2021). One of the principles of good governance in land administration is explained in the interpretation of land governance assesment, it consist of participation, transparency, accountability, rule of aw and equity/inclusiveness (Deininger, Selod, & Burns, 2021). A brief explanation of the principle is shown in Figure 2.

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3. RESULT AND DISCUSSION

3.1 World Bank and Program to Accelerate Agrarian Reform (PPRA).

The World Bank is an international financial institution established in 1944. Its initial purpose was to aid in the reconstruction of Europe and Japan after World War II. Today, it primarily provides loans and grants to developing countries to support economic development and poverty reduction. Securing land rights is one of the key factors in poverty reduction. World Bank realized that there is a strong connection between poverty and insecure land tenure, particularly for the poor and marginalized.

Program to Accelerate Agrarian Reform (PPRA) is a collaboration between the World Bank and The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). It aims to improve land governance in Indonesia. Some key areas of activity are Participatory Mapping that involves community participation in mapping and registering land, developing and strengthening the technological infrastructure for managing land-related data, and management of the PPRA, including financial aspects, capacity building, and monitoring progress towards objectives. These components represent ongoing and interconnected efforts within the PPRA to achieve its overarching goals of secure land tenure, improved land governance, and sustainable land management in Indonesia.

PTSL, which stands for Pendaftaran Tanah Sistematis Lengkap, is a core component of the PPRA's efforts to accelerate land registration in Indonesia. PPRA also supports the implementation of PTSL by strengthening community involvement through Participatory Mapping. PTSL-Participatory Mapping (PTSL-PM) is participatory mapping of land parcels. It involves local communities engagemnet in the process of identifying, delineating, and recording information about land parcels. It goes beyond simply using sophisticated technologies like GPS or aerial photography; it prioritizes local knowledge and perspectives. TSL-PM has been implemented in 6 phases from 2019 to 2023 in 10 provinces. The success of registering land p arcels through PTSL-PM in six phases is presented in Table 1. Overall, PTSL PM has contributed 6% of the 126 million parcels targeted for land registration in Indonesia until 2025.

No	PTSL PM	Target	Achievement
	Target and Achievement of PTSL PM (Phase I-6 Stage 1)		
1	Phase 1	45.000	45.239
2	Phase 2	303.000	302.641
3	Phase 3	1.082.000	1.082.278
4	Phase 4	1.250.000	1.241.876
5	Phase 5	2.056.000	1.792.590
6	Phase 6	2.264.000	2.176.251
	TOTAL	7.000.000	6.640.875
	Target and Achievement of PTSL PM (Phase 6 Stage 2)		
7	Phase 6 Stage 2	510.000	553.841
	TOTAL (by the end of 2023)	7.150.000	7.194.716

Table 1. PTSL-PM Achievement.

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There are benefit from the PTSL-PM Project. The first one is that it can lead to more accurate and legitimate land parcel data, leading to more legitimate and equitable land registration processes. The next one is, it can lead to fostering a sense of ownership over the mapping process and outcomes, leading to greater acceptance and sustainability. The last one, towards the land dispute, it provided a platform for open dialogue and collaborative mapping, participatory approaches can help identify and address existing land conflict. Recognizing potential land conflicts early on is crucial for the success of national strategic programs. By addressing these conflicts, these programs can effectively boost the economy and alleviate land-related issues within communities.

However, during the implementation of the project, several obstacles were also found, including: ensuring Inclusivity- especially marginalized groups, to have an equal opportunity to participate and contribute. There was a huge need of clear communication about the purpose, limitations, and potential outcomes of the mapping process is essential to manage expectations, and the last one is establishing secure and transparent systems for managing and storing sensitive land data.

3.2 Netherland Kadaster and Participatory Land Registration (PALAR).

The Netherlands' Kadaster plays a crucial role in Dutch society, acting as a trusted source of information about land and property. Kadaster's work underpins secure land tenure, transparent property transactions, efficient spatial planning, and informed decision-making in the Netherland. The Netherlands' Kadaster is a strong advocate for fit-for-purpose land administration approaches.They emphasize the importance of context-specific solutions that consider local needs, resources, and legal frameworks. They often work with governments and organizations worldwide to implement fit-for-purpose land administration projects and to exercise the importance of community participation and stakeholder engagement in developing sustainable and equitable land administration systems. Netherland Kadaster is known for its expertise in using technology to improve land administration processes. They often promote the use of mobile applications, drones, and other technologies to make data collection more efficient and accessible.

Participatory Land Registration (PALAR), flips the script on traditional land registration by putting communities in the driver's seat. Instead of a top-down approach directed by the government. PALAR empowers community representatives to collect both spatial and legal data for village-level campaigns, all with guidance from government officials. Before launching PPALAR, ATR/BPN or the Local Land Office gathers local stakeholders like village heads, community members (Figure 4), and surveying teams to collaboratively decide on the project area and formalize the partnership through a Memorandum of Understanding(MoU). This MoU outlines crucial aspects like the project plan, fees, incentives, and operator contracts. PALAR pilot project took place in Grobogan (Central Java) and Tanggamus (Lampung).

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Figure 4. PALAR Gathering, 2018

With agreements in place, surveying teams prepare the necessary technology and baseline data. To ensure community buy-in, workshops are held to explain the PALAR process, fostering a sense of ownership and commitment. A diverse Community Land Registration Committee (CLRC), emphasizing inclusivity and active participation, is then formed to oversee the project. This approach, exemplified by the inclusion of women in meetings, ensures a broader understanding of land rights and registration implications, ultimately increasing buy-in and a sense of ownership over the process.

Although in terms of quantity, the PALAR certificates that were successfully completed at the end of the 2018 period were not that significant, for example in Tanggamus; only 10% of the total target. PALAR demonstrated its potential in both Grobogan and Tanggamus, the specific outcomes and challenges likely varied based on local contexts. This highlights the importance of adapting the approach to the unique circumstances of each location. PaLaR successfully mapped every single land parcel, creating comprehensive village maps. While the exact location of boundary points might have differed slightly from the reference data, the overall area discrepancies were minor (only 5%), falling well within acceptable limits for the current system (Aditya et.al, 2020). Overall, PALAR offers a promising pathway towards a more participatory, equitable, and efficient approach to land administration, particularly in contexts where traditional methods have faced challenges.

3.3 LX Korea and 3D Cadastre and Digital Twin Project for Future 3D Land Ownership Register in Jakarta.

LX Corporation, previously known as the Korea Cadastral Survey Corporation, is Korea's national authority for managing spatial information. They are responsible for national land surveys, safeguarding property rights, and efficient land management. Beyond these core functions, LX Corporation also leads the development of Korea's spatial information sector. This includes integrating the sector with other industries and promoting the use of location-based technologies. LX Corporation also shares its expertise internationally by providing

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services related to land administration, registration, and geospatial information management.

The 3D Cadastre and Digital Twin Project envisions a future where Jakarta's land ownership and urban development are managed through a sophisticated digital replica of the city. This digital twin will be founded on a 3D cadastre, accurately representing the multi-dimensional aspects of property ownership, including subterranean and above-ground spaces. By integrating real-time data and simulation capabilities, the project will empower stakeholders with enhanced decision-making tools for urban planning, infrastructure management, and disaster response, ultimately contributing to a more efficient, resilient, and well-managed urban environment. This integrated system will go beyond traditional 2D cadastral maps by incorporating three-dimensional property data, allowing for accurate representation of multi-story buildings, underground assets, and complex ownership rights. By integrating this 3D Cadastre with real-time data and simulation capabilities, the project will create a powerful digital twin of Jakarta, enabling better decision-making in many policies related to land and spatial planning.
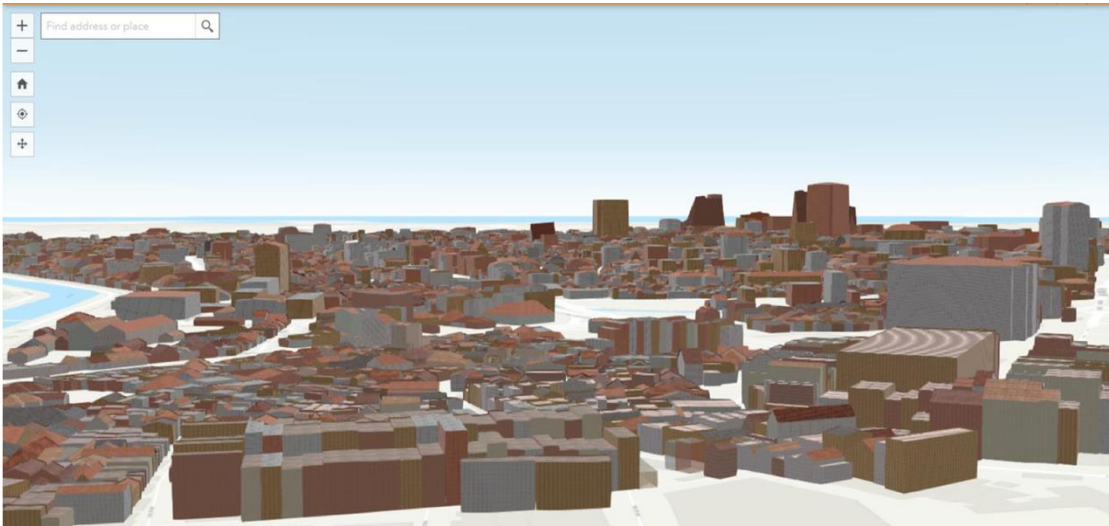

Figure 5. The 3D Cadastre and Digital Twin Project in Jakarta

The 3D Cadastre and Digital Twin Project in Jakarta holds significant promise for bolstering land rights safeguarding efforts. The project's precise 3D mapping of property rights will help resolve land disputes, prevent encroachment, and protect rightful ownership, which is particularly important in Jakarta's dense urban environment. The open nature of the digital twin promotes transparency in land dealings and development approvals, discouraging fraud and ensuring decisions are made in the public's best interest (Jayasooriya, 2019). Furthermore, the digital twin's ability to model the impact of natural disasters allows for better risk assessment, evacuation planning, and resource allocation, ultimately protecting lives and property. Finally, the project's comprehensive land use data supports the development of sustainable urban planning policies that prioritize green spaces, efficient transportation, and adequate housing, contributing to a healthier and more resilient Jakarta. While the project's primary focus is modernizing land administration, its inherent benefits for land rights safeguarding are undeniable, paving the way for a more secure and resilient future for the city.

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While promising, the Project faces potential weaknesses. The project's complexity demands significant financial investment, technological expertise, and robust data infrastructure, which may pose challenges. Ensuring data accuracy and security is paramount, as errors or breaches could have significant consequences. Public acceptance and adoption of the new system are crucial, requiring effective communication and stakeholder engagement. Furthermore, maintaining data privacy while ensuring accessibility for authorized users requires careful consideration and robust safeguards. Addressing these potential weaknesses proactively will be essential for the project's successful implementation and long-term sustainability.

Given the importance of public acceptance for such a project, a successful 3D Cadastre and Digital Twin Project relies heavily on public trust and participation. Engaging the public through awareness campaigns, consultations, and capacity-building initiatives will be vital for fostering understanding and trust (Emerson et.al, 2011). Transparency in data handling and addressing privacy concerns will be paramount for ensuring public acceptance and maximizing the project's benefits for all stakeholders.

3.4 Land Rights Safeguarding, and its Sustainable Development Goals (SDG's).

The 2030 Agenda, formally known as the 2030 Agenda for Sustainable Development, is a global plan of action adopted by all United Nations Member States in 2015. It aims to achieve a better and more sustainable future for all by 2030, addressing critical challenges related to poverty, inequality, climate change, peace, and justice (United Nation, 2015). The Agenda outlines 17 Sustainable Development Goals (SDG's) with 169 specific targets, serving as a blueprint for countries to work towards a more prosperous, inclusive, and sustainable world.

Land rights safeguarding plays a crucial role in achieving the Sustainable Development Goals by ensuring land is used responsibly and sustainably to meet present and future needs. It directly contributes to goals related to ending poverty, achieving food security, building sustainable cities, combating climate change, and protecting life on land. By promoting responsible land management practices, land rights safeguarding helps create a more equitable, resilient, and sustainable future for all.

Several SDG's are closely related to land rights safeguarding (Figure 6). Goal 15 directly addresses land degradation, deforestation, and biodiversity loss, making it central to land rights safeguarding efforts. Goal 1, Goal 2, and Goal 11 are also interconnected, as land rights safeguarding can ensure access to food, housing, and economic opportunities. Additionally, Goal 13 is linked to land rights safeguarding, as sustainable land management practices can mitigate climate change and its impacts.

The SDGs provide a framework for Indonesia to improve its land governance and achieve a more sustainable and equitable future. Integrating the SDGs into land management practices can help address issues like land tenure insecurity, deforestation, and unsustainable agricultural practices. By aligning land governance with the SDGs, Indonesia can promote responsible land use, reduce poverty, protect the environment, and enhance the well-being of its people.

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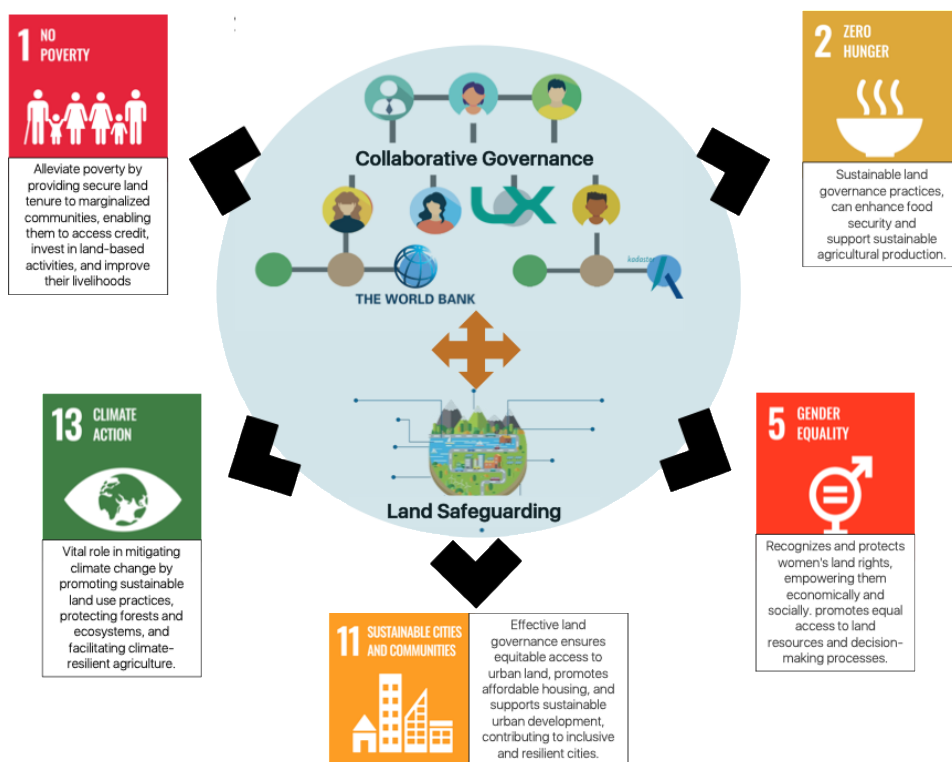Kathmandu, Nepal, 14–16 November 2024

Figure 6. Land Collaborative Governance and SDG's

Land administration, encompassing secure land rights, fair access to land, and responsible land stewardship, is fundamental to realizing the SDG's. By engaging a variety of stakeholders in decision-making, collaborative governance enhances land administration by integrating community insights, cultivating a sense of responsibility, and ensuring transparent processes.

4. CONCLUSION AND RECOMMENDATION

Effective land rights safeguarding often relies on collaborative governance, bringing together government agencies, communities, and stakeholders to make informed decisions about land use for the future. This collaborative approach helps ensure that land rights safeguarding efforts are equitable, transparent, and consider the diverse needs and perspectives of those affected.

Collaborative Governance in land rights safeguarding is considered to have an essential role and a method that is being widely developed within the framework of land administration. Three case studies of collaboration between the Government of Indonesia (GoI), in this case ATR/BPN with World Bank, LX Korea and Netherland Kadaster- show several important things. All three collaborations have a common perception that land registration is the first step to securing the rights of all groiup, including marginalized people, to be able to cultivate land and improve their economic welfare. There is a common perception that community participation is very important in order to get good land governance (Plotnikof,2015). This starts from involvement in delineating and recognizing land, preparing the necessary documents

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to decision making before the land registrtation product is issued. Lastly, with the land registration data whose the quality as well as the quantity are maintained, the registration data can be escalated in a more advanced form (for example 3D/digital twin) to enrich land and spatial policies.

However, some key challenges were highlighted during the processes. Managerial roles difficulties in navigating their shifting roles within complex multi-actor processes, which can create tension with traditional managerial identities. Collaborative governance requires a shift from hierarchical power structures to more equitable partnerships. Building trust among diverse stakeholders with varying interests and levels of influence is crucial but challenging. Complexity processes required effective coordination mechanisms and communication strategies are essential to navigate this complexity.

Effective collaborative governance in land rights safeguarding is crucial for achieving the SDG's. By fostering partnerships between governments and all sector, , recognizing and respecting customary land rights, promoting transparent land administration, and ensuring equitable access to land resources. Further research is needed to identify best practices for implementing collaborative governance frameworks in diverse contexts and at different scales. More studies should explore how to finance the bigger project, wether the public-private partnerships can leverage private sector investment in sustainable land management practices or not. Additionally, further investigation is needed to understand the long-term impacts of collaborative governance on land tenure security, livelihoods, and environmental sustainability.

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