



Land Ownership in Kapuas Hulu District: Current Situation, Local Capacities, and Suggestions for Improvement



Published by:

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
FORCLIME Forests and Climate Change Programme
Manggala Wanabakti Building, Block VII, 6th Floor Jln. Jenderal Gatot Subroto, Jakarta 10270, Indonesia
Tel: +62 (0)21 572 0212, +62 (0)21 572 0214
Fax: +62 (0)21 572 0193
www.forclime.org

SASCI (Sustainable Agricultural Supply Chains in Indonesia)
Menara BCA, Grand Indonesia, 46th Floor. Jl. MH. Thamrin, No. 1 Jakarta 10310 Indonesia
Tel: +62 (0)21 2358 7111

In cooperation with:

Ministry of Environment and Forestry and Ministry of Agriculture

Authors:

Rikardo Simarmata
Dunasta Yonas

Photo credits

FORCLIME

Printed and distributed by:

FORCLIME

Jakarta, July 2020

Forests and Climate Change Programme (FORCLIME)

FORCLIME Technical Cooperation (TC), a programme implemented by the Indonesian Ministry of Environment and Forestry and GIZ, and funded through the German Federal Ministry for Economic Cooperation and Development (BMZ)

Sustainable Agricultural Supply Chains in Indonesia (SASCI)

SASCI is a bilateral technical assistance programme, started in 2019 and will run initially for three years. It is funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the Indonesian Ministry of Agriculture and GIZ

Disclaimer: The views and opinions expressed in this publication are those of the author and do not necessarily reflect the official policy or position of GIZ or the Indonesian Ministry of Environment and Forestry

Land Ownership in Kapuas Hulu District:

Current Situation, Local Capacities, and
Suggestions for Improvement

Foreword

It is universally recognised that land rights are a critical component of secure rural livelihoods. People in rural areas who have extensive rights to land are typically better off than those who have only limited rights to land or who are landless. Furthermore, rights to land are not just a source of economic production but are also a basis of social relationships and cultural values, and a source of prestige and often power. Of the many different categories of rights to land, the most critical for sustainable rural livelihoods is the land ownership. Land ownership, particularly when officially recognised by government through a land certificate, is in most cases a condition for access to financial services such as rural credits for investments and operational costs. Services and subsidies from government also require formal land ownership as does the participation in plasma” schemes by the farmer. Secure land tenure (land certification) provides the security the farmer must have to “invest” in the land and makes land trading possible. All things considered, land rights and land ownership are paramount to ensuring sustainable rural livelihoods and rural development.

This report on land ownership in Kapuas Hulu district is the result of a consultancy commissioned by GIZ as part of the German long-standing collaboration with local government in Kapuas Hulu on development of sustainable land use and reduction of greenhouse gas emissions from land use changes. The collaboration comprises support to forest management and conservation (reducing deforestation and forest degradation) and, more recently, to increasing the sustainability of agricultural supply chains, with focus on smallholder production of rubber and palm oil.

The report provides a detailed explanation of the Indonesian land law system and the current land ownership system in Kapuas Hulu, both the formal and informal arrangements including customary land rights and sets out the procedures and institutions necessary to acquire land rights. To date, only some 12% of the total number of land parcels in Kapuas Hulu district have been registered and the underlying challenges to the ongoing land registration drive by the Kapuas Hulu office of the national land agency are described. The report ends with a number of recommendations for how to strengthen the land right certainty in the rural areas of the district.

With the publication of this report, GIZ aims to contribute to the ongoing technical dialogue and collaboration with Kapuas Hulu government and other stakeholders on how to support the process towards a more sustainable land use in the district. We gratefully acknowledge the contributions by Kapuas Hulu government and by the villagers who have generously given their time and voices to the benefit of this publication.



Per Rasmussen, Principal Adviser
GIZ - Sustainable Agricultural Supply Chains in Indonesia





Sentarum, West Kalimantan
Photo by: Juntani

Table of contents

Glossary	7
Abbreviations & Acronyms	8
I. Introduction	9
1.1. Background	9
1.2. Research focus	10
1.3. Method	10
1.4. Research location in brief	11
1.5. Some key terms	12
II. Indonesian Land Law System	13
2.1. Basic Agrarian Law and customary land rights	13
2.2. Land registration methods	15
2.3. Decentralization of land matters	15
III. Current Land Ownership System in Kapuas Hulu	17
3.1. Historical origin of land ownership	18
3.2. Forms of ownership rights	18
3.3. Land ownership evidences	19
3.4. Landowner’s authorities	22
3.5. Registration of customary land rights	23
IV. Procedures and Land Right Acquirement	25
4.1. Procedures	25
4.1.1. Land rights with SPPT	25
4.1.2. Land rights with certificate	26
4.2. Institutions involved	31
4.2.1. SPPT	31
4.2.2. Certificate	32
V. Problems in Providing Land Right Certainty through Certification	35
5.1. Landowner’s perception and fear	35
5.2. Slow development of village administrative boundary mapping	36
5.3. Conflict with forest area	36
5.4. Lack of adequate resources, supporting system, and geographical constraint	36
VI. Recommendations to Strengthen Land Right Certainty	37
References	39
Appendix	41
List of tables	41
List of diagrams	41
List of pictures	41
List of interviewees	42



Glossary

Adat	Custom, tradition
Buku tanah	Land registration book
Bukti kepemilikan tanah	Land ownership evidence
Bukti permulaan/bukti awal	Provisional land ownership evidence
Dasar penguasaan	Basis for land ownership
Dusun	Hamlet
Hak milik	Ownership rights
Hak wakaf	Right to endowed land
Hutan adat	Customary forest
Hutan desa	Village forest
Kampung	Village
Kartu keluarga	Family identity card
Kepala adat	Traditional leader
Kepemilikan	Ownership
Masyarakat hukum adat	Customary law community
Membuka hutan	Land clearing
Pemberian hak	Land right grant
Pemukiman	Settlement area
Penegasan	Reassortment by government institution to the existing customary-based land rights
Pengakuan	State recognition to customary land rights
Penggarap	Cultivator/tenant
Penguasaan	Act of controlling
Peralihan hak-hak lama	Conversion of western and customary-base land rights into BAL-based land rights
Pinjam meminjam	Borrow
Sewa menyewa	Rent
Surat keterangan tanah adat	Declaration letter of customary land possession
Surat pelepasan hak	Letter of land right transaction
Surat pernyataan jual beli tanah	Letter of land sale agreement
Tanah bekas hak milik adat	Customary land rights acquired prior to BAL enactment
Tanah garapan	Cultivation of land
Tanah kas desa	Village land managed by village government
Tanah ulayat	Communal land rights
Tembawang/tembawai/belean	Former settlement area

Abbreviations & Acronyms

APBDes	Anggaran Pendapatan dan Belanja Desa
APBD	Anggaran Pendapatan dan Belanja Daerah
APL	Areal Penggunaan Lain
BAL	Basic Agrarian Law
BPHTB	Bea Perolehan Hak atas Tanah dan Bangunan
CU	Credit Union
FORCLIME	Forests and Climate Change Programme
GIZ	The Deutsche Gesellschaft für Internationale Zusammenarbeit
HPT	Hutan Produksi Terbatas
IPK	Izin Pengelolaan Kayu
KPH	Kesatuan Pengelolaan Hutan
MoAASP/NLA	Ministry of Agrarian Affairs & Spatial Planning/ National Land Agency
MoEF	Ministry of Environment and Forestry
NJOP	Nilai Jual Objek Pajak
Prona	Proyek Operasi Nasional Agraria
PTSL	Pendaftaran Tanah Sistematis Lengkap
SKT	Surat Keterangan Tanah
SPPT	Surat Pernyataan Penguasaan Tanah
SPPT PBB	Surat Pemberitahuan Pajak Terutang Pajak Bumi dan Bangunan
SS BPHTB	Surat Setoran Bea Perolehan Hak atas Tanah dan Bangunan



*Pulau Melayu Sentarum
Photo by: Juntani*

I. Introduction

1.1. Background

Kapuas Hulu is the second largest district in West Kalimantan province, with an area of 29,842 km². This district covers approximately 20.33% of the Province's total area. 75.34% of this district area is designated as forest area, and the remaining 24.66% as non-forest area (Indonesia: *Area Penggunaan Lain*, abbrev. APL)¹. The forest area itself comprises of a conservation area (29.86%), a protected forest (25.85%), and a production forest (19.63%)². The district is home to two large national parks namely Betung Karihun National Park and Danau Sentarum National Park.

There are 83 villages whose territories are located inside the forest area. This covers up to 30% of the number of villages in Kapuas Hulu district. The inhabitants of these villages live on the poverty line and official figures show that 35 villages are underdeveloped to severely underdeveloped. The government provided public infrastructure in those villages in a limited way due to the existing forest area in that villages' territory. Therefore, there are only a few public roads, telecommunication networks, electricity installations, and freshwater infrastructures that the villagers can use³.

The population of Kapuas Hulu district is 242,170 (2019). Agriculture, forestry, and fishery are three primary livelihoods for Kapuas Hulu inhabitants. Approximately 60% of the population work in the three sectors. Farmers grow rubber trees, chocolate trees, and fruit trees (durian, etc.) on farmland and paddy on rice-fields. Companies have planted oil palm on a large scale (Rahmanendra, 2014; Firdaus and Widawati, 2014).

¹ In comparison to the provincial level, West Kalimantan has 62% of its territory as a forest area, and 38% for APL. See in the Middle Term of Regional Development Plan of West Kalimantan 2013-2018, p. 54.

² The forest classification is stated in the decree of the Minister of Forestry Number 733 Year 2014.

³ Head of Kapuas Hulu district, "Tantangan dan Permasalahan Pelaksanaan Pembangunan pada Desa dalam Kawasan Hutan", presented at Rapat Koordinasi Percepatan Indeks Desa Membangun (IDM) pada Wilayah Kesatuan Pengelolaan Hutan (KHP) di Kalimantan Barat, Pontianak, 10 December 2019.

The local farmers grow rubber, paddy, and other trees on land which they believe belongs to them. They own the land and obtained it through inheritance or purchase. They inherited the land from their predecessors who obtained it mostly through land clearing (Indonesia: *membuka hutan*). Customary rules largely govern the process of land rights, and the use of formal rules is limited. The customary practices on cultivating and land ownership was carried out long before the government designated forest areas in West Kalimantan as well as Kapuas Hulu in the early 80s. Therefore, when the villagers were informed about the forest area designation, they accepted it, yet however they still believed that the land belonged to them.

The government policy and regulation on the spatial plan has divided Indonesia's land into two zones, namely forest area and areas for other uses (APL). This division has implications for the legality of the customary land tenure system of local people/indigenous communities. Forestry laws and regulations decline entirely the validity or enforceability of customary land rights which are situated in the forest area⁴. The customary forest could only become legal if the Minister of Environment and Forestry officially recognized them as such, and the customary forest area were expelled from the forest area and joined with APL. The regulation of the Minister of Environment and Forestry year 2019 concerning Private Forest and Customary Forest has that provision.

Land laws and regulations regulate the APL differently. Customary land rights are accepted to exist on APL. The laws and regulations allow local people and indigenous people to own and cultivate land based on their own rules. However, it does not mean that the government recognizes legality of the customary land rights. Land laws and regulations determine that the customary land rights owners are required to register their land to get legality to their rights. This provision is stated on a Government Regulation and regulation of the Minister of Agrarian Affairs/Head of National Land Agency year 1997 on land registration, and the regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency Year 2019 on the administration of communal rights (Indonesia: *tanah ulayat*). The legality will bind other parties to respect the rights. It requires that any permit issuance over the land by the government gains prior consent and approval from the landowner. In addition, the market also accepts land rights in a business transaction.

The fact that forest area designation and the making of the spatial plan of West Kalimantan province and Kapuas Hulu district were made when the local people have been practicing customary land tenure system has caused several questions to arise. How laws and regulations concerning forest, land, and spatial plan might impact the customary land tenure system and practices? To what extent have the customary-based land rights owners complied with the formal rules which came after the customary system? What are the procedures to register the customary land rights so that they have official status?

1.2. Research Focus

The focus of this research is to investigate the land ownership system that presently exists in Kapuas Hulu district. The existing land tenure system is both community-owned and state-owned. This research further describes how the land tenure systems regulate the land right acquirement. It specifies requirements and procedures to register land, and government agencies involved. The description proceeds to the empirical aspect of the systems where two issues are described. The first is the government's problems in undertaking land registration, and the second people's real experiences in getting their land registered.

The other focus of this research is to propose some practical recommendations from which land right certainty can be best obtained through land certification or from other schemes.

1.3. Method

Data collection was carried out during the period of November to December 2019. It began with document collection from November up to the first week of December. Fieldwork was carried out afterward from 9th - 17th December. The fieldwork took place in Kapuas Hulu district focusing on two sub-districts. Each sub-district is represented by three villages. The following table shows the names of the sub-districts and villages.

Table 1: Research location

⁴ Simarmata (2019).



Sub district	Village
Mentebah	Tanjung Intan, Menarin, Tekalong
Embaloh Hulu	Pulau Manak, Batu Lintang, Menua Sadap

During the location visit, Sungai Abau village of Batang Lupar sub-district was added as an additional site as it shares similarities with the other six villages. The seven villages were chosen as the research sites as they meet the following criteria:

- 1). Locations where FORCLIME is currently working.
- 2). Land use has been practiced by local communities on which a particular land ownership system is working.
- 3). Local inhabitants are both indigenous and migrant.

During the fieldwork, researchers interviewed the officers of central and local governments, traditional (*adat*) leaders, and landowners. The central government officers are from the provincial and district offices of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (hereafter MoAASP/NLA). The local government comprises the District government and the village government. Meanwhile, the traditional (*adat*) leaders are both those who are assigned at hamlet (Indonesia: *dusun*) level (*kepala adat dusun*) and village level (*kepala adat kampung*). Table 1 provides a list of the interviews' names and titles.

In addition to the interview as a primary method for the field visit, researchers also made several observations. Visiting locations where plots of land are being cultivated and are also being claimed by local people, the researchers also joined the officials of the District office of the MoAASP/NLA to visit to Saujung Giling Manik village of Embaloh Hulu sub-district. The visit was made to collect some remaining required documents.

1.4. Research Location in Brief

As said, Kapuas Hulu district has APL which makes up to 24.66% of its entire area. It is equivalent to around 700,000 hectares. The whole APL area is divided into 722,949 parcels of land. The MoAASP/NLA has registered 77,410 parcels, while the remaining 645,539 parcels are still unregistered. A table below describes the number of certified land parcels in Kapuas Hulu⁵.

Table 2: Land parcels certified in Kapuas Hulu

Land rights	Number of parcels	Area (Hectares)
Ownership rights	±65,000	±48,000
Right to cultivate	±77	±129.000
Right to build	±141	±91
Right to use	±672	±660
Right to manage	±4	-
A right to endowed land (<i>hak wakaf</i>)	±12	±3

The abovementioned figures reveal that the number of registered land parcels in the District is limited leaving most as unregistered. This situation is much different from the provincial level. West Kalimantan has 3,401,413 parcels of land consisting of 1,703,833 registered, and 1,699,585 unregistered. The number of registered and unregistered land parcels is almost the same⁶.

⁵ Interview with Handoyo (head of Kapuas Hulu office of National Land Agency), H. Sawing (Head of a section on the land right relationship), Husin (head of administrative matter sub-division), Wike Yuningsih (head of the section on land arrangement), 13 December 2019, and personal communication with Wike Yuningsih, 10 January 2020.

⁶ In comparison with the national level, nationwide the government has awarded 9 million hectares of land for the area of the right to exploitation. Of 7,5 million hectares of it are possessed by 2,750 individuals or companies. See in a Draft of Strategic Plan of the Ministry of Agrarian Affairs and Spatial Plan/National Land Agency (2019), pp. 19

Batu Lintang, Pulau Manak, and Menua Sadap of Embaloh Hulu sub-district, and Sungai Abau of Batang Lupar sub-district are mostly inhabited by Dayak peoples (Firdaus and Widawati, 2014). Iban and Tamambaloh/Embaloh are two dominant groups who inhabit those villages. Other groups with a small number are Malay, Javanese, Flores, and Batak. Meanwhile, Tanjung Intan, Menarin, and Tekalong of Embaloh are home for a small number of Dayak groups such as Suruk, while the Malay group is much bigger. Other ethnic groups such as the Javanese also live in those villages.

Six villages in the two sub-districts share similarity in that some parts of their territory are designated as forest area. This information came from the village government officials, traditional leaders, and landowners during the interview. Tanjung Intan, Menarin, and Tekalong of Embaloh have protected forest and production forests. Batu Lintang, Pulau Manak, and Menua Sadap of Embaloh Hulu have more notably protected forest, conservation forest, production forest, and restricted production forest (Indonesia: *hutan produksi terbatas*, abbrev. HPT). Yet, a presentation by the District head in December 2019 at a meeting held by the Ministry of Environment and Forestry (hereafter MoEF) says differently⁷. It says that Menarin and Tekalong are not in the list of villages whose territory is included in the forest area. So are Batu Lintang and Pulau Manuk, forest area is not present in those village territories.

Tanjung Intan is the only village that has completed its village boundary map. That means this village has successfully made agreements with its neighbouring villages about boundary delineation. A District Head decree was made later to endorse the settled village boundaries map.

In Tanjung Intan and Pulau Manak villages, each household owns a 2-3 hectares parcel of land on average; households do not possess large areas of land to cultivate. The distribution of inherited land to family members when an owner passes away, has been one of the main causes of the decreasing size of land being owned by each household throughout the research locations.

1.5. Some Key Terms

Indonesia's land law understands the term 'ownership' (Indonesia: *kepemilikan*) as being different to the right to ownership or ownership rights. The word is somewhat similar to the term possession. In the common law system, possession indicates that land control or land use is made without particular land rights. In other words, land entitlement is not established yet to the land (Rose, 1985). Another meaning Indonesia's land law awards to the term ownership is control (Indonesia: *penguasaan*).

In conclusion, the term means possession and control. Therefore, ownership has different meaning from the right to ownership (Indonesia: *hak milik*). Someone who owns (*memiliki*) or controls (*menguasai*) does not necessarily hold the right to ownership (*hak milik*). Right to ownership is only one way for someone to be able to own and control land. That can also be done through other land rights i.e. right to cultivate, right to build, and right to use. Land use with possessory evidence where the land is unregistered is also considered an act of owning and controlling (Sihombing, 2005). Land regulations give a specific name for possessory evidence as *dasar penguasaan*⁸.

Land tenure may be defined as the terms and conditions on which land is held, used and transacted (Adams, Sibanda, and Turner 1999:135). It designates the rights and obligations individuals and communities have with regard to land (Durand Lasserre and Selod 2007:4). Land tenure is concerning the relationship between and among persons from which a person gains legitimacy to use resources (Simarmata, 2012). Regarding the type of rights, land tenure comprises of various rights; control over, access to, management of, exploitation of, and use of means of existence and production (Dekker, 2001). Schlager and Ostrom (1992) find out the following five rights as the content of land tenure: access, withdrawal, management, exclusion, and alienation. In conclusion, land tenure rights comprising of many different rights, from right to own, right to use, right to manage, and right to transfer.

⁷ Head of Kapuas Hulu district, "Tantangan dan Permasalahan Pelaksanaan Pembangunan pada Desa dalam Kawasan Hutan", presented at Rapat Koordinasi Percepatan Indeks Desa Membangun (IDM) pada Wilayah Kesatuan Pengelolaan Hutan (KPH) di Kalimantan Barat, Pontianak, 10 December 2019.

⁸ See for instance in Law Number 2 Year 2002 on Acquisition of Land for Development in the Public Interest, Article 40. This Law defines the term *dasar penguasaan* as land possessory evidence which is issued by authorities.



Hutan Desa Menua Sadap
Photo by: Petrus Derani

II. Indonesian Land Law System

2.1. Basic Agrarian Law and Customary Land Rights

Basic Agrarian Law Year 1960 (hereafter BAL) is an ‘umbrella’ law for any law related to land issues. It contains basic provisions concerning several topics such as people’s and state sovereignty over land, the function of adat law in the national land law system, the social function of land rights, gender equality for land ownership, anti-monopoly, land acquisition, land registration, land use plan, land rights, and the conversion of land rights (Indonesia: *peralihan hak-hak lama*). One definite objective of the BAL is to set up a unified national land law. The BAL presumes that the state will be able to provide legal certainty to people if unified and straightforward national land law system is established⁹.

BAL made some criticisms to the previous colonial land law system, which it suggests as pluralistic so that it caused uncertainty. The co-existence of colonial land law and customary land law made the land law system at the time complex, leading to uncertainty (Harsono, 2005; Fitzpatrick, 1997). However, the point about the pluralistic land law system does not make BAL decline the existence of the customary land law system. BAL sets up two articles in which it points to the recognition of communal land rights (*hak ulayat*) and the role of customary law in the national land law system. Article X of BAL states that national land law is based on customary law. Meanwhile, Article 5 stipulates that state recognizes hak ulayat of customary law community.

BAL has several provisions in which it puts customary law as a base for national land laws and regulations. Firstly, the Law recognizes the temporary enforceability of *adat*-based land rights such as the right of mortgage, the right to sharecrop, the right to temporary occupation and the right of a lease of agricultural land¹⁰. Secondly, the Law creates some formal rights which originate from customary land rights such as the right to open up land, and the right to forest product collection¹¹. Thirdly, the Law recognizes the enforceability of customary land law on ownership as long as a special law on that issue is not made yet¹². Since the particular law is not made yet up to present, it is customary law on land ownership that is now in force across Indonesia.

⁹ General Elucidation Point I of BAL.

¹⁰ Article 53 of BAL.

¹¹ Article 16, clause 1f&g of BAL.

¹² Article 56 of BAL.

However, BAL gives recognition to customary law and *hak ulayat* with some conditions. The law and *hak ulayat* shall not conflict with state and national interests, as well with higher existing laws and regulations. Before the condition, the recognition requires that *hak ulayat* shall exist (Simarmata, 2006). The terms were formulated based on two thoughts about customary land that the Law drafters had in mind at the time. Firstly, the establishment of the state as a supreme political organization who holds the highest political power puts other civic organizations, including customary law community, as sub-ordinate. The recognition for *hak ulayat* and customary law, therefore, must be in line with state interests. The implementation of *hak ulayat* shall not hinder the state from conducting its constitutional duties, to serve the public and to make citizens prosperous (Harsono, 2005; Simarmata, 2006). Secondly, the *hak ulayat* together with adat law which regulates it would gradually disappear because of modernization. In referring to the Social Darwinism concept, the drafters strongly believed that as a traditional group, a customary law community inevitably develops towards modernization, making traditional elements such as adat law, to be left behind. Therefore, the drafters advised not to further regulate the *hak ulayat* as it will disappear in the future (Harsono, 2005).

BAL sets up several rights related to land control and use. Article 16 of the Law makes a list of the rights, namely right of ownership (freehold rights), right to cultivate, right to build, and right of use. Two new land rights come after the BAL was implemented which are the right of management¹³, and the right to own condominium unit¹⁴. To ensure that any land control and use is conducted through those land rights possession, BAL imposes an obligation to state to carry out land registration across Indonesia. The Law's idea is to provide legal certainty to landowners by having their land registered (Harsono, 2005; Sumardjono, 2009)¹⁵.

The BAL was initially intended to be in force in the entire territory of the Republic of Indonesia. The legal policy of the New Order (1966-1998) had changed the direction drastically when the separation between forest area and APL was first constructed at the end of the seventies. As said earlier, forest area and APL have their own law regime (World Bank, 2014). This means that land laws and regulations are not applied in the forest area. A Presidential Directive of 1976 concerning the synchronization of land affairs with respect to forestry, mining, transmigration and public works reasserted it. It determines that the possessors of logging concessions are not required to have specific land rights when they use forest land (Simarmata, 2012).

As a result, the MoAASP/NLA who are responsible for implementing land laws and regulations, are prohibited from issuing land rights in the forest area. Currently, the land law has adopted well this principle of non-application in the forest area. Several regulations have provisions stating that there is no land registration for forest land. Forest land can only be registered when it has already been officially released from the forest area through the issuance of a Minister's decree¹⁶.

Interestingly, the forest law is applicable in APL. Under the forestry regulations, a forest area can also be located in private land, including customary forest. As a forest area, provisions on forest protection apply. For instance, the law prohibits the use of forest products in case the function of it changed, unless the Minister of Environment and Forestry gives permission¹⁷.

The Land law defines three types of land, based on status. They are state land, *hak ulayat*, and private land (Sumardjono, 2009). Harsono (2005) refuses this classification, arguing that the BAL does not recognize the second type because it is part of state land. BAL does not make a clear statement regarding the status of *hak ulayat*. However, recent regulations such as the regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency No. 6 Year 2018 on Systematic and Complete Land Registration (PTSL) states that *hak ulayat* is excluded from state land¹⁸. It also states all land parcels within APL is subject to land registration¹⁹. It covers both land parcels whose owner does not yet hold any specific land rights and land parcels whose ownership is already with specific land rights. Consequently, the regulation makes *tanah ulayat* an object of land registration.

¹³ Stated in the regulation of the Ministry of Agrarian Affairs No. 9 Year 1965 concerning the conversion of state control to the land.

¹⁴ Regulated in Law Number 20 Year 2011 on Condominium.

¹⁵ Article 19, clause 1 of BAL.

¹⁶ The provision could be found on Government Regulation Number 40 Year 1996 on the right to ownership, the right to exploit, the right to build, and the right to use, and the Presidential Regulation Number 86 Year 2018 on Agrarian Reform.

¹⁷ Such provision could be found on the regulation of the Minister of Agrarian Affairs and Spatial Plan/Head of National Land Agency Number 21 Year 2019 on Private Forest and Customary Forest.

¹⁸ Article 1, point 4 of the Regulation.

¹⁹ Article 2, clause 1 and Article 4, clause 2 of the Regulation.



2.2. Land Registration Methods

Land registration is done in one of two ways, sporadic and systematic. The sporadic method occurs when someone (individual, legal body) takes the initiative to propose land registration for his or her land parcel. In the systematic method, land registration is the government's initiative. That is happening presently to PTSL which has been ongoing since 2017.

The Land law applies a specific procedure of land registration to land possession (Indonesia: *penguasaan* or *pemilikan*) which is held based on adat law. The land law names this kind of land possession 'old customary land rights' (Indonesia: *tanah bekas milik adat*). Since the land law suggests that the land possession has been held through specific customary rights to which recognition is made, land registration to the land is meant to recognize (Indonesia: *pengakuan*) or to reassert (Indonesia: *penegasan*) the existing land rights. Therefore, what the government does in this case is to formalize the rights, not to create new ones. The land law, with a technical legal term, calls this kind of land registration 'land conversion'. It is an action to adjust the old rights into rights that are recognized by BAL. Old customary rights can be converted either into right to ownership or right to use. The old rights can originate from the Dutch colonial law or from customary law (Harsono, 2005).

Meanwhile, for land parcels which are not possessed with specific land rights, the registration is done through the right issuance (Indonesia: *pemberian hak*). It goes through this process as the land is suggested as state land. The land law applies a domeinverklaring-like principle²⁰ which suggests that any land parcel which has not been proven to be privately owned, belongs to the state. As the state owns the land, the registration is a kind of land redistribution despite the land having been long possessed and used by the owner (Indonesia: *penggarap*).

Nationwide, there are 64 million hectares of land parcels that the MoAASP/NLA has not yet registered. Since BAL was enacted in 1960, 62 million hectares of land parcels have been registered. Some of the 64 million hectares of the unregistered land is old customary land rights and state land that is being controlled and used by particular persons. The control, use, and transfer of land is under semi-formal rule arrangements (Fitzpatrick 1997; Fitzpatrick 2007, van der Eng, 2016). The semi-formal rule term comes from the fact that the land is jointly ruled by both customary (informal) and state law (formal). Customary law governs the acquirement and transfer of land rights. The customary law dictates methods to obtain and transfer land rights as well as dispute settlement, while state law mostly rules the administrative aspect of it, such as possessory evidence and land registration (Simarmata, 2015; Simarmata, 2019).

If all abovementioned unregistered land is registered by 2024, as the Ministry currently plans to do, one possible change is that the state law will be wholly applied to it. Nevertheless, it may also go in another direction where the customary law is still in place because local people or landowners realise its social significance.

2.3. Decentralization of Land Matters

The land matter is presently administered through the centralistic approach. The central government i.e. the MoAASP/NLA holds strong authority. The Ministry manages some strategic land matters such as spatial plan, land registration, spatial use control, and land dispute settlement²¹. The Ministry has its provincial and district offices. Currently, the number of provincial offices nationwide is 34, with a total of 470 district offices.

While the central government holds the main authority in land matters, the local government also has some authority. The central government has transferred nine authorities in land matter to local governments: (1) location permit issuance, (2) cultivated land (*tanah garapan*) dispute settlement, (3) compensation of land acquisition for development, (4) determination of land redistribution, (5) designation of *tanah ulayat*, (6) unoccupied land dispute settlement, (7) land clearing permit, and (8) land use planning²². With less authority, only a few local governments have established a local land agency. The government of West Kalimantan province has no unit established to handle land matters²³. The government of Kapuas Hulu district, on the other hand, has established a unit under the government secretariat office to handle land matters. The unit's name is Land Bureau (*Bagian Pertanahan*)²⁴.

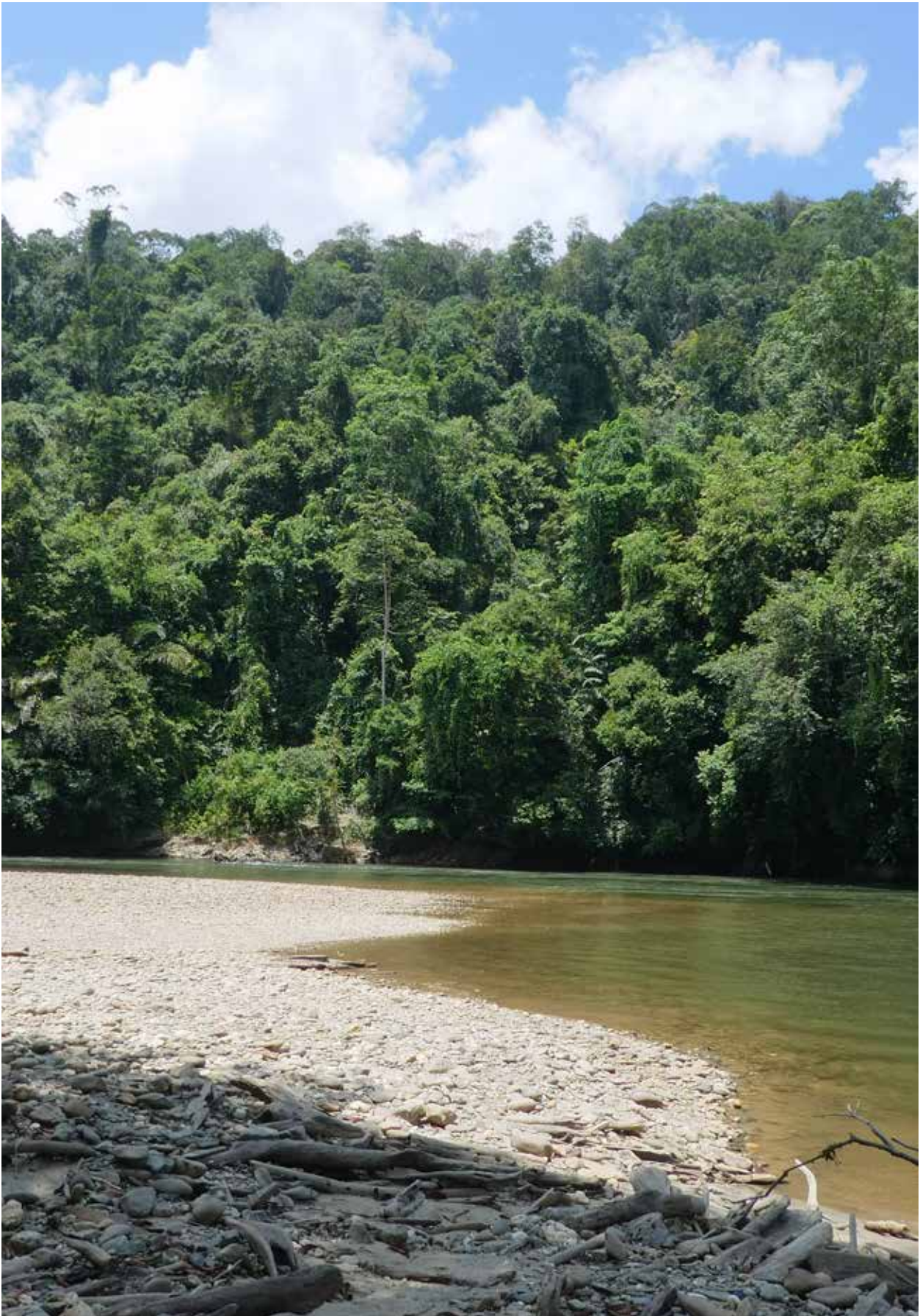
²⁰ Domeinverklaring is a legal principle applied during the Dutch colonial time. The principle is explicitly stated in Agrarian Law Year 1870.

²¹ See the provisions in Presidential Regulation Number 17 Year 2015 on the Ministry of Agrarian Affairs and Spatial Plan, Article 3, and Presidential Regulation Number 20 Year 2015 on Land National Agency, Article 3.

²² As regulated in Presidential decree Number 34 Year 2003 concerning national policy on land matter, Article 2 clause 2, and Law Number 23 Year 2014 on Local Government, on its attachment.

²³ See in <http://organisasi.kalbarprov.go.id> (accessed February, 15, 2020). See also West Kalimantan local regulation Number 2 Year 2005 concerning the structure of the agencies of West Kalimantan government.

²⁴ See Kapuas Hulu local regulation Number 20 Year 2008 concerning the organizational structure of the Kapuas Hulu government secretariat office.



*Hutan Desa Menua Sadap
Photo by: Petrus Derani*



III. Current Land Ownership System in Kapuas Hulu

BAL's objective to apply a unified national land law system seems has not yet been fully achieved. 60 years after the BAL enactment, there are still many rural communities in the larger islands, e.g. Java, Sumatra, Kalimantan, Sulawesi, and Papua, who hold customary system over land ownership and use (Fitzpatrick, 1997). The World Bank's 2014 review of the land sector points to the substantial existence of customary law in land matters in Indonesia, giving the example of land rights acquirement through inheritance or purchase. Parents transfer land rights to their heirs through inheritance, based on the *adat* mechanism. According to *adat* law, land for sale must first be offered to relatives (World Bank, 2014). Selling land to others can only be accepted if none of relatives of an owner are able to or want to purchase it.

Several factors have contributed to the persistence of customary law in land matters despite of the state having made efforts over a long period to implement a formal system. The Food and Agricultural Organization of the U.N. (2002) mentioned security as one reason why some landowners are still in favour of the customary system. In practice, the customary system assures the protection of the rights of landowners. The formal system itself helps to uphold the customary system. As mentioned, Indonesian land law recognizes, respects, and protects communal customary land rights. The customary law gets more space to play a role in governing land ownership because BAL allows it to be applied if formal law is not in place yet.

In reality, however, landowners do not always treat the formal land law and the customary land law as separate. On many occasions, they use the two systems in combination. Despite being less effective, the central government's program to create unification in land law has worked in some matters. One example concerns possessory land evidence. The Land Possession Declaration Letter (Indonesia: Surat *Keterangan Tanah*, abbrev. SKT or *Surat Pernyataan Penguasaan Tanah*, abbrev. SPPT) has been used by rural and urban people across Indonesia as possessory land evidence. A person can obtain land rights through inheritance, purchase, or land clearing, which is governed by various customary rules. However, when it comes to possessory evidence, the landowners have only one option: to have the SKT/SPPT signed by the village Head. The Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency formalised the national validity of an SKT/SPPT through a circular letter issuance in 2013²⁵. The landowner needs the letter for some purposes, such as land registration, compensation in land acquisition, land transfer, and land mortgage (Simarmata, 2012).

Under Indonesian land law, land with SKT/SPPT as possessory evidence is known as unregistered land (Harsono, 2005; Simarmata, 2012). Land registration changes the land to become registered land, with formal rules fully applying. Formal rules are applied every time transfer and dispute settlement is made for the registered land.

In the following, the land ownership system in Kapuas Hulu district is described through the abovementioned perspective. As a result, the description of the land ownership system portrays both the formal and informal arrangements. As the systems, in practice, are used simultaneously by local people to obtain or to protect their land rights, they are not described separately. Instead, the descriptions show at what stages or in what matters the formal and customary systems are used.

The central part of this section concerns the land ownership system. The system is examined through the following four issues:

- a. The historical origin of ownership rights;
- b. Type of ownership rights;
- c. Ownership evidence;
- d. Landowners' authorities.

The examination of the land ownership systems in this section of the report is carried out for seven villages in two sub-districts of Kapuas Hulu. It describes the functional land ownership systems in those villages.

²⁵ Circular Letter Number 9/SE/VI/2013 concerning Declaration of Land Possession for Old Customary Land Ownership.

3.1. The Historical Origin of Land Ownership

The Iban group has lived in Sungai Utik hamlet of Batu Lintang village for nine generations. Their predecessors are believed to be the ones who first came to the village to clear the forest to make settlements, and open up farm field and paddies²⁶. In 1957 they constructed a longhouse in Temawai Uji Bilik which they then abandoned to build a new one in Sungai Utik in 1972²⁷. The Iban group of Menua Sadap village claims to have resided in the village for 11 generations. Their predecessors came to the village in response to the Embaloh group's request for help in their fight with the Panembang group. The Embaloh people won the fight with the help of the Iban people. In return, the Embaloh people awarded the Iban people some parts of their adat territory (Rahmanendra, 2014).

The Iban group of Sungai Abau village told a similar story. They claim to have been inhabiting their village long before the government constructed the main road in 1997 and built an elementary school in 1998. They told this story attempting to refute a claim by the MoEF that many parts of the village territory are state forest area²⁸. The historical origins of the land ownership have made inheritance the major way to acquire land ownership in those seven villages. Other places in West Kalimantan, such as Kampung Kotip of Sanggau district, also mention inheritance as the preferred way to acquire as well as to transfer land ownership (Kibas, 2000).

3.2. Forms of Ownership Rights

Customary land ownership rights consist of two primary types based on the holder, private rights and communal rights. The private rights could be by the nuclear family or by the extended family²⁹. The nuclear family comprises of parents and children while the extended family is a collection of several nuclear families which share a similar ancestor. Private land ownership rights by extended family occur when land that the members inherit from their ancestor is not yet distributed to the nuclear family (Pulau Manak and Batu Lintang villages). This type of private land ownership is also known as kinship-based land rights³⁰. Private land ownership rights are mostly used for settlement (*pemukiman*), farmland (*kebun*), rice-field (*ladang, sawah*), and forest that used to be utilized as farmland, rice-field or settlement before it was abandoned due to relocation to new places (Firdaus and Widawati, 2014, pp. 44). The private land ownership right which in the past was used for settlements, is called *tembawang/tembawai/belean*³¹. Despite being abandoned, *tembawang* is privately owned by a kinship where the families share the same ancestor (Kibas, 2000, pp.56).

Communal land ownership is often exercised through territorial ties. A village is a territorial unit that is often used for that purpose. Communal land ownership is usually applied to forest (*rimba/hutan*), graveyards (*makam*), and sacred places (*tempat keramat*). As a result, many communal land ownership areas are in the state forest area. It then causes overlapping ownership rights between customary communities and the state.

Pulau Manak village has a forest area which they own communally and is managed based on *adat* law. The village has established rules which determine the function of the forest, as well as a decision-making process for its management. The legal rule holds that the forest's function is to serve the public interest. A decision regarding how the forest shall be used and managed is made through a village meeting called *rombong*. People can collect non-timber products for their daily livelihood needs from the forest, without a permit. Social mechanisms are in place which can recognize whether someone collects forest products for subsistence or commercial purposes³².

²⁶ Interview with Raymundus Remang, former head of Batu Lintang village, 14 December 2019. See also Rahmanendra (2014)

²⁷ See Annex 1 of the decree of Kapuas Hulu district number 561 Year 2019 concerning the recognition and protection to Daya Iban Manau of Sungai Utik.

²⁸ Interview with Emanuel Badi, head of Sungai Abau village, 15 December 2019.

²⁹ Interview with Hermanus Jemayung (head of Embaloh Hulu sub-district), Leanto Sudin, Indra Bangsaman (head of Belimbis hamlet), Teodurus Jumadi (head of Pulau Manak's village consultative assembly), Anselmus Tingang (head of government section of the sub-district government office), Samson (head of hamlet), Umpin, and Sebastianus (Pulau Manak village head), 13 December 2019.

³⁰ See Kibas (2000), pp. 52.

³¹ Tembawang is a area that in the past was used for settlement. After that place was abandoned, it changes into a forest where fruit trees such as durian, pinang, tengkawang, langsung, and dukuh grow. See in Kibas (2000), pp. 54; Rahmanendra (2014), pp. 16, and Firdaus&Widawati, 2014, pp. 43.

³² Interview with Hermanus Jemayung, Leanto Sudin, Indra Bangsaman, Teodurus Jumadi, Anselmus Tingang, Samson, and Umpin, and with Sebastianus.



An area of 9,425.5 hectares of forest in Sungai Utik hamlet of Batu Lintang village, is owned collectively. The villagers have labelled the forest customary forest (*hutan adat*) and have officially proposed to the MoEF to have the forest officially designated as customary forest³³. The villagers of Tanjung Intan also own a forest area communally, the 50 hectares large Bukit Benala forest which they plan to turn into an eco-tourism destination³⁴. Also Menua Sadap village has customary forest. Each of the three hamlets of this village currently manage their customary forest. The Minister of Environment and Forestry has even formalized the customary forest of Karang Buntut hamlet with an area of 1,395 hectares as village forest (*hutan desa*) in January 2014 (Rahmanendra, 2014; Firdaus and Widawati, 2014; de Royer S, Juita R. 2016)³⁵. Interestingly, the villagers still think of this formalized forest as customary forest despite the fact that by law it is now state forest after the Minister made the designation. At the village level, Manua Sadap also has customary forest (Rahmanendra, 2014).

The forest areas are not the only objects of communal ownership. Non-forest areas are also communally owned like the one in Tanjung Intan village. This village has a large area of 400 hectares over which the communal ownership system is partly applied. The land has been distributed to around 400 households to become individually owned, with each household each having one hectare. Nevertheless, collective management is applied to the land. In 2011, a company which planned to grow oil palms on the land, began clearing the land. The company paid fees to the landowners in exchange for cutting and selling trees growing on the land. When receiving the payment, the landowners did not think to transfer their rights over the land to the company. Later, the Kapuas Hulu district head annulled the company's plantation business license, as it did not hold a timber management permit (Indonesia: *Izin Pengelolaan Kayu*, abbrev. IPK). The company had already planted oil palms in some plots when the annulment was made. All landowners agreed to discontinue the planting of oil palms as the investments needed were too large. Instead, they left the land fallow, while waiting for a new company to offer them a partnership³⁶.

Tanjung Intan village regulation number 6 year 2019 on the Utilization and the Management of Village Land has declared 400 hectares as village land (Indonesia: *tanah kas desa*) where the main purpose is for community's business. The land is a reserve for the village for two purposes. The first is for village members who would like to open new farms. The second is to be used by the village government to build public and social infrastructures, as well as for generating village revenue³⁷.

In addition to the 400 hectares of village land, there is another 25 hectares, fully managed by the village government, which can only be used for village government interests, development, and social services³⁸.

3.3. Land Ownership Evidence

The villagers in the six villages currently have three forms of evidence to claim their ownership over land: natural objects, witnesses, and written documents. Customary law relies very much on natural objects while formal law relies on written documents. Both customary law and formal law can be supported by witnesses. The natural objects could be rocks, rivers, hills, and trees (Rahmanendra 2010, pp. 15). The villagers collectively share knowledge on the natural objects. The long practice of ownership and use of land has enabled the sharing of knowledge to happen. When the adat mechanism is applied to settle land conflicts, the natural objects together with witnesses, are used³⁹.

Meanwhile, the written documentation primarily consists of two forms, namely certificate and possessory evidence. The certificate is evidence for any land parcel that has been registered. Indonesian land law puts certificate as strong land ownership evidence, but not the only one⁴⁰. That gives reason to recognize possessory evidence as land ownership evidence too. Possessory evidence is used for unregistered land. In terms of form, possessory evidence is very diverse. Land regulations determine types of possessory evidence as follows: deed of land transaction, administrative decision, administrative letter, tax payment receipt, and declaration letter (Simarmata, 2012; Simarmata, 2015, Simarmata, 2019)⁴¹. In practice, other possessory evidence are also used like purchase receipts, and declaration letter of land purchase undersigned by the village head.

³³ Interview with Raymundus Remang, and <https://www.mongabay.co.id/2015/04/28/hutan-adat-itu-supermarketnya-orang-iban-sungai-utik/> (downloaded on February 24, 2020)

³⁴ Interview with Gusti Ahmad Mustaan, head of Tanjung Intan village, 12 December 2019.

³⁵ de Royer S, Juita R. 2016. *Hutan Desa di Kalimantan Barat: langkah maju untuk kepemilikan dan keamanan tanah?* Brief No 61. Bogor, Indonesia. World Agroforestry Centre (ICRAF) Southeast Asia Regional Program. The statement was made through the issuance of the decree of the Ministry of Forestry Number 61/ Menhut-II/2014

³⁶ Interview with Gusti Ahmad Mustaan.

³⁷ Tanjung Intan village regulation Number 6 Year 2019, Article 7.

³⁸ Article 4, clause 2 of the Village Regulation.

³⁹ Interview with Gusti Ahmad Mustaan, and Ikmun, head of the section on government matters, 12 December 2019, and interview Sebastianus.

⁴⁰ Article 32, clause 1, Government Regulation Number 24 Year 1997.

⁴¹ See the Elucidation of Article 24 clause 1, Government Regulation Number 24 Year 1997, and the Regulation of the Minister of Agrarian Affairs/Head of National Land Agency Number 9 Year 1997, Article 60, clause 1.

Only a few landowners in the six villages have obtained their land certificate. The certificate was first introduced to villagers by the Kapuas Hulu office of the National Land Agency in the 1980s. Through *Proyek Operasi Nasional Agraria* (Prona), the Land Office (*Kantor Pertanahan*) issued land certificates to local landowners. The program was focused on land parcels which were used for residence⁴². Prona in three villages of Mentebah has been conducted three times, in the 1980s, 1990s and 2011-2012. Certificates have been issued in the three villages as shown in a table below⁴³.

Table 3. Certificates Issued in Tanjung Intan, Tekalong and Menarin Villages

Villages	Number of Certificates
Tanjung Intan	3
Tekalong	310
Menarin	2

Villagers of Pulau Manak, Batu Lintang and Manua Sadap of Embaloh Hulu received certificates through Prona in 1996 (Firdaus and Widawati, 2014, pp.47). Sebastianus, the current village head of Pulau Manak, is one such recipient of the certificate. The document was given for a land parcel that he and his family members used for residential land. He acquired the land from his parents through inheritance⁴⁴. Few people obtained certificates through their initiative, named as sporadic land registration. A number of certificates have been issued in these three villages as shown in the table below⁴⁵.

Table 4. Certificates Issued in Pulau Manak, Batu Lintang and Manua Sadap Villages

Villages	Number of Certificates
Palau Manak	9
Batu Lintang	16
Manua Sadap	12

The number of certificates issued is far higher in villages where the *Kantor Pertanahan* has conducted the PTSL program. These two projects are carried out to implement agrarian reform⁴⁶. Asset legalization is carried out for both residential land and agricultural land, while land redistribution is only for agricultural land. The present government officially started to implement the agrarian reform in 2017, targeting 18 million land parcels or nine million ha land to be registered by 2019⁴⁷. After implementing the PTSL since 2017, the number of certified land parcels in Saujung Giling Manik, Ulak Pauk, Banua Ujung, and Langan Baru has grown, as the table below shows⁴⁸:

Table 5: Certificates Issued in Villages where PTSL has been held

Village	Number
Saujung Giling Manuk	2,141
Ulak Pauk	2,146
Banua Ujung	528
Langan Baru	218

Landowners mostly use a declaration letter as possessory evidence in the six villages. In Indonesian language, it is known as *Surat Pernyataan Penguasaan Tanah* (SPPT). The landowner, through the declaration, states that all information provided in the letter is right. The information provided consists of data related to physical aspects and legal aspects. The former concerns the land area, location, and boundaries. The latter consists of the following information:

⁴² Interview with Ikmun and with Hermanus Jemayung, Leanto Sudin, Indra Bangsaman, Teodurus Jumadi, Anselmus Tingang, Samson, Umpin, and Sebastianus.

⁴³ Personal communication with Wike Yuningsih, 10 January 2020.

⁴⁴ Interview with Sebastianus.

⁴⁵ Personal communication with an official of the Kapuas Hulu office of the MoAASP/NLA, 26&27 February 2020.

⁴⁶ See Article 6 of the Presidential Regulation Number 86 Year 2018 on Agrarian Reform

⁴⁷ The target is stated in Medium Term Development Plan 2015-2019, pp. 6-81.

⁴⁸ Personal communication with an official of the Kapuas Hulu office of the MoAASP/NLA, 26 February 2020.



- Landowner's identity (name, place and date of birth, addresses, occupation, ID number);
- The land origin, providing information on the methods the landowner used to get ownership over the land, e.g. land clearing, purchase, inheritance, or exchange. For more detail on information provided in SPPT, see Picture 2;
- The land use; and
- Statement by the landowner that the ownership of the land is not in dispute, as well as not belonging to any government agencies.

Witnesses, those who have land located next to the land parcel mentioned in the SPPT, put their signatures on the letter to certify the correctness of the land boundaries. The village head also signs the letter⁴⁹. In accordance with a circular letter of the MoAASP/NLA of 2013 says, with her/his signature the village head endorses the correctness of any information put in the letter⁵⁰. Nevertheless, the legal responsibility for the factual correctness is borne by the landowner (Simarmata, 2015; Simarmata, 2019). No charges can be brought on the village heads as they are not the ones who make the declaration on the letter, but the landowner. It was entirely different in the case of *Surat Keterangan Tanah* (SKT). SKT was issued by the village head who assumed all responsibility for the correctness of the information given. As a result, the village head could be charged legally if it was found later that the information given was untrue (Simarmata, 2009).

Gazettement of boundary markings is needed to get the SPPT. The document reports that a location visit has been carried out involving the landowner, the owners of surrounding land, and village government officials. All the parties sign the gazette. A primary output of the location visit is a sketch of the land boundaries as shown in Picture 3. Other supporting documents such as a letter of land rights transaction (*surat pelepasan hak*), purchase receipt, inheritance letter, banquet letter, and other letters which give proof to the possession of the land, could also be included. A letter of land rights transaction is issued when land purchase or compensation for land acquisition occurs. As in the case of SPPT, the village head also puts his/her signature on it.

The SPPT is always held by an individual and never by a group. Therefore, a family may have more than one SPPT. Apart from father and mother, children who are already above 18 years old or are married may also hold and SPPT. In most cases, an SPPT is given for a two hectares land parcel as a maximum. In practice, families overcome this restrictive rule by dividing the land into various parcels and have an SPPT issued for each family member.

Some landowners are discouraged from having SPPT because of the administrative fees they have to pay⁵¹. In Tanjung Intan, the amount is IDR 200,000-250,000 per letter, and in Tekalong IDR 200,000⁵². At the other end, in Pulau Manak and Menua Sadap it is free. This is possible because a budget has been allocated in the annual village budget (*Anggaran Pendapatan dan Belanja Desa*, abbrev. APBDes)⁵³. Landowners who wish to borrow money from financial institutions i.e. banks or cooperatives⁵⁴, or to sell their land, must possess an SPPT⁵⁵. In other parts of West Kalimantan, financial institutions have also accepted SPPT as recognized land ownership evidence. This means that the land can be used as collateral against a mortgage (Simarmata, 2015; Simarmata, 2019).

⁴⁹ Interview with Gusti Ahmad Mustaan and with Handoyo, H. Sawing and, Wike, 13 December 2019. On account of the process of changing SKT into SPPT see Simarmata (2009).

⁵⁰ Number 9/SE/VI/2013 on Declaration Letter of Old Customary Land Ownership.

⁵¹ Interview with Gusti Ahmad.

⁵² Interview with Filemon Sidirasi, Tekalong village head, Nikolaus Selan (head of section on administrative matters), Saulus (head of Sungai Putih hamlet), 15 December 2019.

⁵³ Interview Sebastianus, and with Husen, Menua Sadap village head; Hendrikus Juan, head of Kerangan Bunut hamlet; Benediktus Jenau, head of section on social prosperity and public service the village head; Musis Bunggang, head of Sadap hamlet; Lorensius Jantan, adat functionaries; Lorensius, head of village consultative assembly; S. Lanit, village government treasurer; and Robertus Unyang, head of Kelayang hamlet, 14 December 2019.

⁵⁴ Credit Union (CU) is the most successful cooperative across Kalimantan. One or more CU offices are established in each of the six research locations.

⁵⁵ Interview with Gusti Ahmad Mustaan.

3.4. Landowner's Authorities

A landowner who has any of the ownership evidence mentioned above has the following rights: right to transfer (purchase, inheritance, wakaf), right to lend, and right to rent (Rahmanendra, 2014, pp. 13; Firdaus and Widawati, 2014, pp. 46). Landowners in the six villages have been practicing land sale. They have sold their land either to their family members or to an outsider. The number of land sales has increased in recent times in response to the increasing population. Some families also need to buy land as they do not receive an inheritance from their parents (Rahmanendra, 2014, Firdaus and Widawati, 2014). In Tanjung Intan and Pulau Manak, selling land to outsiders is already practiced⁵⁶. The custom of the Iban people of Menua Sadap strongly encourages land to be sold to family members. The reason is to enable the original landowner to buy the land back at some point in time. Since the land is sold to family members, it is sold under the going market price⁵⁷. Because of this custom, selling land to outsiders is not encouraged.

In Menua Sadap, land sale to an outsider involves a process where the seller, the buyer, witnesses, and the village head jointly sign a document called the 'letter of the land sale agreement' (*surat pernyataan jual beli tanah*). Land regulations refer to this type of letter as a 'deed'. The village head or adat chief signs this deed for endorsement⁵⁸.

The landowner can also transfer her/his land through other methods, notably inheritance and *wakaf*. For the Iban people in Pulau Manak, Batu Lintang, Menua Sadap, and Sungai Abau, men and woman are treated equally and both sexes can inherit land. The power to decide which family members are entitled or not to get land rights goes to the son or the daughter that is the main carer for the parents⁵⁹. Because of this empowerment, he or she may end up getting more land than other family members (Firdaus and Widawati, 2014, pp.45). If the communal land is not yet distributed, the son or daughter who takes care of the parents has the authority to give permit to other family members who want to use the land. Since women end of as carers of the parents more often than men, this rule provides an opportunity for women to get more control over land than men (Rahmanendra, 2014, pp. 13).

Someone who abandons her/his land for a long time will not lose ownership to the land automatically. She/he still holds ownership and is able to return home to use the land unless the children who take care of the parents say differently. The decision is made by considering the extent to which the returning family member maintains good relationships with other family members⁶⁰.

As said, there are other ways for the landowner to exercise her/his rights, e.g. *sewa-menyewa* (rent) and *pinjam meminjam* (borrow). As land is still relatively abundant, *sewa-menyewa* is less developed than *pinjam meminjam*. On many occasions, *sewa-menyewa* has been done with people from outside the village. Those who rent the land can only use it to grow paddy or vegetables. This is because of a condition that the land can only be leased for approximately one year. The landowner, in return, receives money, valuable goods, or workforce from the renter/tenant (Rahmanendra, 2014, pp. 14; Firdaus and Widawati, 2014, pp. 46).

A landowner can lend her/his land to family members or fellow villagers. Taking care of their family members is one reason land lending is made. Another reason is to avoid the land being fallow. Landowners are happy to have their land cared for. The sub-district office of Mentebah allows a farmer to cultivate land located behind the office as it makes the land productive and cared for⁶¹. Because of this, *pinjam meminjam* does not require *peminjam* (the renter) to pay money to the landowner. *Peminjam* only needs to share the harvest with the landowner voluntarily. As for *sewa-menyewa*, *peminjam* in *pinjam meminjam* is only allowed to grow paddy and vegetables, not plant trees (*tanaman keras*)⁶².

⁵⁶ Interview with Gusti Ahmad Mustaan and with Sebastianus.

⁵⁷ Interview with Husen, Hendrikus Juan, Benediktus Jenau, Musis Bungkang, Lorensius Jantan, Lorensius, S. Lanit, and Robertus Unyang.

⁵⁸ Government Regulation No. 24 Year 1997, the Elucidation of Article 24, clause 2.

⁵⁹ Interview with Sebastianus, with Raymundus Remang, and with Husen, Hendrikus Juan, Benediktus Jenau, Musis Bungkang, Lorensius Jantan, Lorensius, S. Lanit, and Robertus Unyang.

⁶⁰ Interview Hermanus Jemayung, Leanto Sudin, Indra Bangsaman, Teodurus Jumadi, Anselmus Tingang, Samson, Umpin, and Sebastianus.

⁶¹ Interview Ikmun, and with Hermanus Jemayung, Leanto Sudin, Indra Bangsaman, Teodurus Jumadi, Anselmus Tingang, Samson, Umpin, and Sebastianus.

⁶² Interview with Sebastianus.



3.5. Registration of Customary Land Rights

The MoAASP/NLA declines to register customary land, yet the MoEF recognizes customary forest. The registration of customary land has been planned for a long time, yet there are no implementing regulations or concrete programs or actions so far. As a result, the Ministry officials assume that certified land originates from state land. Through the land registration, the state awards the applicants with new rights. Before registration is done, the landowner possesses and uses the land without any formal rights. Hence, the landowner is known as a cultivator (*penggarap*)⁶³.

The assumption that certified land originates from state land has caused the existing customary land to be ignored. It has even overlooked the provision concerning land conversion as regulated in the BAL of 1960 and its implementing regulations. Through these provisions, the government admits that land rights can be awarded by customary rules. The disregard for the existing customary land rights has resulted in not even a single land parcel being registered through land conversion in Kapuas Hulu. None of the certificates issued are based on old customary land rights (*hak milik bekas adat*)⁶⁴.

The *Kantor Pertanahan* once received a case where the applicant requested them to register her/his land as communally owned. The proposal was made as the applicant did not have a plan to share the land with her/his respective family members but wanted to control and use the land communally. The *Kantor Pertanahan* refused the request arguing that it would take too long time to process because a family tree description was needed. The officials were doubtful that the family members could agree on their family tree⁶⁵.

The ignorance of customary land in land registration is not in line with the local regulation of Kapuas Hulu. A Kapuas Hulu Regulation Year 2018⁶⁶ recognizes customary land and other natural resources. The customary land rights are said to enable its holder to have several rights such right to own, right to use, and right to control, under customary rules⁶⁷. Another important matter in the local regulation is concerning procedures to recognize and protect indigenous peoples. The regulation must be applied to recognise any specific indigenous people in Kapuas Hulu.

The Iban Manua of Batu Lintang, Embaloh Hulu was the first group to receive recognition and protection through a Decree. Through a Regent's decree in 2019⁶⁸, the Iban Manua group became officially recognized as indigenous people after an identification and verification conducted by the Committee on the Recognition concluded that the group met the criteria for indigenous peoples. These requirements are: the history of origin, *adat* territory, *adat* law, organizational structure of *adat*, and communal property. The Decree has several documents attached, including the important map of the Iban Manua customary territory. Before the issuance of the Decree, the sub-district head of Embaloh Hulu had signed a joint statement by the members of the Iban Manua group. In the report, the members make a commitment to manage their customary territory sustainably⁶⁹. As mentioned above, the Iban Manua group attached the Kapuas Hulu regulations to an application to the MoEF asking the Minister to formalize their customary forest. The group has never used the local rule as a reason or argument to ask the *Kantor Pertanahan* to recognize their customary land in the land registration.

⁶³ See in Ilyas (2005); Sihombing (2005) and Simarmata (2009).

⁶⁴ Interview with Dadan, head of land legal relationship of the West Kalimantan office of National Land Agency, 10 December 2019

⁶⁵ Interview with Handoyo, H. Sawing, Husin, and Wike.

⁶⁶ Number 13 Year 2018 on the recognition and protection to indigenous peoples.

⁶⁷ Article 5, clause 2 Kapuas Hulu regulation Number 13 Year 2018.

⁶⁸ Number 561 Year 2019 concerning the recognition and protection to Iban Menua.

⁶⁹ See Surat Pernyataan Masyarakat Dayak Iban Sungai Utik, dated 18 October 2019.



*Hutan Desa Menua Sadap
Photo by: Petrus Derani*



IV. Procedures of Land Right Acquirement

The procedure on how to obtain land rights through SPPT and certificate is well established. The description of the system covers the requirements and steps involved. Conditions to proceed include submission of required documents and payment of levies by the applicant to the government institutions. The steps involved comprises of the various stages that must be passed in order to be granted land rights. Below, after describing the procedures as the normative aspect of land right acquisition, the empirical part where the land to be registered and the certificate to be issued, are mentioned. The description aims at examining the progress of land registration. The description of institutions involved in land registration are added to it with the aim to list all formal institutions involved and their respective roles in the whole process.

4.1. Procedures

4.1.1. Land rights with SPPT

The process of obtaining SPPT commences when the applicant comes to the village government office or meets with village government officials to apply. The applicant needs to submit all the required documents, i.e. copies of identity card and family identity card (*kartu keluarga*), a sketch of the land boundaries, and any possessory evidence such as a purchase receipt. In response, the village head or her/his staff asks the applicant to conduct a location visit involving the owners of surrounding land and village government staff if needed. The village government staff could be the officials from the village office and/or the head of the hamlet (*kepala dukuh*). Often the Head of the hamlet also plays a role as adat chief at hamlet level (*kepala adat dusun*).

When the location visit has been completed and the owners of the surrounding land and the village government officials have made no objections to the field location results, the process proceeds with the signing of two documents, the SPPT and the gazette of the location visit. Before the signing is done, the village government office must perform two actions. First, it must clarify/ check all information that is available in the two documents with the applicant and the owners of surrounding land. This could involve asking the head of the hamlet, adat functionaries and village elders for clarification. Second, the office must prepare the documents to be signed. The applicant, the owners of surrounding land, and the village head together sign the documents⁷⁰. The whole process ends with registering the SPPT in the village land registration book. The book records the holder's name, the location of the land as well as the area (extent) of the land.

The national and regional regulations do not regulate the maximum time allowed when issuing the SPPT. Since customary rules largely govern the issuance, it varies from place to place across Indonesia.

Before president Joko Widodo introduced his PTSL in 2017 and the allocation of the village budget was implemented, the issuance of an SPPT required the applicant to pay an administrative fee. It was instituted all over Indonesia. As there was no regulation on the magnitude of the administrative fee, it varied from place to place, ranging from IDR 150,000 to above IDR 1 million (Simarmata, 2009; Simarmata, 2015). The issuance of a Declaration Letter of Customary Land Possession (*Surat Keterangan Tanah Adat*) in Central Kalimantan also imposed such rules (Earth Innovation Institute, 2015). The administrative fee is meant to compensate the village government offices for all expenses made when conducting land measurement and providing the SPPT.

Tanjung Intan and Tekalong village government offices charged from IDR 200,000 to IDR 250,000 for each SPPT, as a compensation for expenses made when conducting land measurement and other operational costs⁷¹. In the interest of PTSL, the government has issued a joint decree of the MoAASP/NLA, the Ministry of Home Affairs, and the Ministry of Villages, Development of Disadvantaged Regions and Transmigration Year 2017, concerning the budget allocation for the preparation stage of the systematic and complete land registration⁷². The decree stipulates that the Kapuas Hulu government has to allocate a budget for the preparation stage if the central government or village government have not made the necessary allocation. If the District does not include a budget in its annual budget (*Anggaran Pendapatan dan Belanja Daerah*, abbrev. APBD), the District government shifts the burden to the applicant by asking her/him to pay an administrative fee⁷³.

⁷⁰ Interview with Hermanus Jemayung, Leanto Sudin, Indra Bangsaman, Teodurus Jumadi, Anselmus Tingang, Samson, and Umpin.

⁷¹ Interview with Filemon Sidirasi, Nikolaus Selan, and Saulus.

⁷² Number 25/SB/v/2017, Number 590-3167A Year 2017, and Number 34 Year 2017.

⁷³ Point 8 of the 2017 Joint Decree.

In implementing the 2017 Joint Decree, the Kapuas Hulu District head issued a regulation of 2019⁷⁴ which states that the applicant shall pay the administrative fee⁷⁵. That means that the District government is not foreseeing it in its annual budget. Another reason for the decree by the District head is to provide legitimacy for village heads to collect the administrative fees⁷⁶.

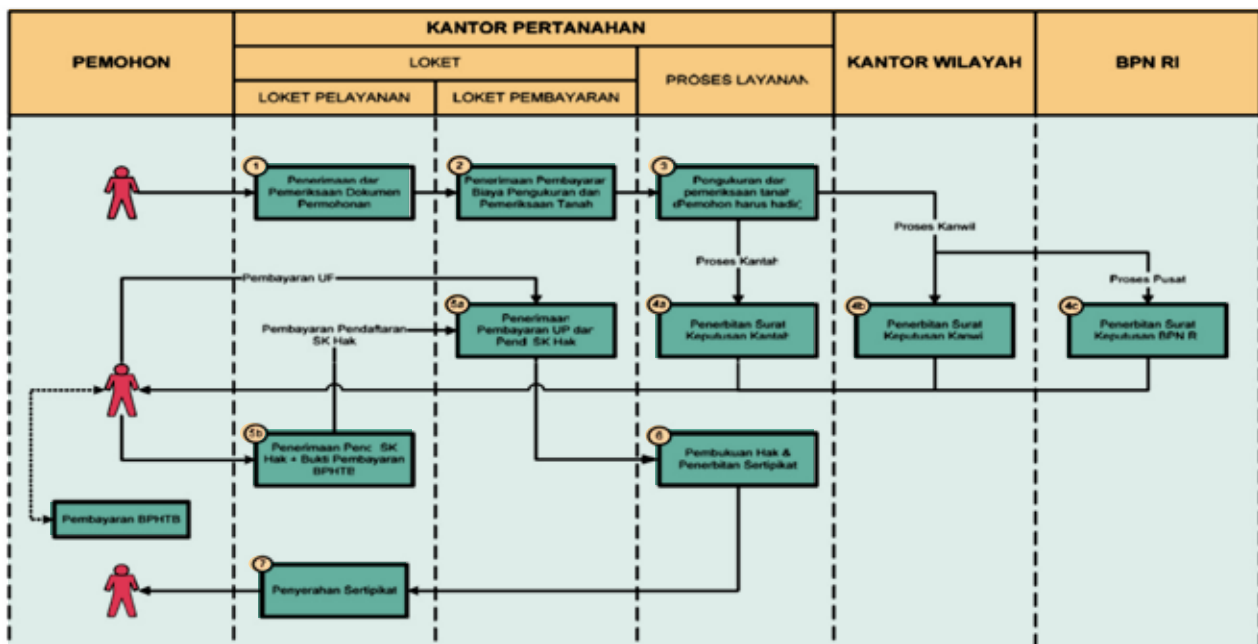
The village governments of Pulau Manak and Menua Sadap followed the stipulations of the 2017 Joint Decree stipulates and provided a budget for the administrative fee payment in their respective annual budgets. As a result, the SPPT applicants do not have to pay the fee⁷⁷.

4.1.2. Land rights with certificate

The certificate issuance is the final step in the land registration process. It comes when the two previous steps have been carried out, namely the gathering of information on the physical and juridical aspects of the land and the documentation of this information in the *land registration book (buku tanah)*, including the letter of measurements (*surat ukur*). A certificate is strong possessory evidence which functions to protect the owner's rights to the land⁷⁸. Legally speaking, with a certificate, someone could claim that he or she has the rights over a certain piece of land (Harsono, 2005; Parlindungan, 2008).

The diagram below visualises the entire process involved in getting a land ownership certificate. An application can be submitted to the district office or to provincial offices of the National Land Agency. Applications for agricultural land with an area below 5 hectares (50,000 m²) and for non-agricultural land with an area below 3,000 m², shall be submitted to the district office. An application for ownership rights that is carried out to implement the following programs: transmigration, land redistribution, land consolidation, financed by regional and national annual budgets, and strategic and massive land registration, must also be submitted to the district office. Applications for agricultural land with an area above 5 hectares (50,000 m²) and for non-agricultural land with an area from 3,000 m² to 10,000 m², shall be submitted to the provincial office⁷⁹.

Diagram: The land certificate issuance process



⁷⁴ Number 14 Year 2019 concerning the budget allocation of the preparation stage of systematic and complete land registration.

⁷⁵ Article 9, clause 1 of the 2019 District regulation.

⁷⁶ Interview with R. Adji Winursito, head of the land bureau of Kapuas Hulu district government, 17 December 2019.

⁷⁷ Interview with Sebastianus, and with Husen, Hendrikus Juan, Benediktus Jenau, Musis Bunggang, Lorensius Jantan, Lorensius, S. Lanit, and Robertus Unyang

⁷⁸ See Government Regulation Number 24 Year 1997, and the regulation of the Ministry of Agrarian Affairs/Head of National Land Agency Number 3 Year 1997.

⁷⁹ The provisions are stated in the regulation of the Head of National Land Agency Number 2 Year 2013 concerning the transfer of authority on land rights issuance and land registration.



Some essential stages of the process will be highlighted in the following descriptions.

Application (step 1)

In this step, the applicant is required to fill in an application form that the National Land Agency provides (see the form below).

PERMOHONAN PENDAFTARAN HAK MILIK

Kepada Yth:
Bapak Kepala Kantor Pertanahan
Di _____

Dengan hormat,

Yang bertanda tangan di bawah ini:

Nama :
Tanggal lahir :
Pekerjaan :
Kewarganegaraan :
Tempat Tinggal :

Dalam hal ini bertindak sebagai kuasa dari:

Nama :
Tanggal lahir :
Pekerjaan :
Kewarganegaraan :
Tempat Tinggal :

Berdasarkan surat kuasa Tanggal _____ Nomor _____, dengan ini mengajukan permohonan pendaftaran Hak Milik atas bidang tanah untuk rumah tinggal yang terletak di:

Jalan :
Desa/Kelurahan :
Kecamatan :
Kabupaten :
Propinsi :

Yang semula terdaftar sebagai Hak Guna Bangunan/Hak Pakai Nomor: ____/____.

Berdasarkan Keputusan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional tanggal 26 Juni 1998 Nomor 6 Tahun 1998 tentang Pemberian Hak Milik Atas Tanah Untuk Rumah Tinggal.

Untuk melengkapi permohonan dimaksud, bersama ini kami lampirkan:

1. Sertifikat Hak Guna Bangunan / Hak Milik Nomor: ____/____.
2. Fotokopi Izin Mendirikan Bangunan Nomor: ____/Surat Keterangan Kepala Desa bahwa bangunan tersebut adalah untuk rumah tinggal (karena Izin Mendirikan Bangunan tidak/belem dikeluarkan oleh yang berwenang).
3. Fotokopi Kartu Tanda Penduduk (KTP) No. ____/Paspor No. ____.
4. Fotokopi SPPT-PBB tahun _____.

After filling in and signing the form, the applicant then submits it, attaching the following necessary documents:

- 1). Copies of identity card and family identity card;
- 2). Possessory evidence;
- 3). Copies of payment receipt of land and building tax (*surat pemberitahuan pajak terutang pajak bumi dan bangunan*, abbrev. SPPT PBB).
- 4). Payment receipt of the obtainment of rights over land and building (*Surat Setoran Bea Perolehan Hak atas Tanah dan Bangunan*, abbrev. SS BPHTB);
- 5). Declaration letter explaining that the land is not in dispute with the signatures of the owner and village head on it (*Surat Pernyataan Tanah Tidak Sengketa*); and
- 6). Declaration letter explaining that the land is effectively cultivated by the owner with the signatures of owner and village head on it (*Surat Pernyataan Penguasaan Fisik Bidang Tanah*).

In PTSL, the process is different. The application is organized collectively. The *Kantor Pertanahan* officials visit villages which are already included on their list of places to carry out land registration. Before the village visit, the *Kantor Pertanahan* might share information with the village head about the selection of the village as a PTSL location. During the village visit, the officials focus on gathering data concerning both physical and juridical aspects of the targeted land. To do that, they rely mainly on information provided by the village head and her/his staff. The officials have confidence in the reliability of the information provided because the sources are people who know well about land ownership in the village⁸⁰. The officials also ask the village government officials for help in collecting copies of identity cards and family card, and assist the landowners in getting the duty stamp (*materai*)⁸¹. The officials combine the information provided with information that they themselves gather through measurements (surveying) and mapping.

They use the gathered information to fill in three forms: (1) Inventory and Identification of Land for Land Reform (*Data Inventarisasi dan Identifikasi Subyek dan Obyek Retribusi Tanah Obyek Land Reform*), (2) Declaration letter of ownership evidence (*Surat Pernyataan Penguasaan Fisik Bidang Tanah/Surat Pernyataan Penguasaan Tanah*), and (3) Sketch of Land Boundaries (*Sket Bidang Tanah*). Examples of the three forms are attached in the Annex.

Picture 1. Inventory and Identification of Land for Land Redistribution

DATA INVENTARISASI DAN IDENTIFIKASI SUBYEK DAN OBYEK NO. 1101
REDISTRIBUSI TANAH OBYEK LANDREFORM

I. LETAK BIDANG TANAH
Desa Saujung Giling Manik Kecamatan Embaloh Hulu Kabupaten Kapuas Hulu

II. TANAH GARAPAN (obyek)

1. Status Tanah	Garapan
2. Luas	± 17440 Ha
3. Pemertanian Tanah	Kebun
4. Batas-batas	
a. Utara	T. Garin Binton
b. Timur	Yohanes Martoyo
c. Selatan	Sungai Luraga
d. Barat	Sungai Luraga

III. PENGARAP (subyek)*

1. Nama	M. MUNA
2. Nama Ibu	KUMPE
3. Tanggal, Tanggal lahir	Ulah, Paok 19-12-1952
4. Umur	43 Tahun
5. Alamat	
a. Jalan	0
b. Desa	Saujung Giling Manik
c. Kecamatan	Embaloh Hulu
d. Kabupaten	Kapuas Hulu
6. Pekerjaan	Petani/Pekabun
7. Jumlah Penghasilan	Rp. Rp 500000,- /Bulan

IV. PENGUSAHAAN TANAH GARAPAN

1. Cara Pengusahaan	Sendiri
2. Tanaman dominan yang ada	Karet
3. Peruntukan dan Penggunaan Tanah saat ini	Pertanian
4. Lama Penggarapan	
5. Data Penggarapan tanah	

V. LAIN – LAIN

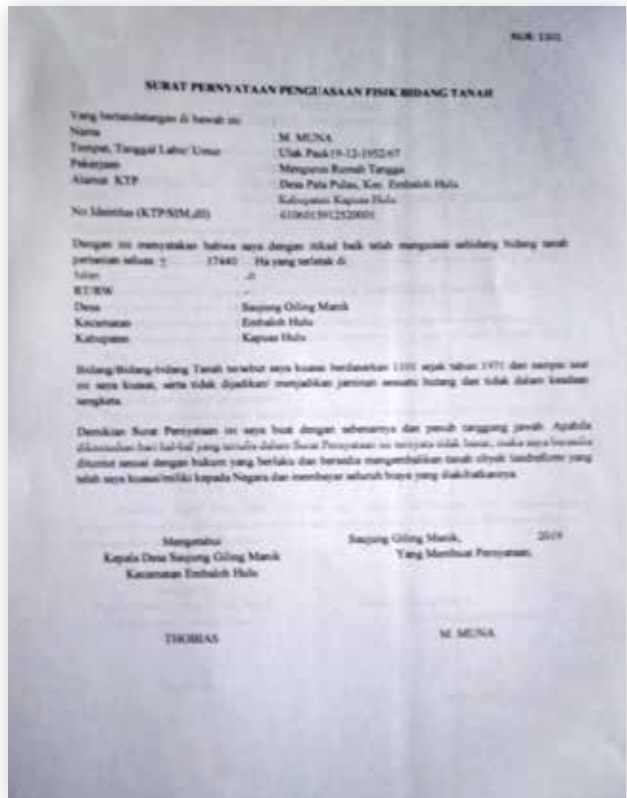
1. Tanah yang telah dimiliki (Telah di Sertipkat)	± 0 Ha
2. Terletak di:	
a. Jalan	
b. Desa	Saujung Giling Manik
c. Kecamatan	Embaloh Hulu
d. Kabupaten	Kapuas Hulu
3. Luas Tanah yang Digarap + Luas Tanah yang Telah Dimiliki Sebelumnya	± 17440 ha

⁸⁰ Interview with Handoyo, H. Sawing, Husin, and Wike.

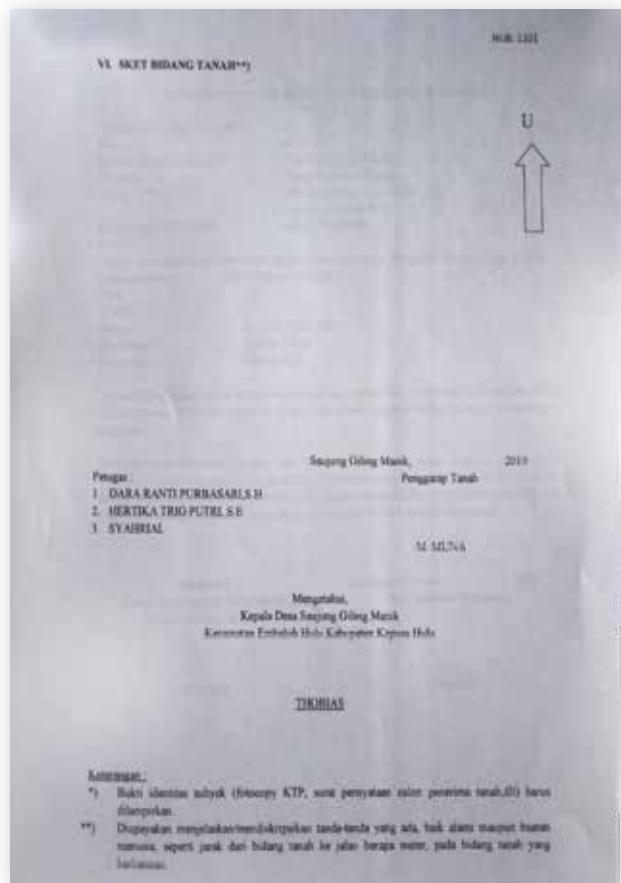
⁸¹ An observation during a visit to Saujung Giling Manik village, 15 December 2019.



Picture 2. Declaration letter of ownership evidence



Picture 3. Sketch of Land Boundaries



In support of all the forms filled in, they also require the village heads to sign another form declaring that the villages have no boundary dispute with surrounding villages⁸².

Location visit (steps 2 and 3)

When the documents have been completed and submitted, the National Land Agency office prepares for a location visit. The applicant must pay an administrative fee in advance of a location visit and land measurement. The table below presents the formulas for calculating the fees to be paid for land measurement and mapping as regulated in the Government Regulation Year 2015⁸³.

Table 6: Formulas for calculation of the fee payable for land measurement

Area of land	Formula
0 ha-10 ha	$Tu = \frac{\text{Luas tanah} \times \text{Harga satuan biaya khusus}}{500} + \text{IDR } 100,000$
>10 ha-1,000 ha	$Tu = \frac{\text{Luas tanah} \times \text{Harga satuan biaya khusus}}{4,000} + \text{IDR } 14,000,000$
>1,000 ha	$Tu = \frac{\text{Luas tanah} \times \text{Harga satuan biaya khusus}}{10,000} + \text{IDR } 134,000,000$

Source: Government Regulation Number 125 Year 2015, Article 4 clause 1.

Once the fee is paid, the *Kantor Pertanahan* officials conduct measurement and mapping in the presence of the applicant.

The issuance of an administrative decision on land rights grantee (steps 5a and 5b)

After the officials from the land agency who participated in the Adjudication Committee, submit a complete report on the location visit, a public display is then prepared. The public display is meant to give opportunity for other parties to make objections to the land registration plan. The display is made in the land agency office, in the village government office, and if possible, through media. The public display shall continue for 30 working days in the case of systematic land registration and 60 working days for sporadic land registration⁸⁴. For PTSL, the display period is shortened to only 14 working days⁸⁵.

Upon the accomplishment of the abovementioned steps, the Head of the Land Agency issues a letter of order, asking the applicant to pay other levies, the so-called fee for the attainment of the right to land and building (*Bea Perolehan Hak atas Tanah dan Bangunan*, abbrev. BPHTB). The applicant must pay 5% BPHTB of the sales price of their land (Indonesia: *nilai jual objek pajak*, abbrev. NJOP)⁸⁶. The Minister of Finance has the authority to determine the NJOP and can transfer this authority to the head of the provincial office of the tax agency⁸⁷. After receiving the BPHTB payment receipt from the applicant, the head of the land agency issues a decree of land rights grantee (*surat keputusan pemberian hak atas tanah*). For PSTL, the BPHTB is free for land parcels with a value below IDR 60,000,000⁸⁸.

Documenting land rights and certificate issuance and delivery (steps 6 & 7)

Documenting all physical and juridical data of the land in the land registration book (*buku tanah*) is the next step after fee payment. Through the information, the land book provides information regarding the subject and the object of the land. This step is a requirement for the issuance of the certificate by the head of the land agency. It is carried out through a decree. The final step in the process of land registration is delivery of the certificate to the applicant.

According to regulations, the time needed to obtain a certificate is 97 working days in total for sporadic land registration, and

⁸² Interview with Handoyo, H. Sawing, Husin, and Wike.

⁸³ Number 125 Year 2015 concerning non-tax levies in land sector, Article, 4 clause 1.

⁸⁴ The provisions stipulated in Government Regulation Number 24 Year 1997, Article 26.

⁸⁵ Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency No. 6 Year 2018 concerning Systematic and Complete Land Registration, Article 24, clause 2.

⁸⁶ It is stipulated in Law Number 21 Year 1997, Article 5.

⁸⁷ Regulation of the directorate general of tax of the Ministry of Finance Number Per-27/PJ/2014, Article 2, clause 2.

⁸⁸ The provision could be found in the 2017 Joint Decrees.



30 working days for PTSL. Thus, PTSL is three times faster than sporadic land registration.

4.2. Institutions Involved

4.2.1. SPPT

As mentioned, there are three parties involved in SPPT issuance, i.e. landowner, witnesses and village government. Witnesses are those who own surrounding land parcels. The village government could be the village head, staff of the village government office, or the head of the hamlet. The roles of village government officials in the SPPT issuance process are as follows.

Table 7: Institutions involved in SPPT issuance

Activities	Officials involved	Outputs
Provide form letters, i.e. declaration letter of possessory ownership (SPPT) and gazette of location visit	Village government i.e. village head, head of government section (<i>kepala urusan pemerintahan</i>)	Available form letters
Visit the location to conduct land measurement and mapping	Village government, i.e. head of the section, head of the hamlet	<ul style="list-style-type: none"> • Sketch of land boundaries • Gazette of visit location
Undertake clarification to witnesses, head of hamlet, or village elders regarding the correctness of the landowner's claim to the and	Village government, i.e. village head, head of the section	<ul style="list-style-type: none"> • Finding objections from other village fellows, if any • The decision to proceed or not to the next step
Sign the form letters	Village government notably village head	SPPT issuance

In the six villages studied, adat functionaries are not involved in SPPT issuance, in spite of the fact that the adat institutions in those villages still exist until today and are legally recognized by the District government⁸⁹. The abovementioned District regulation Year 2018 on the Recognition and Protection of Indigenous Peoples has provided strong legal recognition, stating that indigenous peoples are authorized to control, manage and utilize resources located in their adat territory under the adat normative system. However, the regulation seems to have no links with land matters.

Adat functionaries were not asked to become witnesses, and were therefore not signing the forms (Tanjung Intan, Tekalong, Menarin, Pulau Manak, Menua Sadap). The village government officials assume that the witness can replace the role of *adat* functionaries to ensure that the SPPT applicant is the real landowner. Some other reasons were also mentioned. First, in practice adat functionaries, e.g. village adat chief and hamlet *adat* chief, are indirectly involved in SPPT issuance if they also play a role as village head or head of hamlet. Second, adat functionaries are aware that laws and regulations have stipulated that SPPT issuance is under the authority of the village head. The *adat* functionaries understand their constitutional obligations to comply with existing laws and regulations. Thirdly, adat functionaries put village government as their partner which they are not supposed to⁹⁰.

Nevertheless, adat functionaries were engaged in a land dispute settlement. Village heads (Tanjung Intan, Tekalong, Menua Sadap, Menarin) invited them to jointly settle disputes including in land issues.

⁸⁹ See Rahmanendra (2014), and Firdaus&Widawati for the accounts of the strong existing adat institution of Iban and Tamambaloh sub-ethnics in Pulau Manak dan Menua Sadap.

⁹⁰ Hermanus Jemayung, Leanto Sudin, Indra Bangsaman, Teodurus Jumadi, Anselmus Tingang, Samson, and Umpin, and with Husen, Hendrikus Juan, Benediktus Jenau, Musis Bung kang, Lorensius Jantan, Lorensius, S. Lanit, and Robertus Unyang.

4.2.2. Certificate

Law⁹¹ and regulations⁹² determine that the authority to issue land certificates wholly belongs to the central government, notably the National Land Agency. As said, the regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Year 2013 shares this authority between the Head of the district office, the head of the provincial office, and the Minister of the National Land Agency. The table below shows how authority is shared for the issuance of land ownership certificate.

Table 8: Authority to issue land ownership certificate

Government official	Authority
Head of the district office	<ul style="list-style-type: none"> • Agricultural land: 0 ha-50,000 hectares • Non-agricultural land: 0 ha-3,000 hectares • For transmigration, land redistribution, land consolidation, financed by state and regional annual budgets, and strategic and massive land registration programs
Head of the provincial office	<ul style="list-style-type: none"> • Agricultural land: >50,000 hectares • Non-agricultural land: 3,000 up to 10,000 hectares
Head of National Land Agency	Others that are not mentioned as the authority of the head of the district and provincial offices

As said, the village government office is involved in the location visit to carry out the land measurement and mapping. The land agency officials ask the village head or her/his staff to accompany them to visit the location. The village government office might also be involved in the public display stage when the display is shown in the office. In the case of PTSL, the village government office provided help and assistance to *Kantor Pertanahan* to carry out the land measurement and mapping, as well as to fill out several forms. The District government is only involved in one stage which is the collection of the fee for attainment of rights over land and building or BPHTB. The table below lists the role of the various government institutions in detail.

⁹¹ Law Number 23 Year 2044 on Local Government.

⁹² Presidential decree number 34 Year 2003 on the National Land Policy, and the regulation of the Minister of Agrarian Affairs and Spatial Plan Number 2 Year 2013.



Table 9: Institutions involved in certificate issuance

Activities	Institutions involved	Outputs
Provide form letters	District and provincial offices of national land agency, i.e. service unit officials	Available form letters
Conduct location visit to carry out the land measurement and mapping	<ul style="list-style-type: none"> • District and provincial offices of land agencies, i.e. land adjudication committee 	<ul style="list-style-type: none"> • Documented physical and juridical data
Verify the rightness of attached possessory evidence	<ul style="list-style-type: none"> • Village government office i.e. village head and/or head of the section 	<ul style="list-style-type: none"> • Verification report
Conduct public display to hear objections from other parties	<ul style="list-style-type: none"> • District and provincial offices of land agencies, i.e. land adjudication committee • Village government office (providing assistance) 	Report
Collect data of physical and juridical aspect of land aspects massively (in the case of PTSL)	<ul style="list-style-type: none"> • District offices of the land agencies, i.e. land adjudication committee • Village government office (providing assistance) 	Collected data
Document the data of physical and juridical aspects of the land	District and provincial offices of the land agencies, i.e. land registration section	Data documented
Collect the fee of the attainment of rights over land and building	District government. i.e. district revenue agency	Receipt of the fee payment
Issue and hand over the certificate to the applicant	District and provincial offices of the land agencies, i.e. land registration section on the name of head office	Certificate



*Hutan Desa Menua Sadap
Photo by: Petrus Derani*



V. Problems in Providing Land Right Certainty through Certification

As said earlier, Kapuas Hulu office of the national land agency has boosted land registration over the last three years. That has resulted in 32,085 new registered land parcels in 13 sub-districts⁹³. That number is almost double the target that the provincial office of the land agency gave to the Kapuas Hulu office. The office was expected to register 16,595 land parcels in three year-time (2017-2019)⁹⁴. The number of registered land parcels in Kapuas Hulu now stands at 77,410 parcels. The process is still far from complete as 645,539 land parcels are still unregistered.

Several factors have hampered the effective implementation of land registration. The first factor is the landowners' perception and fear of any negative impact that the land registration may bring to them. The second factor is the slow progress of the village administrative boundary map. The third factor is a conflict with forest areas due to overlapping claims and the fourth, a lack of adequate resources, supporting system, and geographical constraints.

5.1. The landowner's perceptions and fears

As mentioned, SPPT holders can transfer (purchase, inheritance, endowment), lend, and rent out their land. They can even use the land as collateral to borrow money from financial institutions. Bank Rakyat Indonesia and Credit Union (CU) are two financial institutions that accept SPPT as legitimate possessory evidence as seen in Tanjung Intan, Tekalong, Menarin, and Menua Sadap. The Credit Union in Tanjung Intan added a condition that the land must be located within 50 meter from the side of the road⁹⁵. These examples have increased the confidence of SPPT holders that with an SPPT, their land rights are already guaranteed and protected. Therefore, they see no reason to have a land certificate.

This perception, of course, is not in line with existing regulations and case law (jurisprudence). A 2013 circular letter⁹⁶ by the Head of the National Land Agency states that SPPT is not land ownership evidence (*bukti kepemilikan tanah*) but a supporting document for the land certificate application. Therefore, the SPPT is viewed as provisional land ownership evidence only (*bukti permulaan, bukti awal*) (Sihombing 2005; Simarmata, 2009; Simarmata 2015; Simarmata and Sasmitha, forthcoming). In terms of ownership evidence, the SPPT is not as strong legally as a certificate. Case law (jurisprudence) confirms this by ruling that SPPT, notably tax payment receipts, is not an unequivocal land ownership evidence so it needs to be combined with other evidence to be acceptable (Simarmata and Sasmitha, forthcoming)⁹⁷.

Apart from the perceptions mentioned above, the landowners' lack of interest in certification is also due to several fears. They suspect that the land agency officials will sell their land to companies without their consent. They worry that a certificate can generate the feeling of individualization over land rights which subsequently stimulates the owners to sell it to others. Individualization at the end causes the communal land rights system to fall apart⁹⁸.

What the villagers worry most about with regard to certification is that the government should be given a reason to force landowners to pay land and building rights tax⁹⁹. In Tanjung Intan, Menua Sadap, Tekalong, and Menarin, a landowner has to pay approximately IDR 15,000 to IDR 20,000 per year for a land parcel. Because many landowners refused to pay this tax, the village government was forced to cover the tax payment, taking the money out of its annual budget. Tanjung Intan village government has paid out IDR 600,000 to IDR 700,000 each year over the last years and the Tekalong village government in 2019 covered land and building tax payments of some IDR 800,000.

⁹³ The sub-districts are Bunut Hilir, Putussibau Utara, Embaloh Hulu, Embaloh Hilir, Batang Lupar, Semitau, Suhaid, Silat Hilir, Bika, Badau, Empanang, Boyan Tanjung, and Kalis.

⁹⁴ The figures come from PTSL and land redistribution of World Bank project in combined. World Bank runs a project name Community Participation (Indonesia: Partisipasi Masyarakat). The project takes place in Embaloh Hulu and Badau sub-district. Interview with Handoyo, H. Sawing, Husin, and Wike.

⁹⁵ Interview with Gusti Ahmad Mustaan and with Husen, Hendrikus Juan, Benediktus Jenau, Musis Bunggang, Lorensius Jantan, Lorensius, S. Lanit, and Robertus Unyang.

⁹⁶ Number 9/SE/VI/2013. See also regulation of the Governor of Central Kalimantan province Number 13 Year 2009. Article 8, clause 2.

⁹⁷ See in Supreme Court verdict number 34/K/Sip/1960, dated 10 February 1960; number 408 K/Sip/1970, dated 5 May 1971; number 408 K/Sip/1970, dated 5 May 1971; and number 2459 K/PDT/2014

⁹⁸ Interview with Raymundus Remang.

⁹⁹ Interview with Handoyo, H. Sawing, Husin, and Wike

On the other hand, some landowners also point to the stronger validity of certificate compared to an SPPT. For the Sungai Abau people whose land is claimed by the MoEF as forest area, getting a land certificate would enable them to resist the claim. A certificate would provide them a feeling of security that the land surely belongs to them¹⁰⁰. Hence, they would undoubtedly accept land certification if it could assist them in the claim of overlapping rights with the forest area.

5.2. Slow development of village administrative boundary mapping

The Kapuas Hulu office of the national land agency would rather avoid undertaking land registration in villages where delineation of the village administrative boundary has not taken place yet, particularly if the village is located near forest area boundaries. The Office has even refused to register land which is being used for church and village office buildings. The refusal was made because Menua Sadap has not yet settled village administrative boundaries disputes¹⁰¹.

Tanjung Intan is the only village that already has had its administrative boundary delineation settled. Two other villages, Menua Sadap and Menarin, are in progress. Due to the slow progress, the District Head for Kapuas Hulu has informed village heads that PSTL will only be carried out in villages where the administrative boundary disputes have been settled¹⁰².

5.3. Conflict with forest area

The Kapuas Hulu office of the land agency is not yet willing to include Pulau Manak, Menua Sadap and Sungai Abau in the list of villages where PSTL will take place. They have also refused individual applications for land registration. The reason is that the territories of these villages are neighbouring the forest area. As there is no unified and clear forest area boundary map yet, the Office is afraid to issue certificates for land which may be located inside the forest area as land regulations prohibit land agencies from issuing certificates for land located inside forest areas unless the land has been formally recognised as non-forest land¹⁰³.

The Kapuas Hulu land agency office has in 2016 twice refused Jantan Laurensius, an adat official in Menua Sadap, to register his land that is used for residence. The office argued that the land is inside the production forest area. A similar argument was used by the office to reject an application by Amran, the Menarin village head¹⁰⁴.

Village heads also take forest areas into consideration before issuing an SPPT. The Head of Menua Sadap refused to sign an SPPT when he was informed that the land is situated within the forest area¹⁰⁵.

5.4. Lack of adequate resources, supporting system, and geographical constraints

There are still 645,539 unregistered land parcels in Kapuas Hulu. With the current number of staff, the Kapuas Hulu office of the national land agency can only register around 7,000 land parcels per year and would therefore need another 90 years to complete land registration in the district. At present, the office has 26 full-time staff and 18 part-time staff.

Kapuas Hulu district covers a vast area and has poor public transportation. The telephone signal coverage is limited and of varying quality, so land registration public services are mostly only possible between 11 am and 5 pm. This has made land registration more difficult to undertake in the District.

¹⁰⁰ Interview with Emanuel Badi.

¹⁰¹ Interview with Husen, Hendrikus Juan, Benediktus Jenau, Musis Bungkang, Lorensius Jantan, Lorensius, S. Lanit, and Robertus Unyang.

¹⁰² Interview with Handoyo, H. Sawing, Husin, and Wike.

¹⁰³ Regulations that have such provisions as follows: Government Regulation Number 40 Year 1996 on the right to exploit, right to build, right to use; and Presidential Regulation Number 86 Year 2017 on Conflict Settlement over Forest Use.

¹⁰⁴ Interview with Amran, Menarin village head, 15 December 2019.

¹⁰⁵ Interview with Husen, Hendrikus Juan, Benediktus Jenau, Musis Bungkang, Lorensius Jantan, Lorensius, S. Lanit, and Robertus Unyang.



Hutan Desa Menua Sadap
Photo by: Petrus Derani

VI. Recommendations to Strengthen Land Right Certainty

The recommendations are divided in two parts. The first is related to the SPPT and the second to land registration. The table below provides a short description of the issues and the proposed recommendations.

Ownership evidence	Issues/problems	Recommendations
SPPT	Having no SPPT as possessory/ownership evidence	Even though the customary law system is currently able to provide certainty for landownership without SPPT, yet as Government plans to get all land parcels across Indonesia registered by 2025, in the end the SPPT will be necessary. For Systematic and Complete Land Registration, the budget for issuing SPPT can be met by the annual village budget.
	Villagers lacking knowledge of the position of SPPT as provisional land ownership evidence	There should be more information provided by the District government notably the sub-district government office and the village government office regarding this issue to SPPT holders.
	Better SPPT administration	Capacity building of village officials in how to best administer land with SPPT. PTSL will undoubtedly benefit from well-administered land documents
Land registration/ Certificate	Landowners' fear of e.g. land individualization, transfer of their land to companies without their consent, and having to pay land and building tax as well as administrative fees	<ul style="list-style-type: none"> • More awareness raising by the District government notably the land bureau, the sub-district government office, and the village government office, that these fears are unfounded • Regarding the land and building tax, more explanation is needed to point out that the tax amount is minimal (only IDR 10.000-IDR 15.000/year/land parcel) • Regarding the administrative fees, landowners should be informed that these costs can be covered by the village budget (APBDes)

Ownership evidence	Issues/problems	Recommendations
	<p>Policy or regulatory constraints, i.e. forest area, and the settlement of village administrative boundary disputes. The Kapuas Hulu office of the national land agency has mentioned the boundary delineation issue as the main reason to delay land registration in Tanjung Intan, Tekalong, Menarin (Mentebah sub-district), Pulau Manak, Batu Intan, and Menua Sadap (Embaloh Hulu sub-district) villages</p>	<ul style="list-style-type: none"> • The delineation of the forest area and village administrative area boundaries need to be speeded up by the government institutions involved (Balai Pemantauan Kawasan Hutan and Kesatuan Pengelolaan Hutan for forest areas and the Ministry of Home Affairs and the Kapuas Hulu government for village administrative area). • BPKH (MoEF), KPH (Kapuas Hulu district government) and Kapuas Hulu office of national land agency (MoAASP/NLA) should jointly undertake the boundary delineation • GIZ could play a strategic role as a link between forest government institutions and land government institutions, coordinating the implementation of forest area redelineation programs by the forestry institutions and the PSTL program by the land agency. The result of a good coordination would probably convince the district office of the land agency to hold PSTL in villages where this research took place. The head of the district office of the land agency said that they are willing to collaborate with GIZ to implement PTSL as they lack the resources to do it on their own. GIZ may use this opportunity to develop a model for PSTL implementation in surrounding forest areas. It seems that the PTSL is facing similar problems across Indonesia, which is also a finding by current research in the Kayan Sembakung delta of North Kalimantan, supported by PROPEAT/GIZ.
	<p>The missing link between land registration programmes and the Kapuas Hulu district policies and regulations concerning the recognition and protection of customary rights of indigenous peoples</p>	<p>There should be strong communication and coordination between the Kapuas Hulu office of the national land agency and the Kapuas Hulu government to avoid that the land registration only targets private individual customary land rights</p>



References

- Adams, Martin, Siph Sibanda, and Stephen Turner (1999)**, "Land Tenure Reform and Rural Livelihoods in Southern Africa", *Natural Resource Perspectives* 39.
- Dekker, H. A. (2001)**, *New Property Regime in Kyrgystan An Investigation into the Link Between Land Reform, Food Security, and Economic Development*. PhD thesis at the University of Amsterdam.
- Bupati Pemerintah Daerah Kapuas Hulu (2019)**, "Tantangan dan Permasalahan Pelaksanaan Pembangunan pada Desa dalam Kawasan Hutan", presented at Rapat Koordinasi Percepatan Indeks Desa Membangun (IDM) pada Wilayah Kesatuan Pengelolaan Hutan (KHP) di Kalimantan Barat, Pontianak, 10 December.
- Durrand-Lasserve, Alain and Selod, Harris(2007)**, "The Formalisation of Urban Land Tenure in Developing Countries", <http://siteresources.worldbank.org/INTURBANDEVELOPMENT/Resources/336387-1269364687916/6892589-1269394475210/durand_lasserve.pdf>.
- Earth Innovation Institute (2015)**, "Central Kalimantan Government Assessment". Unpublished draft.
- Food Agricultural Organization (2002)**, "Land Tenure and Rural Development", Rome: FAO Land Tenure Studies 3.
- Firdaus, Asep Yunan&Emila Widawati (2014)**, "Konflik Tenurial dan Pembangunan KPH Pembelajaran dan hasil penelien cepat di KPHP Berau Barat dan KPHP Kapuas Hulu". Working Group of Forest-Land tenure.
- Fitzpatrick, Daniel (1997)**, "Disputes and Pluralisme in Modern Indonesian Land Law", *Yale Journal of International Law* 22: 172.
- _____ (2007), "'Land, custom, and the state in post-Suharto Indonesia: a comparative legal perspective.' Pp. 116-135 in Jamie S. Davidson and David Henley (eds.) *The Revival of Tradition in Indonesian Politics the Deployment of Adat from Colonialism to Indigenism*. Abingdon and New York: Routledge.
- Harsono, Boedi (2005)**, *Hukum Agraria Indonesia sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*. Jakarta: Djambatan.
- Ilyas (2005)**, *Konsepsi Hak Garap atas Tanah Dalam Sistem Hukum Pertanahan Indonesia dalam Kaitannya dengan Ajaran Negara Kesejahteraan*. Disertasi pada Program Pasca Sarjana Universitas Padjajaran.
- Kibas, Lukas (2000)**, **BIDOIH MAYAO: Menelusuri Bouna Titipan Anak Cucu**. Pontianak: PPSDAK Pancur Kasih.
- Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (2019)**, "Draft of Strategic Plan of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency".
- Rahmanendra, Dwi (2014)**, **Asesemen Konflik Tenurial di Desa Menua Sadap, Kecamatan Embaloh Hulu, Kabupaten Kapuas Hulu, Kalimantan Barat**", Laporan hasil. Working Group on Lan Tenure bekerjasama dengan Menteri Kehutanan dan GIZ
- Rose, Carol M. (1985)**, "Possession as the Origin of Property", *University of Chicago Law Review* 52(73): pp. 73-88. Parlindungan, A.P. (2008), *Komentor atas Undang-Undang Pokok Agraria*. Mandar Maju.

- Schlager, Edella&Elinor Ostrom (1992)**, "Property-Rights Regimes and Natural Resources: a conceptual analysis", *Land Economics* 68(3): pp.249-262.
- Pierre van der Eng (2016)**, "After 200 years, why is Indonesia's cadastral system is still incomplete?"
- Sihombing, B.F., (2005)**, *Evolusi Kebijakan Pertanahan dalam Hukum Tanah Indonesia*. Gunung Agung.
- Simarmata, Rikardo (2006)**, *Pengakuan Hukum terhadap Masyarakat Adad di Indonesia*. UNDP-RIPPs.
- _____ (2009), "Gejala Informalitas pada Tanah Garapan", *Law Reform*.
- _____ (2012), **Indonesian Law and Reality in the Delta: A Socio-Legal Inquiry into Laws, Local Bureaucrats and Natural Resources Management in the Mahakam Delta, East Kalimantan**. Leiden University Press.
- _____ (2015), "Kedudukan Hukum dan Peluang Pengakuan Surat Keterangan Tanah Adat", *Kemitraan*(<https://media.neliti.com/media/publications/45228-ID-kedudukan-hukum-dan-peluang-pengakuan-surat-keterangan-tanah-adat.pdf>).
- _____ (2019), "**The enforceability of formalised customary land rights in Indonesia**", *Australian Journal of Asian Law* 19(2): pp.1-15.
- Simarmata, Rikardo&Tody Sasmitha (forthcoming)**, "Menentukan sendiri jalan menuju ha katas tanah: review atas berbagai pilihan pengakuan tenurial di Indonesia", *Forest People's Program*.
- Sumardjono, Maria S.W. (2009)**, *Kebijakan Pertanahan Antara Regulasi dan Implementasi*. Kompas Penerbit Utama.
- World Bank (2014)**, "**Towards Indonesian Land reforms: challenges and opportunities a review on the land sector (forest and non-forest) in Indonesia**."



Appendix

List of tables

- Table 1: Research location
- Table 2: Land parcels certified in Kapuas Hulu
- Table 3: Certificates issued in Tanjung Intan, Tekalong and Menarin villages
- Table 4: Certificates issued in Pulau Manak, Batu Lintang and Manua Sadap villages
- Table 5: Certificates issued in villages where PTSL held
- Table 6: Counting formulation of the fee of land measurement
- Table 7: Institutions involved in SPPT issuance
- Table 8: Sharing authority on the issuance of land ownership certificate
- Table 9: Institutions involved in certificate issuance

List of diagrams

- Diagram: Land certificate issuance process

List of pictures

- Picture 1: Inventory and Identification of Land for Land Redistribution
- Picture 2: Declaration letter of ownership evidence
- Picture 3: Sketch of Land Boundary Lines
- Picture 4: Sentarum_jumtani
- Picture 5: Pulau Melayusentarum_jumtani
- Picture 6: Hutan Desa Menua Sadap_Petrus Derani
- Picture 7: Hutan Sungai Desa Menua Sadap_Petrus Derani
- Picture 8: Hutan-sungai Desa Menua Sadap_Petrus Derani
- Picture 9: Hutan-sungai Desa Menua Sadap_Petrus Derani

List of interviewees

No	Name	Title	Date of interview
1	Dadan	Head of land legal relationship of the West Kalimantan office of National Land Agency	10 December 2019
2	Handoyo	Head of Kapuas Hulu office of National Land Agency	11&13 December 2019
3	H. Sawing	Head of section on land right relationship of Kapuas Hulu office of National Land Agency	11&13 December 2019
4	Wike Yuningsih	Head of section on land arrangement of Kapuas Hulu office of National Land Agency	11&13 December 2019
5	Husin	Head of administrative matters sub-division of Kapuas Hulu office of National Land Agency	11&13 December 2019
6	Ikmun	Head of section on government matters	12 December 2019
7	Gusti Ahmad Mustaan	Tanjung Intan village head	12 December 2019
8	Hermanus Jemayung	Head of Embaloh Hulu sub-district	13 December 2019
9	Leanto Sudin		13 December 2019
10	Indra Bangsaman	Head of Belimbis hamlet	13 December 2019
11	Teodurus Jumadi	Head of Pulau Manak's village consultative assembly	13 December 2019
12	Anselmus Tingang	Head of government section of the sub-district government office	13 December 2019
13	Samson	Head of hamlet	13 December 2019
14	Umpin		13 December 2019
15	Sebastianus	Pulau Manak village head	13 December 2019
16	Raymundus Remang	Former head of Batu Lintang village	14 December 2019
17	Hendrikus Juan	Head of Kerangan Bunut hamlet	14 December 2019
18	Benediktus Jenau	Head of section on social prosperity and public service	14 December 2019
19	Musis Bungkang	Head of Sadap hamlet	14 December 2019
20	Lorensius Jantan	Adat functionaries	14 December 2019
21	Lorensius	Head of village consultative assembly	14 December 2019
22	S. Lanit	Village government treasurer	14 December 2019
23	Robertus Unyang	Head of Kelayang hamlet	14 December 2019
24	Filemon Sidirasi	Tekalong village head	15 December 2019
25	Nikolaus Selan	Head of section on administrative matters of Tekalong	15 December 2019
26	Saulus	Head of Sungai Putih hamlet of Tekalong	15 December 2019
27	Husen	Menua Sadap village head	
28	Amran	Menarin village head	15 December 2019
29	R. Adji Winursito	Head of land bureau of Kapuas Hulu district government	17 December 2019

