

# The Persistence of Popular Will

**INDONESIA** Country Paper  
Land Watch Asia



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## Glossary and Acronyms

<b>ADB</b>	Asian Development Bank	<b>PP</b>	<i>Peraturan Pemerintah</i> (Government Regulation)
<b>APBN</b>	<i>Anggaran Pendapatan dan Belanja Negara</i> (Indonesian national budget)	<b>Rp</b>	Indonesian rupiah
<b>BPN</b>	<i>Badan Pertanahan Nasional</i> (National Land Agency)	<b>RPPK</b>	<i>Revitalisasi Pertanian, Perikanan, dan Kehutanan</i> (Revitalization of Agriculture, Fisheries, and Forestry); an official policy document of the current Government of Indonesia under President Yudhoyono (2004–2014) on land, water, forestry, and food issues.
<b>BPS</b>	<i>Badan Pusat Statistik</i> (Statistics Indonesia or Central Bureau of Statistics)	<b>Swapraja</b>	Local kingdoms; <i>swapraja</i> lands refer to lands of ex-kingdoms or ex-sultanates,
<b>Bulog</b>	<i>Badan Urusan Logistik</i> (Bureau of Logistics or National Logistics Agency)	<b>TAP MPR</b>	Indonesian People's Consultative Assembly Decree
<b>DPR</b>	<i>Dewan Perwakilan Rakyat</i> (House of Representatives)	<b>UUPA</b>	<i>Undang-Undang Pokok Agraria</i> (Basic Agrarian Law)
<b>FAO</b>	Food and Agriculture Organization of the United Nations	<b>UUPBH</b>	<i>Undang-Undang Pokok Bagi Hasil</i> (Law on Sharecropping)
<b>IMF</b>	International Monetary Fund	<b>WB</b>	World Bank
<b>MPR</b>	<i>Majelis Permusyawaratan Rakyat</i> (Indonesian People's Consultative Assembly); one of the highest decision-making bodies in Indonesia		
<b>NES</b>	Nucleus Estate and Small Holder Scheme; a program for the expansion of large plantations supported by the World Bank in Indonesia from 1970–1980		
<b>New Order</b>	Related with Suharto administration in Indonesia (1966–1998)		
<b>Old Order</b>	Related with Sukarno administration in Indonesia (1959–1965)		





## Quick Facts

In 1993, 10.8 million farming households owned less than a hectare of land. By 2003, this number had increased to 13.7 million, or an increase of 2.6% a year.<sup>i</sup>

The growth in the number of marginal households corresponds with a drop in the average size of landholdings: from 0.83 ha in 1993 to 0.5 ha in 2003.<sup>ii</sup>

Over half (52.7%) of the country's farming households were considered poor in 1993. A decade later (2003), the proportion was 56.5%.<sup>iii</sup>

The number of families that make their living from agricultural activities increased from 20.8 million in 1993 to 25.4 million in 2003, or an increase of 2.2% a year.

Of the 25.4 million farming families recorded in 2003, 54.4% lived in Java, and the rest (45.6%) in outer Java. Poverty among Javanese farming families rose from 69.8% to 74.9% during the period 1993–2003. In outer Java, the number of poor farming families increased from 30.6% to 33.9% during the same period, representing an increase of 3.3% a year.

<sup>i</sup> 2003 data from Statistics Indonesia (BPS), cited by Faryadi, Erpan (2008) "Land Question and Food Crisis in Indonesia." Unabridged Indonesia Country Paper submitted to ANGOC for the Land Watch Asia campaign.

<sup>ii</sup> Sajogyo Institute and Consortium for Agrarian Reform (2011). "Land Issue and Policy Monitoring Initiative: Indonesia Report". Report on results of piloting indicators for the CSO Land Reform Monitoring Initiative led by ANGOC.

<sup>iii</sup> Ibid.

# INDONESIA

## Overview of Agricultural Development in Indonesia

Indonesia's agricultural development has progressed in six phases. The first phase was the revolutionary phase (1945–1965), during which then President Sukarno sought to develop agriculture by nationalizing plantations and companies formerly owned by the Dutch and Japanese colonial governments. Until the late 1950s, food production had not increased enough to improve the conditions of households dependent on farming. Rice production and agricultural productivity began to improve only after intensive production was adopted broadly in the early 1960s as part of the Mass Guidance program. The new intensification movement gained momentum following the establishment of demonstration plots, organized by researchers and students at the Bogor Institute of Agriculture with the participation of farmers on the north shore of Java.<sup>1</sup>

The second phase was consolidation (1967–1978). During this period, the agricultural sector grew 3.4%. Growth was primarily driven by the food crop and plantation sub-sectors. Rice production increased by more than two million tons during the 1970s, and productivity more than doubled since 1963, to more than 2.5 million tons per hectare.







Three key policies—intensification, extension and diversification—were adopted during the second phase and were supported by the ability to increase production and productivity in agriculture. During this phase, a strong foundation for high growth in the sector was established. Great attention was given by the government toward construction of infrastructure vital to agriculture, such as irrigation, roads, and supporting industries, e.g., cement and fertilizer.

The third phase was that of high growth (1978–1986). This period was significant in Indonesia’s agricultural economy. The agricultural sector grew by more than 5.7%, because of an economic development strategy based on agriculture. Production of food, plantation crops, fish, and livestock all increased, with a growth rate of 6.8%; research and technological development played a key role in this. The Green Revolution program and technological advancements led to a 5.6% increase in productivity and by 1984, the country had attained food self-sufficiency. Rice production was correlated with improved living conditions among rural communities.

In spite of this, the Green Revolution advanced largely via monoculture systems—which were forced upon all regions, despite their geographic diversity and different bases of subsistence, e.g., corn, sweet potato and other crops—making food security more susceptible to climate change and resulting in ecological degradation. The Green Revolution also highlighted the dependency of small-scale farmers and farm workers on their landlords and on expensive agricultural inputs, often imported, such as seedlings, fertilizers, and pesticides.

The fourth phase was deconstruction (1986–1997). As a result of policies which had been adopted previously, the agricultural sector contracted during this period, with a growth rate as low as 3.4% per year. Policymakers and economists neglected agriculture until the sector was in serious need of repair. The dark days of agriculture grew worse with the introduction of technocratic economic policies that aimed at a large-scale, though footloose, industrialization strategy in the early 1990s.

Since the mid-1980s, several components protecting industrial sectors had been in place, contributing to double-digit growth in the industrial and manufacturing sectors. At that time, the notion that Indonesia was already capable of transforming itself from an agrarian nation to an industrial nation gained currency. Policies which the government adopted at that point were geared toward channeling all the resources from the agricultural sector to industry, because the government believed that agricultural projects could not produce results as fast as industry or urban investments. A policy of subsidizing industry by stabilizing the prices of basic goods was adopted to pander to urban workers. This policy led to the destruction of farmers’ livelihoods and the deterioration of agricultural development in Indonesia.

The fifth phase was the crisis period (1997–2001). In this phase, the already struggling agricultural sector had to face the impact of the crisis, namely absorbing surplus labor from the informal and urban sectors, thus saving the Indonesian economy. The dependence of farmers on expensive productive inputs from abroad—a result of past policies—boomeranged on the farmers when harvests failed because of droughts. During the crisis, fertilizer subsidies were withdrawn and imported rice—either in the form of food aid or smuggled rice—flooded the domestic market.

The sixth phase is transition and decentralization (2001–present). This period is very uncertain for both economic players and the Indonesian agricultural sector. Despite decentralization, agricultural development has not moved forward because of the lack of regional autonomy and authority, which are essential to formulating strategies based on comparative and competitive advantages.



Left to regional governments, the agricultural sector is increasingly being neglected. A summary of the development path taken by Indonesian agriculture can be seen in Table 1.

During this phase of uncertainty, President Susilo Bambang Yudhoyono has propounded a model for agricultural development that does not address issues concerning land. Critics are saying that seeking to revitalize agriculture without land reform is like going through the Green Revolution for the second time.



## Legal AND Policy Framework FOR Access TO Land AND Tenurial Security

### LAWS

#### Indonesian Constitution

- Confers on the state the right to control all natural resources and wealth of the nation (Article 33).

#### Decree of the People’s Consultative Assembly IX/MPR/2001 on Agrarian Reform and Natural Resources Management (TAP MPR IX/2001)

- Seeks to correct the errors of agrarian reform implementation under the Basic Agrarian Law or Law No. 5 of 1960;
- Mandates specific government entities to:
  - ➔ Conduct a study of various laws and regulations related to agrarian matters in order to harmonize the policies of the sectors;
  - ➔ Implement a land reform program based on the “land to the tiller” principle;
  - ➔ Conduct a land registration program through a comprehensive and systematic survey of the control, use, ownership, and exploitation of the land;

**Table 1. Growth in Indonesia’s Agricultural Sector (% per year)**

Phase	Food	Plantation	Livestock	Fisheries	Total agriculture
Revolutionary (1945–1965)	2.38	1.90	—	—	2.40
Consolidation (1967–1978)	3.58	4.53	2.02	3.44	3.39
High Growth (1978–1986)	4.95	5.85	6.99	5.15	5.72
Deconstruction (1986–1997)	1.90	6.23	5.78	5.36	3.38
Economic Crisis (1997–2001)	1.62	1.29	-1.92	5.45	1.57
Decentralization (2001–present)	2.81	5.85	5.19	4.59	3.83

**Source:** Calculated by Bustanul Arifin based on data of BPS and FAO, as cited in Sri Hartati Samhadi, op.cit., 16 August 2005, hal. 50.

**Notes:**

- Growth statistics for the revolutionary period (1945–1965) are taken from several sources, including Booth (1998), for food and plantation, and FAO for total agriculture.
- Figures for the modern periods (1967–2004) are calculated from GDP in the agricultural sector, from publication by BPS and FAO (several years).
- Forest subsector is taken out of the calculation because of different characteristics.

- ➔ Resolve all agrarian disputes, and forestall future conflicts by strictly implementing the law;
- ➔ Strengthen the institution responsible for implementing agrarian reform; and
- ➔ Seek out funding for agrarian reform implementation.
- Using the framework provided by TAP MPR No. IX/2001, the laws on mining (Law No. 11 of 1967), forestry (Law No. 5 of 1967 and amended by Law No. 41 of 1999), and plantations are contradictory to its provisions and should be revoked.
- Sets the ceiling for landholdings of families and legal entities to prevent monopoly ownership of land and directs ceiling surplus land to be turned over to the state upon compensation;
- Provides for the following agricultural land ceilings (see Table below):

**Table 2. Agricultural Land Ceilings in Indonesia**

	Paddy fields (in ha)	Dry land (in ha)
Non-densely populated areas	15	20
Densely populated areas		
• Low-density areas	10	12
• Moderate-density areas	7.5	9
• High-density areas	5	6

### Law No. 5 of 1960 or Basic Agrarian Law of 1960 (UUPA)

- Authorizes the state to determine, allot, utilize, and preserve the earth, water, and space within the nation's borders; devolves the power to exercise state rights to control land to the province, regency, district, and village levels. The same rights could be exercised by communities practicing customary law. (Article 2)
- Provides that the exercise of rights conferred by this law must serve the public interest (Article 6);
- Authorizes the state to grant ownership/property rights to Indonesian citizens; prohibits/limits foreign ownership of the country's land, and provides safeguards against foreign expropriation of the country's natural resources; (Article 9, 21 [par.1])
- Prohibits absentee land ownership in agricultural land, because of its tendency to promote exploitative practices, such as bonded labor, unpaid labor, usury, and inequitable sharecropping. (Article 10 [par.1], 11 [par.1])
- Sets the minimum size for landholdings to ensure that the land owner has enough land to provide for his/her family. (Article 13)
- Exempts, however, long-term concessions granted by the government, and land controlled by legal entities.

### Presidential Regulation No. 36 of 2005

- Provides for greater flexibility in regulating land leases;
- Biased in favor of investors and thus has provoked mass protests. President Yudhoyono was forced to withdraw planned projects based on this law.

### Presidential Decision No. 30 of 1990

- Prohibits the conversion of irrigated agricultural lands to non-agricultural use.
- This law has been routinely flouted. In 2004, some 3.1 million rice fields covering a total of 8.9 million ha were proposed to be converted in accordance with regional land use plans. Majority of these plans have been approved by the regional parliaments and some areas have already been converted.

### Law No. 56/1960 on Agricultural Land Ceilings

- Is an implementing law or regulation of UUPA
- Creates different kinds of rights that may be awarded to persons, groups, or legal entities: property rights, lease rights, right to build, user rights, right to rent, right to open the land and collect forest products, and water use rights;

### Government Regulation (PP) No. 224 of 1961

- Defines the following lands as subject to land reform:
  - ➔ Lands in excess of the maximum limits set by Law No. 56/1960, and lands of violators of this law;



- Lands whose owners reside in another sub-district, and were thus expropriated by the government;
- *Swapraja* lands and former *swapraja* state lands that are automatically transferred to the state;
- Other lands controlled directly by the state and designated by the agrarian minister.
- The abovementioned lands are first taken over by the state before they are redistributed to land reform beneficiaries.
- Identifies the beneficiaries of land reform, in the following order of priority:
  - The tiller who has been cultivating the land;
  - The landowner's farm worker who had previously worked on the land;
  - Settled farm workers who had worked for the former landowner on such land;
  - The tiller who has been working on such land for less than three years;
  - The tiller who still works on the landowner's land;
  - The tiller who has been awarded land rights by the government;
  - The tiller who owns less than 0.5 ha of land;
  - Other peasants or farm workers.

### Law No. 2 of 1960 on Sharecropping (UUPBH)

- Seeks to protect sharecroppers from exploitation by landowners;
- Provides that the share of the tiller and the landowner would be decided by the regent according to the type of crop, and land density. Deductions in compliance with religious and local custom are made before the shares are determined.
- Specified a ceiling of 3 ha for landholdings;
- Requires that sharecrop agreements between the land owner and the tiller be put in writing before the head of the village, and witnessed by one representative each of the contracting parties. Such agreements are effective for 5 years in dry land, and 3 years in rice fields.

## GOVERNMENT POLICIES

### Revitalization of Agriculture, Fisheries and Forestry (RPPK)

- Aims to revive the agriculture, forestry, and fisheries sectors, and thereby promote the recovery of the

national economy. Its main target is the achievement of food self-sufficiency by 2010.

- Outlines a number of policies, under a general strategy to revitalize the agriculture, fisheries, and forestry sectors, as follows:
  - Reduction of poverty and unemployment, along with increasing the economic scale of rural sector activities, particularly through agrarian-oriented land management and land use planning; facilitation of rural employment opportunities outside of agriculture, including the development of rural agro-industries; diversification of rural sector products; development of infrastructure; and developing the institutions of farmers, fishers and agro-foresters along with fulfilling their basic rights;
  - Increasing the competitiveness, productivity, value-added and independence of production and distribution in the sectors, primarily through better agricultural practices; developing new activities and multi-products; increasing access to services, and reducing or removing obstacles and high economic costs to productive activities; and protecting work activities against unfair competition;
  - A sustainable approach to the use and protection of natural resources, primarily through conservation management and an agrarian approach to land management and land use-planning; along with encouraging the development of activities, technology, and institutions which are environmentally friendly; and strengthening the rule of law.





## Issues Affecting Access to Land AND Tenurial Security

### THE ABANDONMENT of the AGRARIAN REFORM AGENDA by the NEW ORDER REGIME (1966–1998)

The Old Order era (1962–1967) and the New Order regime (1968–1998) operated under the same legal framework for implementing agrarian reform. But while the former was able to make some progress in redistributing land (as Table 3 shows)—even though it was ill-matched against anti-reform forces—agrarian reform under the New Order regime was an utter failure, in all respects—economic, political, and social—because it was reduced by Suharto to land administration that benefited elite interests.

Landlord opposition was the major stumbling block to the implementation of agrarian reform during the Old Order era. The other constraints were lack of political support for the program, weak land administration systems, policy flaws, lack of funding, and unavailability of agricultural lands for distribution.

In 1966, the anti-reform forces wrested power from then President Sukarno, and took over leadership of what was to become the New Order regime. The agrarian reform program was revoked, and the recipients of land under the Old Order, and who were identified with the Indonesia Peasant Front (BTI)—a left-leaning peasant

organization—became the targets of attack by the military. In fact, the land grabbing campaign subsequently launched by the military was facilitated by records of where land had been distributed, and to which families.

One by one, the New Order regime revoked agrarian reform regulations. In 1970 it abolished the land reform courts that were originally established to resolve land disputes. It also disbanded the land reform committees, which were tasked with assessing the total land for redistribution, as well as the beneficiaries.<sup>2</sup>

However, neither regime ever attempted to repeal or amend the Basic Agrarian Law of 1960, whose provisions are quite progressive, because their leaders knew that it would trigger mass protests.

Dr. Sadjarwo, Minister of Agrarian Affairs of Indonesia, has identified the following stumbling blocks in implementing agrarian reform in the country:

- The ineffectiveness of land administration made it difficult to determine how much land was available for distribution under the agrarian reform program. This opened up opportunities for many deviations—wittingly or not.
- The public has not fully appreciated the need for agrarian reform to complete the country's "revolution" for poverty eradication. Agrarian reform is blamed on any pretext.
- Committee members have shown little interest in agrarian reform, either because they are otherwise

**Table 3. Comparative Accomplishments of Land Reform, by Political Regime**

Political regime and Years of implementation	Lands redistributed (in hectares)	Number of Agrarian Reform Beneficiaries (families)	Average land size received (in hectares)
Old Order (1962–1967), 5 years	801,317	847,912	0.95
New Order and its Successors (1968–2005), 37 years	358,210	662,850	0.54
<b>Total in 42 years (1962–2005)</b>	<b>1,159,527</b>	<b>1,510,762</b>	<b>0.76</b>

**Source:** Calculated by Erpan Faryadi from Utrecht (1969) and the Indonesian Government Report at ICARRD (2006).



preoccupied or because it goes against their self-interest. This negligence on the part of committee members has been blamed for the tampering of land registration records, such that names of registrants have been deleted from the land lists, or addresses of registrants are mixed up.

- Peasant mass organizations that are supposed to provide support and oversight are not sufficiently represented in land reform committees at the regional level.
- The agrarian reform lobby is still not strong enough to withstand the psychological and economic pressure that landlords can bring to bear on them.
- The sheer number of impermanent tillers and changes in government administration have hampered the land reform committees' work of defining priorities.

## PLANTATIONS: THE COLONIAL CURSE on INDONESIA

The operation of plantations expanded rapidly and broadly under Dutch colonial rule. During the revolution that led to Indonesia's independence, Indonesian peasants took over control of plantation areas. But following negotiations between the Dutch and Indonesian leaders, which resulted in the transfer of power to the new republic, the Dutch regained control of the plantations. The reinstatement of the Dutch did not last long, however, because of popular outcry. The government seized all Dutch assets, including the plantations. From 1966 to 1998 the army was in control of the plantations. When Suharto was forced to step down in 1998, the policy in regard to running the plantations remained unchanged. However, in May 2003, during the National Conference of Natural Resources Management held in Jakarta, then President Wahid made the uncharacteristic declaration that a number of plantation companies were guilty of grabbing land from peasants. He demanded the return of the lands to their former owners, as well as the restructuring of the plantation company. Unfortunately, Wahid met with formidable opposition from plantation owners, and the reforms he proposed were never implemented.

The latest incarnation of the plantation is what is euphemistically referred to in Indonesia as the

“partnership model”. This is nothing more than contract farming. During the administration of Suharto, this model was adopted in the World Bank-funded Nucleus Estate and Small Holder Scheme (NES) Project, which aimed to attract foreign investments in plantation companies in the country.

In such a “partnership model”, small holders are hired by big corporations to grow a specific crop that is designated in a contract agreement. The company buys the crop, provides some technical assistance, credit, etc., and takes charge of the processing and marketing.

The “partnership model” was intended to defuse the tension between the plantation companies and the peasants, and thereby forestall peasant resistance, by giving peasants the opportunity to get involved in the running of plantations. The model was also a sop to what the government regarded as “troublesome nationalists,” who remained wary of foreign interests in Indonesia. In truth, however, the model benefited only the plantation owners and their foreign investors.

Poverty enclaves that could be found near Indonesia's plantation areas show that this legacy from the country's colonial past has done little to improve the conditions of the poor.

Table 4 (see next page) shows how much land is controlled by plantation concession holders and long-term lease holders. In December 2000, 1,880 individuals held such concessions covering 3,358,072 ha, or an average of 1,786 ha of plantation lands each.

The expansion of plantation areas has resulted in the rapid conversion of forest lands. In 1996, the government allocated 9.13 million ha of forest lands in Kalimantan, Sulawesi, and West Papua for the expansion of big palm oil plantations. In March 1999, some 8.55 million ha of forest lands were earmarked for conversion into palm oil and rubber plantations; of these, 4.6 million ha have already been converted. The biggest land conversions have taken place in Riau Province, Sumatra, where 1.53 million ha of forest lands have been cleared to make way for plantations.

## INDISCRIMINATE AWARDING of FOREST and TIMBER CONCESSIONS

The rate of deforestation in Indonesia for the period 2000–2005 was the fastest in the world. During each of these years, around 1.871 million ha of forests (or the equivalent of 300 football fields) were lost every hour.

This is largely attributed to the exploitative practices of holders of forest concession rights. It could be said that the forestry sector has been offered up to the big conglomerates that hold forest concession rights, and to international institutions to which the government is indebted. One timber company (Barito Pacific Group) controls over 6 million ha—an area that is as wide as West and Central Java combined.

The Basic Forestry Law (Law No. 5) of 1967 facilitated large-scale investments in the forestry sector. Upon this law taking effect, the number of applications for timber concession permits skyrocketed. By 1970, 64 companies had received forest concessions covering some 8 million ha. From 1967 to 1980, 519 companies were given forest concessions covering 53 million ha. As of June 1998, 651 companies had been granted forest concessions covering 69.4 million ha.

As a result of the Basic Forestry Law of 1967 and Government Regulation No. 21 of 1970, all commercial forestry has become the preserve of private investors

holding forest concessions. Communities that live in or around forest areas are prohibited from cutting timber within concession areas, and could do so only if they have a permit from the concessionaire. Conflicts between communities and forest concession holders have thus erupted.

## MINING on INDIGENOUS PEOPLES' LANDS

Article 33 of the 1945 Constitution of Indonesia grants the state exclusive rights to the country's mineral resources. Law No. 11 of 1967, also called the Law on Mining, provides that all mineral deposits are national assets under state control. These two laws have given the state blanket authority to conduct its own mining operations, or to assign the task to mining concessions.

PT Freeport is a large mining company based in the United States mining for gold in Irian Jaya. Freeport has been the



**Table 4. Distribution, Control and Ownership of Plantation Lands, 2000**

Scale of plantation (in hectares)	Number of plantation concession holders	Number of plantations of designated size
More than 48,000	4	209,251
24,000 to 48,000	7	212,948
12,000 to 24,000	29	521,513
6,000 to 12,000	111	996,543
Less than 6,000	1,729	1,417,817
<b>Total</b>	<b>1,880</b>	<b>3,358,072</b>

Source: National Land Agency (BPN), Republic of Indonesia (2000).



subject of protest actions because of the injurious effects of its operations on indigenous communities in Irian Jaya.

Freeport McMoran (US) and Rio Tinto (UK and Australia) are expanding their mining operations to Lorentz National Park, a mangrove forest, and other lowland forest areas. Freeport is licensed to mine an area of 2.6 million ha, which encroach on the lands of the Amungme, Ekari, and Komoro peoples. The Amungme have filed a suit in a US court demanding compensation for their lands being taken away.

### **OVERLAPPING RESPONSIBILITIES among GOVERNMENT AGENCIES**

State institutions tend to protect their turf. Because they are addressing similar issues, overlaps in policies and implementation among the different agencies exist.

Since the regions were granted autonomy in 2001, the lines of responsibility between the central and regional governments have become less clear. This has brought about an era of uncertainty in Indonesian agriculture. Dams which were constructed by the Indonesian government (e.g., Jatiluhur, Kedung Ombo) to supply energy to industry and to irrigate farmlands, look more like empty football fields because of drought and the precipitous drop in water levels brought about by deforestation.

Irrigation channels deteriorate, while the central and regional governments insist that the other is responsible for maintenance and repair. Simply put, neither wants to take responsibility because of the huge cost of improving agricultural infrastructure. The central government uses regional autonomy as an excuse to offload its responsibility to the regions.

### **LOW PRIORITY GIVEN to AGRICULTURAL DEVELOPMENT DESPITE the RPPK**

One must consider the government's overall economic development policies, which are closely intertwined with policies related to the agricultural sector. It is important to understand for instance whether or not current banking and monetary policies are working in favor of agriculture,

or not. The policies of Bulog (the National Logistics Agency) and the Department of Trade in regard to food imports influence decisions by the Department of Agriculture to improve agricultural production and to expand the area of production. The problem of debt also needs attention, because it is related to how the people's money, as set forth in the national budget (APBN), would be allocated, i.e., whether the money is put to good use or is used to repay loans.

From an examination of the budget, it is clear which sectors are prioritized by the government. The draft national budget for 2008 provides for an increase in budget allocation for infrastructure development, through two departments: the Department of Public Works (DPU) and the Department of Transportation. The DPU budget increased by 41% to Rp35.6 trillion; the Transport department's budget, by 64%, to Rp16.2 trillion. Meanwhile, the allocation for agricultural programs was only Rp14.1 trillion.

Infrastructure projects under DPU supervision, such as the construction of artery and toll roads or dams, are another indication of where the government's true priorities lie. It is widely known that infrastructure developments, especially the very big dams, would submerge fertile agricultural lands. Other infrastructure, such as toll roads, have already buried many fertile farmlands under concrete. These developments lead to food policy challenges, because when land conversion is done systematically—under the pretext of infrastructure





development—more and more agricultural land would be converted permanently to non-agricultural use.

Mining is another priority sector because it generates the highest foreign exchange revenues for the government. According to data from Kompas, the expected revenue from the mining sector in 2007 was Rp5.74 trillion, a significant increase from earnings reported in 2006. This kind of earning power is contingent on large-scale mining operations, such as those of PT Freeport Indonesia, Inco, Newmont Nusa Tenggara, and Arutmin, which generated Rp663 billion, Rp154 billion, Rp169 billion, and \$25 million, respectively, in 2007.<sup>3</sup>

This is the reason why, despite widespread acknowledgment that the activities of mining concessions cause great damage to the environment, the government continues to award mining permits.

For similar reasons, the Department of Agriculture, the Department of Trade and Bulog continue to import food products (especially rice) in spite of the drain on foreign reserves. The government rationalizes such importation on the grounds that national food security must be safeguarded.

The foreign exchange that one department generates at the cost of environmental degradation is then squandered by another state agency to pay for imported food products, which could have been produced domestically. Policies and practices along these lines exacerbate environmental damage, force people off their lands, and push the country headlong into a food crisis. All the while, the goal of reducing poverty and unemployment becomes more difficult to realize, even though macro-economic indicators show improvement.

According to the former Coordinating Minister for Economic Affairs, Kwik Gian Kie, the country's leaders are too easily swayed by signs of macro-economic stability and growth, in spite of the great numbers of people who are poor and unemployed. Growth in GDP, a stable exchange rate, and other signs of improvement such as the stock index or inflation rate, can coincide with extraordinary poverty.<sup>4</sup>

## Actors

### GOVERNMENT

**“In Indonesia’s history, no government has succeeded in undertaking land reform.”**

—Ahmad Erani, Indonesian economist

Infrastructure development is President Yudhoyono’s paramount concern. The Infrastructure Summit staged by his government in January 2005 was indicative of Yudhoyono’s vision of Indonesia’s future. Over 600 infrastructure conglomerates and local entrepreneurs participated in the summit. Yudhoyono hoped to get commitments from the private sector to fund two-thirds of the country’s investment needs (or at least \$80 billion). The sectors identified as key to Indonesia’s future development were power, water and sanitation, oil and gas facilities, information technology, transport and logistics (highways, ports, and airports). In support of Yudhoyono’s infrastructure development plans, he passed Presidential Regulation No. 36 of 2005 to relax regulations concerning land leases and concessions. This provoked a howl of protest and accusations that the law would favor only the investors. In the face of widespread criticism of this law, Yudhoyono was forced to back down and to cancel projects that were contingent on flexible rules in regard to land leases.

Yudhoyono’s policies have not departed from those of Suharto. Both leaders adhered to market oriented development and liberalization policies. Yudhoyono’s economic priorities are reflected in his government’s agrarian and agricultural policies, particularly the RPPK policies.

The RPPK document is expected to be a framework for the long-term—i.e., the next 20 years—but would be evaluated every six months and renewed annually. A committee would be created, to be chaired by the Minister for Economic Affairs. The Ministers for Agriculture, Maritime and Fishing, and Forestry would act as vice-chairs, and members from other ministers, governors, the Indonesian Chamber of Commerce, and others, would be called on to participate as needed.

Land regulation is cited as an important component of agricultural revitalization in the RPPK document, but this task would be conducted against the framework of the fully discredited Green Revolution technologies. Kompas, an influential daily newspaper in Indonesia, has opined that “conducting agricultural revitalization without implementing land reform will only open old wounds”. The adoption of RPPK policies—while neglecting agrarian reform—only goes to show that President Yudhoyono is falling into the same trap twice.

### MULTILATERAL DEVELOPMENT AGENCIES and FINANCIAL INSTITUTIONS

Observers in Indonesia have noted the increasing involvement of multilateral development agencies and international financial institutions in integrating free trade and the allocation of agrarian resources. This is exemplified by the process and outcome of the Land Administration Project (LAP). The LAP is a huge undertaking of the Government of Indonesia (represented by the National Land Agency, the National Planning Agency, and the Ministry for Economic Affairs), the World Bank (WB), and Australian Agency for International Development (AusAID). For the first phase of LAP (1995–2000), the WB gave a loan to the Government of Indonesia amounting to \$80 million. The project would run for 25 years (1995–2020).

The LAP seeks to establish a “land market” and to make the administration of land more effective and efficient in order to make land more readily available for activities promoting capital growth in the country. In support of this project, the government repealed the law on land registration (Government Regulation No. 10 of 1961)—regarded as one of the cornerstones of agrarian reform implementation—and replaced it with a watered-down version (Government Regulation No. 24 of 1997).

Henceforth, the supply of land in Indonesia would be determined by the market. This is expected to exacerbate the already unequal distribution and control of land in the country.

Moreover, big infrastructure projects funded by the WB and the Asian Development Bank (ADB), for example, have resulted in violations of people’s and peasants’ rights. The Kedung Ombo Dam project in the Central Java province (funded by the WB during Suharto’s administration), the Jatigede Dam project in Sumedang, West Java (funded by the Chinese government during President Yudhoyono’s term), and the Nipah Dam project—one of the biggest infrastructure projects implemented in the country—are a few of those projects that are much reviled among the affected communities.

### CIVIL SOCIETY ORGANIZATIONS and NGOs

Civil society organizations (CSOs) and NGOs in Indonesia have laid the blame for the country’s agrarian crisis on three factors. First is the concentration of the ownership of land and other natural resources on a small group of owners: either big landlords—scions of old landed families—who maintain feudal or semi-feudal modes of production; or big corporations, to which the government has rented out land to engage in mining, agro-industry, forestry, or the running of plantations.

The big corporations have been observed to be the more dangerous and reactionary type of land owners. They are ready and able to secure their interests, including using violence to put down local resistance. A few examples of the big plantations are Perum Perhutani and PT Inhutani. Transnational mining corporations like Freeport, Newmont, and Kaltim Prima Coal (Rio Tinto Ltd), and transnational petroleum corporations like Exxon, Caltex, Stanvac, and Total Oil Company, are



examples of big corporations that are able to influence the policies of the Indonesian government in regard to land and other natural resources.

The second factor is the inefficiency of production that is the legacy of many years of feudalism. Where modern technology has been introduced, this has benefited not the small peasants but big local businessmen, big land owners, and transnational agricultural corporations.

Third, is state violence and the anti-democratic, anti-people, and anti-peasant policies of the government. Successive administrations have used draconian measures intended to maintain the security of the state, particularly in the face of agrarian unrest. Peasant leaders have been arrested, jailed, and even murdered. Cases like these have taken place in Bulukumba (South Sulawesi), Garut, Subang, Pangalengan, Bogor, Sumedang, and Ciamis (West Java), Banyumas and Wonosobo (Central Java), Manggarai (East Nusa Tenggara), Muko-Muko (Bengkulu), Labuhan Batu and Porsea (north of Sumatra), Sesepa-Luwu and Dongi-Dongi (Central Sulawesi), Lombok (West Nusa Tenggara), Halmahera (North Maluku), and Banyuwangi and Pasuruan (East Java).

The state uses violence to put down local resistance to many state or corporate infrastructure projects funded by multilateral financial institutions, such as ADB and the WB. These infrastructure projects generally infringe on the land rights of local communities, particularly indigenous peoples. Infrastructure projects are Yudhoyono's second priority after the expansion of big plantation areas for biofuel energy.

CSOs and NGOs in Indonesia are conducting their advocacy work in response to the abovementioned analysis of the country's agrarian crisis. A number of them are demanding the cancellation of all infrastructure projects and debt problems. These groups include peasant movements such as AGRA (Alliance of Agrarian Reform Movement), STN (Serikat Tani Nasional), API (Aliansi Petani Indonesia), Petani Mandiri, and other social movements. Since the 1990s the networks of NGOs and a number of progressive intellectuals have



played an important role in promoting land rights. These are Bina Desa, KPA (Konsorsium Pembaruan Agraria), WALHI (Wahana Lingkungan Hidup Indonesia), and YLBHI (Yayasan Lembaga Bantuan Hukum Indonesia).

The Indonesian peasant movement is demanding an end to state violence directed at their sector, and the release of peasant leaders that have been thrown in prison on the basis of anti-peasant laws. At the same time, the Indonesian peasant movement rejects the plan of the current government to repeal the UUPA. The draft law intended to replace the UUPA strongly favors the interests of big land owners, totally rescinding the spirit and intent of the UUPA to carry out agrarian reform.

## Strategies to Advance Access to Land AND Tenurial Security

### MAXIMIZING OPPORTUNITIES MADE AVAILABLE by the RPPK POLICY

The RPPK outlines the policy of the Yudhoyono government in discussing, evaluating, and resolving problems in the agricultural sector, particularly in regard to farming, plantations, fisheries, and forestry, and especially those arising since the 1997–1998 economic crisis.

In other words, the policy defines the government's strategy to address challenges that affect farmers, farm workers, fishers, forest dwellers, and other poor communities. The RPPK policy is a starting point for



observers attempting to understand how the Yudhoyono government intends to address poverty in the country and to improve the lives of farmers. For the present, at least, the policy will be judged according to the actions of the government in the seven years since it was introduced.

The RPPK emphasizes not just production and economic aspects, but ideological ones as well. The ideology behind the RPPK policies demands that agricultural revitalization must be based on approaches, which are humanitarian, just and popular, and which respect national sovereignty. Agriculture occupies a vital position in these policies. Hence, agriculture is no longer viewed as a subset of industry, producing food and the raw material for manufacturing, but as being closely intertwined with production and economics.

In addition, the task of revitalizing agriculture requires that different governments work in tandem in formulating strategies and policies in relation to efforts to address poverty, unemployment, and economic growth.

Three government departments are most closely involved in the tasks set forth by the RPPK. These are the Department of Agriculture, the Department of Forestry, and the Department of Maritime Affairs and Fisheries, which are under the Coordinating Minister for Economic Affairs. These departments are crucial to the future of the agricultural sector because they hold the governmental power and authority related to the use and management of agrarian resources (particularly agricultural and plantation lands, aquatic resources and forest areas) in Indonesia. Therefore, because they are mandated by the RPPK to work together, it is hoped that better coordination among these agencies, which to this point has been very weak, would result in the improvement of the livelihoods of farmers, in particular, and of the agricultural sector, in general. As such, the RPPK could prove to be an important tool for moving forward more fundamental reforms in the agrarian sector, especially since such reforms require a unified approach among the various state agencies working in the sector.

If Indonesia genuinely seeks to reform the weaknesses in its agrarian structures and revitalize agriculture,

then state institutions that work in the field must have a common perspective of farmers and farming. The various departments that bear on farmers' livelihoods and agriculture must first be reformed, and coordination among them improved, to form a strong basis for the implementation of agrarian reform and the RPPK initiative.

## REVOCATION of ANTI-PEASANT LAND LAWS

The enactment of TAP MPR No.IX/2001 has the potential to give peasant movements and the agrarian struggle new momentum. The TAP MPR No.IX/2001 declares that "the prevailing agrarian/natural resources management has been creating environmental degradation, inequality of land control and ownership, and agrarian conflicts." The decree goes on to instruct the House of Representatives (DPR) and the Indonesian President "to immediately withdraw, amend, and/or to change any laws and related regulations that are not suited with this decree" (Article 6). The MPR Decree on Agrarian Reform and Natural Resources Management also gives the government the mandate "to implement [...] land reform, to solve agrarian conflicts, and to provide [...] the funds for [the] agrarian reform program and resolution of agrarian conflicts" (Article 5).

TAP MPR IX/2001 thus gives agrarian advocates and the peasant movement in Indonesia the legal right to push the government to implement land reform (including the unfinished land reform of the 1960s) and to solve agrarian conflicts.

Despite such a law, the land occupation and land reclamation that have taken place in many parts of Indonesia during the reform era (1998–present), which could be viewed as change from below and a manifestation of peasant struggles, are still regarded by the government as illegal acts. At the same time, the government has passed several laws that contravene the intent of TAP MPR IX/2001, such as the Law No.18 of 2004 on Plantations and Law No. 25 of 2007 on Capital Investments. Both laws also go against the grain of the 1960 Basic Agrarian Law. Despite the greater democratic space prevailing in the country, the conditions of the Indonesian peasantry have actually taken a turn for the worse. Therefore, the resolution of land and





agrarian conflicts is contingent on the revocation of anti-peasant laws.

### DEVELOPING a STRONG and DEMOCRATIC PEASANT-BASED ORGANIZATION

As a key strategy, advocacy to promote the agenda of agrarian reform must be undertaken, especially among the rural poor people. Among the peasantry, the development of a strong and democratic peasant-based organization is urgently needed. The movements involving land occupation and land redistribution, which have taken place in the last decade years in Indonesia, show that the pursuit of genuine land reform is the main agenda and historical mandate of the Indonesian peasant movement.

Toward realizing the agrarian reform agenda, at least five main tasks must be undertaken:

1. resolution of all land and agrarian conflicts and disputes;
2. implementation of land reform programs (including the unfinished land reform of the 1960s);
3. rearrangement of rural production and improving productivity by prioritizing peasants in efforts to improve access to land;
4. revocation of anti-people and anti-peasant land laws and regulations; and
5. development of a strong and democratic peasant-based organization.

Land reform implies a major change in social relations. It is a policy option that few governments take willingly.

The state is never a consistently rational, unified, and benevolent entity. It is beholden to dominant social forces. Hence, the state cannot be expected to adopt policies benefiting a fragmented and unorganized peasantry at the expense of landlords and other groups on whom it depends for support.<sup>5</sup>

For these reasons, the development of a strong and democratic peasant-based organization is a very important agenda in agrarian reform implementation as well as the most urgent strategic intervention in Indonesia today. From the beginning, peasant protests and struggles have significantly influenced the dynamics of Indonesian social movements—even if many of them had started out as a reaction to land eviction brought about by the expansion of capital in rural areas in particular, and development activities in general.

Peasants and poor farmers are the beneficiaries of any agrarian reform program. In this regard, the participation and support of peasants through their strong and democratic organizations will be a decisive factor in the successful implementation of agrarian reform.

### BUILDING a COALITION to SUPPORT the LAND RIGHTS STRUGGLE

In every case where land reforms have succeeded, protests by organized peasant producers and rural workers have been a crucial factor. Peasant activists who organize themselves to bring about reform usually comprise only a small minority of the rural poor, especially in repressive contexts, but they invariably have the support—albeit silent—of a much larger constituency.

Today, however, the possibilities of a mobilized and organized peasantry seizing and maintaining control of large landholdings, such as what happened in Bolivia, Mexico, and China during revolutionary upheavals, are now extremely remote in most countries. Economic and political power is increasingly centralized under urban-based national and transnational agencies and corporations. The frequent exhortations by those wielding centralized power for greater decentralization of state and corporate governance seldom include a prior



democratization of land tenure and other social relations in rural localities. Such decentralization, when it does happen, usually results in even tighter control by the powerful at local levels and in diminished opportunities for the poor to get support from potential allies at the national and international levels.

The privatization of land has been governed by the law of supply and demand: land to the highest bidder, benefiting the land speculators and big corporations, first, and poor peasants, a far second, if at all.

These developments have led many observers to give up on the agrarian reform effort. The rural poor, they conclude, will simply have to wait until alternative employment becomes available by other means. At best, they think the poor should be provided with “safety nets” to keep them from starving to death.

However, the opportunities for land reforms are still available. Globalization has affected both the rural and urban poor negatively, and has given them reason to make common cause with each other. These two sectors have also found allies among the urban middle class and a few progressive minded land owners. Moreover, the spread of formally democratic multi-party political regimes offers new opportunities for pressing for reform through the electoral process.

Environmental movements can likewise become powerful allies of the rural poor. So too can social movements aimed at advancing gender equality and human rights. Growing urban unemployment stimulates political pressures to improve social conditions in the countryside in order to slow the migration of the rural poor to the cities and abroad.

The concentration of economic and political power in national capitals and imperialist country centers leaves governments more exposed to pressures for reform from national and international progressive social movements. These movements may focus on other issues, but they all have good reason to support the demands of peasants and rural workers for a more equitable distribution of

rights to land because this could help advance their own special causes.

Progressive NGOs and committed international organizations can play important roles as catalysts in helping grassroots peasant and landless movements organize and press their demands for land. They can help through research focused on the livelihood and sustainable development problems of the rural poor. They can provide valuable technical assistance, material resources, and legal aid. They can facilitate the use of modern communication technologies by peasants and others struggling for reform. They can publicize violations of socio-economic and human rights, corruption, and other abuses suffered by the poor. They can advance land reforms through advocacy at all levels.

But their roles will always be auxiliary to what must fundamentally be a domestic political process. The main actors in bringing about and consolidating genuine land reform must always include the landless and near landless, together with their political allies and the state. Well-intentioned NGOs and international organizations can help, but they could also hinder the peasants’ struggle if they fail to take into account the complex social dynamics that underlie the pursuit of agrarian reform.

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## Endnotes

- <sup>1</sup> See Sri Hartati Samhadi, *op.cit.*, Kompas, 16 August 2005, p.50.
- <sup>2</sup> Bachriadi, Dianto and Gunawan Wiradi. “Land Tenure Problems in Indonesia: The Need for Reform.” Forthcoming in Anton Lucas and Carol Warren (Eds.), *Land Tenure, Laws and Livelihood in Indonesia*. Athens: Ohio University Press.
- <sup>3</sup> See “Pertambangan: Investor Takut Isu Lingkungan”, in Kompas, 19 June 2007.
- <sup>4</sup> See “Apa Kata Mereka: Indonesia Masih Perlu Belajar!”, in Kompas, 2 June 2007, p. 37.
- <sup>5</sup> See Solon L. Barraclough, *An End To Hunger?: The Social Origins of Food Strategies*. London and New Jersey: Zed Books Ltd., 1991, p. 130.

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