

## LAND TENURE AND PROPERTY RIGHT IN INDONESIA

Tenure category  example  Property rights	Street dweller/ no fixed address		Squatter/ shack owner unrecognized settlement		Unauthorized settlement, not recognized		Unauthorized settlement, officially recognized		Permit to Occupy, ToL, CoR, etc.		Leasehold		Freehold	
	homeless		non permanen building in other's or government's land		permanen building in other's land/ government's land		customary land, waqaf land		building rights title, freehold title, cultivation right title.		rent		property owned right	
	No right	Basic Right	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Permit holder	Sub-lease holder	Head lease holder	Group communal	Individual
Use			√	√	√	√	X	X	X	X	X	X	X	X
Occupy			√	√	√	√	X	X	X	X	X	X	X	X
Restrict others							√	√	X	X	√	X	X	X
Dispose, buy, transfer			√	√	√	√	√	√	X	X	√	√	X	X
Inherit			√	√	√	√	√	√	X	X	√	√	X	X
Develop/ improve			√	√	√	√	X	X	X	X			X	X
Cultivate/ produce			√	√	√	√	X	X	X	X	X	X	X	X
Sublet			√	√	√	√	√	√	X	X	√	√	X	X
Access services			√	√	X	X	√	√	X	X	X	X	X	X
Access formal credit									X	X			X	X
High level														
Degree of security in practice (repeat for level of other rights, e.g. access to formal credit, Low level														

### Notes

- Bold** : Unconditional right
- italic* : Conditional right
- Black** : Permanent right
- Red** : Temporary right
- Blue** : Right can be change from temporary to permanent
- \ : Right available to men only
- / : Right available to women only
- X : Right available equally to men and women
- √ : Where the situation varies from one case to another
- Yellow : Not exist in Indonesia

### Additional Information

- 1 In Indonesia the common practice of land tenure is guaranteed by the law (statutory) and in some specific circumstances (related to culture and tradition) by the customary law.
- It is true that the implementation of Indonesia's land tenure and property rights is problematic, not only because of various categories of them but also because of the existing governance system and authorized actors who implement them.
- 2 One will find all the tenure categories in most of big cities in Indonesia such as Jakarta, Surabaya and Medan, except land that is meant for farming and village administration (which is defined as 'tanah bengkok' in bahasa Indonesia) and customary land tenure which we categorize as unauthorized settlement but officially recognized land tenure.
- 3 Homeless which we categorize as street dweller/ no fixed address exist in most of Indonesian cities. Indonesian law does not allow anyone to live on the street and the government through Social Ministry (national level) and/or Social Agency (provincial and municipal or district levels) manages to provide temporary housing for the homeless. However, most of the homeless refuse the facilities and prefer to live on the street.
- 4 The land dispose, buy, and transfer in Customary Land depends on Matrilineal or Patrilineal system in each Custom
- 5 The land tenure in some districts of West Sumatera Province, for example Solok, South Solok and Padang Pariaman Districts benefits women. There is a strong matrilineal concept held by the Padangnese (the native tribe of West Sumatera Province) where the family wealth, especially land for farming will be inherited to daughters. The farming land may not be sold and should be preserved and cultivated even if the daughters no longer live in the districts.
- 6 There are also traditional villages in Districts in Bali where the land is preserved and cannot be sold in order to respect the ancestors of each family who lives in the village. People can easily find out that each Hindu family in Bali always has their own prayer place located in their private settlement.
- The category of tenure - unauthorized settlement, officially recognized for example customary land can easily be found in rural areas or districts in Indonesia such as Districts in Java and Bali. This type of tenure is beneficial in halting urbanization in rural areas because usually the plots of customary land are preserved to not be built or used for other purposes than farming and residential area, or even customary forest.
- 6 Property Owned Right - categorized as Freehold - is the only right which is **unconditional and permanent** for land ownership in Indonesia.

#### Note:

- a. The Matrix of Land Tenure and Property Right in Indonesia is arranged by two Indonesian students: Wahyu Ida Arinta Togatorop and Fransiska.
- b. If you are interested, we hereby provide a link of a book related to Indonesia's Urban Potential [https://openknowledge.worldbank.org/handle/10986/31304?CID=SURR\\_TT\\_WBGCities\\_EN\\_EXT](https://openknowledge.worldbank.org/handle/10986/31304?CID=SURR_TT_WBGCities_EN_EXT)