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Collective Land Certification Policy as an Alternative to Land Conflict Resolution and Rural Development in Flores, Indonesia

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Abstract. Since the 1980s, the Indonesian government has been highly promoting individual land certification (ILC) program as a national strategy to facilitate development. National programs like Proyek Operasi Nasional Agraria (PRONA) and Layanan Rakyat Untuk Sertifikasi Tanah (LARASITA) are launched by the Indonesian National Land Agency (NLA) to facilitate ILC programs in rural areas. The programs have reached many rural areas in eastern Indonesia. Utilizing the combination of qualitative and quantitative research methodology by way of 30 in-depth interviews and 320 questionnaire, this research aims to evaluate the government programs on ILC in rural Flores, Indonesia. The research finds that ILC programs may have led to the increased poverty, land transactions and land speculations that boost land tenure conflicts which hinder the development in rural Flores. This research proposes collective land certification (CLC) program as an alternative for rural development.

Keywords: individual land certifications, collective land certifications, land tenure conflicts, rural development, and rural Flores

Abstrak. Sejak tahun 1980, pemerintah Indonesia sudah gencar mempromosikan program sertifikasi tanah individual sebagai bagian dari agenda neoliberal dalam strategi pembangunan nasional. Beberapa program nasional seperti Proyek Operasi Nasional Agraria (PRONA) dan Layanan Rakyat Untuk Sertifikasi Tanah diterbitkan (LARASITA) oleh Badan Pertanahan Nasional untuk mempercepat proses sertifikasi tanah individual di daerah pedesaan dan daerah terpencil. Program-program ini dewasa ini sudah beroperasi di level pedesaan di Indonesia Timur. Menggunakan pendekatan kombinasi antara kualitatif dan kuantitatif dengan melakukan 30 wawancara mendalam dan 320 pengisian kuesioner, penelitian ini bertujuan untuk mengevaluasi program-program pemerintah pemberian sertifikat tanah individual di Flores. Penelitian ini menemukan bahwa program-program pemberian sertifikat tanah individual telah meningkatkan transaksi penjualan dan spekulasi tanah, yang melahirkan konflik agraria horisontal yang menghalang pembangunan di Flores. Penelitian ini merekomendasikan pemberian sertifikat tanah kolektif sebagai solusi alternatifnya.

Kata kunci: sertifikasi tanah individual, sertifikasi tanah kolektif, konflik agraria horisontal dan pembangunan, dan flores

INTRODUCTION

After the government of Indonesia implemented decentralization in 2001, land tenure conflicts had occurred in many regions in Indonesia (Barron & Kaiser 2009, Adam 2010). In 2011, for instance, land tenure conflicts broke in Mesuji, Bima, Pulau Padang, and Jambi (Tolo 2012a). Further, between 2004-2012, there were 618 land tenure conflicts across Indonesia which covered 2,399,314.48 hectares land and involved 731,342 households. According to the 2012 data, 40% of land tenure conflicts in Indonesia occurred in plantation sector, 30% in infrastructure development sector, 11% in mining sector, 4% in forestry sector, 4 % in coastal economic development sector. These conflicts broke in 29 provinces with provinces of East Java and North Sumatra ranked as the most conflicts agrarian in Indonesia (Arsyad 2012a). The conflicts related to land disputes in Indonesia seem to escalate annually as, in 2013, it reached 4,000 cases (BPN 2013). In general, most of these land tenure conflicts have been inclined to

lead to human rights violations (Wiradi 2005).

Land tenure conflicts in Indonesia are generally vertical in nature such as conflicts between (1) the state and society, (2) developers and (local) communities, and (3) developers and the state vis a vis (local) communities (Lucas 1997). These vertical conflicts are caused mainly by two factors, namely: (1) land right uncertainty (Prior 2013) and (2) privatization for capital accumulation done both by the state and investors (developers) (Lucas 1997). Conflicts on land rights uncertainty usually occur between the government and indigenous peoples in relation to forest boundaries. While privatization for capital accumulation has induced the developers to align themselves with the government –in some cases the alliance involves some of the rural elites of indigenous peoples (Regus 2011)– to exploit the land for the benefits of the state and developers, especially in new autonomous regions in Indonesia (Tolo 2012b, Tolo 2013a). Many resource-rich autonomous regions have involved in the privatization of (customary) land and

other natural resources for the sake capital accumulation in general and district income generation in particular (Dwiyanto 2003, Antlov 2003, Lucas 1997, Regus 2011, Borrás et al 2012, Prasojo & Holidin 2012).

In contrast, this article aims to explain the horizontal land tenure conflicts between individuals within societies, caused by the development strategy of capitalism in agrarian sector. The strategy that will be evaluated throughout this article is related to individual land certification (ILC) programs in Eastern Indonesia as the poorest region in Indonesia in which approximately 70% of villages (32,000 villages) are categorized as less-developed villages (*desa tertinggal*). On the one hand, the nature of horizontal land tenure conflicts is similar to vertical land tenure conflicts. The similarity lies in the motive of capital expansions as the source of land tenure conflicts as both types of conflicts are triggered by the efforts of individuals and corporations to expand their capital. The difference is that vertical land tenure conflicts are generally induced by land right uncertainty, whilst horizontal land tenure conflicts are mainly driven by the clarity of land property rights. To understand this problem, this article analyses the implementation of ILC programs in rural Flores, Indonesia.

The ideology of capitalism in agrarian systems has long been rooted in the Indonesian society since the colonial era (Soemardjan 1962, Tondronegoro & Wiradi 2008, Mulyanto 2011). During the New Order era, land privatization intensified dramatically as the Law 5/1960 on Basic Agrarian Law (BAL), which aims to carry out land reforms in Indonesia, was only granted authority to manage 30% of the total land in Indonesia. The Forestry Law 1967 allocated 70% of Indonesian land to be managed by National Forestry Department (Gold & Zuckerman 2015, Kristiansen & Sulistiawati 2016). This means that the BAL 1960 only has the authority to regulate non-forest land in Indonesia (Tolo 2013b). Furthermore, Indonesian land tenure system is very much in favour of domestic and foreign investments, especially after the enactment of the Law 1/1967 on Foreign Investment and the Law 11/1968 on Domestic Investment (Siahaan 2007). These two laws have led to the exploitation of domestic resources such as land, forests, and seas for the need of capital accumulation (Tolo 2014a, Tolo 2014c). In addition, the BAL 1960 which was initially handled by the Ministry of Agrarian Affairs (Departemen Agraria) was submitted to the National Land Agency (LNA) which deals more with administrative works (Setiawan 2008). In 1971, the New Order government ceased the fund for land reform programs as they were no longer a government priority (Lucas 1992). In the 1980s, the ideology of neoliberalism in the agrarian sector became the primary choice of the New Order, even up to date, following the instruction of the IFM and the World Bank proposals (Awang 2005).

As a consequence, land privatization in Indonesia becomes the main agenda of the state, which in turn has led to land grabbing in many parts of Indonesia (Lucas 1992, Lucas 1997, Obidzinki et al 2013, Tolo

2014b). With the promulgation of the laws on foreign and domestic investments during the New Order period, land privatization may have resulted in the loss of 143 million hectares of the Indonesian forest (Siahaan 2007: 18). After the collapse of the New Order regime, land grabbing still becomes serious conundrums in Indonesia. For example, in the last decade, in North Sulawesi, 450 hectares of agricultural land were seized from the indigenous farmers. In Papua, nearly 5 million hectares of customary land were grabbed for the sake of the international carbon trades. Meanwhile, in Jambi, 101,000 hectares of customary land had been claimed by the government as conservation areas. In Ulu Masen, Nanggroe Aceh Darussalam (NAD), more than 750,000 hectares of customary land had been prevented by the government to be cultivated by local farmers (Tolo 2012a). Arsyad (2012b) shows the current data reveals that 11.5 million hectares of forest areas in Indonesia have been converted into oil palm plantations, which could affect negatively to rural economies. According to Borrás and Franco (2011: 29), in Indonesia, oil palm expansions will be reaching 20 million hectares by 2020 and 30 million hectares by 2025. This expansion of oil palm plantation may have caused the destruction of cultural and socioeconomic wealth of Indonesian indigenous people (Obidzinki et al. 2013, Magdoff 2013).

As national development has been based on the neoliberal ideology since the 1980s (Robison 1986), the problem of poverty seems difficult to be overcome despite the fact that Indonesia economies have experienced annual positive economic growth (Tolo 2014, Hartati 2015). In 2013, there were approximately 68 million poor and near-poor in Indonesia (Saparani 2014), of which about 63% were farmers whose lives are very much dependent on agricultural land in rural areas (BPS 2013). In 2016, out of 252 million people, there were 28.2 million poor people (Zain, 2016). More surprisingly, if poverty is measured based on human development dimensions, which includes “the fulfilment of basic human needs; access to education, health, or government services; and the opportunity to participate in the social, economic, and political sector without any discrimination,” the World Bank Report of Poverty Reduction in Indonesia predicts that more than half of Indonesians are considered as poor people (Mulyani 2015: 288). Nevertheless, NLA keeps promoting neoliberal strategy of ILC programs through the National Agrarian Operations Project (PRONA) and the People’s Service for Land Certification (LARASITA) (in 1981 and 2006 respectively). As a consequence, in 2013, approximately 45 million tracts of the land had been certified in 430 districts and cities out of a total of more than 100 million certifications (BPN 2013). It means that only about 40%-45% of the private land in Indonesia have been registered. In other words, it is only 5% of the total land in Indonesia have been certified (Yusuf 2011, Kristiansen & Sulistiawati 2016). Due to the fact that the country has just achieved 40%

of its target in land registration or, according to Gold & Zuckerman (2015), 45% out of 85 million private parcels of land, the current government under Joko Widodo's administration has committed to issuing 60 million land titles in the next three years until 2021 (Adi 2016, Chin 2016). This commitment seems very ambitious if compared to previous years' achievement of 560,000 to 5,200,000 parcels per year between 2007-2011 (Gold & Zuckerman 2015: 64).

The privatization of land and ILC programs may have led to the increase of Gini coefficient of land ownership in Indonesia as land is mainly concentrated into hands of the state and several political-economy elites. In 2013, Indonesian natural resources, including land, were dominated by 0.01% of large corporations, which contributed to 41.83% of Gross Domestic Product (GDP) and 82.98% of exports. In contrast, about 98.88% of micro business units were ignored and in difficulties in finding economic resources (Palupi 2014). Since the introduction of the PRONA and LARASITA (Lucas, 1992), the Gini coefficient of land ownership has continued to increase, standing at 0.5 in 1983 to 0.7 in 2003 (Policy Initiative Review 2011). In 2011, a farmer in Indonesia only possessed 0.3 hectares of productive agricultural land on average. This is because, nationally, only about 0.2% of Indonesia's population owns 56% of productive assets, of which 87% are land, while farmers living in the forest areas are only allowed to manage 0.25 million hectares of forest. Thus, only about 0.19% of rural residents have legal access to forest areas (Kasali 2014; Arsyad 2012b). Furthermore, land registration may have increased the sale and purchase of land, which in turn increase the Gini coefficient of land ownership in Indonesia. For example, in 2011-2013, there were approximately 2.3 million land transactions in Indonesia (BPN 2013).

The abovementioned failure of national development in Indonesia is partly because neoliberal ideology as a national development strategy, especially in relation to ILC programs, as Boras (2007) has it, is too "income-centered and growth-oriented." The neoliberal ideology also tends to ignore the democratization of the economy in societies (Yustika 2012). Warren and Lucas (2013) argue that, post-Suharto's authoritarian regime, governments in Indonesia have introduced land privatization, including ILC programs, based on de Soto's seminal work (2002), which is very much influenced by Western capitalism. In his book, *The Mystery of Capital*, de Soto (2002) claims that developing countries have failed to make use of capitalism as they are not able to formalize their property rights, including land rights, to facilitate market functionalities in a society. According to de Soto (2000), people in developing countries that hold vast assets could benefit from capitalism only if they "unlocking the capital potential assets held informally by poor people" by instituting a property rights system and disseminating information on property rights (as cited in Musembi 1457-1458). However, in the short-term, privatization based on de Soto's thesis (2000),

ILC programs, seems to support the development of the (rural) communities in Indonesia, but in the long run it will of course lead to social, cultural, political and economic catastrophes. Moreover, the ideology of neoliberalism in land privatization tends to treat land as commodities (Akram-Lodhi 2013). Challenging de Soto's thesis (2001), through her fieldwork in Surakarta, Indonesia, Mulyani (2015: 297) "suggest[s] that legalizing land rights as proposed by de Soto (2001) does not necessarily provide security of land ownership" as land can be easily sold and bought between the willing sellers and buyers. This commodification of land may have caused land inequality, which needs to be solved through agrarian reform policies based on a political economy perspective.

Studies in political economy aim to "understand the relationship between economic growth and poverty [...] by seeing the ways more powerful classes accumulate by appropriating surplus from less powerful" (Corta, 2010: 18). Bernstein (2010: 22-23) offers four key questions to evaluate the relationship between economic growth and poverty as follows: "(1) who owns what?; 2) who does what?; (3) who gets what?; and (4) what do they do with it?" These four questions can be used to understand the problem of political economy in every society "at different historical moments" (Bernstein 2010: 24). By answering these four questions, we can understand the position of the peasants in agrarian sectors as we look at the dynamics of social relations through in which the poor are exploited and oppressed by the rich. In the agrarian sectors, such unequal relations have encouraged people to fight for agrarian reforms as has been done by Gracchi brothers during the Roman Empire (Barlowe 1953).

An agrarian reform is commonly defined as "a rearrangement or restructuring of the ownership, control and use of agrarian resources, especially land, as the basis for national industrialization, for the benefits of peasants, agricultural labourers, and poor people." (Setiawan 2008: 414). In addition to supporting industrialization, the objective of agrarian reform is to reduce agrarian inequality, which in turn may prevent the exploitation of landless and land hungry people by the wealthy in societies. Historically, the first great agrarian reform took place in France as a result of the French revolution, which in turn influenced the widespread emancipation of peasants in Western Europe and Eastern Europe to carry out agrarian reform (Morrisson & Snyder 2000). Since then, many peasant uprisings occurred in 1848 in Eastern Europe, in Russia in 1861 and 1905-1906 (Barlowe 1953). After the second world war, a wave of agrarian reforms took place in several countries such as Japan, Taiwan, Korea, Egypt and India (Tolo 2013b).

In Indonesia, right after its independence, the founding fathers and mothers had thought of agrarian sector as the basis for developing the country (Luthfi et al. 2011). For example, Hatta (1943) gave inputs to the Panitia Adat Istiadat dan Tata Usaha Lama to consider Indonesia as an 'agrarian country'. Land as the

main means of production must be regulated fairly for the prosperity of all Indonesian people. In the 1960s, Sukarno often asserted that “land reform is an absolute part of our revolution” and “a revolution without land reform is like building a building without a strong foundation.” For Hatta and Sukarno, land reform was a necessary condition for the Indonesians to fight for their sovereignty (Setiawan 2010).

In 1945, as an experiment, agrarian reform was conducted by the Minister of Home Affairs, in a village in Banyumas, Central Java (Soemardjan 1962). Three years later, the government issued the Law 13/1948 which was later replaced by the Law 5/1950 (Rachman 2012, Luthfi et al. 2011). Under this law, peasants were entitled to land which was previously controlled by the Dutch companies. In 1940, the Dutch companies (40 Dutch sugar companies) owned 42,544 hectares land in Yogyakarta and Surakarta (Soemardjan 1962). On September 24 1960, President Sukarno passed a Law 5/1960 on Basic Agrarian Law (BAL), which aimed to implement land reform (Luthfi et al. 2011). Government Regulation 224/1961 was issued to become a basis for land distribution under the land reform agenda (Rachman 2012). However, after the fall of Sukarno in 1966, the issue of land reform also disappeared from the national politic agenda. When Suharto took the power, agrarian reform policy experienced total stagnation (Luthfi et al. 2011). In 1971, the government ceased funds to finance the land reform programs. This was a signal that “... agrarian reform was no longer a government priority” (Lucas 1992: 83).

After the collapse of Suharto’s authoritarian regime, the post-Suharto governments keep promising to implement land reform in Indonesia. However, not only do the governments have not fulfilled their promised, but also have offered land titling programs as the substitution for land reform programs (Mulyani 2015), which in turn may increase severe land inequality in the future as warned by Mulyani (2015). Looking at the political will of the post-Suharto governments, working class people in Indonesia should propose land reform by leverage (Powelson & Stock 198, Wiradi 2000). In this land reform, people, especially working class (farmers), do not wait on governments’ initiatives known as land reform by clemency (Wiradi 2000), rather they should get organized and put more endeavours to fight for land reforms, utilising the existing freedom after the collapse of the Suharto’s authoritarian regime. It should be mindful that, after implementing agrarian reform by leverage, there should be avoided uncertainty of land ownership rights so that every individual may cultivate his or her land productively based on BAL 1960.

However, the uncertainty of land ownership is a common in many developing countries and is considered as a hindrance to progress and development (Feder & Onchan 1987, Maura 2005, Myers and Hetz 2004). Maura (2005: 197) argues that the uncertainty of land ownership may have become “obstacle to economic development and generated multiple negative

ramifications for poverty and overall human well-being.” In addition, “[t]he absence of clear property rights is undermining investment, contributing to corruption, and undermining economic development” (Myers & Hetz 2004: i).

Some scholars argue that the clarity of land ownership is only obtained through privatization by having individual land certifications (ILCs) (Myers & Hetz 2004). Feder & Onchan (1987: 311). These scholars, who conducted research in Thailand, argue that the legal clarity of ownership through having ILCs affects both investments and the availability of financial resources for investment, especially in societies where there are many banks. In addition, the clarity of land ownership could also “[...] induces higher levels of land improvements.” The economic progress of course brings happiness to landholders as experienced by the people of Brazil after obtaining ILCs (Maura 2013). In Mexico, Valsechhi (2014: 2) reports that people who possess ILCs are not worried about land tenure conflicts over their land, and they “can now leave their land” for the better jobs in the US “without fear of being expropriated or losing their inheritance” as many migrants from developing countries usually fail in their migration (Li 2013, Breman 2009). The positive impression has also come from Mongolia where land privatization through ILC programs has contributed to economic growth, good governance and urban/rural development (Myers and Hetz 2004: i). In Indonesia, Mulyani (2015) also finds that the individual land certification programs in Surakarta has enabled the urban poor to obtain their rights to get access to the state-provided resources.

In contrast, there are also pessimistic and sceptical claims against ILC programs (Gordon 1975, Place and Hazell 1993, Smith et al. 2009, Maura 2013). Maura (2013) argues that land privatization through ILC programs has increased the happiness of Brazilian society, but at the same time they have resulted in the concentration of land ownership into hands of the rich. In Manggarai, Flores, Gordon (1975: 145-146) reveals that since the 1970s “[I] and for which titles have been issued can be bought and sold, and within the last decade a new class of wealthy entrepreneurs has emerged in Manggarai capable of buying land. ... [They] can buy jeeps, build houses, and buy land. Usually they do all three. But land is often their first choice.” Due to land grabbing practices through ILC programs, some academics critically question global ambitions, driven by advanced capitalist countries such as the United States, Britain and Germany (Myers & Hetz 2004), to privatize land through ILC programs (Place & Hazell 1993, Mussempi 2007, Korf et al. 2015). Place and Hazell (1993), Mussempi (2007), and Korf et al. (2015) point out that, in Sub-Saharan Africa countries, ILC programs have accelerated land grabbing processes and brought about poverty and social conflicts in societies. In Mexico, ILC programs have increased social conflicts over land, deforestation, disappearance and weakening of the role of traditional institutions (Smith et al 2009).

In Cambodia, World Bank-funded ILC programs to prevent irresponsible agricultural investment have increased land tenure conflicts and land transactions (Dwyer 2015: 903).

RESEARCH METHOD

This research was part of a joint-research that was conducted in October-November 2013 on the island of Flores, East Nusa Tenggara, Indonesia which found the potential economic benefit of land rights (Kristiansen & Sulistiawati 2016). Flores is a small island (14. 273 sq. Km), which consists of 8 districts in East Nusa Tenggara province, Indonesia. The island of Flores is predominantly Roman Catholic and is one of the poorest islands in Indonesia. According to the Indonesian Statistics Bureau (BPS 2010) data, Flores has a population of 1.8 million, of which 17% are poor. Poverty in rural Flores is mainly caused by the long colonial history, agrarian inequality, and the depoliticization of the masses (Tolo 2016a, Tolo 2016b).

The research was conducted in rural Flores in November-December 2014. However, some of the data have been collected in previous fieldwork in 2011, 2012 and 2013 in rural Flores. This research utilized mix-methods (qualitative and quantitative research) by conducting 30 in-depth interviews and distributing 320 questionnaires. The respondents were farmers, customary leaders, religious leaders, political leaders, bureaucrats and academics. The research was conducted in three districts and nine villages in rural Flores, namely Nagekeo district (Dhawe, Mulakoli and Maukeli), Ngada (Seso, Ruto and Wangka) districts, and Manggarai districts (Compang Dalo, Narang and Robek).

The selection of informants was done through a snowball method. This method, however, may have led to the uniformity of data due to the fact that each informant tends to provide recommendations for the next informant who shares similar views. However, to ensure the validity of data, the author also applies triangulation techniques. The selection of sample for the distribution of questionnaires was done randomly, with careful consideration to representation of gender, poverty level, education and age, adat social stratification such as lords (gae), commoners (c) and slave (ho'o).

RESULT AND DISCUSSION

Land inequality has become a perennial problem in rural Flores since several centuries ago. This is partly because Florenese people are divided into three different social classes, namely (1) lords (gae), (2) commoners (gae kisa) and (3) slaves (ho'o). This social stratification is the result of Hinduism culture from India (Arndt 1958), a consequence that took place as far as the 14th century when Flores was ruled by the Majapahit Hinduism kingdom (Metzener 1982). In rural Flores, a ho'o (slave) has no right over land and has to work as a cultivator of a gae (lord) for his or her survival. A lord (gae), as the highest social caste holder in Florenese society, is a "land owners and possessors

of the wealth to be shared with the people of the lower caste" (Muda 1986: 149) 2001: 70), while a slave (ho'o) does not possess any "independent rights to land" (Forth 2001: 70).

Due to the fact that a slave does not have any rights over land, in the past, he or she was treated as a commodity that could be sold and bought. A slave could also be sent away from Flores as a tribute to the local kingdoms that controlled Flores at that time such as Majapahit, Goa, Ternate and Bima (Gordon 1975). When Flores was under the control of those local kingdoms, a slave in rural Flores was valued with two buffaloes in Aimere, but in Ngada's hinterland his or her value is equivalent to six buffaloes. With the obligation to pay tribute to the sultanate of Bima, Manggarain people often bought slaves in Aimere and Ngada (Bekum 1946 [1974]). The slave trade, however, was banned by the Dutch in 1838 (Gordon 1975), but it in fact lasted until 1907 (Metzener 1982). To date, the slave trade in rural Flores has transformed its way in modern slave trade which is called human trafficking. This is experienced by many of landless and land hungry people in rural Flores who sojourn for work overseas (Tolo 2014d).

Regarding the ownership of land, the survey reveals that 90% of respondents have admitted having access to land with an average of land ownership of approximately 2 hectares per family. Although the average land ownership per family is quite high, most of the land in rural Flores is actually still concentrated in the hands of the rich farmer's families. The data shows that 34 rich peasant families in rural Flores control 476 hectares of land, while 78 smallholders in Flores only own 27 hectares. This means that rich farmers, especially gae's families, control 17 times the size of the average smallholder farmers in rural Flores. As a result, many smallholders and landless famers in rural Flores work as cultivators in the gae's agricultural land. The rich farmers who own this vast land often leave their land under-utilized, which is about 47% of the total land they own.

The land in rural Flores is concentrated into the hands of traditional elites (Orinbao 1992, Tule 2006, Tolo 2012a, Prior 2013), the government (Tule 2013), religious institutions (Dale 2013), bureaucrats, politicians (Gordon 1975), investors and corporations (Jebadu 2009, Dale 2013, Hasiman 2014). According to Tule (2013), in Nagekeo district, approximately 60% of land, especially forest land, is owned by the government, 30% by tribes, and 10% by private owners. In West Manggarai, the many tracts of rice fields of Lembor have fallen into the hands of Chinese businessmen. In Manggarai, since the 1970s, certified land has accrued by bureaucrats and new wealthy people (Gordon 1975). As Komodo National Park becomes a famous tourism destination, many tracts of land in Labuan Bajo have been bought by the wealthy people from abroad and Jakarta, and this land transaction was often facilitated by the state (Dale 2013, Tempo 6/3/2015). In Maumere, Tule (2013) reveals that a religious institution/congregation of Societas Verdi Divini (SVD) has contracted 200 hectares of agricultural land from the government for 50-70 years. In West Manggarai, Dale (2013) reports that one of the

Catholic religious congregations own about 70 hectares (agricultural) land. According to Hasiman (2013) and Regus (2011), many mining investors have grabbed customary land (*lingko*) with the help of the state in rural Flores.

The ownership of vast land by traditional leaders (*adat* leaders) in rural Flores is, however, not acceptable. As part of the Austronesia society, there is no Western landlord concept in rural Flores, but land guardian (Tule 2013). As land guardians, the main task of the *adat* leaders is in fact to resolve agrarian conflicts and to ensure that every individual within the clans or tribes owns enough land to survive. Due to the long history of colonization, the functions of *adat* institutions have changed, and *adat* leaders are inclined to accumulate capital as colonizers have done in rural Flores (Tolo 2016b).

Indeed, clan's land is owned collectively by all the members of a clan. Although clan's land has been distributed as an individual property, land rights are still owned by all clansmen within the clan. Clan's land is thus prohibited for sale in most of the villages in rural Flores, except in three villages in Manggarai district. The land in rural Flores is treated and respected as *Ine Tana Ame Watu* (Mother of Land and Father of Stones) which breaths life to and unites all clan members (Tule 2006, Tule 2004). *Ine Tana Ame Watu* is a customary terminology in Nagekeo society that respects land as mother and father of a clan. Land in rural Flores is thus valued as tribal wealth that ensures social, cultural, and economic security for all clan members.

The logic behind the rejection of land commodification in rural Flores is due mainly to the fact that Florenese people share a principle: "the present generations do not own the land. The land is still owned by the past and future generations. The present generations only possess the right to utilise the land." For this reason, most of clan chiefs in Flores prohibit ILC programs as they can facilitate land transactions. However, in urgent situations such as health problems, dowry issues (*pasa/belis*), land can be sold based on the agreement of all clan members through a meeting. In this case, the decision on the sale of individual land is not solely an individual and family decision, but a collective decision of the whole clan members. It is because land is not own by present generations, but past and future generations. However, to date, due to the penetration of capitalism, the sale of tribal lands, especially certified land, has sometimes occurred in several places in rural Flores. This current commodification of land is confirmed by the data that the majority of respondents (95%) have certified their individual land in order to avoid conflict, and only 4% do that for commodification purposes. For these two reasons, about 60% of respondents have plans to make their individual land certificates, and about 40% of respondents have individual land certificates.

The low number of individual land title holdings in rural Flores is due to the fact that rural people in rural Flores do not feel ILCs have the benefits of reinforcing the clarity of land borders as the boundaries of land are already clear and socially recognized by *adat* institutions. Moreover, registering land in Indonesia is

lengthy and costly (Gold & Zuckerman 2015). Based on Government Regulation 13/2010, registering land is relatively expensive for farmers in rural Flores. In rural Flores, Manggarai, as Gordon (1975: 145) argues, "[I] and disputes in Manggarai are less often concerned with land titles than with other aspects of agriculture. Thus the Manggarai do not feel a great need to rush in to Ruteng and pay to have their land holding measured and registered. A further reason which delays the progress of 'agraria' is that many villagers think registration will lead to more taxes."

However, in order to achieve national targets, local governments in rural Flores keep promoting ILC programs. Based on data from district NLAs (2014) in Flores, the number of farmers who have ILCs is increasing every year. In 2013-2014, district LNA in Nagekeo issued 1,600 pieces of ILCs through PRONA. In Compang Dalo village in Manggarai, in 2010, the government provided 1,300 ILCs for free. In Nagekeo, the district Marine and Fisheries office, in collaboration with district NLA, also provided 75 pieces of ILCs in 2013-2015 to those who live in coastal areas funded by the provincial government. These ILC programs have sometimes intensified land tenure conflicts in rural Flores as some of the people who have registered their land tend to sell their land without consulting with other members of the clan as they treat their land as individual land which is independent from other clan members. In many cases, ILC issuance in rural Flores is sometimes conducted without a careful examination of the land ownership status. This is problematic as the majority of NLA employees in Flores are not indigenous people, but migrants from Java, Kupang and Bali who do not fully understand the land tenure systems in rural Flores.

Land tenure conflicts in rural Flores are also common between migrants, transmigrants and local residents as migrants, especially transmigrants, who have ILCs that are provided without charge by the government tend to be apathetic to traditional ceremonies related to land. In fact, before the land was handed over to a local government for the benefits of transmigration programs, the status of the land is a clan land. In Mbay, Nagekeo, for instance, having ILCs, the transmigrants – who obtained land from the indigenous peoples handed over it to the government in 1973 – tend to disobey social contracts to contribute materially to traditional ceremonies. In addition, this certified clan land that has been owned individually is sold to foreigners, bureaucrats, politicians and Chinese businessmen. The ownership of ILCs, in the long run, may also create poverty in rural Flores. It is because some individuals who tend to sell their certified land to meet their daily needs. As a result, when land is sold out, a family usually falls into hard life and become waged labourers. Waged labourers in rural Flores are commonly found in Manggarai, whose traditional institutions are the weakest in preventing land commodification (Erb 2010). Further, Manggarai district is one of the districts in rural Flores that has produced many migrant workers who are usually entrapped into human trafficking in Malaysia. Some of the Florenese migrant workers in Malaysia have sold their land to finance their trips to Malaysia

and left their families working as waged labourers back home (Kurniasanti, 2004).

Considering today's Florenese cultural and political economic conditions, we argue that if ILCs programs are still implemented, horizontal land tenure conflicts and poverty will continue to escalate in rural Flores. However, this negative trend can be prevented if the collective land certification (CLC) programs that were introduced by the government in rural Flores since 1996 continue to be implemented to the present day. This CLC in rural Flores is called Serie A, which was introduced by the local governments in Flores for rural communities in the 1990s. In Serie A as CLC, all the names of clan members are registered as the owners of certain pieces of land. Usually, Serie A is held by the chief of a clan. The land tax will be paid by all individuals whose names are listed in Serie A as landowners. According to Tule (2013), in Nagekeo, there are about 10% of the land with Series A as CLCs, 30% ILCs and 60% without ILCs and Series A.

We argue that CLC programs in rural Flores could bring the following benefits. First, CLC programs may preserve local cultures and traditions in relation to land. Second, CLC programs could encourage people to contribute to enhancing rural development by actively paying taxes. The social control of CLC programs within a clan may push people to pay their taxes. Third, CLC programs could reduce land tenure conflicts as they could make sure that every individual knows clearly the land borders within and outside the clan. Fourth, CLC programs could prevent commodification of land. CLC programs are thus an alternative compromise solution to prevent the dangers of feudalism and capitalism that are targeting rural Flores as the most strategic island for privatization and capital accumulation in agriculture, tourism and mining sectors. However, the CLC in rural Flores should be preceded by agrarian reform by leverage (Powelson & Stock 1987, Wiradi 2000), since land ownership in rural Flores today is still concentrated on the hands of landlords, Chinese businessmen, bureaucrats and political elites, the government and mining and tourism investors (Tolo 2013b, Tolo 2014a, Tolo 2014c).

CONCLUSION

Along with the penetration of capitalism to rural Flores since the colonial era (Gordon 1975), the inequality of land ownership has continued to increase until to date (Tolo 2012). However, amidst of a plethora of land inequality in rural Flores, ILC programs are still introduced to Florenese people by the government. Instead of enhancing rural development in rural Flores, the programs may have actually exacerbated the existing problems of poverty, land inequality and land tenure conflicts as the programs may have undermined the social and cultural cohesion of communities, which is united by collective land ownership. Moreover, ILC programs tend to encourage people to sell their land, which in turn could lead to the concentration of land in the hands of the wealthy. Consequently, this has led to the increase of economic gap between the rich and the

poor in Flores (Tolo 2016). We argue that poverty and land tenure conflict may escalate in the years to come if ILC programs are allowed to continue their programs in rural Flores. We recommend that the government implement CLC programs in Flores as they are more suitable with the cultural and political economy conditions of rural Flores. However, CLC should be preceded by agrarian reform by leverage because land in rural Flores is mainly still concentrated on the hands of the wealthy (Powelson & Stock 1987, Wiradi 2000). Therefore, agrarian reform by leverage must be a prerequisite for the implementation of CLC programs in rural Flores.

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