The price of uncertainty: kampung land politics in post-Suharto Bandung

Gustaf Reerink

Most Indonesian urban poor live in ramshackle settlements called kampungs and occupy land according to tenure arrangements unrecognised by the formal land law regime. Reform since the 1998 fall of Suharto has led to some recognition of these ‘semi-formal’ arrangements. This complicates the ambitious development agenda of a city like Bandung, pitting two sides with seemingly conflicting interests against each other: the urban poor and the municipal government. Both are dissatisfied with Bandung’s land reforms.

In less than a century, Bandung developed from a drowsy town of some 10,000 inhabitants into a metropolitan city of over 2.5 million. Located in the mountainous West-Javanese Province, it has long been a retreat for well-to-do Europeans. After independence, between 1945 and 1965, it was Indonesia’s fastest-growing city, as refugees fled West-Javanese countryside that had become a battleground between the Republican Army and the Dutch Islam movement for the establishment of an Islamic state. Most people moved to relatively safe cities and hundreds of thousands found refuge in Bandung. In later years more migrants came to take advantage of the increased demand for labour. To this day the city attracts newcomers from all over Indonesia.

These vast migration flows, paired with government inaction, spawned many urban kampungs. To the colonial period, the city literally engulfed nearby rural villages. The colonial municipality kept these villages autonomous as legal enclaves that applied their own adat law instead of the system of land rights created by the Dutch Civil Code. As independence and urbanisation increased, many rural migrants moved into these villages, which soon lost their rural character and developed into urban kampungs. Other migrants formed new kampungs by squatting land, mostly along riversides, railway tracks and on graveyards. Because Indonesia did not formalise a housing policy until the 1970s, and because that policy has largely failed to meet the needs of the urban poor, migrants still have no choice but to settle in these kampungs.

Treating the poor like the poor

To this day, urban kampung dwellers do not expect much from the government. During the first decades after independence, they remained more or less autonomous. From the 1970s, when the New Order’s economic policy began to yield a profit, the government started programs to improve kampung living conditions, but land tenure and land use were not addressed. So despite physical, social and economic improvements, most kampungs are not in accordance with the formal land law regime. The 1960 Basic Agrarian Law (BAL) was an attempt to abolish the colonial dualist system of land rights. Unregistered (former) adat land was to be integrated into the system of statutory land rights created by the BAL. In order to accelerate this process, the Indonesian government initiated land registration projects beginning in the 1980s, providing land titles to the poor at low cost, but the projects themselves were costly and had limited reach. Most important, the government pursued an ambiguous policy toward providing the poor with documentation reflecting legal entitlement to their land. With the New Order developmentalist approach gaining prominence, the government wanted free reign to develop any land however it wished. By not acknowledging land tenure arrangements existing outside systems of statutory land rights and traditional adat law, it could do so.

Then, however, a number of presidential decisions diluted the effect of the new laws on regional autonomy. Land issues over which districts and cities have authority are now limited to seven, such as spatial planning and the resolution of conflicts over the unauthorized occupation of land. But districts and cities already had authority over most of these issues, and others, such as the authority to define adat rights, are important for a city like Bandung: So from a legal point of view, not much changed in the urban land sector. Nevertheless, the laws do have an impact on the legal position of Bandung Kampung dwellers, though in a different manner than expected: there is an increased risk of eviction for kampung dwellers from their land ‘but as an increase in the amount of compensation they receive.

Fiscal decentralisation has resulted in what some Indonesians call ‘local revenue obsession’ (obesi PADI). Bandung’s municipal government goes out of its way to attract new investors. It wants the city to become a centre of the services industry, which in practice means shopping malls and factory outlets. To achieve this, the municipality must redevelop land, especially if well-positioned, to meet economic or strategic goals. Kampung land is attractive for this purpose: it can be acquired at low cost and redeveloped it eliminates urban eyesores while upgrading Bandung to a modern metropolitan city.

Kampung power

It is questionable whether the general public supports Bandung’s ambitious urban development agenda. Municipal officials and council members have repeatedly demonstrated that they not only represent the people but also business interests. Local NGOs and academia criticised the latest spatial plan for the lack of transparency in the decision-making process and for its content, for instance: Zulkaidi and Kumala Sari (2004). In that respect, regional autonomy has not met expectations. But kampung dwellers no longer accept land acquisition at any price. Negotiations over compensation last long and are can- tankers. A recent example was the acquisition of land for the Pasupati Blover, in north-central Bandung, which lasted over six years and led to vigorous protests by settlement dwellers affected by the project. In the end most dwellers wel- comed the outcome. Their daring to reject the municipal gov- ernment’s initial offer and organise protests won them rela- tion to a new settlement in the city’s outskirts, or compensation for their buildings and land, even in the case of some squatters.

These are not just power games. Local officials and politicians now acknowledge that kampung dwellers have a right to com- pensation. Still, the outcome of any acquisition of kampung land is uncertain, not only for the urban poor, but as a result of the new socio-political balance, for any government institu- tion or investor wishing to acquire urban land. Recent experi- ences have led the Indonesian government to pass a new reg- ulation that should facilitate efficient land acquisition. However, it applies only to land registered according to the BAL, and otherwise leaves matters of eviction and compensa- tion to the discretion of the municipal government. As long as there is uncertainty about the legal position of kampung dwellers, the once useful flexibility in the system of land law will harm any forms of urban development. In terms of time and money, and given its development ambitions, the Bandung municipality is paying a high price for this uncertainty.

**Works cited**


