



# Final Report

## LAND PROVISION IN CSRRP IMPLEMENTATION



## FOREWORD



The series of earthquakes, tsunamis, and liquefaction disasters that occurred in Central Sulawesi on September 28, 2018, have impacted community activities with damaged housing and infrastructure supporting social and economic activities. Data collection conducted by the National Disaster Management Agency (NDMA) showed that the total damage reached more than 18 trillion rupiah. The settlement sector and basic infrastructure including roads and bridges, irrigation systems, drinking water, wastewater, electricity and communication networks, and public facilities were the most affected.

Rebuilding better, safer, and more sustainable is the vision of restoring life in affected districts. The *Central Sulawesi Rehabilitation and Reconstruction Project* (CSRRP) is present to support this vision through (i) provision of permanent housing units and settlement infrastructure; (ii) rehabilitation and reconstruction of public facilities; and (iii) activity implementation support. In its implementation, CSRRP prioritizes the principles of earthquake-resistant buildings, universal design, risk mitigation for Gender-Based Violence, waste and debris management, and the application of green buildings. CSRRP as part of the Indonesia *Disaster Resilience and Reconstruction* (IDRAR) program also targets improving the preparedness and resilience of disaster-affected, high-risk, and center of economic development areas.

This Study Report on Land Provision in CSRRP Implementation is one of six reports on evaluation and study activities carried out by ESC CSRRP in 2024. The report provides an overview of the types of land provision, budgets, institutional arrangements, land issues, land acquisition processes, and their keys to success, as well as land status and livelihood conditions after occupancy. Stakeholders are expected to learn lessons from this study so that they can better implement rehabilitation and reconstruction activities in post-disaster locations in the future.

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## LIST OF ABBREVIATIONS

APBD	: <i>Anggaran Pendapatan dan Belanja Daerah</i>
APBN	: <i>Anggaran Pendapatan dan Belanja Nasional</i>
BAPPPEDA	: <i>Badan Perencanaan Pembangunan Daerah</i>
BAPPENAS	: <i>Badan Perencanaan Pembangunan Nasional</i>
BP2JK	: <i>Balai Pelaksana Pengadaan Jasa Konstruksi</i>
BP2P	: <i>Balai Pelaksana Penyediaan Perumahan</i>
BNPB	: <i>Badan Nasional Penanggulangan Bencana</i>
BPBD	: <i>Badan Penanggulangan Bencana Daerah</i>
BPPW	: <i>Balai Prasarana Permukiman Wilayah</i>
CPMU	: Central Project Management Unit
CSRRP	: Central Sulawesi Rehabilitation and Reconstruction Project
DAP	: Disaster Affected People
DED	: Detailed Engineering Design
DJCK	: <i>Direktorat Jenderal Cipta Karya</i>
DPKP	: <i>Dinas Perumahan dan Kawasan Permukiman</i>
DPRP	: <i>Dinas Penataan Ruang dan Pertanahan</i>
DPU	: <i>Dinas Pekerjaan Umum</i>
DPZ	: <i>Disaster Prone Zone</i>
DRM/PRB	: Disaster-Risk Management / <i>Penanganan Risiko Bencana</i>
ESC	: Evaluation and Study Consultant
HAT	: <i>Hak Atas Tanah</i>
Huntap	: <i>Hunian Tetap</i>
Huntara	: <i>Hunian Sementara</i>
KPI	: Key Performance Indicators
LAP	: Land Acquisition Plan
LARAP	: Land Acquisition and Relocation Action Plan
LC	: Land Consolidation
LCP	: Land Consolidation Participant
LG	: Local Government
MAASP/NLA	: The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency
NDMA	: National Disaster Management Agency
NMC	: National Management Consultant
NSUP-CERC	: National Slum Upgrading Project-Contingency Emergency Response Component
NSUP	: Nasional Slum Upgrading Project
OPD	: <i>Organisasi Perangkat Daerah</i>





OSP	: <i>Oversight Service Provider</i>
PAD	: <i>Project Appraisal Document</i>
PAP	: <i>Project Affected People</i>
PDO	: <i>Projects Development Objective</i>
PIU	: <i>Project Implementation Unit</i>
PJU	: <i>Penerangan Jalan Umum</i>
PKP	: <i>Perumahan dan Kawasan Permukiman</i>
PMC	: <i>Project Management Consultant</i>
PMU	: <i>Project Management Unit</i>
POKJA	: <i>Kelompok Kerja</i>
POM	: <i>Project Operational Manual</i>
PPK	: <i>Pejabat Pembuat Komitmen</i>
PTSL	: <i>Pendaftaran Tanah Sistematis Lengkap</i>
PUPR	: <i>Pekerjaan Umum dan Perumahan Rakyat</i>
RAB	: <i>Rencana Anggaran Biaya</i>
RAP	: <i>Rencana Aksi Pemindahan / Relocation Action Plan</i>
RPJMD	: <i>Rencana Pembangunan Jangka Menengah Daerah</i>
RPJMN	: <i>Rencana Pembangunan Jangka Menengah Nasional</i>
RPP	: <i>Rencana Penataan Permukiman</i>
RT	: <i>Rukun Tetangga</i>
RTH	: <i>Ruang Terbuka Hijau</i>
RTP	: <i>Ruang Terbuka Publik</i>
RTRW	: <i>Rencana Tata Ruang dan Wilayah</i>
RW	: <i>Rukun Warga</i>
SETDA	: <i>Sekretariat Daerah</i>
SHM	: <i>Sertifikat Hak Milik</i>
SITABA	: <i>Sistem Informasi Tanggap Bencana</i>
SK	: <i>Surat Ketetapan/Keputusan</i>
SKPT	: <i>Surat Keterangan Penguasaan/Pemilikan Tanah</i>
STB-HAT	: <i>Surat Tanda Bukti Hak Atas Tanah</i>
TFL	: <i>Tim Fasilitator Lapangan</i>
TMC	: <i>Technical Management Consultant</i>
TP	: <i>Tanah untuk Pembangunan</i>
TUB	: <i>Tanah Usaha Bersama</i>
WB	: <i>World Bank</i>



## EXECUTIVE SUMMARY

A 7.4 magnitude earthquake with a depth of 10 km north of Palu City, Central Sulawesi Province followed by a tsunami and liquefaction at several points on September 28, 2018, displaced more than 50,000 people. The disaster caused damage to major infrastructure and thousands of public and social facilities in Palu City and surrounding regencies. Based on Presidential Instruction No. 10/2018 on the Acceleration of Rehabilitation and Reconstruction after the Earthquake and Tsunami Disaster in Central Sulawesi Province and Other Affected Areas, the Ministry of Public Works and Housing (MPWH) is responsible for, among others, carrying out rehabilitation and reconstruction of educational, health, economic support, and basic infrastructure facilities; supervising the implementation of rehabilitation and reconstruction of the facilities as mentioned above; and assisting and supervising the construction of earthquake-resistant housing carried out under self-help schemes by the community or contractually.

CSRRP is part of the *Indonesia Disaster Resilience and Reconstruction* (IDRAR) program that aims to rebuild and increase the resilience of selected areas in Indonesia that are affected by disasters, have high risks, and are centers of economic development. CSRRP builds the foundation of the disaster management system in terms of systematic provision of infrastructure, especially housing and public facilities. One of the CSRRP policies is to *relocate* disaster-affected people by constructing approximately 7,000 earthquake-resistant houses in resettlement/relocation locations (new locations). The Ministry of MPWH through CSRRP provides permanent housing and settlement infrastructure that is resilient, decent, and safe in Palu City, Donggala Regency, and Sigi Regency totaling 8,140.

The study asked the following key questions: 1) What is the land provision type, budget, and institutional arrangement in implementing CSRRP? 2) What land issues are faced by central and local governments (Palu, Sigi, and Donggala) in implementing CSRRP? 3) How is the process of land acquisition, the key success and failure of the process? What is the *land acquisition process*, the key successes and failures of the process? 4) What are the land status and livelihoods of the beneficiary of the *huntap*? What is the status of land ownership and livelihoods of the permanent housing beneficiaries? 5) What lessons do we have to replicate the mechanisms to other locations? 6) What is potential recommendation process to implement in the future similar situation?

From the results of a qualitative study of 6 types/methods of land provision in 7 (seven) CSRRP relocation permanent housing locations, this study found:

1. *The CSRRP relocation policy has encouraged innovation and breakthroughs in the provision of land in post-disaster locations to restore livelihoods, legal certainty of land, and safety from disaster risk through the application of 6 types of land provision that work based on regulations and guidelines provided by the project and supported by the government budget. CSRRP implements Small-Scale Land Acquisition through Direct Purchase and Land Swap, and Non-Acquisition through utilizing Ex-HGB state land, community donations through the LC program, and Self-Land Provision, both carried*





out by groups and individuals. Through these two types of land provision, CSRRP succeeded in providing land for permanent housing covering an area of 202.35 Ha, accommodating 4,162 dwellings (3,880 plus 282 housing units built by NSUP-CERC) in Palu City, Sigi Regency, and Donggala Regency with a total land value of Rp 232,506,000,000.00. Small-scale land acquisition: Direct Purchase and Land Swap, succeeded in providing 55.92 Ha of land (28%), accommodating 1,251 dwelling units (30%), which required a budget from the local government budget equivalent to the land value of around Rp 27,466,000,000.00. Utilization of ex-HGB land, community land donations from LC participants, and Self-land provision - collective and individuals, all succeeded in providing 146.49 Ha (72%) of land, accommodating 2,911 dwelling units (70%) with a land value of around Rp 205,040,000,000.00 without acquisition costs from the government budget.

2. *Each type of land provision implemented in CSRRP has different types and degrees of problems (risks).* The government and LGs do not face significant land issues in self-land provision, land donation, and small-scale land acquisition. Issues are prominent in implementing non-acquisition, especially ex-HGB state land utilization. There are claims in both land ownership and assets. The claim resolution impacts adjustments in both contract administration and project work schedules.
3. *Each land provision type implemented by CSRRP works as arranged as regulations and policies and as arranged as specific guidelines of social risk management produced by projects and work at varying amounts of time. There are 6 keys to the success and failure of the land provision process in implementing CSRRP namely; 1) Presidential instruction on accelerating and completing rehabilitation and reconstruction; 2) Compliance of implementation with available regulations and procedures; 3) Effectiveness of Identification, Verification, and Validation of DAP Data, Disaster Prone Zone (DPZ)/ Zona Rawan Bencana (DPZ) Location, and suitability of location with city/regency spatial utilization; 4) Effectiveness of MPWH assistance in planning and implementing land provision, and dispute mitigation and mediation; 5) Cooperation and coordination of MPWH policies, MAASP/NLA, Provincial Governments, city/district governments, and Communities and DAP; 6) The existence of innovation or breakthrough approaches and activities in providing relocation land in dealing with land issues, at the approach and activity level.*
4. Based on the lessons that were acquired from the study, there are the following suggestions:
  - a. *Recommendation for Local Government.* This study acquired the lesson that the types of land provision implemented in CSRRP have the potential to be replicated in the future (if a similar disaster occurs). Before choosing the appropriate one, the study suggested the LG consider the character, potential, and challenges and recommendations about the potential process of each type as found by this study.
  - b. *Recommendation for Executing Agency.* Variations in the types of land provision for relocation at post-disaster locations have different risks. In the future, the executing agency is suggested to consider the keys to the success and failure of land provision, as found in this study, for the advance policy. The project



management and implementers of rehabilitation and reconstruction projects are suggested to complement the social safeguard screening by considering the degree of risk of each type as found by this study. This study also suggests complementing the social safeguard screening procedure by collecting and analyzing rigorously various kinds of preliminary data assisted by consultants.

- c. *Recommendation for Land Sector Authority.* The central government in the land sector is suggested to conduct an advanced study on the process and mechanism of providing land for permanent housing relocation in post-disaster locations to use it as a basis for strengthening regulations and policies, especially the use of ex-HGB/HGU state land, community donations through land consolidation/redistribution scheme, and the self-land provision, which can be shorter in terms of time and able to anticipate social risks that arise.



## CHAPTER 1 INTRODUCTION

### 1.1. Background

A 7.4 magnitude earthquake with a depth of 10 km north of Palu City, Central Sulawesi Province followed by a tsunami and liquefaction at several points on September 28, 2018, displaced more than 50,000 people. The disaster caused damage to key infrastructure and thousands of public and social facilities in Palu City and surrounding districts. Damage to residential (houses) and social sectors such as education, health, and public service office buildings resulted in a decrease in community productivity in the affected locations. The National Disaster Management Agency (NDMA) and support from Non-Governmental Organization (NGOs) are providing temporary housing (*huntara*) for people who lost their homes after the disaster, education, health, and other basic facilities that were severely damaged. Activities in temporary buildings have continued until permanent buildings are rebuilt.

Based on Presidential Instruction No. 10/2018 on the Acceleration of Earthquake and Tsunami Post Disaster Rehabilitation and Reconstruction in Central Sulawesi Province and Other Affected Areas, the Ministry of Public Works and Housing (MPWH) is responsible for, among others, carrying out rehabilitation and reconstruction of education, health, economic support, and basic infrastructure facilities; supervising the implementation of rehabilitation and reconstruction of the facilities as mentioned above; and assisting and supervising the construction of earthquake-resistant housing carried out under self-help schemes by the community and contractually.

The rehabilitation and reconstruction of houses and public facilities in Central Sulawesi Province must be referred to as spatial risks. This causes houses and buildings that were previously in Zone 4 in the Disaster-Prone Zone (high risk) to be relocated to safer places to mitigate future risks. For the new location of *Huntap*, the Regional Government must ensure that the transfer of land assets is *clean and clear*. In addition, rehabilitation and reconstruction activities must ensure compliance with technical standards and adopt a more inclusive design, so that the goal of post-disaster recovery in Central Sulawesi can be achieved.

This study is expected to capture lessons learned from the land provision process and contribute to the formulation of operational guidelines and safeguards for land provision, especially for special and urgent disaster management activities.

### 1.2. Purpose, Objectives, Outputs, and Key Questions

The purpose of this study was to gain an in-depth understanding of land provision as a key challenge for CSRRP implementation and to draw lessons for application in other locations facing similar situations.

The specific objectives of the study are:

1. To map land issues are faced by central and local government (Palu, Sigi, and Donggala) in implementing CSRRP.
2. To analyse the process of land provision, the key success and failure of the process.



3. To analyse the potential recommendation process to replicated in other location (in the context of disaster).

This study is expected to produce outputs.

1. Overview of land issues faced by national and LGs in the implementation of CSRRP;
2. Analyze the results of the land provision process and the key successes and failures of the process.
3. Results of analysis of potential process recommendations for application in other locations (in the context of disasters)

By the TOR, this study asked the following six key questions:

1. What is the land provision type, budget, and institutional arrangement in implementing CSRRP?
2. What land issues are faced by central and local government (Palu, Sigi, and Donggala) in implementing CSRRP?
3. How is the process of land acquisition, the key success and failure of the process?
4. What are the land status and livelihoods of the beneficiary of huntap?
5. What lessons do we have to replicate the mechanisms to other locations?
6. What is potential recommendation process to implement in the future similar situation?

### **1.3. Stages of Study**

The study activities were conducted in the following stages:

1. Conduct Document Review, Secondary Data Analysis, and Meetings. At the end of this process, the ESC will be able to identify information gaps and areas to focus on in the fieldwork.
2. Develop Methodology: The ESC prepares the methodology that will be applied to approach the on-site case study, including justification of the location/case study and data collection methods.
3. Develop Fieldwork Protocols, including interview guidelines, questionnaires, field note templates, and report outlines.
4. Conducting case study fieldwork consists of in-depth interviews, group interviews, or Focus Group Discussions (FGDs).
5. Conduct a workshop. Discuss preliminary field findings, including draft site/case report, field findings, outline of site/case study report, and schedule of further activities. The report is completed a maximum of 2 weeks after the Workshop.
6. Data analysis and preparation of Draft Report. At this stage, the ESC will be responsible for analyzing all reports and preparing the Draft Report.
7. Presentation and Submission of Draft Report by PMU, World Bank team, and other relevant agencies. All these agencies will provide feedback within 2 weeks after the draft report is circulated.



## 1.4. Study Framework and Expected Outputs

The study implementation framework was prepared based on the expected results of this study following the study objectives, key questions, and stages of study activities following the ESC TOR (subchapter 1.3). Based on the objectives and key questions, the main variables were compiled, which also constituted the scope of the study, and then decomposed into indicators/data requirements that were explored according to the method used to serve as the basis for preparing the report. Figure 1 illustrates the study framework and expected outputs.

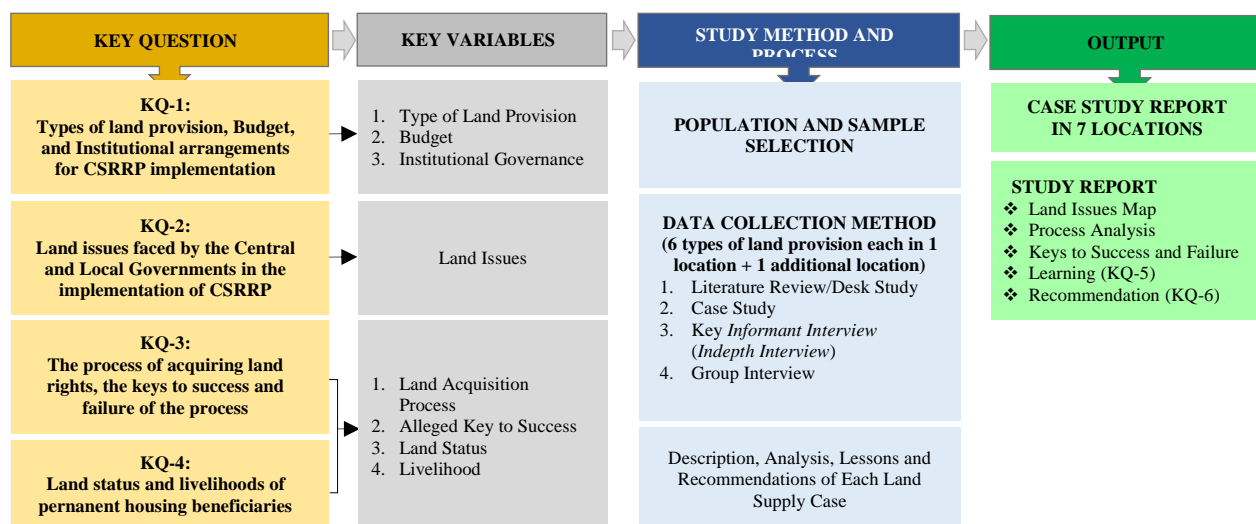


Figure 1 Study Framework and Expected Outputs



## CHAPTER 2 LITERATURE REVIEW

### 2.1. Post-disaster Rehabilitation, Reconstruction, and Relocation

#### Rehabilitation

Referring to the Regulation of the Head of the National Disaster Management Agency (NDMA) Number 4 of 2008 concerning Guidelines for the Preparation of Disaster Management Plans, rehabilitation is the repair and restoration of all aspects of public or community services to an adequate level in post-disaster areas with the main target of normalizing or running reasonably all aspects of government and community life in post-disaster areas. Rehabilitation is carried out through activities; a). repair of the disaster area environment; b). repair of public infrastructure and facilities; c). provision of assistance to repair community houses; d). social-psychological recovery; e). health services; f). reconciliation and conflict resolution; g). socio-economic cultural recovery; h). restoration of security and order; i). restoration of government functions; and j). restoration of public service functions. Rehabilitation activities are a series of activities related to and integrated with pre-disaster activities, emergency response, and early recovery and reconstruction activities.

#### Reconstruction

Reconstruction is the rebuilding of all infrastructure and facilities, institutions in post-disaster areas, both at the government and community levels with the main objectives of the growth and development of economic, social, and cultural activities, the establishment of law and order, and the rise of community participation in all aspects of community life in post-disaster areas (Regulation of Head of NDMA No. 4 of 2008).

Reconstruction is the formulation of policies and efforts as well as well-planned, consistent, and sustainable concrete steps to permanently rebuild all infrastructure, facilities, and institutional systems, both at the government and community levels, with the main target of the growth of economic, social and cultural activities, the establishment of law and order, and the rise of the role and participation of civil society in all aspects of community life in post-disaster areas. The purpose of reconstruction is to permanently rebuild in the long term some or all physical and non-physical facilities and infrastructure, along with all institutional and service systems damaged by disasters, so that their conditions are restored their functions can run properly and the community can be better protected from various disaster threats.

*Community House Restoration.* A house or dwelling house is a building that serves as a place of residence for community members for more than one season. Physically, a house consists of building components, a yard or land where it stands, and utilities (watsan, energy). Excluded from rehabilitation are houses/environments in the category; 1). Rebuilding (included in reconstruction); 2). *Resettlement* and relocation; and 3). Transmigration outside the disaster area.





## Post-disaster Relocation/Resettlement

The concept of resettlement is associated with the act of population transfer as an implication of development. In this context, resettlement is conceptualized as an activity of moving people from one area to another, either individually or collectively, both those affected by development and those not affected by development facilitated by the government. This activity is intended so that those who are moved can restore and improve their household economy as before moving.

Resettlement in the context of disasters is an action to reorganize settlements around disaster-prone areas to minimize casualties if a disaster recurs in the future. Relocation is defined as the process by which a community's housing, assets, and public infrastructure are rebuilt in another location. Relocation is sometimes considered the best option after a disaster for the following reasons: 1). people have been displaced by the disaster; 2). the current location is considered uninhabitable; or 3). relocation is considered the best option to reduce vulnerability to future disaster risks. Community relocation and rehabilitation not only means moving and providing land or housing infrastructure for disaster victims but also helping to rebuild the lives of displaced people by minimizing their vulnerability (Palagi and Javernick-Will 2020).

Post-disaster relocation was conducted in Nangroe Aceh Darussalam Province after the tsunami disaster in 2006. The main instrument in the relocation was Land Acquisition. At that time, Article 12 of Government Regulation instead of Law of the Republic of Indonesia Number 2 of 2007 on the Implementation of Legal Issues in the Context of Implementing the Rehabilitation and Reconstruction of Territory and Community Life in the Province of Nangroe Aceh Darussalam and Nias Islands in North Sumatra Province was referred to, which states that "Land Acquisition for housing relocation of earthquake and tsunami disaster victims is carried out through procedures and mechanisms of deliberation with the community, LG, Rehabilitation and Reconstruction Agency, and other relevant agencies".

## 2.2. Land Acquisition and Land Provision According to Regulations

Agus Sekarmadji, et al in "Inconsistency in the Use of Legal Concepts in the Regulations of Land Acquisition in Indonesia" *Advances in Social Science, Education, and Humanities Research* (ASSEHR), volume 131, International Conference on Law, Governance and Globalization 2017 (ICLGG 2017) discusses variations and inconsistencies in the legal concepts of land provision (*penyediaan tanah*), indirect transfer of title (*pembebasan tanah*), land procurement (*pengadaan tanah*), land acquisition (*perolehan tanah*), and land expropriation (*pencabutan hak atas tanah*), and suggests that the appropriate legal concept is "*acquisition of land rights*".

To gain an understanding of the type of land provision in the Central Sulawesi Rehabilitation and Reconstruction Project (CSRRP), this study refers to the definition of land acquisition and provision contained in the laws and regulations. Two main laws and regulations are referred to: *first*, Law No.2 of 2012 on Land Acquisition for Development in the Public Interest and its derivative regulations, namely Government Regulation No.19 of 2021 and Ministerial Regulation of Agrarian and Spatial Planning /National Land Agency No.19 of 2021;



second, Presidential Regulation No.62 of 2018 on Community Social Impact Handling in the Framework of Land Provision for National Development.

**Table 1. Definition of Land Acquisition and Land Provision Based on Regulations**

Aspects	Land Acquisition	Land Provision
Regulatory Basis	<ul style="list-style-type: none"> <li>- Law No. 2/2012</li> <li>- Government Regulation Number 19 / 2021</li> <li>- Ministerial Regulation of MAASP/NLA Number 19/2021</li> </ul>	Presidential Regulation No. 62/2018
Definition Limitations	The activity of providing land by giving proper and fair compensation to the rightful party.	Acquisition of land required for use in the implementation of national development
Objective	For development in the Public Interest; to improve the welfare and prosperity of the nation, state, and community.	National Development
Provider	Government and/or LG	Government and/or LG (Ed. Institution)
Object of Land Acquisition/Provision	Land, above the land ground, under the land ground, buildings, plants, objects related to land, or other things that can be valued.	Not yet regulated ( <i>Ed.</i> State Land, government-owned land, LG-owned land, BUMN/D-owned land that is informally occupied by the community)
Land Status	Controlled or Owned by the Eligible Party	<ul style="list-style-type: none"> <li>- State Land</li> <li>- Government Land</li> <li>- Land owned by LG</li> <li>- Land owned by BUMN/BUMD</li> </ul>
Scheme/Method	<ul style="list-style-type: none"> <li>- Compensation</li> <li>- Direct Purchase</li> <li>- Land Swap</li> <li>- Other Agreed Ways</li> <li>- Stages of Land Acquisition</li> </ul>	<ul style="list-style-type: none"> <li>- Provision of monetary compensation</li> <li>- Relocation (PAP)</li> </ul>
Planning Document	Doc. Land Acquisition Plan	Doc. Community Social Impact Management Plan

Source: Law No.2 of 2012, Government Regulation No.19 of 2021, Ministerial Regulation of MAASP/NLA No.19 of 2021, Presidential Regulation No.62 of 2018

In Law No.2 of 2012 and its derivative regulations, there are two types of land acquisition based on the urgency situation, namely; 1). Regular land provision, and 2). Land acquisition in urgent situations. In the type of regular land provision (not in an urgent situation), this regulation regulates the provisions of two types of land acquisition based on the area of land held (needed), namely; 1). Small Scale Land Acquisition, with a limit of land area below 5 Ha (not exceeding 5 Ha), and 2). "Large Scale" Land Acquisition, which is land with an area above 5 Ha.



Apart from being different from the aspect of the required land area, the difference between Small Scale Land Acquisition and "Large Scale" Land Acquisition also exists in the provisions of the scheme, process, or method of Acquisition. Small-scale land acquisition can be done in 4 ways, namely; a). Direct Purchase; b). Land Swap; c). other agreed methods, and d) using the stages of Land Acquisition stipulated in this regulation. "Large Scale" Land Acquisition can only be carried out by following the Land Acquisition Stages.

Types of land acquisition in urgent situations consist of 4 types based on the character of the urgency situation, namely; 1). Land acquisition in a state of natural disaster; 2) Land acquisition in a State of War; 3) Land acquisition in a Widespread Social Conflict Situation; and 4). Acquisition of land in a State of Disease Outbreak. In this type of land acquisition in urgent situations, there are no technical provisions regarding the process and stages, except that it is regulated that land acquisition can be carried out directly after determining the location of development for the Public Interest (Article 49).

**Table 2. Types of Land Acquisition Based on Regulations**

Types Based on Urgency	Sub-Types of Land Acquisition	Scheme Type
Regular	Small Scale Land Acquisition (< 5 Ha)	- Direct Purchase, Land Swap, and Other Agreed Methods - Using the Land Acquisition stage
	"Large Scale" Land Acquisition (> 5 Ha)	- Using the Land Acquisition stage
Urgent	- Land Acquisition in the Event of Natural Disaster - Land Acquisition in a State of War - Land Acquisition in Widespread Social Conflict Situations - Land Acquisition in Disease Outbreak Circumstances	- The construction is carried out immediately after the determination of the location of the construction for Public Interest.

Source: Law No.2 of 2012, Government Regulation No.19 of 2021, Ministerial Regulation of MAASP/NLA of 2021

The definition of Small Scale Land Acquisition as stated above is the activity of providing land for an area of no more than 5 (five) hectares. In Small Scale Land Acquisition, some provisions are regulated, namely; 1). regarding the method (as stated above); 2) provisions regarding location determination, 3). planning documents, 4). requirements for compliance with spatial utilization, and 5). land valuation carried out by an independent institution. These provisions are regulated both in Government Regulation No.19 of 2021 and in Ministerial Regulation of MAASP/NLA No. 19 of 2021. There are differences between the two regulations in terms of regulating the 5 aspects mentioned above as presented in Table 3 below.

**Table 3. Small-Scale Land Acquisition Schemes Based on Regulations**

Aspects	PP No.19 of 2021, Ps 126 - 127		Ministerial Regulation of MAASP/NLA No.19 of 2021, ps 146 - 151	
Scheme/Method	Direct Purchase, Land Swap, Other Agreed Methods	Stages of Land Acquisition (there is no provision for when this scheme is used)	Direct Purchase, Land Swap, Other Agreed Methods	Stages of Land Acquisition • Applied when community resistance is expected; location of Land Acquisition is not feasible to relocate.
Penlok	There is no provision yet	Determined by the Regent/Mayor	Does not require Penlok (ps 147, paragraph 1)	Determined by the Regent/Mayor (Ps 148)



Aspects	PP No.19 of 2021, Ps 126 - 127		Ministerial Regulation of MAASP/NLA No.19 of 2021, ps 146 - 151	
<b>Land acquisition planning document</b>	<ul style="list-style-type: none"> <li>Land Acquisition Planning Document following the provisions of PS 6 &amp; 7 PP No.19 of 2021</li> <li>The work plan of the Agency Requiring Land</li> </ul>	<ul style="list-style-type: none"> <li>Following the stages of Land Acquisition as referred to in Article 3 of Government Regulation No. 19 of 2021</li> </ul>	There is no provision yet.	Land Acquisition Plan prepared in the form of DPPT and feasibility study at least.
<b>Utilization Suitability Requirements</b>	<ul style="list-style-type: none"> <li>Following the Suitability of Space Utilization Activities (ps 126, paragraph 3)</li> </ul>	<ul style="list-style-type: none"> <li>If the location has already been determined, there is no need for requirements for suitability of spatial utilization activities, technical land considerations, outside the forest area and the mining area, outside the peat area / coastal area, environmental impact analysis, (ps 127, paragraph 1)</li> </ul>	<ul style="list-style-type: none"> <li>Must be following the suitability of space utilization activities (ps 146, paragraph 2)</li> </ul>	<ul style="list-style-type: none"> <li>The suitability of Spatial Utilization Activities and feasibility of location and outlined in the feasibility study document</li> </ul>
<b>Land Valuation</b>	Using the results of the Independent Appraisal Service valuation			

Source: Government Regulation No.19 of 2021, Ministerial Regulation of MAASP/NLA of 2021

As previously stated, Land Acquisition in Natural Disaster Conditions is regulated in Article 49 of Law No.2 of 2012, and in Government Regulation No.19 of 2021 Article 118 paragraphs 1-4. The two regulations regulate provisions regarding; 1). Determination of Location; 2). Notification to the Eligible Party; 3). Determination of Urgent Circumstances; 4). Implementation of Development; and 5). Compensation for Loss. There are differences in the provisions between the two regulations in the 5 aspects presented in Table 4 below.

**Table 4. Regulation on Land Acquisition Scheme in Natural Disaster Conditions**

Aspects	Law No.2 Year 2012 Article 49, paragraph 1 - 3	Government Regulation No.19 of 2021 Article 118, paragraphs 1 - 4
<b>Penlok</b>	Determined after notification to the entitled party	Determined by the Governor/Regent/Mayor following the authority
<b>Notification to Eligible Parties</b>	Notification to the rightful party is done before location determination	There is no provision yet
<b>Determination of Urgent Circumstances</b>	There is no provision yet	Conducted by the National Government/LG
<b>Development</b>	The construction can be carried out immediately after the determination of the construction location, even if there is an objection or lawsuit in court.	The construction can be carried out immediately after the determination of the construction location even if there is an objection or lawsuit in court.
<b>Compensation</b>	There is no provision yet.	The granting of compensation to the Eligible Party is carried out based on the provisions of this Government Regulation.

Source: Law No.2 of 2012, Government Regulation No.19 of 2021, Ministerial Regulation of MAASP/NLA of 2021

In addition to referring to the laws and regulations on Land Acquisition, to identify the type of land provision in CSRRP, Presidential Regulation No.62/2018 on Community Social Impact Management (PDSK) is also referred to. As the name of the regulated subject suggests, this regulation is not primarily a regulation on land provision but a regulation on Social Impact Management. Land provision is the context for the provisions on community social impact management. In this regulation there are 7 main provisions, which are related to; 1). Type of development project; 2) Status of Land provided; 3). Type of Land Provider; 4). Planning Document; 5). Implementation Team; 6). Impact management scheme; and 7). Activity funding. A summary of the provisions is presented in the table below.

**Table 5. Regulation on Social Impact Management for Land Provision**

Project Type	Land Status	Land Provider	Planning Document	Implementation Team	PDSK Scheme	Funding
<b>National Strategic Project</b>	<ul style="list-style-type: none"> <li>State Land</li> <li>Government Land</li> </ul>	<ul style="list-style-type: none"> <li>Ministry/Agency</li> <li>LG</li> </ul>	Community Social Impact	Integrated Team/Community	<ul style="list-style-type: none"> <li>Money</li> </ul>	According to the Level of



Project Type	Land Status	Land Provider	Planning Document	Implementation Team	PDSK Scheme	Funding
<b>National Strategic Non-Projects</b>	<ul style="list-style-type: none"> <li>- Land owned by LG</li> <li>- Land owned by BUMN and or BUMD</li> </ul>	<ul style="list-style-type: none"> <li>• SOE/D</li> </ul>	Management Plan (PDSK) Document  (Delivered to the Governor)	Social Impact Handling Team (Established by the Governor may be delegated to the Regent/Mayor through decree)	<ul style="list-style-type: none"> <li>• Relocation (PAP)</li> </ul>	the Agency that requires Land (APBN, APBD, Company Budget)

Source: Presidential Regulation No. 62 of 2018, Minister of Agrarian and Spatial Planning/NLA Regulation No. 6 of 2020.

**Table 6. Types of Regulations on Social Impact Management for Land Provision**

No.	National Legislation	About	Subject
<b>A</b>	<b>Presidential Regulation</b>		
1	<u>Presidential Regulation No. 62 Year 2018</u>	Handling Social Community Impacts in the Framework of Land Provision for National Development	Agrarian, Land, Spatial Planning - Procurement of Goods/Services - Aid, Donations, Disasters/Disaster, and Disaster Management
<b>B</b>	<b>Ministerial Regulation of MAASP/NLA</b>		
1	<u>Ministerial Regulation of MAASP/NLA Number 6 of 2020</u>	Provisions for the Implementation of Presidential Regulation No. 62/2018 on the Handling of Societal Impacts in the Framework of Land Provision for National Development	Agrarian, Land, Spatial Planning - Goods/Services Procurement
<b>C</b>	<b>Ministerial Regulation of Minister Home Affairs</b>		
1	<u>Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 117 of 2018</u>	Funding for Handling Social Community Impacts in Land Provision Framework for National Development Which Sourced from the Regional Budget	Agrarian, Land, Spatial Planning - APBD - Goods/Services Procurement - State/Local Financial Management - People's Welfare, Social Welfare

Source: <https://peraturan.bpk.go.id/>

## **Land Status and Types of Land Rights**

This study is expected to explore the status of land in the implementation of CSRRP, both before development, during development, after development is carried out, and the status of land after being occupied by the PAPs. To identify the types of land status and/or land rights, this study refers to the types of land rights regulated by Law No.5 of 1960 on Agrarian Law (UUPA), Law No.11 of 2020 on Job Creation, and Government Regulation No. 18 of 2021 on Management Rights, Land Rights, Flat Units, and Land Registration. The types of land rights are presented in Table 7. Land Rights are "rights obtained from the legal relationship between the right holder and the Land, including the space above the Land, and/or the space beneath the Land to control, own, use, and utilize, as well as maintain the Land, the space above the Land, and/or the space beneath the Land" (Article 1, Government Regulation No.18 of 2021).



**Table 7. Types of Land Status and Land Rights Based on Regulations**

Law No. 5 of 1960	Government Regulation No.18 Year 2021
<ul style="list-style-type: none"> <li>• <b>State Land</b></li> <li>• Customary Rights of Indigenous Peoples</li> <li>• <b>Property Rights</b></li> <li>• Right of Use-Enterprise</li> <li>• <b>Right of Use-Building</b></li> <li>• Right to Use</li> <li>• Rental Rights</li> <li>• Right to Open Land</li> <li>• Right to Collect-Forest Products</li> <li>• Other rights not included in the aforementioned rights will be determined by law as well as temporary rights.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>State Land</b> (reorganization of use, utilization, and ownership is then under the authority of the Minister)</li> <li>• Management Rights</li> <li>• Right to Use</li> </ul>
	<p><b>Law No.11 of 2020</b></p> <ul style="list-style-type: none"> <li>• Management Rights (HPL)</li> </ul> <p>Rights on HPL based on Utilization Agreement</p> <ul style="list-style-type: none"> <li>• <b>HGB</b></li> <li>• <b>HGU</b></li> <li>• Right to Use</li> </ul>

Source: Law No.5 of 1960, Law No.11 of 2020, Government Regulation No.18 of 2021

The definition of each type of Land Right has been formulated in the 3 laws and regulations mentioned above, along with other provisions related to the transfer of rights and the extinguishment of rights. For example, State Land is defined as:

*"Land directly controlled by the state is land that is not attached to any land rights, not waqf land, not customary land, and/or is not an asset of state property / regional property. Land included in the qualification of state land is Land stipulated by Law or Government Stipulation; Reclaimed land; Land arising; Land derived from the release/surrender of rights; Land derived from the release of forest areas; Abandoned Land; Land rights that expire and are not requested for Extension and/or Renewal; Land rights whose term expires and due to Central Government policy cannot be extended; and Land that originally had the status of State Land."* ((Article 1 point (2) and Article 2 point (3) of Government Regulation No. 18 of 2021 on Management Rights, Land Rights, Residential Units, and Land Registration)

Several types of land rights regulated in these regulations will be the focus of this study, namely *hak milik* and *hak guna bangunan*. The provisions on *hak milik* and *hak guna bangunan* are regulated in Law No.5 of 1960 and Government Regulation No.18 of 2021, the definitions and some of the provisions are presented in Table 8 and Table 9.

**Table 8. Definition of Hak Milik, HGU, and HGB in Law No.5 of 1960**

HAT Type	Definition	Methods of Transfer and Abolition of Land Rights
Property Rights	Hak milik is the hereditary, strongest, and fullest right that people can have over land.	<ul style="list-style-type: none"> <li>• Direct Purchase, Land Swap, donation, gift by will, gift according to custom, and other acts intended to transfer property rights.</li> <li>• The right of ownership lapses if: a. the land falls to the state, due to: 1) revocation of rights according to Article 18 (In the public interest, including the interests of the nation and the State and the common interests of the people, land rights may be revoked, by providing adequate compensation and in a manner regulated by Law); 2. due to voluntary surrender by the owner; 3. due to abandonment; b. the land is destroyed.</li> </ul>
Cultivation Rights Title (HGU) Article 34	Hak guna-usaha is the right to cultivate land directly controlled by the State.	<ul style="list-style-type: none"> <li>• A hak guna-usaha (right to cultivate) is created by a Government stipulation and can be transferred to another party.</li> <li>• A hak guna-usaha is nullified because a. its term expires; b. it is terminated before the term expires because a condition is not met; c. it is released by the right holder before the term expires; d. it is revoked in the public interest; e. it is abandoned; f. the land is destroyed.</li> </ul>
Hak Guna Bangunan (HGB)	Hak guna-bangunan is the right to construct and own buildings on land that is not	<ul style="list-style-type: none"> <li>• Right of use for construction is created: by Government stipulation (for State land); by agreement (for Owned Land); Right of use for construction can be transferred and assigned to another party.</li> </ul>





HAT Type	Definition	Methods of Transfer and Abolition of Land Rights
Article 40	one's own, for a maximum period of 30 years.	<ul style="list-style-type: none"> <li>Building-use rights are extinguished because a. the term expires; b. it is terminated before the term expires because a condition is not met; c. it is released by the right holder before the term expires; d. it is revoked in the public interest; e. it is abandoned; f. the land is destroyed.</li> </ul>

Source: Law No.5 of 1960

**Table 9. Transfer and Abolition of HGU and HGB**

HAT Type	Methods of Transfer and Abolition of Land Rights
Cultivation Rights Title (HGU)	<ul style="list-style-type: none"> <li>A hak guna usaha on State Land is granted by a decree granting the right by the Minister. A hak guna usaha can be transferred, assigned, or released to another party, and the right can be changed.</li> <li>A hak guna-usaha is nullified due to: a. the expiration of the term as stipulated in the decision to grant, extend, or renew the right; b. the right is canceled by the Minister before the term expires due to: 1. non-fulfillment of the obligations and/or prohibitions as referred to in Article 27 and/or Article 28; 2. administrative defect; or 3. a court decision that has obtained permanent legal force; c. the right is converted into another Land Right; d. voluntarily relinquished by the right holder before the expiry of the term; e. released for the public interest; f. revoked under the Law; g. designated as Neglected Land; h. designated as Destruction Land; i. the expiry of a Land utilization agreement, for a hak guna usaha on the land of a Management Right; or j. the right holder no longer qualifies as the subject of the right.</li> </ul>
Hak Guna Bangunan (HGB)	<ul style="list-style-type: none"> <li>Building rights on State Land are granted by a decree granting the right by the Minister. A hak guna-bangunan can be transferred, assigned, or released to another party and its rights can be changed.</li> <li>A hak guna-bangunan is nullified due to: a. the expiration of the term as stipulated in the decision to grant, extend, or renew the right; b. the right is canceled by the Minister before the term expires due to: 1. non-fulfillment of the provisions of obligations and/or prohibitions as referred to in Article 42 and/or Article 43; 2. non-fulfillment of the conditions or obligations stipulated in the agreement on the granting of a building use right between the holder of the building use right and the holder of the property right or the agreement on the utilization of the Management Rights Land; 3. administrative defect; or 4. a court decision that has obtained permanent legal force; c. the right is converted into another Land Right; d. voluntarily relinquished by the holder of the right. Voluntarily relinquished by the right holder before the expiry of the term; e. released for public interest; f. revoked based on the Law; g. designated as abandoned land; h. designated as destroyed land; i. expiry of the right granting agreement or land utilization agreement for the right to use a building on a hak milik or hak Pengelolaan; and/or; J. the right holder no longer qualifies as the subject of the right.</li> </ul>

Source: Government Regulation No.18 Year 2021

In addition to the regulations discussed above, CSRRP developed an *Environment and Social Management Framework (ESMF)* that refers to various regulations in Indonesia and the World Bank's *ESMF Vol 1 and ESMF Vol 2*. The framework explains that *Land Acquisition* refers to all methods of acquiring land for a specific purpose, which can include outright purchase, expropriation of property, and acquisition of access rights, such as easements or rights of way. *Land Acquisition* may also include: 1). acquisition of vacant or underutilized land, whether or not the landowner depends on the land for income or livelihood purposes; 2). repossession of public land used or occupied by individuals or households; and 3). project impacts that result in land being submerged or becoming unusable or inaccessible.

### Financing and Acquisition Budget

Law Number 2 Year 2012 contains a provision that Funding for Land Acquisition for Public Interest is sourced from the State Budget (APBN) and/or Regional Budget (APBD). The budgeting plan for Land Acquisition for development in the Public Interest must be available following the Location Determination period. Land acquisition sourced from the APBD is regulated in the Regulation of the Minister of Home Affairs of the Republic of Indonesia No.72 of 2012 concerning Operational Costs and Supporting Costs for the Implementation of Land Acquisition for Development in the Public Interest.

Another regulation related to financing is the provision of financing in the implementation of land consolidation which is regulated in the Ministerial Regulation of MAASP/NLANumber 12 of 2019. The regulation contains provisions for financing the



implementation of Land Consolidation from the following sources: 1). Community participation; 2). APBN; 3). APBD and/or; 4). Other legal sources of financing.

Presidential Regulation Number 62 of 2018 contains provisions for funding required in the implementation of Community Social Impact Handling sourced from; 1). APBN, if the agency that requires land is a ministry/institution, which is further regulated in the Minister of Finance Regulation; 2). APBD, if the agency requiring land is an LG, which is further regulated in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 117 of 2018; and/or 3). Company Budget, if the agency requiring the land is a State-Owned Enterprise or Regional-Owned Enterprise.

The technical activities of planning, budgeting, implementing, administering, reporting, accountability, and supervision of regional finances are guided by the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 77 of 2020 concerning Technical Guidelines for Regional Financial Management and specifically to the Regional Regulation on APBD which contains general policies and APBD expenditures, provisions regarding the value of the budget, the expenditure items used, and how the Budget User (PA)/Authority of Budget Users (KPA) plans and budgets, and through the appointed Technical Implementation Officer (PPTK) realizes the budget for post-disaster land provision.

### **Institutional arrangements for land provision**

This study identifies the institutional arrangements for land provision in CSRRP. The scope of the definition of institutional arrangements in this study is; 1). The laws and regulations and/or policies that form the basis for land provision; 2). Organizations that serve as implementing units (including coordinating units, and/or planning units) for land provision, and 3). coordination, authority, and roles of stakeholders in land provision.

CSRRP published a *Stakeholder Engagement Plan (SEP)* document. The document identified 4 main interest groups, namely; 1). Communities, social groups, and organizations that will benefit directly and indirectly from the project; 2). Potentially negatively affected communities including local communities in the relocation target areas; 3). Government and civil society organizations; and 4). Implementing agencies and agencies with authority for environmental and social risk management including institutions that have influence and make decisions related to project implementation.

### **2.3. Definition of Livelihood**

This study utilizes two regulatory references to capture the livelihoods of the DAPs after years in permanent housing. The first is Law No. 24/2007 on Disaster Management, second, is Government Regulation No. 21/2008 on the Implementation of Disaster Management. Livelihood restoration in these two regulations refers to provisions on rehabilitation. There are two types of improvements that this study refers to as livelihoods, namely: 1) access to public infrastructure and facilities, and 2) restoration of social, economic, and cultural living conditions as they were before the disaster.

Some other laws and regulations are referred to by project managers and implementers in DAPs livelihood restoration activities. The box below provides a summary of these regulations.

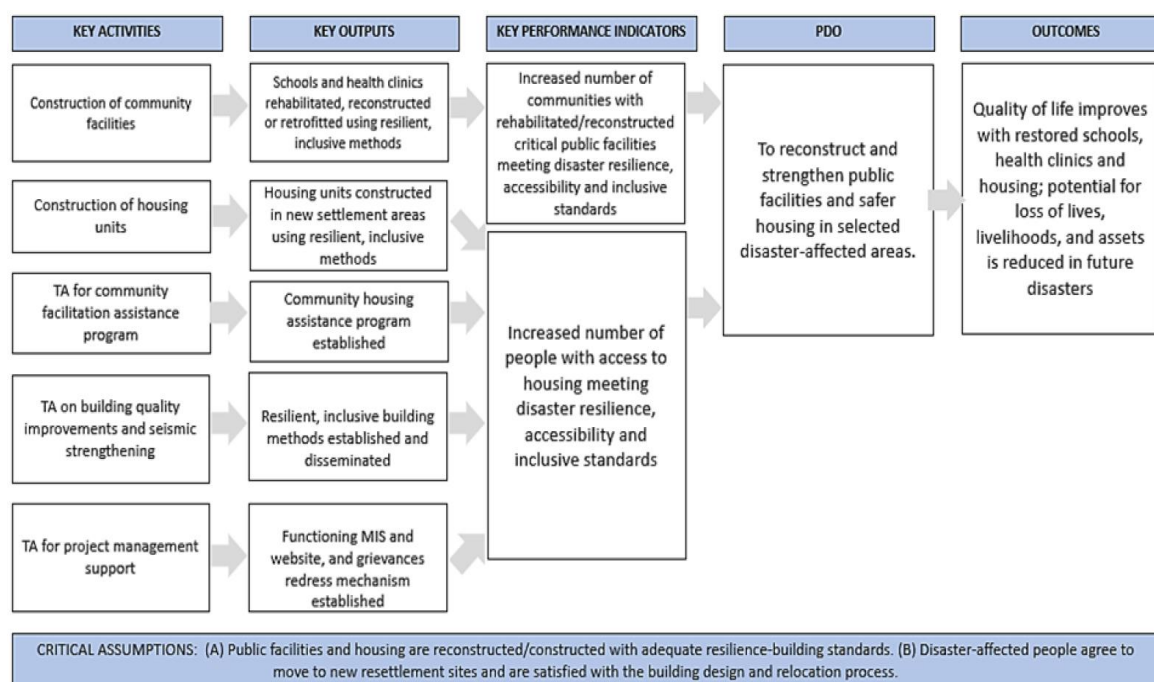


List of Laws and Regulations/Policies Related to Livelihood Restoration	
1.	Law Number 3 Year 1999 on Human Rights
2.	Law Number 11 of 2005 International Covenant on Economic, Social and Cultural Rights.
3.	Law No. 14/2008 on Public Information Disclosure
4.	Law Number 8 Year 2016 Persons with Disabilities
5.	Law No. 14/2018 on Transparency of Public Information
6.	Government Regulation No. 81/2012 on Garbage and Household Waste Management
7.	Government Regulation No. 82/2001 on Water Quality Management and Water Pollution Management
8.	Regulation of the Minister of Home Affairs No. 7 of 1983 concerning the Establishment of Neighborhood Associations and Community Associations

Source: RAP *Huntap 7* Study Sites

## 2.4. A Glance of Central Sulawesi Rehabilitation and Reconstruction Project

CSRRP is part of the *Indonesia Disaster Resilience and Reconstruction (IDRAR)* program that aims to rebuild and improve the resilience of selected areas in Indonesia that are affected by disasters, have high risks, and are centers of economic development. In addition to CSRRP, IDRAR consists of the *Indonesia Disaster Initiative Project (IDRIP)* which focuses on improving disaster preparedness capacity. CSRRP seeks to build the foundation of a disaster management system in terms of systematic provision of infrastructure, especially housing and public facilities.



Source: *Project Appraisal Document*, World Bank, 2019

**Figure 2 Diagram of CSRRP Activities, Outputs, Performance Indicators, Outcomes**

One of the CSRRP policies is to *resettle (relocate)* disaster-affected residents through the construction of approximately 7,000 earthquake-resistant houses in resettlement/relocation locations (new locations). Based on Presidential Instruction No.10 of 2018 concerning the Acceleration of Rehabilitation and Reconstruction after the Earthquake and Tsunami Disaster in Central Sulawesi Province and Other Affected Areas, the Ministry of Public Works and Public



Housing (MPWH) through CSRRP plans to provide permanent housing and settlement infrastructure that is resilient, decent and safe in Palu City, Donggala Regency, and Sigi Regency as many as 8,140. This activity is Component 1 of CSRRP with the output target of building permanent housing units in new settlement areas. The CSRRP *Project Appraisal Document (PAD)* explains that there are three components of program activities, namely; 1). Provision of resilient permanent housing units and settlement infrastructure; 2). Rehabilitation and reconstruction of public facilities; and 3). Activity implementation support. Within these activities, there are activities to increase the capacity of LGs, which is also a target achievement of CSRRP implementation. To achieve these targets, CSRRP and the LG developed a resettlement (relocation) policy to increase the number of DAPs who have access to permanent housing and settlement infrastructure again. The expected impact is restoring DAPs' social and economic activities to pre-disaster conditions.

**Table 10. Provision of Permanent Housing Units in Central Sulawesi**

No.	Category	Forms of Permanent Housing Assistance and Criteria
1.	Government Funds	<ol style="list-style-type: none"> <li>1. In situ, with a degree of damage: <ol style="list-style-type: none"> <li>a. Lightly Damaged</li> <li>b. Medium Damaged</li> <li>c. Severely Damaged</li> </ol> </li> <li>2. Relocation <ol style="list-style-type: none"> <li>a. Located in Disaster Prone Zone (DPZ) 4 or following the applicable RTRW Regulation</li> <li>b. Lost house</li> </ol> </li> </ol>
2.	Non-Government Funds	A mutual agreement was required between the government and the funding source.

Source: CSRRP POM

**Table 11. Number of Affected Houses**

No.	City/District	Lightly Damaged (unit)	Medium Damaged (unit)	Heavy Damaged (unit)	Total (unit)
1	Palu City	17,293	12,717	12,854	42.864
2	Sigi Regency	10,612	6,480	13,144	30.236
3	Donggala Regency	7,989	6,099	7,290	21.378
4	Parigi Moutong Regency	4,191	826	533	5.550
<b>Total</b>		<b>40.085</b>	<b>26.122</b>	<b>33.821</b>	<b>100.028</b>

Source: NDMA, February 27, 2019, in CSRRP OSP Quarterly Report Week I, April 2024

**Table 12. CSRRP Permanent Housing Relocation Plan**

No.	City/District	Initial Plan (Unit)	August 2022 Plan (unit)
1	Palu City	7,913	4,738
2	Sigi Regency	2,665	2,011
3	Donggala Regency	1,210	1,391
<b>Total</b>		<b>11,788</b>	<b>8,140</b>

Source: CSRRP OSP Quarterly Report Week I, April 2024

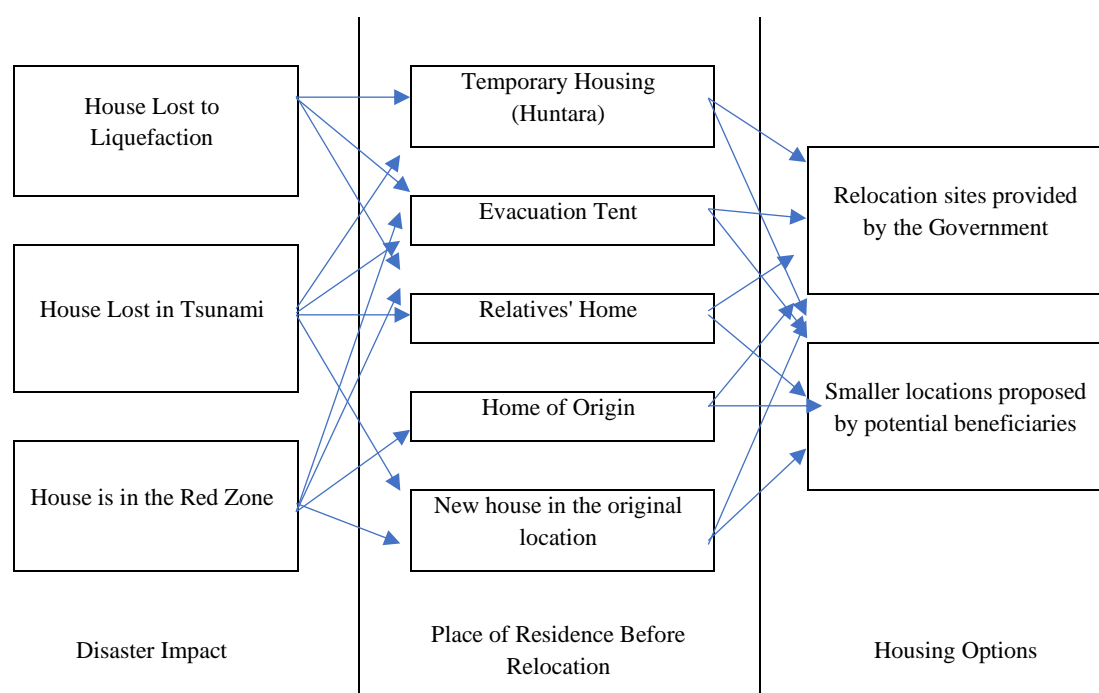
The relocation strategies of LGs in the 3 CSRRP target cities/districts vary. The strategy of the Palu City Government is to provide safe and suitable relocation land for housing and settlements. The Donggala district government plans to establish a New Building Assistance



(Relocation) program in Banawa, Tanantovea, Sindue, and Sirenja sub-districts, then plans to request land use permits from the Central Sulawesi Provincial Forestry Service, and plans to provide relocation land in Kelurahan Pombewe, Sigi Biromaru sub-district. The Sigi district government plans to carry out the priority relocation (DPZ 4 Liquefaction) Ex-situ development of 893 units spread across three sub-districts (Sigi Biromaru, Dolo, and Tanambulava), and the second priority relocation (DPZ 4 Non-Liquefaction) of 1,201 housing units (sourced from the Rehabilitation and Reconstruction Plan Document (R3) of the Government of Palu City, Donggala Regency, and Sigi Regency).

The permanent housing relocation policy was designed using a participatory inclusive approach involving LGs, communities, and potential beneficiaries, especially beneficiaries who lost their homes due to *liquefaction* and tsunami, as well as beneficiaries who cannot rebuild their homes due to the red zone policy in the *liquefaction* site area.

Five classifications of disaster-affected communities are currently targeted for the provision of settlement infrastructure (Component 2), determined by where they lived before relocation. For the first phase of project implementation, priority is given to families living in temporary housing (*huntara*) as well as those still in tents. The next phase will target those living in red zones including coastal areas once the Detailed Spatial Plan (RDTR) is issued by the District/City government. Beneficiaries must agree to the condition not to return to their original location and their original house if still standing must be demolished.



**Figure 3 CSRPP Relocation Approach Diagram**

Relocation scheme:

1. Relocation to designated land: at the time this document was prepared, the following sites had been proposed through a Governor's Decree, which include: Duyu, Tondo-Talise, and Pombewe Olobuju. Communities will be given the option to relocate to these areas





- and priority will be given to affected communities living close to the designated land to minimize impacts on their livelihoods (e.g. Balaroa communities relocating to Duyu);
2. Satellite-scale relocation: a smaller-scale relocation option (location to be identified later) proposed by the potential beneficiaries themselves in the form of a group. The group will be assisted in identifying potential land as well as the administrative process of transferring ownership. The potential land is subject to further assessment process with consideration of the safety and legal status of the proposed land;
  3. Self-relocation is considered as an alternative option. The financing scheme is considered to follow the self-help housing assistance scheme of the One Million Houses Program (national housing provision) or REKOMPAK.

Based on the CSRRP Stakeholder Engagement Plan, the Government was responsible for assessing the needs and mapping the communities with the support of the CSRRP facilitator team. In the initial stage, the number of families targeted for relocation was determined, including the DAPs whose houses were located in the red zone. CSRRP designed a participatory planning process from needs assessment to construction planning.

The governments of Palu City, Donggala Regency, and Sigi Regency validated the targets of disaster-affected people who became potential beneficiaries, including their relocation preferences in the provision of settlement infrastructure. Beneficiary data was re-validated and verified by the facilitator team. The criteria and indicators used for beneficiary selection were jointly formulated to ensure that only disaster-affected families were eligible for project benefits in the provision of permanent housing and settlement infrastructure.

### Types of permanent housing

The CSRRP relocation policy resulted in 3 types of permanent housing which according to the typology used by the program consist of; 1). Area-Scale Permanent Housing (*Huntap Kawasan*); 2). Satellite-Scale Permanent Housing (*Huntap Satelit*); and 3). Self-Land Provision Permanent Housing (*Huntap Mandiri*). The term "permanent housing" used by CSRRP is the same as the term 'housing' and or 'house' whose meaning is regulated by Law No.1 of 2011 concerning Housing and Settlement Areas and its derivative regulations (such as Government Regulation No.14 of 2016 concerning the Implementation of Housing and Settlement Areas).

According to Law No.1/2012 on Housing and Settlement Areas, *housing* is a collection of houses as part of settlements, both urban and rural, equipped with infrastructure, facilities, and public utilities as a result of efforts to fulfill livable housing, with the number of houses at least 50 (fifty) to 1,000 (one thousand) houses (Minister of Public Housing Regulation No.10/2012). The development of area-scale permanent housing and satellite-scale permanent housing in this sense falls into the category of housing development, while self-provision permanent housing is more about the development of housing units spread across some locations. CSRRP designed three types of permanent housing with the characteristics presented in Table below.





**Table 13. Characteristics of Permanent Housing**

Type of Permanent Housing	Land Size	Construction of Housing	Construction of Settlement Infrastructure	Number of Housing Units
Area-Scale	> 5 Ha	Contractual	Contractual	655 - 961
Satellite-Scale	< 5 Ha	Contractual	Contractual	50 - 200
Collective Self-Land Provision	< 5 Ha	Contractual	Contractual Quality Improvement and Existing Conditions	300
Individual Self-Land Provision	< 5 Ha	Contractual	Existing conditions	5-30

Source: processed from PMC Report

**Table 14. Number of Permanent Housing Locations**

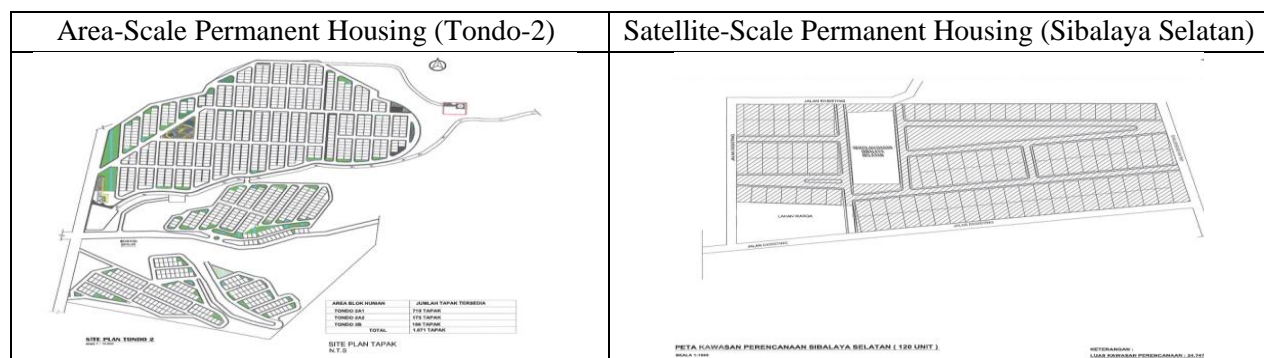
Type of Permanent Housing	Number of Villages	Number of Location	Number of Housing (Unit)	Land Size (Ha)
Area-Scale	3	3	2.309	112,14
Satellite-Scale	17	26	1.310	55,92
Self-Land Provision	15	264	261	19,55
Total CSRRP	32*)	293	3.880	202,41

Source: CSRRP OSP Report, W1 April 2024

\*) There are 3 villages in Palu City whose names overlap with the Area-scale permanent housing, namely Tondo, Petobo, and the *Huntap* Satellite-scale of Talise Panau Site in *Kelurahan* Panau



**Figure 4 Photos of the Type of Permanent Housing Developed by CSRRP**



**Figure 5 Example of Siteplan**

## CHAPTER 3 METHODOLOGY

### 3.1. Scope of Study

The study objectives and key questions in the TOR form the basis of the scope of the substance or themes studied in this study. There are 7 themes of study substance, namely: 1) Types of Land Provision, 2) Land Provision Budget, 3) Institutional Arrangement in Land Provision, 4) Land Issues faced by the Government and LGs, 5) Process of Provision/Acquisition of Land Rights, 6) Land Status, and 7) Livelihood.

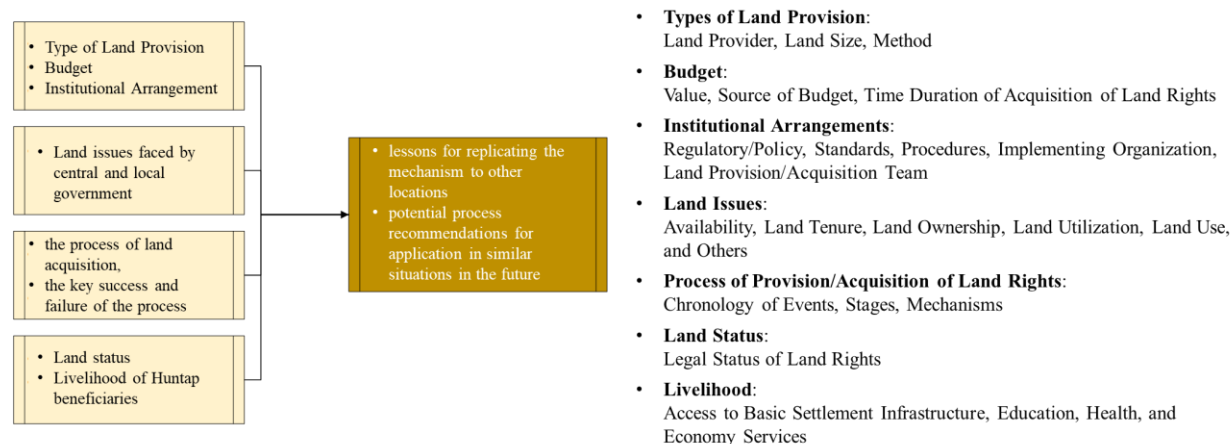


Figure 6 Scope of Study Diagram

### 3.2. Approaches and Strategies

The study used a qualitative approach with a *case study* strategy to understand and draw lessons from the implementation of land provision in CSRRP. The study examined seven (7) cases of land provision that were characterized by different processes and procedures. The study documented and examined the land issues, mechanisms applied, sequence of events and activities, financing and budget sources, governance, explanations for success, and lessons learned from the experience of each case according to the scope of the issues that the key questions sought to answer. The documentation of experiences across cases is the basis for lessons learned on land provision in CSRRP.

#### *Population and Sample of Cases*

The population is all CSRRP permanent housing relocation target sites in Palu City, Donggala Regency, and Sigi Regency (indicated by the number of Permanent Housing LAP documents). The TOR states that since the study will be base of producing specific mechanism and policy for land acquisition issues, the study should address: (a) Locations with or without conflict as the land acquisition was processed. (b) national government, local government and communities both are willing to work on the land provision, (c) Scale of land problems: light, medium, heavy. From various experiences of land provision mechanisms: a). land acquisition, b). land buying, c). consolidation of land, and d) land grant.



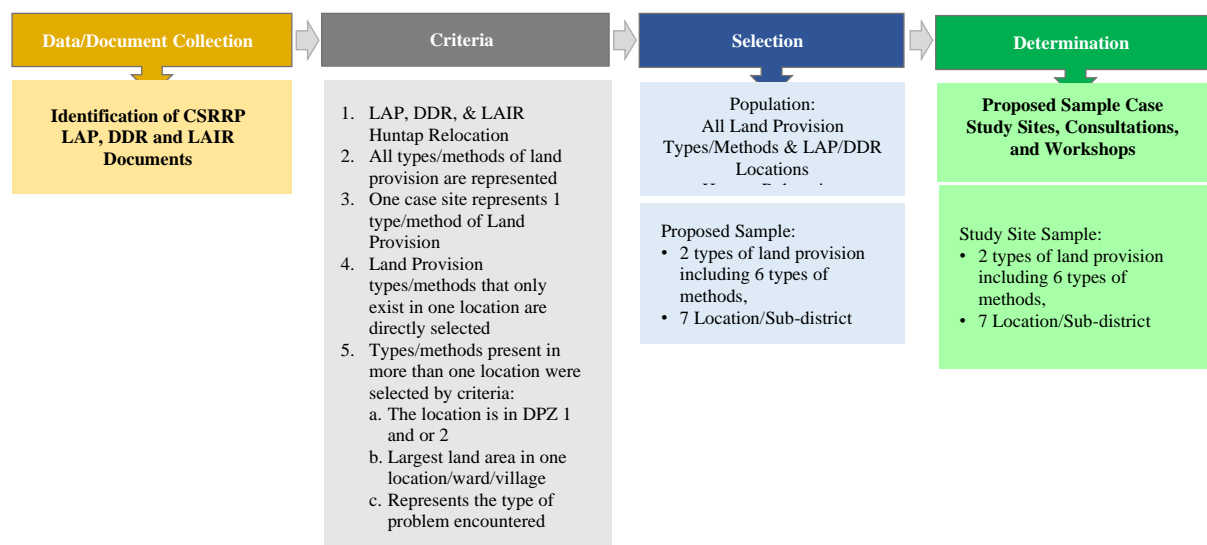


Figure 7 Flowchart of Case Sample Selection Process

Table 15. Study Population

No.	Type/Method of Land Provision	City-District								Total CSRRP
		Palu City				Donggala Regency			Sigi Regency	
		Area-Scale	Satellite-Scale	Self-prov.	Total	Satellite-Scale	Self-prov.	Total	Satellite-Scale	
<b>A</b>	<b>Small Scale Land Acquisition</b>									
1	Direct Purchased	0	2	0	2	17	0	17	6	25
2	Land Swap	0	0	0	0	0	0	0	1	1
<b>B</b>	<b>Non-Acquisition</b>									
1	Utilization of Ex-HGB State Land	2	0	0	2	0	0	0	0	2
2	Community/LCP Donation	1	0	0	1	0	0	0	0	1
3	Self-Land Provision Collectively	0	0	0	0	0	1	1	0	1
4	Self-Land Provision Individually	0	0	263	263	0	0	0	0	263
<b>Total CSRRP</b>		<b>3</b>	<b>2</b>	<b>263</b>	<b>268</b>	<b>17</b>	<b>1</b>	<b>18</b>	<b>7</b>	<b>293</b>

Source: LAP, DDR, PMC Report; Notes: The definition of "location" in Kawasan, Satellite, and Lompio permanent housings (collective self-land provision) is an expanse, while in individual self-land provision permanent housings, it is a unit of permanent housing.



**Table 16. Selected Cases Study Locations**

No.	Types and Methods	Type of Permanent Housing	Land Area (Ha)	Huntap location	Regency/City
<b>A</b>	<b>Small Scale Land Acquisition</b>				
1	Direct Purchased	Satellite-scale ( <i>Satelit</i> )	8.25*	<i>Huntap</i> Tompe	Donggala Regency
2	Land Swap	Satellite-scale ( <i>Satelit</i> )	2.41	<i>Huntap</i> Sibalaya Selatan	Sigi Regency
<b>B</b>	<b>Non-Acquisition</b>				
1	Utilization of Ex-HGB State Land	Area-scale ( <i>Kawasan</i> )	46.83	<i>Huntap</i> Talise	Palu City
2	Utilization of Ex-HGB State Land	Area-scale ( <i>Kawasan</i> )	65.31	<i>Huntap</i> Tondo-2	Palu City
3	Community/LCP Donation	Area-scale ( <i>Kawasan</i> )	14.80	<i>Huntap</i> Petobo	Palu City
4	Self-Land Provision (Collectively)	Self-Land Provision ( <i>Mandiri</i> )	13.40**	<i>Huntap</i> Lompio	Donggala Regency
5	Self-Land Provision (Individually)	Self-Land Provision ( <i>Mandiri</i> )	0.56***	<i>Huntap</i> Pantoloan	Palu City

Source: SITABA, LAP, DDR, PMC Report, TMC \*)Total Area 3 Overlay; \*\*)300 land parcels \*\*\*)27 land parcels

### 3.3. Variables and Indicators

**Table 17. Variables and Data Requirements**

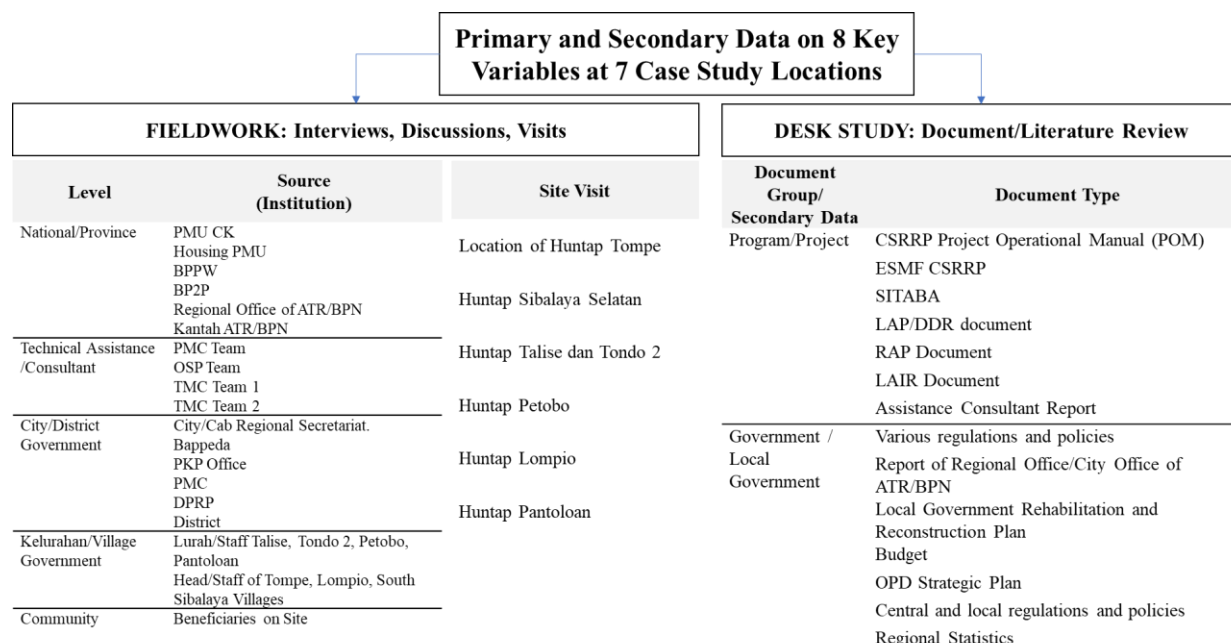
Destination	Key Questions	Variables	Data Needs/Indicators
1. Mapping land issues faced by the national and LGs (Palu City, Sigi Regency, and Donggala Regency) in the implementation of CSRRP.	1. What types of land provision, budget, and institutional arrangements are there for CSRRP implementation?	a. Types of Land Provision applied under CSRRP	<ul style="list-style-type: none"> <li>Provider Type, Land Area, and Method</li> <li>Supporting data: Decree of Penlok; Letter of transfer of control; Letter of Release of Rights; Receipt of Direct Purchase; Minutes of Event; Proof of individual land tenure/ownership; Letter of Grant; Letters of Use Permit</li> </ul>
		b. Land provision budget	Budget documents and activity reports containing: Budget source; Budget amount; Budget year; Budget allocation



Destination	Key Questions	Variables	Data Needs/Indicators
		c. Institutional arrangements for land provision	Local Regulations; Implementing Organization/Team ((Working Group, Coordination Team, Acquisition Team, etc.)
	2. What are the land issues faced by the national and LGs (Palu, Donggala, and Sigi) in the implementation of CSRRP?	a. Problems faced by the National Government b. Problems faced by LG	a) Land Availability Issues b) Land Tenure and Ownership Issues c) Land Utilization and Use Issues
2. Analyze the land provision process, the key successes and failures of the process	3. What is the process of acquiring land rights, the keys to success and failure?	Data Collection of Disaster-Affected Residents	DAP Data Collection Process and Mechanism
		Land Provision Process	Preparation; Planning; Implementation; Reporting
		Success/failure factors	Coordination; Regulations and policies; Implementing organizations; Budget; Processes and Mechanisms for Data Collection of the DAPs
	4. What is the status of the land and livelihoods of the permanent housing beneficiaries?	Land ownership status of permanent housing beneficiaries	Type and evidence of land status
		Livelihood of <i>Huntap</i> Beneficiaries	a) Access to social and economic services b) Access to settlement infrastructure services
3. Analyze potential process recommendations for application in other locations (in the context of disasters)	5. What lessons do we have for replicating the mechanism in other locations?	<ul style="list-style-type: none"> <li>- What has worked and what has not worked in the land provision process and an explanation.</li> <li>- Results of an analysis of the replicability of land provision processes in CSRRP implementation and their prerequisites.</li> </ul>	
	6. What are potential process recommendations to apply in similar situations in the future?	<ul style="list-style-type: none"> <li>- Potential land provision processes applied in post-disaster sites based on the answer to question No.5</li> </ul>	



### 3.4. Data Collection Methods



**Figure 8 Diagram of Data Collection Methods**

**Data collection.** Data was collected in two ways, namely; 1) Secondary data collection and document review (*desk study*), and 2) *Fieldwork*, namely in-depth interviews, focus group discussions; and observations. A desk study was conducted on official documents of CSRRP and Government Agencies, including LAP, DDR, Reports, Minutes, Decrees, etc. The LAP and DDR were used as initial sources to find out; i) the type of land provision; ii) budget, and iii) institutional arrangements, and to find out land issues, as long as the data/information is available. Land Acquisition Plan (LAP) and Relocation Action Plan (RAP) for Permanent Housing in Petobo Village, Talise Village, Tondo Village, Pantoloan Village in Palu City, Tompe Village, and Lompio Village in Donggala Regency, *Sibalaya Selatan* Village in Sigi Regency. The documents were prepared by the Housing and Settlement Office, Palu City, with the assistance of OSP CSRRP through the Social Safeguards and Community Organizing Expert, Regional Coordinator and team, and Facilitator Team. Program documents consist of POM, CERC NMC Report, CSRRP PMC Report, CSRRP OSP Report, 2021 annual report of the Central Sulawesi Land Office, magazines published by the Land Office of Palu City, budget documents related to land provision for Palu City, Donggala Regency, and Sigi Regency.

Fieldwork was conducted through site visits to conduct interviews with key informants. Discussions were conducted at the city and sub-district levels. This data/information gathering activity was conducted to obtain new data and confirmation on specific themes, including the land provision process, beneficiaries' land ownership status, and livelihood conditions. Discussions involved relevant stakeholders, including; facilitation consultants, team members and/or implementers of land provision, and beneficiaries. Observations were conducted in the field to confirm specific themes, including; potential beneficiaries' access to economic services, education,





health, and other essential resources. Descriptive analysis of the data/information obtained was conducted to derive lessons learned.

		
Land Office FGD	DAP Interview	LG Interview
		
TMC FGD	TMC FGD	Village Secretary Interview
		
Donggala DPKP Interview	Village Head Interview	DPKP Palu Interview
		
Huntap Observation	Huntap Observation	Huntap Observation

**Figure 9 Documentation of Field Data Collection Activities**



## CHAPTER 4 STUDY RESULTS

### 4.1. Land Issues in CSRRP

The CSRRP relocation policy has encouraged the provision of land for permanent housing covering an area of 202.35 Ha, accommodating 4,162 dwellings (3,880 plus 282 housing units built by NSUP-CERC at *Huntap Lompio*) in Palu City, Sigi Regency, and Donggala Regency with a total land value of Rp 232,506,000,000.00. There are 2 types of land provision and 6 types of methods in the implementation of CSRRP, namely; 1) *Small-Scale Land Acquisition* (SSLA), which consists of 2 methods: a). Direct Purchase, and b) Land Swap, and 2). *Non-Acquisition Land Provision* (NALP) consists of 4 methods, namely; a). utilization of state land ex HGB, b). Community/Land Consolidation Participant (LCP) Donation, c). Self-land provision (collective), and d). Self-land provision (individuals).

Each type/method of land provision in CSRRP has resulted in a land area with varying capacity and budget availability requirements. In terms of institutional arrangements, all types/methods of land provision have a national and local regulatory basis for institutional arrangements, as well as guidelines for handling the social impacts of the project. Based on the types of land provision, land issues that arise in the implementation of CSRRP differ according to the type of land provision. The type of land dispute problem is prominent only in the Non-Acquisition type, especially in the Utilization of Ex-HGB State Land.

#### 4.1.1. Types of Land Provision, Budget, and Institutional Arrangement in CSRRP

The character of each type/method of land provision in CSRRP differs based on the type of provider, the type of permanent housing built on the land, the number of sites, the size of the land, and the total number of dwellings accommodated on the land.

**Table 18. Types of Land Provision in CSRRP**

No.	Type of Land Provision	Provider	Type of Permanent Housing	Number of locations*	Land Area		Total Permanent Housing
				overlay of land parcel	Ha	%	Unit
<b>A</b>	<b>Small Scale Land Acquisition</b>						
1.	Direct Purchase	LG	Satellite-scale	25	53.45	27%	1.133
2.	Land Swap	LG	Satellite-scale	1	2.47	1%	118
	Total			<b>26</b>	<b>55.92</b>	<b>28%</b>	<b>1.251</b>
<b>B</b>	<b>Non-Acquisition</b>						
1.	Utilization of ex-HGB State Land	G & LG	Area-scale	2	112.14	55%	1.654
2.	Community/LCP Donation	Community	Are-scale	1	14.80	7%	655
3.	Self-Land Provision - Collective	Community	<i>Mandiri</i>	1	13.40	7%	300**
4.	Self-Land Provision - Individual	Community	<i>Mandiri</i>	263	6.15	3%	302
	Total			<b>267</b>	<b>146.49</b>	<b>72%</b>	<b>2.911</b>
	<b>TOTAL</b>			<b>293</b>	<b>202.41</b>	<b>100%</b>	<b>4.162</b>

Source: LAP and CSRRP OSP PMC Report

\*) The definition of "location" in Land Acquisition, Utilization of Ex-HGB State Land, Land Donation, and Collectively Self-Land Provision is an overlay of land, meanwhile, Individually Self-Land Provision is a land parcel for a permanent housing unit.

\*\*) Number of permanent housing units including 282 units built by NSUP-CERC



## Small Scale Land Acquisition (SSLA)

Small-scale land acquisition in CSRRP was carried out through Direct Purchase and Land Swap, successfully providing 55.92 Ha of land (28%), accommodating 1,251 dwelling units (30%). Small-scale land acquisition was carried out in 26 Satellite-scale permanent housing locations, namely 2 in Palu city, 7 locations in Sigi regency, and 17 locations in Donggala regency, which were spread entirely in 17 villages. The total land area obtained from Direct Purchase is 53.45 Ha. (17% of the total CSRRP land area), and the land area obtained through Land Swap is 2.47 Ha (1%).

Small Scale Land Acquisition requires a budget from the LG budget (and Provincial Government grants) equivalent to a land value of approximately IDR 27,466,000,000.00. The total land acquisition cost used to purchase land is estimated at IDR 24,834,000,000,000.00, including IDR 24,134,000,000,000.00 for direct purchase (Direct Purchase), and IDR 700,000,000.00 for the purchase of replacement land in the land swap mechanism. The land purchase by the Palu City Government for the land of 1 Satellite-scale Permanent housing location in Talise Panau of around Rp 1,920,000,000.00 was sourced from the Central Sulawesi provincial grant fund. Land purchases by the Sigi Regency Government, both for direct land purchases, and replacement land, for land for permanent housing construction in 7 Satellite-scale Permanent housing locations amounted to Rp 6,609,000,000.00, sourced from the APBD and grants of the Central Sulawesi Provincial Government. Meanwhile, the purchase of land by the Donggala Regency Government to be used as land for permanent housing construction in 17 Satellite-scale Permanent housing locations is around Rp. 16,305,000,000.00, all of which comes from the APBD. The entire cost does not include operational costs for the activities of the implementing team/committee.

Huntap Land Provider	: Donggala Regency Government
Land Size Category	: < 5 Ha (Small Scale)
Land Size (Total 3 Overlays)	: 82,509 m <sup>2</sup> / 8.25 Ha
Penlok Huntap / Year	: Regent Decree/2020
Acquisition Method	: Direct Purchase
Initial Land Status/Type of Legal basis	: Individually Owned/Diverse
Release Date	: November 16-23, 2020 (I)
Discharge Recipient	: Donggala Regency Government
Releasing Party	: Controlling Party (individual)
Post-Release Land Status	: Local Government Assets (Inventory)
Final Land Status	: SHM (Residential), Local Government Assets (PSU)
Amount of Ownership Certificate	: 288 fields - (Process/Indication)
Acquisition Cost/Budget Source	: IDR 3,441,475,000/ABPD
Certificate Issuer	: Kantah Donggala Regency
Operational Costs	: APBD
Procurement Team	: Small-scale Land Acquisition Team

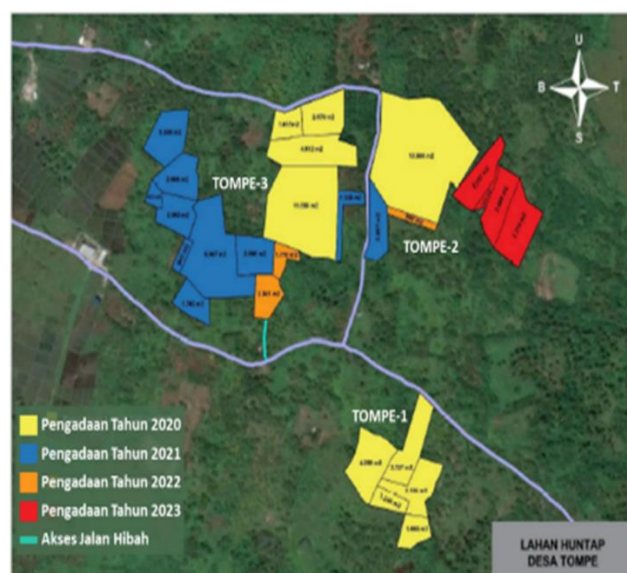


Figure 10 Example Profile of Land Acquisition through Direct Purchase

## Non-Acquisition Land Provision (NALP)

Non-acquisition land provision in CSRRP is carried out through the Utilization of ex-HGB State Land, land donations from LC participants, and self-land provision – collective and individuals, all of which have succeeded in providing 146.49 (72%) of land, accommodating



2,911 dwelling units (70%). Non-acquisition land provision does not require land acquisition financing from either the Government's APBN or the LG's APBD. The total value of land successfully provided is around Rp 205,040,000,000.00.

The utilization of ex-HGB state land was applied in 2 Area-scale permanent housing locations, namely in Talise Area Permanent housing (46.83 Ha) accommodating 693 dwelling units, and Tondo-2 Area Permanent housing (65.31 Ha), accommodating 961 dwelling units. The locations of permanent housing units are located in Talise Village and Tondo Village, Palu City. The total land value generated in the two locations is approximately IDR 168,210,000,000.00. This total land value does not include the value sourced from operational costs to fund its implementation either sourced from the APBN (for example, the total budget realization for Land Acquisition and Land Reserve activities of the Central Sulawesi Regional Office of MAASP/NLA in 2021 was IDR 152,938,628.00, which is 96% of the budget target) or from the APBD (see Tables 25 and 26).

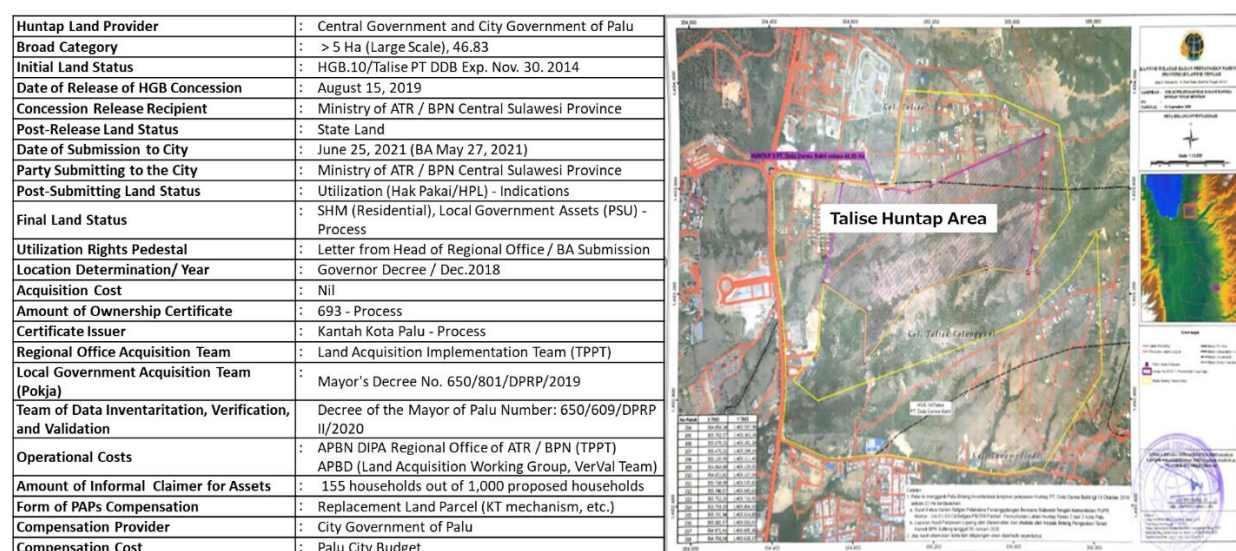


Figure 11 Profile of Utilization Ex HGB State Land - Huntap Talise

The land donation of LC participants was implemented in 1 location of the Area-scale permanent housing, namely in the Petobo Area-scale Permanent housing, Petobo Village, Palu City. The Land Consolidation was initiated by the Regional Office of MAASP/NLA Central Sulawesi, and implemented by the Land Office in collaboration with the Palu City Government. LC participants donated their land to be used as land for the construction of permanent housing covering an area of 14.8 Ha, accommodating 655 dwelling units. The total value of the donated land is around 22,245,000,000.00. The total value of this land does not include the operational costs of implementing LC sourced from the APBN (for example, the total budget target for Land Consolidation and Land Development activities of the Central Sulawesi Regional Office of MAASP/NLA in 2021 is IDR 254,284,000,000.00) and APBD.

Self-land provision (collective) is implemented in 1 location, namely in *Huntap Mandiri* Lompio, in Lompio Village, Donggala Regency. The DAPs in Lompio Village collectively handed over their plots of land to be built with a total land area of 13.40 Ha. The number of permanent housing units built was 300 units (282 units financed by NSUP-CERC, 18 units

financed by CSRRP). Then the self-land provision (individual) was carried out in 263 locations (263 plots of land owned by individuals), spread across 14 Kelurahan in Palu City, with a total land area submitted for construction of 6.14 Ha, accommodating 302 dwelling units. The total value of land surrendered by the DAP for construction is around IDR 5,360,000,000.00 in Self-Land Provision (Collective) locations and IDR 9,225,000,000.00 for all land contributed by the individual self-land provision.

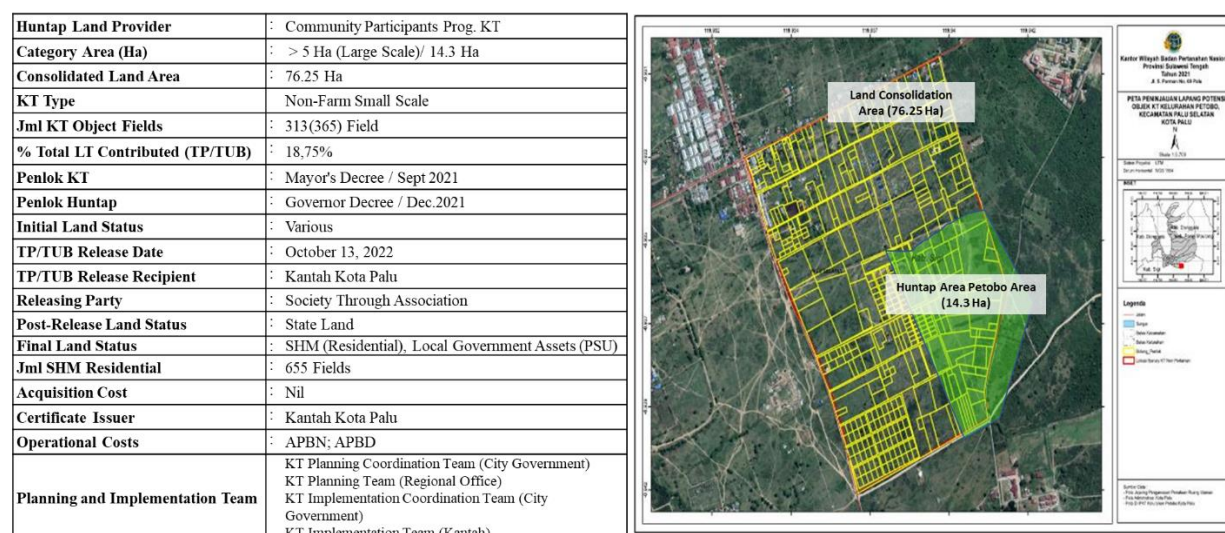


Figure 12 Profile of Community/LCP Donation

Table 19. Land Value and Cost of Land Provision

No.	Type of Land Provision in CSRRP	LS (Ha)	Average Land Value (Rp/M2)*	Land Value (Rp)	Land Acquisition Cost by Government/LG (Rp) (est.)	Source of Land Acquisition Cost
<b>A</b>	<b>Small Scale Land Acquisition</b>					
1	Direct Purchased	53.45	50.000	26,725,000,000.00	24,134,000,000.00	APBD + Grant Prov.
2	Land Swap	2.47	30.000	741,000,000.00	700.000.000.00	APBD
	Total	<b>55.92</b>		<b>27,466,000,000.00</b>	<b>24,834,000,000.00</b>	
<b>B</b>	<b>Non-Acquisition</b>					
1	Utilization of ex-HGB State Land	112.14	150.000	168,210,000,000.00	Nil	N.r
2	Community/LCP Donation	14.83	150.000	22,245,000,000.00	Nil	N.r
3	Self-Land Provision (Collective)	13.40	40.000	5,360,000,000.00	Nil	N.r
4	Self-Land Provision (Individual)	6.15	150.000	9,225,000,000.00	Nil	N.r
	Total	<b>146.49</b>		<b>205,040,000,000.00</b>	Nil	N.r
	<b>TOTAL</b>	<b>202.41</b>		<b>232,506,000,000.00</b>	<b>24,834,000,000.00</b>	

Source: LAP and CSRRP OSP PMC Report



**Table 20. Land Value and Cost of Small-Scale Land Acquisition**

No.	Type/Method of Land Provision/ - City/District	LS (Ha)	Average Land Value (Rp/M2)*	Total Land Value (Rp)	Cost Source Land Acquisition
<b>A</b>	<b>Small Scale Land Acquisition</b>				
1	Palu City	1.28	150.000	1,920,000,000.00	Prov Grant
2	Sigi Regency	24.03	30.000	6,609,000,000.00	APBD + Prov Grant
3	Donggala Regency	32.61	50.000	16,305,000,000.00	APBD
	<b>Total</b>	<b>55.86</b>		<b>24,834,000,000.00</b>	

\*) Average Land Value using KJPP appraisal price data for land purchases in Donggala Regency (Rp 30,000 to 50,000), Sigi Regency (Rp 30,000), and Palu City (Rp 126,000 to Rp 197,000 Talise Panau Market Value) (Source: LAP, OSP CSRRP)

**Table 21. Types of Operational Activities for the Utilization of Ex-HGB State Land**

Activities	Activity Description	Source of Financing
Release of Building Rights Title (HGB) by PT DDB	The Ministry of Land and Spatial Planning invited the Director of PT DDB to discuss the release of building use rights on land in the Duyu area (Palu City).	DIPA Regional Office of MAASP/NLA Central Sulawesi Province 2019
Measurement of the land boundary of the permanent housing location	Measurements and boundaries carried out by the National Land Agency, the area that can be used for the Talise Permanent Housing site is 46.83 hectares.	DIPA Regional Office of MAASP/NLA Central Sulawesi Province 2019
Compensation negotiation with cultivators	Series of meetings from March 2020 to December 2023 (until the time of the field study team in March 2024)	Budget of Palu City Government 2020 - 2023
Formation of PAPs Verification Team and Assessment of Affected Assets	Series of meetings and assessments of affected assets, field visits, and determination of the PAP list	Budget of Palu City Government 2020
Series of activities in the process of land distribution program (as an alternative form of compensation for replacement land)	Land clearing, site plan preparation (drawings and on the ground), basic site development, allocation and distribution of land to PAPs, legal processing of land parcels	Central Sulawesi Provincial Budget (Public Works Department) and Palu City Government, possible support from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency in the Land Redistribution/Agrarian Reform Program.

Source: LAP *Huntap* Talise Area

**Table 22. Land Value and Cost of Land Provision in Case Study Sites**

No.	Types of Land Provision in CSRRP	LT (Ha)	Average Land Value (Rp/M2)*	Total Land Value (Rp)	Land Acquisition Cost by Government/LG (IDR)	Source of Land Acquisition Cost
<b>A</b>	<b>Small Scale Land Acquisition</b>					
1	Direct Purchase	8.25	50.000	4,125,000,000.00 **)	4,125,000,000.00	APBD





No.	Types of Land Provision in CSRRP	LT (Ha)	Average Land Value (Rp/M2)*	Total Land Value (Rp)	Land Acquisition Cost by Government/LG (IDR)	Source of Land Acquisition Cost
2	Land Swap	2.41	30.000	723,000,000.00	700,000,000.00	APBD
	Total	10.66		4,848,000,000.00	4,825,000,000.00	
<b>B</b>	<b>Non-Acquisition</b>					
1	Utilization of ex-HGB State Land	112.14	150.000	168,210,000,000.00	Nil	NR
2	Community/LCP Donation	14.80	150.000	22,245,000,000.00	Nil	NR
3	Self-Land Provision (Collective)	13.40	40.000	5,360,000,000.00	Nil	NR
4	Self-Land Provision (Individual)	0.56	150.000	840,000,000.00	Nil	NR
	Total	140.9		196,655,000,000.00	Nil	NR
	<b>TOTAL</b>	<b>151.56</b>		<b>201,503,000,000.00</b>	<b>4,825,000,000.00</b>	

Source: LAP and Case Study Reports 7 Study locations

\*) Average Land Value using KJPP valuation price data for land purchases in Donggala Regency (IDR 30,000 to 50,000), Sigi Regency (IDR 30,000), and Palu City (IDR 126,000 to IDR 197,000 Talise Panau Market Value)

\*\*)KJPP valuation for the 2020 Phase I location is worth IDR 3,441,475,000, land acquisition is carried out in 3 stages.

## **Institutional Arrangement**

All types/methods of land provision under CSRRP have a national and local regulatory basis for institutional arrangements, as well as guidelines for handling social impacts provided by the project. An exception is the type of self-provision, both collective and individual self-provision. These two provisioning methods are guided by some of the institutional arrangements of the Small Scale Land Acquisition legislation, as well as project provisions and procedures. In the context of land provision, the District/City Government forms an *ad hoc* team following the regulatory provisions of each type of land provision applied. The land provision implementing organization for each type of land provision has its regulatory basis both at the national and local levels. In the implementation of CSRRP, the CSRRP Implementing Organization (as well as the NSUP-CERC Implementing Organization) also plays a role in organizing and expediting land provision activities.

### ***Institutional Arrangement of Small-Scale Land Acquisition***

The laws and regulations referenced for the implementation of Small Scale Land Acquisition are: 1). Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest; 2). Government Regulation No. 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest; 3). Ministerial Regulation of MAASP/NLANumber 19 of 2021 concerning Provisions for the Implementation of Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest; and 4). Minister Regulation of Home Affairs number 72 of 2012 concerning operational costs and supporting the Prov / City APBD land acquisition budget. All of these regulations are



references for Direct Purchase and Land Swaps. In the implementation of CSRRP, the implementation of land swaps occurs with the object of land in the form of village government assets, namely Village Land. In this case, two regulations become additional references, namely Law No.6 of 2014 concerning Villages and Minister Regulation of Home Affairs Number 1 of 2016 concerning Village Asset Management.

For the record, during the implementation of CSRRP, there was a moment of change in national legislation, namely the enactment of Law Number 11 of 2020 concerning Job Creation (since December 30, 2022, it has been revoked, replaced by Perpu Number 2 of 2022), the revocation of Presidential Regulation Number 71 of 2012 and all its amendments, to Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest followed by Ministerial Regulation of MAASP/NLA Number 19 of 2021 concerning Provisions for the Implementation of Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest. In the transitional provisions of Government Regulation Number 19 of 2021, it is stated that *"the stages of Land Acquisition for development in the Public Interest that were underway before the enactment of Law Number 11 of 2020 on Job Creation and this Government Regulation, their completion shall be carried out following this Government Regulation."*

**Table 23. Regulation on Small-Scale Land Acquisition**

Type of Land Provision		Methods	ESMF CSRRP - ESS5 (Scheme & Procedure)	Regulations/Policies
<b>A. Small-Scale Land Acquisition</b>	<b>1.</b>	<b>Direct Purchase</b>	Direct Purchase/ Negotiated Settlements	<ul style="list-style-type: none"> <li>• Law No. 2 Year 2012 on Land Acquisition for Development in the Public Interest</li> <li>• Government Regulation No. 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest</li> <li>• Ministerial Regulation of MAASP/NLA Number 19 of 2021 concerning Provisions for the Implementation of Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest</li> <li>• Minister Regulation of Home Affairs number 72 of 2012 concerning operational and support costs of the Prov / City APBD land acquisition budget.</li> </ul>
	<b>2.</b>	<b>Land Swap</b>	Involuntary Land Acquisition and Resettlement Scheme (no specifics, but similar to land replacement/ swap compensation)	Additional Regulatory Foundation: <ul style="list-style-type: none"> <li>• Law No.6 of 2014 on Villages</li> <li>• Minister Regulation of Home Affairs No. 1/2016 on Village Asset Management</li> </ul>

Source: Case Study Reports in 7 Study Sites



Another note is that there are differences in terms of the provisions on Location Determination between Government Regulation Number 19 of 2021 and Ministerial Regulation of MAASP/NLA Number 19 of 2021. In the Government Regulation in question, the provisions regarding Location Determination in Direct Purchase have no provisions, while in the MAASP/NLA Government in question, the provisions regarding location determination are regulated in Article 147 paragraph 1 which reads that Small Scale Land Acquisition as referred to in Article 146 paragraph (1) letter a does not require Location Determination. Some implementation of small-scale land acquisition in CSRRP refers to the Ministerial Regulation of MAASP/NLA so that there is no location determination (in this case it has an impact on the incompatibility with the provisions of the requirements in the CSRRP POM regarding land provision which requires location determination through the Regent/Mayor Decree). In addition, Ministerial Regulation of MAASP/NLANo.19 of 2021 does not regulate the provisions regarding small-scale land acquisition planning documents, so it refers to Government Regulation No.19 of 2021 in terms of preparing a Land Acquisition Plan (LAP).

In terms of addressing social community impacts, the project has provided standards and procedures in the CSRRP ESMF guidelines, namely ESS-5 related to land provision (acquisition of land rights). ESS-5 regulates provisions regarding the handling of social impacts in the *Direct Purchase* scheme for Direct Purchase. As for land *swap*, there is no explicit provision but there is a provision for *Land Replacement/Swap* in *Involuntary Land Acquisition and Resettlement Scheme*.

The formation of a land acquisition team/committee is not specifically regulated in the provisions of Small Scale Land Acquisition in Government Regulation No.19/2021 and Ministerial Regulation of MAASP/NLA No.19/2021. In these two regulations, the formation of a Land Acquisition Team/Committee is part of the Stages method of Land Acquisition with an area above 5 Ha. In the two case studies studied, namely small-scale land acquisition through Direct Purchase in Tompe Village, Donggala Regency, and Land Swap of Village Cash Lands in *Sibalaya Selatan* Village, Sigi Regency, the respective district governments formed a Team/Committee. The Donggala Regency Government formed a Small Scale Land Acquisition Team for Development for the Public Interest which was stipulated through the Decree of the Donggala Regent Number 188.45/0290/DPKP2 concerning the Establishment of a Small Scale Land Acquisition Team for Development for the Public Interest of the Post-Natural Disaster Area Rehabilitation and Reconstruction Program in Donggala Regency. Previously, the District Government had formed a Technical Team for the Preparation of Land Acquisition and Resettlement Action Plan Documents stipulated through Regent Decree No. 188.45/0657/BAPPEDA. In Sigi Regency, the district government formed a LARAP Implementation Technical Team which was determined through Regent Decree No. 764-112 Hold 2020 to form a *Land Acquisition and Resettlement Action Plan* (LARAP) Implementation Technical Team Kab. Sigi.



Table 24. Small-Scale Land Acquisition Team/Committee

Type of PT		Methods	Team/Committee Type	Policy Foundation
A. Small-Scale Land Acquisition	1.	Direct Purchase	<ul style="list-style-type: none"> <li>Small Scale Land Acquisition Team for Development for Public Interest (Donggala Regency)</li> <li>Facilitated by MPWH*)</li> </ul>	<ul style="list-style-type: none"> <li>Decree of Donggala Regent Number 188.45/0290/DPKP2</li> </ul>
	2.	Land Swap	<ul style="list-style-type: none"> <li>LARAP Technical Implementation Team (Sigi District)</li> <li>Facilitated by MPWH*)</li> </ul>	<ul style="list-style-type: none"> <li>Bupati Decree No. 764-112 Tahun 2020 establishing the Technical Team for Implementing the Land Acquisition and Resettlement Action Plan (LARAP) Kab. Sigi</li> </ul>

Source: Case Study Reports in 7 Study Sites



Source: Bupati Decree No. 764-112 Hold 2020, in South Sibalaya LAP, and Exchange Case Study Report

- Chair : Secretary of Sigi Regency  
Secretary : Assistant for Economic and Development of Sigi Regional Secretariat
- Member :
1. Head of BP3D Sigi Regency
  2. Head of the Public Works and Housing Office of Sigi District.
  3. Chief Executive of BPBD Sigi Regency
  4. Head of Sigi District Social Service
  5. Head of the Cooperative and MSME Office of Sigi Regency
  6. Head of the Food Crops, Horticulture and Plantation Office
  7. Head of Satpol PP Sigi Regency
  8. Head of the General Government Administration Section of the Regional Secretariat
  9. Head of the Housing and Area Development Division of the Public Works and Housing Office of Sigi Regency
  10. Head of Human Settlements Division of Public Works and Housing Agency
  11. Head of Spatial Planning and Construction Development Division of DPUP
  12. Sub-district Head of Sigi Bromaru
  13. Tanambulava Sub-District
  14. Gumbasa Sub-District Head
  15. Kulawi Sub-District
  16. Sub-district Head of West Dolo
  17. Dolo Selatan Sub-District

Figure 13 Example of Small-Scale Land Acquisition Team/Committee Structure

The implementation of Small Scale Land Acquisition involves various stakeholders as the experience of Donggala Regency is illustrated in the table below.

Table 25. Stakeholders of Small-Scale Land Acquisition in Donggala Regency

	OPD/Institution/Team	Role
A	Housing, Settlement and Land Agency (DPKPRP)	DAP data identification, budget planning, identification and initial land data collection (location search), KJPP appointment, Payment, Releasing Recipient ( <i>leading sector</i> )
B	Regional Secretariat (Head of Regional Spatial Planning Coordination Team)	Determination of Recommendations for Compliance of Space Utilization
C	BAPPEDA	Formation of Technical Team for the Preparation of Land Acquisition and Resettlement Action Plan Document



	OPD/Institution/Team	Role
D	<b>Public Works and Spatial Planning Office</b>	Coordination of spatial suitability of land location
E	<b>Local Disaster Management Agency</b>	Provision of DPZ Map
F	<b>DPRD</b>	Determination and Supervision of Budget Implementation
G	<b>Sub-district Head/Village Head (RT/RW)</b>	Locate, Identify, and Collect Evidence of Land Legality, Data Collection of Number of Eligible DAPs
H	<b>Land Office (MAASP/NLA)</b>	Measurement, issuance of certificates, implementation of PTSL, (NLA version of DPZ map)
I	<b>KJPP</b>	Land Price Assessment
J	<b>MPWH Assistance/Consultant, Area Coordinator, and OSP Facilitator Team - CSRRP/MPWH</b>	Review and assist with the technical feasibility of land location, assisting LG in collecting land legality data, measurement, receiving complaints, mediating disputes, and assisting LG in preparing RPT/LAP/DDR, RAP, and LAIR.

Source Case Study on Direct Purchase of Land - *Huntap Tompe*

### ***Institutional Arrangement of Non-Acquisition Land Provision***

The laws and regulations used as references for implementing Non-Acquisition land provisions include some regulations following the provision method used. In the Utilization of Ex-HGB State Land, main regulations are used as references, namely: 1). Law No.5 of 1960; 2). Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest; 3). Government Regulation No. 19 of 2021 on implementing Land Acquisition for Development in the Public Interest and No. 18 of 2021 on Management Rights, Land Rights, Flat Units, and Land Registration; 4). Ministerial Regulation of MAASP/NLA No. 19 of 2021 concerning Provisions for the Implementation of Government Regulation No. 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest and Ministerial Regulation of MAASP/NLA No.18 of 2021 concerning Procedures for Determining Management Rights and Land Rights; and 5) Presidential Regulation No. 62 of 2018 Handling Community Social Impacts in the Context of Providing Land for National Development. Regarding handling social impacts, the project has provided Involuntary Land Acquisition and Resettlement Scheme procedures that apply in the middle of implementing land provisions related to claims to ownership of non-land assets.

The implementation of land donation by LC participants refers to the MAASP/NLA Ministerial Regulation No. 12/2019 on Land Consolidation, which also refers to Law No.5/1960 and Law No.12/2012. The donation of LC participants to be used as permanent residential land for DAP has not specifically been regulated, but there are similar provisions related to the land donation of LC participants for development (TP) and for joint business (TUB). Referring to the general provisions, Land for Development (TP) is part of the participant's land that is handed





over or provided for the construction of infrastructure, facilities, and utilities and Joint Business Land by the agreement. Meanwhile, Land for Joint Business (TUB) is land owned by the participants that can be cultivated, cooperated, or transferred with third parties for mutual benefit. In terms of handling social impacts, the project has provided a *Land Donation* procedure, which is more or less similar to the land donation for TP and TUB.

The self-provision of land, whether provided collectively or individually to be used as land for the construction of permanent housing units, does not yet have a regulatory basis that specifically regulates the provisions of its implementation. In the implementation of collective-self- land provision, several land acquisition provisions are referred to, such as the formation of an Acquisition team, the preparation of a land acquisition plan (LAP) document, and provisions related to PTSL. Other than that, the implementation refers to project provisions, namely those of the NSUP-CERC and CSRRP POM. CSRRP's social impact management procedures have not yet developed provisions for the handover of land for development, however, general provisions in the *Land Donation* scheme have been provided, the difference being that there is no transfer of land rights as with land donation.

In the implementation of the utilization of state land ex HGB, the Regional Office of MAASP/NLACentral Sulawesi and the City Government of Palu formed a team. The Regional Office of MAASP/NLA formed a Land Acquisition Implementation Team (TPP) which was determined by the Decree of the Head of the Central Sulawesi Regional Office of MAASP/NLA Number 035/SK-72.500/I/2019 dated January 4, 2019. The Palu City Government formed a Working Group for Land Acquisition and Resettlement for the Post-Natural Disaster Area Rehabilitation and Reconstruction Program in Palu City, which was stipulated by the Decree of the Mayor of Palu No. 650/801/DPRP/2019. This team was formed by considering the possibility of the need for action plans/activities for land acquisition and resettlement, and handling social impacts in the provision of land. This team was formed by considering the possibility of the need to prepare Land Acquisition and Resettlement Plan (LARAP) documents in rehabilitation and construction activities in Palu City. In addition, a Data Verification Team was also formed to identify PAP data related to claims of asset ownership at the *Huntap* Talise location. This team was established by the Decree of the Mayor of Palu Number: 650/609/DPRP II/2020 concerning the Team for Inventory, Verification, and Validation of Data on Residents Eligible for Land Distribution in Palu City, July 20, 2020.

The organizational structure of the Pokja consists of 2 (two) components: the Steering Committee and the Implementation Team. The Steering Committee consists of 4 (four) components: the Person in Charge, Chairperson, Vice Chairperson, and Members. Meanwhile, the Implementation Team consists of 4 (four) smaller working group components and 1 (one) secretary. The person in charge of the Steering Committee is the Mayor and Deputy Mayor, while the Chairperson is the Head of BAPPEDA, and the Deputy Chairperson is the Head of the Housing and Settlement Area Agency. This working group involves 24 Heads of OPD and 5 Lurah in the Palu City Government.

In the implementation of LC, there were four types of Teams/Committees formed by the Regional Office of MAASP/NLA, the LG of Palu City, and the Land Office of Palu City, namely: 1) Land Consolidation Planning Coordination Team, 2) Land Consolidation Planning Team, 3)





Land Consolidation Implementation Coordination Team, and 4) Land Consolidation Implementation Team. All of these teams involved *BAPPEDA*, *BPBD*, *DPKP*, *DPRP*, *DPU*, and *SETDA* of the Palu City Government.

**Table 26. Regulations on Non-Acquisition Land Provision**

Type of Land Provision		Methods	ESMF CSRRP - ESS5 (Scheme & Procedure)	Legislation/Policy
<b>B. Non-Acquisition</b>	<b>1.</b>	<b>Utilization of Ex-HGB State Land</b>	Involuntary Land Acquisition and Resettlement Scheme (In mid-process this provision applies) Cat: Initially voluntary HGB release, and acquisition of expired land, handover to LG for utilization.	<ol style="list-style-type: none"> <li>1. Law No. 2 Year 2012 on Land Acquisition for Development in the Public Interest</li> <li>2. Government Regulation No. 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest and Government Regulation No.18 of 2021</li> <li>3. Ministerial Regulation of MAASP/NLA Number 19 of 2021 concerning Provisions for the Implementation of Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest and Ministerial Regulation of MAASP/NLA No.18 of 2021</li> <li>4. Presidential Regulation No. 62/2018 Handling Social Community Impacts in the Framework of Land Provision for National Development</li> <li>5. Presidential Instruction Number 10 of 2018 concerning the Acceleration of Rehabilitation and Reconstruction after the Earthquake and Tsunami Disaster in Central Sulawesi Province and Other Affected Areas and Presidential Instruction No.8 of 2022.</li> </ol>
	<b>2.</b>	<b>Community/LCP Donation</b>	Voluntary Land Donation Scheme (similar to TP/TUB procedure in LC)	Special regulations: Ministerial Regulation MAASP/NLA Number 12 of 2019 on Land Consolidation (especially regarding the donation of Land for Development/TP, Land for Joint Business/TUB)
	<b>3</b>	<b>Self-Land Provision (Collective)</b>	<i>Voluntary Land Donation Scheme</i> (but not similar as there is no transfer of ownership)	1. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 on Complete Systematic Land Registration
	<b>4</b>	<b>Self-Land Provision (Individual)</b>	Voluntary Land Donation Scheme (but not similar as there is no transfer of ownership)	<ol style="list-style-type: none"> <li>1. Government Regulation No. 24 of 1997 on Land Registration</li> <li>2. Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 on Provisions for the Implementation of Government Regulation Number 24 of 1997 on Land Registration</li> </ol>

Source: Case Study Reports in 7 Study Sites



**Table 27. Non-Acquisition Land Provision Team/Committee**

Type of PT		Methods	Team/Committee Type	Policy Foundation
<b>B. Non-Acquisition</b>	<b>1.</b>	<b>Utilization of Ex-HGB State Land</b>	<ul style="list-style-type: none"> <li>TPPT (MAASP/NLA, Regional Office of MAASP/NLA)</li> <li>Working Group on Land Acquisition and Resettlement Rehab Recon Post Disaster in Palu Region</li> <li>Data Verification and Validation Team (Related to Talise PAPs Identification)</li> <li>Facilitated by MPWH (ex. LAP/DDR preparation, Government assistance in informal dispute mediation, verification, finalization of DAP data)</li> </ul>	<ul style="list-style-type: none"> <li>Decree of the Head of Central Sulawesi Regional Office of MAASP/NLA Number 035/SK-72.500/I/2019 dated January 4, 2019</li> <li>Decree of the Mayor of Palu 650/801/DPRP/2019</li> <li>Decree of the Mayor of Palu Number: 650/609/DPRP II/2020 concerning the Team for Inventory, Verification, and Validation of Data on Citizens Eligible for Land Distribution in Palu City, July 20, 2020</li> </ul>
	<b>2.</b>	<b>Community/LCP Donation</b>	<ul style="list-style-type: none"> <li>LC Planning Coordination Team</li> <li>LC Planning Team</li> <li>LC Implementation Coordination Team</li> <li>LC Implementation Team</li> <li>LC Participants Association</li> <li>Facilitated by MPWH (ex. LAP/DDR preparation, Government assistance in informal dispute mediation, verification, finalization of DAP data)</li> </ul>	<ul style="list-style-type: none"> <li>Decree of the Head of the Central Sulawesi Regional Office of MAASP/NLA No. 105.1/SK-72.AT.02.02/VIII/2021</li> <li>Decree of the Head of the Land Office of Palu City Number 133/SK72.71.AT.02.03/X/2021</li> <li>Decree of the Mayor of Palu 650/1060/DPRP II/2021</li> <li>Decree of the Mayor of Palu Number 650/1193/DPRP II/202</li> </ul>
	<b>3.</b>	<b>Self-Land Provision (Collective)</b>	<ul style="list-style-type: none"> <li>Part of the duties of the Small Scale Land Acquisition Team for Development for Public Interest. Facilitated by MPWH</li> </ul>	<ul style="list-style-type: none"> <li>Decree of Donggala Regent Number 188.45/0290/DPKP2</li> </ul>
	<b>4.</b>	<b>Self-Land Provision (Individual)</b>	<ul style="list-style-type: none"> <li>Part of OSP and Small Scale Land Acquisition &amp; Larap Team (DPKP) tasks (Palu City)</li> <li>Facilitated by MPWH, ex. physical and juridical identification of land</li> </ul>	<ul style="list-style-type: none"> <li>N.a</li> </ul>

Source: Case Study Reports in 7 Study Sites

#### 4.1.2. Dynamics of Land Issues

Each type of land provision under CSRRP has different types and degrees of problems (risks). The type of land dispute problem stands out Utilization of State Land Ex HGB. This can be seen from the character of the problems faced by the national and LGs in the 7 case study locations.

**Table 28. Land Ownership Dispute and Asset Claim in Sample Case Study Sites**

No.	Type of Land Provision	Huntap Name	Land Area (Ha)	Total Occupancy (Units)	Ownership Dispute Land/Claims	Asset Claim on Project Site Land	Completion Result
<b>A</b>	<b>Small Scale Land Acquisition</b>						
1.	Direct Purchase	Tompe	8.25	288	Available	None	Mediation in progress
2.	Land Swap	Sibalaya Selatan	2.47	118	None	None	TR



No.	Type of Land Provision	Huntap Name	Land Area (Ha)	Total Occupancy (Units)	Ownership Dispute Land/Claims	Asset Claim on Project Site Land	Completion Result
<b>B Non-Acquisition</b>							
1.	Utilization of ex-HGB State Land	Talise	46.83	693	There is	There is	Claims Not Proven, Asset Replacement Agreed upon
2.	Utilization of ex-HGB State Land	Tondo 2	65.31	961	There is	None	Outcome A lawsuit is proceeding in court
3.	Community/LCP Donation	Petobo	14.80	655	There is	None	Successfully organized
4.	Self-Land Provision (Collective)	Lompio	13.40	300**	None	None	TR
5.	Self-Land Provision (Individual)	Pantoloan	6.15	302	None	None	TR

Source: Case Study Reports in 7 Study Sites

Problems faced by the government and LGs in this type of small-scale land acquisition are also minimal; there was one claim in *Huntap Tompe*. Land purchases for the *Huntap Tompe* site were carried out in three stages from 2020 to 2023. There are objections and land ownership claims on a small portion of the land purchased in the third phase by the Donggala Regency Government covering an area of 1,500 square meters. The settlement process is carried out through mediation, alternative settlement of land shortages for 10 housing units is being sought from the LG land for the location of the permanent housing that is already available at the location in coordination with MPWH.

The implementation of the village treasury land swap in *Sibalaya Selatan* Village has no issues, this method is a solution to budget limitations and the fulfillment of the location preferences of the DAP. The Land Swap of village treasury land in *Sibalaya Selatan* Village is a breakthrough made by the Sigi Regency Government in dealing with limited land in accordance with the DPZ, and budget constraints in the current year, as well as the problem of preferences of the DAP who choose to move to the location of the original village. In the implementation of the Land Swap, the national government (BPPW, BP2P, and Regional Office/*Kantor Pertanahan (Kantah)*) did not face land issues.

**Table 29. The Character of Issues in Small-Scale Land Acquisition**

Type of Land Provision		Methods	Problems Facing the National Government			Issues Facing by LG
			BPPW	BP2P	Regional Office / <i>Kantah</i>	
A. Small-Scale Land Acquisition	1	Direct Purchase	No issue	Adjustment of contract administration , and project implementation cost and schedule	Partial landowner lawsuit	There are objections and land ownership lawsuits on a small portion of the land purchased by the District Government. The settlement process through mediation is ongoing, alternative solutions to the shortage of land for 10 permanent housing units are being sought from the LG land in the location of the permanent housing that is already available at the location in coordination with MPWH.
	2	Land Swap	No issue	No issue encountered	No issue encountered	LGs face limited land that is suitable for DPZ, and budget constraints in the current year, as well as the problem of preferences of the DAP who choose to move to the location of the original village. Tukar Menukar Tanah Kas Desa is a solution to these problems for LGs and village governments.

Source: Field/Case Reports in 7 Study Sites



The prominent problem faced by the government and LGs is in the type of Non-Acquisition, especially the utilization of ex-HGB state land in the form of formal ownership claims and informal control of assets on the land, which has an impact on adjusting contract administration and project work schedules. The national government and LGs carry out the option of utilizing state land based on, 1) Limited safe land in a large expanse due to DPZ; and 2) The city government's limited budget to procure large-scale land and Location Preferences. The DAP chose to locate close to their original location. In practice, there are problems with land ownership claims (Tondo 2 case) and requests for compensation for assets affected by land occupation/use (Talise).

In the case of LC participant donations, similar problems were anticipated and resolved by the LG and MAASP/NLA, and disputes over the amount of land donations were resolved and agreed upon. In the case of self-land provision, there were no problems faced by the government or LG. Both methods are solutions to the limitations of secure land and fulfillment of DAP location preferences.

**Table 30. The Character of Issues in Non-Acquisition Land Provision**

Type of Land Provision		Methods	Problems Facing the National Government			Issues Facing by LG
			BPPW	BP2P	Regional Office / Kantah	
B. Non-Acquisition	1	<b>Utilization of Ex-HGB State Land</b>	<ul style="list-style-type: none"> <li>- Adjustment of contract administration, cost, and overall project implementation schedule</li> <li>- Technical condition of some land</li> </ul>	Adjustment of contract administration, and project implementation cost and schedule	Limited budget for land acquisition, and Land titling Land ownership claim lawsuit (Tondo-2)	<ul style="list-style-type: none"> <li>- Land ownership claims (Tondo 2 case). Informal land cultivation/use (Talise).</li> <li>- Limited secure land in large expanses due to DPZs</li> <li>- City government budget limitations for large-scale land acquisition</li> <li>- Location Preferences. DAP chooses to go to a location that is close to their home location</li> </ul>
	2	<b>Community/ LCP Donation</b>	No issues	No issue	<ul style="list-style-type: none"> <li>- Shortage of ownership data entry personnel and field personnel for land measurement</li> <li>- Land titling budget constraints</li> <li>- Land Book Adjustment</li> <li>- Challenges of resolving ownership disputes and donation agreements</li> </ul>	Challenges in facilitating agreement on the amount of land donation

**Table 31. Types of Land Issues in CSRRP**

Type of Land Provision		Methods	Types of Land Issues	Description of the Land Issues	Time of Appearance	Mitigation and Settlement Channels	Completion Result
A. Small-Scale Land Acquisition	1.	Direct Purchase	Ownership Dispute	<ul style="list-style-type: none"> <li>• There are claims on land that have been purchased by the LG</li> </ul>	Land Clearing and Cultivation Phase	<ul style="list-style-type: none"> <li>• LG mediation (lurah, camat)</li> <li>• Relocating the construction site to green space land</li> </ul>	<ul style="list-style-type: none"> <li>• Mediation is still ongoing</li> </ul>
B. Non-Acquisition	1.	Utilization of Ex-HGB State Land	Affected Asset Disputes	<ul style="list-style-type: none"> <li>• Claims ownership of assets on land</li> </ul>	Land Clearing and Cultivation Phase	<ul style="list-style-type: none"> <li>• Formation of Data Verification and Validation Team</li> <li>• Agreement on Form of Compensation</li> </ul>	<ul style="list-style-type: none"> <li>• The form of compensation is agreed upon, compensation is provided according to the Mayor's policy.</li> </ul>
			Land Tenure and Ownership Disputes	<ul style="list-style-type: none"> <li>• Ownership claims from communities on SKPT rights bases</li> <li>• HGB holder's claim for compensation</li> </ul>	<ul style="list-style-type: none"> <li>• After Penlok, Ahead of the HGB release</li> <li>• Land Clearing and Development Phase</li> </ul>	<ul style="list-style-type: none"> <li>• LG mediation (lurah, camat)</li> <li>• Proof of ownership at the Land Office</li> <li>• Court</li> <li>• Relocation of construction site</li> </ul>	<ul style="list-style-type: none"> <li>• SKPT claims canceled and not proven</li> <li>• Outcome The lawsuit is still pending in court</li> </ul>



Type of Land Provision		Methods	Types of Land Issues	Description of the Land Issues	Time of Appearance	Mitigation and Settlement Channels	Completion Result
	2.	<b>Community/LCP Donation</b>	<ul style="list-style-type: none"> <li>Tenure and ownership disputes between landowners</li> <li>Dispute over the size of donated land</li> </ul>	<ul style="list-style-type: none"> <li>Multiple tenure and ownership on the same piece of land</li> <li>Dispute over size of donated land &amp; new HAT location point</li> </ul>	<ul style="list-style-type: none"> <li>Potential tenure disputes identified at the preparation/planning stage</li> <li>Disputes over land size emerged at the LC implementation stage.</li> </ul>	<ul style="list-style-type: none"> <li>Land arrangement by MAASP/NLA</li> <li>Companion of Tomas</li> <li>Participatory Siteplan and DAP Registration</li> </ul>	<ul style="list-style-type: none"> <li>Tenure and ownership successfully organized</li> <li>Joint decision on the amount of donation accepted by all participants</li> </ul>

## 4.2. Key to Success and Failure of the Land Provision Process

This study finds that the keys to the success and failure of the land provision process applicable to all types/methods of the land provision in the CSRRP are: 1) Presidential Instruction on accelerating and completing rehabilitation and reconstruction; 2) Compliance with existing regulations and or procedures; 3) Effectiveness of Identification, Verification, and Validation of WTB Data, ZRB Location, and Location Suitability with City/Regency Spatial Utilization; 4) Effectiveness of PUPR Assistance in Planning and or Implementation of Land Provision, and/or Dispute Mitigation and Mediation; 5) Cooperation and coordination of PUPR, ATR/BPN, Provincial Governments, City/Regency Governments, and Communities and DAPs; 6) There are innovations or breakthroughs in approaches and/or activities to facilitate the land provision process.

The six key points for the success and failure of the land provision process above are necessary conditions for the success of land provision in implementing CSRRP. Nevertheless, each type of land provision is found to also have its keys to success and failure in addition to the six key points of success above. Below are outlined the keys to success and failure and how the process of each type of land preparation/acquisition works.

### 4.2.1. Key Success and Failure of Small-Scale Land Acquisition: Buying, Selling and Exchanging

The success and failure of small-scale land acquisition in the CSRRP are also related to 1) the commitment of the local government in the form of a budget, and 2) the availability of safe land (purchased/exchanged).

Generally, the Direct Purchase Land Swap processes are by the Small Scale Land Acquisition regulations stipulated in the Ministerial Regulation of MAASP/NLA No.19 of 2021. Regarding time required, Direct Purchase takes 17 months, and Land Swap takes 23 months. The process of both is relatively the same, and both have additional stages/innovations, namely the process of splitting the land parcel, administration and transferring LG asset land to beneficiaries with the status determined by the LG (Property Rights or Use Rights).



**Table 32. Indicators of Compliance with Regulation - Small-Scale Land Acquisition**

Type of Land Provision	Methods	Proof of Release	Time (Month)	Ministerial Regulation of MAASP/NLA No.19 of 2021				DPZ (Pergub No. 10 Year 2019)	Village Meeting (Village Law)
				Penlok	Planning Document	Land Use Suitability	Land Valuation		
A. Small-Scale Land Acquisition	1. Direct Purchase	Person-to-person Submission Letter (JB Receipt)	17*	Donggala Regent Decree No. 188.45/0560/DKP2/2020	LAP <i>Huntap</i> Tompe	Recommendation No:650/0515/DMPWH/2020	KJPP	DPZ 2	No Village Meeting
	2. Land swap	Submission Letter No. 594.4/16/Setcam	23**)	No Penlok	LAP of <i>Huntap</i> Sibalaya Selatan	Letter No. 600/01.368/DPUP/2022, January 26, 2022. Certificate No. 809/463/Distanhorbun	KJPP for replacement land	DPZ 1G, DPZ 2G and DPZ 2L	There is a determination of the results of the village meeting.

\*) Starting from the formation of the Land Acquisition Team on May 16, 2019, until the Phase I Land Release (November 16 - 23, 2020). The longest time is at the initial data collection stage of 12 months (for the details see Appendix 1. Case Study Report on the Purchase of *Huntap* Tompe Land). \*\*) Starting from the formation of the LARAP Implementation Technical Team on March 9, 2020, until the issuance of the ATR/BPN Land Certificate on February 23, 2022. The longest time is the agreement on the exchange of rolls and the budgeting of the APBD of replacement land (for the details see Appendix 2. Case Study Report on Land Exchange in *Huntap* Sibalaya Selatan)

In Tompe, a team was formed based on the Decree of the Donggala Regent Number 188.45/0290/DPKP2 concerning the Establishment of a Small Scale Land Acquisition Team for Development in the Public Interest. The land acquisition process is carried out by the LG through the Small Scale Land Acquisition Team for development in the public interest. The small-scale land acquisition team worked with the Sirenja Sub-district government and the Tompe Village Government to register land locations that would be used for permanent housing. The reference in the initial data collection of land locations refers to the Central Sulawesi Governor Regulation No. 10 of 2019 concerning Post-Disaster Rehabilitation and Reconstruction Plans. The Small Scale Land Acquisition Team conducted socialization of the planned land needs for permanent housing and the possibility of compensation to be given. The socialization was conducted at the Sirenja Sub-district Office.

The Sirenja Sub-district Government and the Tompe Village Government collected data on lands that were willing to be purchased by the Donggala Regency Government to be used as permanent housing land. The government obtains land for Satellite-scale permanent housing candidates by purchasing from the community even though the land is state land which is handed over to the community. To obtain land, the Donggala Regency Government together with the village government has made various approaches to landowners whose land is deemed suitable for permanent housing locations. This approach is carried out mainly so that the landowners concerned give up their land to be released either by purchasing or voluntary release mechanisms by considering humanitarian aspects.

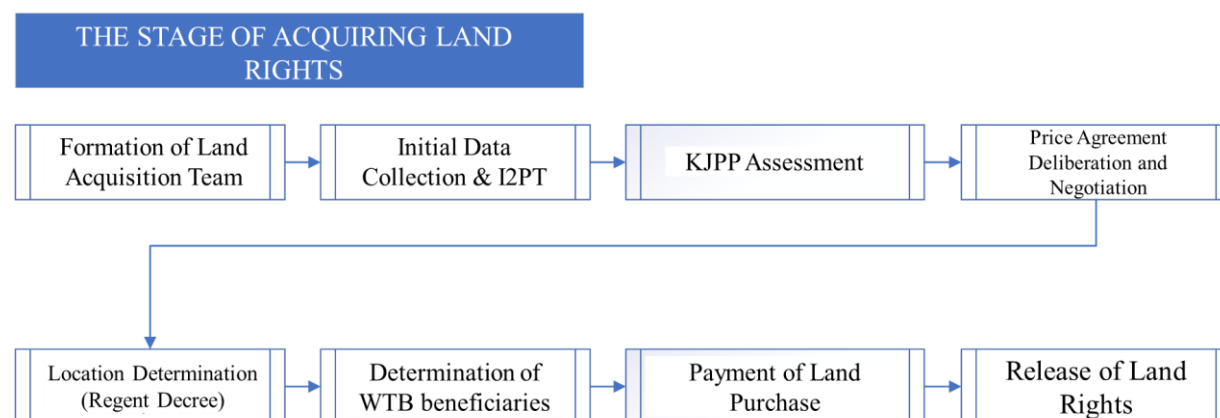
The discussion was held at the initiative of the Donggala Regency Government; this discussion was held to determine the location. The discussion discussed and agreed on the area of land needed to build permanent housing, the location's safety against DPZ (Disaster Prone Zone), consideration of environmental conditions, and the hope of right holders to continue their business in the same location. After that, observing the location of the Satellite-scale Permanent Housing (*Huntap Satelit*) candidate land, taking initial measurements of the offered land location, appointing an Appraisal Team to assess the price of the prospective permanent housing land,





negotiating the land price with the land owner, carrying out the land purchase, issuing a *Huntap* land release letter, and issuing a Work Order (SPK) for Land Arrangement, Control, Ownership, Use and Utilization.

As of March 2024, the Donggala District Government is deciding whether the residential land will be registered as a right of ownership or use rights status. The registration process per land parcel will be carried out after occupancy completion to ensure no change in land size. While in Sigi Regency, the certificate of residential land parcels was given to DAP on May 14, 2024, while for replacement land, the LGU is still in the process of finding land.



**Figure 14 Flowchart of Land Purchase Process - Huntap Tompe**

In *Sibalaya Selatan*, the land used as permanent housing land is the *Sibalaya Selatan* Village treasury land given to the Sigi Regency Government for the construction of permanent housing for victims of the earthquake and liquefaction natural disasters with a swap process. The implementation of this swap will adjust the land area and value of the village treasury land price, the valuation of the replacement land will be through the Public Appraisal Services Office (KJPP). The deliberation of the plan to compensate for the land compensation for the Satellite-scale permanent housing in Sigi Regency was carried out at the Village Deliberation level on March 24, 2021, which was attended by the Head of the MPWH Housing Division of Sigi Regency representing the Regional Government of Sigi Regency together with *Sibalaya Selatan* Village officials. The Village Deliberation resulted in an agreement that the land would be swapped by the Sigi Regency Government by adjusting the readiness of the LG budget. The Minutes of the Village Deliberation are shown in the Figure below. On October 22, 2019, a joint agreement was made between the *Sibalaya Selatan* Village Government and the Sigi Regency Government. Both parties agreed to release or hand over a plot of land from the *Sibalaya Selatan* Village assets to the Sigi Regency Government for the construction of permanent housing for disaster victims. This agreement is contained in Submission Letter Number 594.4/16/Setcam.



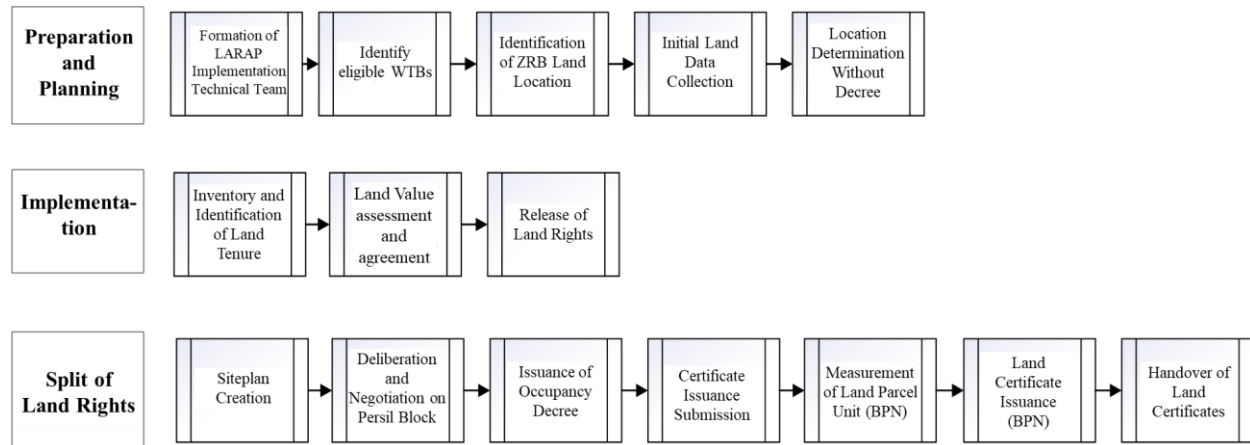


Figure 15 Flowchart of the Land Swap Process

#### 4.2.2. Keys to Success and Failure of Utilizing Ex-HGB State Land

The success of the failed process of using the former HGB state land is also specifically related to; 1) the availability of HGB land that is no longer active, and 2) mitigation and mediation through formal and informal communication methods.

The process of Utilization of Ex HGB State Land as a whole is an innovation in the provision of relocation land that applies 4 Legislations in the fields of Agrarian, Land, Spatial Planning, Procurement of Goods / Services - Management of State / Regional Property, Assistance, Donations, Disaster / Disaster, and Disaster Management, namely: 1) Law No.5 of 1960, 2) Law No.12 of 2012, 3) PP No.18 of 2021, and 4) Presidential Regulation No.62/2018 which regulates Land Acquisition and Transfer of Land Rights from HGB to State Land and transfer of utilization, as well as Handling Social Impacts on the Community. Another innovation is the form and mechanism of compensation in the form of land redistribution.

The process of utilizing ex-HGB State Land is by several regulations used as references, namely Law No.2 of 2012, Government Regulation No.19 of 2021, Law No.5 of 1960, Government Regulation No.18 of 2021, and Presidential Regulation No.62 of 2018. The construction of *Huntap* on former HGB state land is based on the determination of the construction location by the Governor through Governor Decree No. 369 / 516 / DIS-BMPR G.ST / 2018 concerning Location Determination issued based on Presidential Instruction Number 10 of 2018 concerning the Acceleration of Rehabilitation and Reconstruction after the Earthquake and Tsunami Disaster in Central Sulawesi Province and Other Affected Areas whose contents ask the Ministry of AASP/NLA to facilitate the Acquisition of relocation land and post-disaster rehabilitation. The decree was signed on December 18, 2018.

It took about 30 months from determining the location to submitting the utilization to the Palu City Government. The process in Talise and Tondo 2 is relatively the same. The utilization of ex-HGB state land is an innovation in the provision of post-disaster relocation land, because it has never existed in Indonesia, there are innovations in the form and mechanism of compensation, as well as additional activities that are specific to the post-disaster location that

have no provisions in the Land Acquisition regulations and other regulations related to land provision.

**Table 33. Indicators of Compliance with Regulation - Utilization of Ex-HGB State Land**

Type Land Provision	Methods	Time (Month)	Law No.2/2012 Article 49, paragraph 1 - 3 and Government Regulation No.19 of 2021 Article 118, paragraph 1 - 4*)		Appropriateness of Utilization	Law No.5/1960 Government Regulation No.18 Year 2021**)		Presidential Regulation No. 62/2018		ZRB (Governor Regulation No. 10 Year 2019)
			Disaster Determination	Penlok		HGB Release Letter	Handover to Local Government	Planning Document	PDSK Integrated Team	
<b>B. Non Procurement</b>	<b>1. Utilization of Ex- HGB State Land</b>	30***)	Central Sulawesi Governor Decree No: 466/459/BPB D/2018	<ul style="list-style-type: none"> <li>Letter of Head of Bappenas No. B579/M.PPN/D.2/ HM.01.01/10/2018 dated October 31, 2018</li> <li>Central Sulawesi Governor Decree No: 369/516/Dis.B MPR- G.ST/2018</li> </ul>	Letter of the Head of DPRP of Palu City No. 650/575/X/DPRP /2020 and No. 650/577/X/DPRP /2020 Regarding KRK	BA PT DDB Release Letter August 15, 2019 (Talise)  BA Release Letter PT SPM & PT SW September 10, 2019 (Tondo-2)	<ul style="list-style-type: none"> <li>Letter from the Minister of ATR/BPN</li> <li>Letter from Head of Regional Office / BA Submission</li> </ul>	LAP, RAP and DDR of Talise and Tondo-2 Hutap	Decree of the Mayor of Palu Number: 650/609/D PRP II/2020	ZRB 2G

\*\*\*) Starting from the Determination of the Governor's Location to the Handover of Land from the ATR/BPN Regional Office to the Regional Government. The longest stage is the time duration between the release of the HGB to the handover to the Regional Government 21-23 months (see Appendix 2 & 3 of the Case Study Report on the Utilization of State Land Ex-HGU/HGB Talise and Tondo-2).

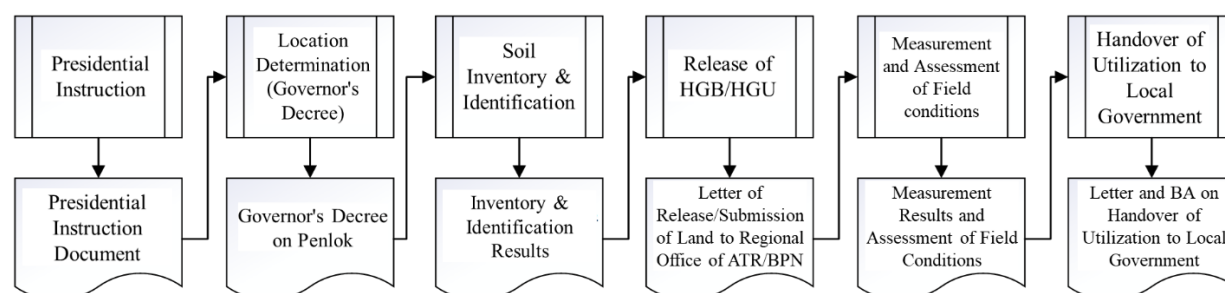
Following up on the issuance of the Location Determination, the MAASP/NLA invited the Director of the concessionaire company (The concessionaire companies for Duyu, Talise, and Tondo-2 are 2 different companies) to discuss the release of building rights on the land. The concessionaire company sent a letter releasing the HGB concession and also agreed to measure the land for permanent housing. In the case of Tondo-2, the President Director of the concessionaire company signed a letter of agreement for the voluntary relinquishment of 30 hectares of HGB land, consisting of 15 hectares (expired HGB 122/Tondo) and 15 hectares (expired HGB 10/Tondo).

Based on the agreement to release the land from the company that owns the HGU/HGB concession, the Central Sulawesi Land Office requested the Director General of Control, Space Utilization and Land Ownership of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency to remove the land from the database of land indicated as abandoned, because the landowner must be given special terms and conditions in deciding to extend his rights. Then a field condition assessment was carried out using a *joint survey*. The results of the field review, both in Talise and Tondo-2, agreed to determine the location of permanent housing according to the location based on the Site Plan of the Mayor of Palu, which was followed up by measurement and boundary determination by the Regional Office of the National Land Agency and the Land Office of Palu City together with the Ministry of Public Works and Public Housing and the Palu City Police.

The MAASP/NLA Regional Office then handed over the Talise and Tondo-2 land to the Palu Regional Government to be utilized as land for permanent housing construction through a letter and minutes of handover. After carrying out due diligence results, the utilization of Ex-HGU/HGB land for Talise and Tondo-2 permanent housing land obtained approval from the



World Bank. The entire process, from the Location Determination to the issuance of the approval letter, took 30 months. In summary, the process of utilizing ex-HGU/HGB state land is presented in the figure below.



**Figure 16 Utilization Process of Ex-HGB State Land**

#### **4.2.3. Keys to Success and Failure of Community/LCP Donation Land Consolidation**

The success of the KT Participant Donation is specifically related to 1) The commitment and involvement of the Regional Government and community leaders; and 2) the Willingness of LC participants to release land by owned.

The overall land donation of KT participants is an innovation in providing relocation land in post-disaster locations. There are innovation activities and stages, namely: 1) Determination of Huntap Location, 2) Identification, Verification, and Validation of Beneficiary Dwellers for Determination of Eligible Dwellers, 3) Involvement of Dwellers in making and agreeing on the KT site plan and the location of the shelter.

The implementation of the Land Consolidation Participant Donation is by the Regulation of the Minister of AASP/NLA No.12 of 2019. The time required from the formation of the LC Planning Team to the release of donated land is 3 months. The construction of permanent housing units in Petobo Village is based on the Decree of the Governor of Central Sulawesi Number 369/372/Dis.BMPR-G.ST/2021.

The community/LCP donation is part of the overall Land Consolidation process. There are 2 (two) main stages, namely: 1) the Land Consolidation Planning Stage, and 2) the Land Consolidation Implementation Stage. The implementation of both stages is conducted by the Technical Guidelines for Planning and Technical Guidelines for Implementing Land Consolidation issued by the MAASP/NLA. Provisions for the implementation of Land Consolidation for post-disaster handling follow the provisions of the Land Consolidation Implementation stipulated in Article 21 through Article 32 Ministerial Regulation No.12 of 2019, this provision allows for changes in procedures in urgent circumstances (natural disasters), which include activities; 1) Collection of Physical, Juridical Data and Assessment of Land Consolidation Objects; 2) Preparation of Land Consolidation Design and Action Plan; 3) Release of Land Rights and Land Affirmation of Land Consolidation Objects; 4) Implementation of Land Consolidation Design (Staking Out); 5) Issuance of Land Rights Certificate and Submission of Land Consolidation Results.



**Table 34. Indicators of Compliances with Regulation - the Community Land Donation**

Type Land Provision	Methods	Time (Month)	Penlok Huntap	Pemen ATR/BPN Number 12 of 2019 on Land Consolidation						ZRB (Governor Regulation No. 10 Year 2019)
				Socialization of Utilization Conformity	Local Government and Community Commitment	Penlok KT	Establishment of Participant Association	Design and Donation Agreement	Land Release	
<b>B. Non Procurement (Continued)</b>	<b>2. KT Participant Land Donation</b>	3*	Decree of the Governor of Central Sulawesi No. 369/372/DIS-BMPR-G.ST/2021	Assessment at Planning Stage and Socialization to LGs  Minutes of Socialization No. 080.1/BA-72.AT.01.02/V III/2021  Minutes of Site Selection No.080.2/BA-72.AT.01.02/V III/2021	Minutes and BA of Joint Agreement or Minutes of Results of Socialization of Land Consolidation to the Community	Letter of the Minister of Agrarian and Spatial Planning/ Head of the National Land Agency No. A7.02/656/V/2021  Decree of the Mayor of Palu Number 650/1160/D PRP II/2021	Minutes of the formation of KT participant association	Minutes of Design Result Agreement and land release donations	Minutes of Release of Land Donation from Land Consolidation Participants to Land Office of Palu City	ZRB 2G

\*) Starting from the Formation of the Coordination Team and Planning Team to the Release of Land Donations

In summary, the preparation and planning stages of land consolidation that occurred in Petobo Village consisted of 18 activities, namely:

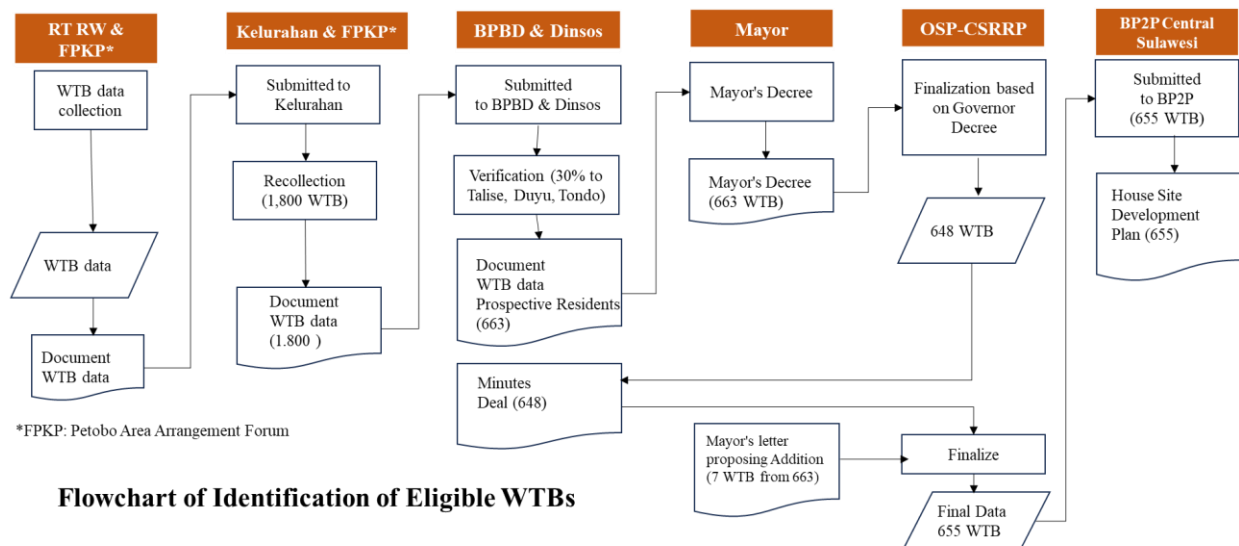
1. Formation of Coordination Team / Acquisition Team / Working Group
2. Formation of Planning Team
3. Initial Data Preparation
4. Spatial Review
5. Review of Sector Policies, Plans and Programs
6. Socialization of LC to LG
7. Site Selection (Coordination with LG)
8. Socialization of Land Consolidation to the Community
9. Social Mapping and Area Potential Analysis
10. Field Data Processing
11. Creation of Initial Design/Visioning (*Sketch Block Plan*)
12. Socialization of LC Plan to the Community and Agreement
13. Exposure to the Center
14. LG Approval and Support
15. Submission and Determination of Location Determination (Head of Land Regional Office Decree)
16. Location Determination Decree to the Mayor/Regent
17. General Plan of LC Activities
18. Report Preparation

The stages of Land Consolidation implementation in summary consist of 18 activities:

1. Forming Coordination Team (Mayor/Regent Decree)
2. Forming Implementation Team/Land Acquisition Team (Head of Land Office Decree)



3. Establishment of LC Participants Association
4. Issuance of Power of Attorney for LC Participants
5. Physical Data Collection
6. Juridical Data Collection
7. Land Consolidation Object Valuation
8. Preparation of Land Consolidation Design / Site Siteplan Design
9. Deliberation on New Plot Assignment Plan
10. Land Consolidation Action Plan
11. Release/Surrender of Land Rights to LG
12. Affirmation of Land as an Object of Land Consolidation
13. Field Application of LC Design (Staking-Out)
14. Issuance of Decree on Granting Land Rights
15. Issuance of *Surat Tanda Bukti Hak Atas Tanah* (STB HAT) for DAP
16. STB HAT Issuance for Infrastructure
17. Supervision and Monitoring
18. Reporting



Source: *Petobo Huntap Case Study Report*

**Figure 17 Example of the Process of Identifying Eligible DAPs**

#### 4.2.4. Keys Success and Failure of Self-Land Provision

In particular, the success and failure of the self-land provision (collective) are also related to 1) Penlok Decree by the Regent; 2) DAP deliberations collectively provide land for permanent housing; Facilitation of Village and Regency Governments in the PTSL Program of the Ministry of ATR/BPN; Meanwhile, the success and failure of the individual self-land provision is supported by the effectiveness of physical identification and the completeness of land juridical evidence.

Self-Land Provision is an innovation that adopts several provisions of Small Scale Land Acquisition, PTSL stages, and community assistance facilitated by PUPR. Another innovation





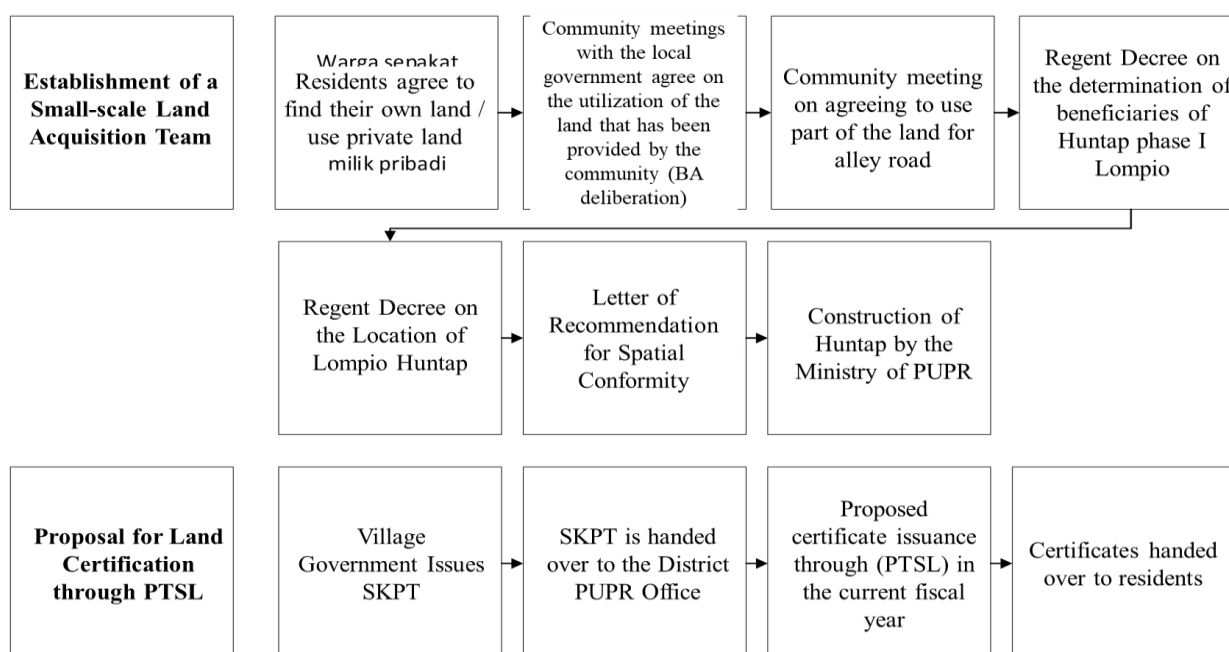
in the process was the Huntap Development Plan Deliberation, which agreed to surrender WTB land for residential development land.

Individual self-land provision is guided by the provisions and procedures set by the project. The most important stage is the identification of land legality. In the study location, this activity is carried out by identifying land ownership that has proof of title in the form of a Certificate of Ownership (SHM), a Certificate of Land Tenure (SKPT), or a surrender letter issued by the kelurahan, known and approved by the sub-district. The land prepared by the 27 PAPs is privately owned land in the form of vacant land.

**Table 35. Indicators of Compliance with Regulation - Self-Land Provision**

Type Land Provision	Methods	Proof of Release	Time (Month)	Permen ATR/BPN No.19 of 2021				ZRB (Governor Regulation No. 10 Year 2019)
				Penlok	Planning Document	Land Use Suitability	Land Valuation	
<b>B. Non Procurement</b> (Continued)	<b>3 Independent Group</b>	Person-to-person Submission Letter (JB Receipt)	8*)	Decree of Donggala Regent Number 188.45/0304/DPKP2/2020	LAP/RAP of Lompio Independent Housing	Recommendation Letter Number: 660/0734/DPKP2/2020 regarding the suitability of the spatial plan for the huntap location (signed by the Head of TKPRD)	None	ZRB 2
	<b>4 Independent Individual</b>	Individual Submission Letter	-	No Penlok	LAP/RAP Pantoloan Self-Help Shelter	None	None	None

\*) Starting from the Formation of the Land Acquisition Team to the Collective Agreement on Land Handover by WTB. The negotiation process of agreeing on the type of residential building with the community adds to the duration of the land provision time which was initially estimated at 3-4 months.



**Figure 18 Flowchart of the Self-Land Provision (Collective) Process**



### 4.3. Land Status and Livelihood of Beneficiaries

#### 4.3.1. Land Status

The initial land legality status of each type/method of land provision under CSRRP varies. In general, there are three types of (initial) land status: 1) Land that is controlled/owned by individuals, whether it is registered and has proof of rights in the form of a certificate, or other forms of legal title issued by the LG (village, lurah, kecamatan) in the form of a land tenure certificate (SKPT), 2) Village treasury land, which is village assets in the form of land, and 3) State Land (Ex HGB, in the case of LC relinquishing the land to be donated). At the time of this study, the final land status of all types/methods of land provision was Hak Milik with evidence of SHM for housing and PSU both already issued and in the preparation phase (there is a possibility that the status of residential land is Hak Pakai on top of the Management Rights granted by the LG and recorded as LG Assets). Table 36 presents an overview of the initial, intermediate, and final land status transfers for each type/method of land provision in CSRRP.

Beneficiaries in the Lompio (*Huntap Mandiri*), Sibalaya Selatan (*Huntap Satelit*), and Petobo (*Huntap Kawasan*) have received; 300 residential certificate books in *Huntap* Lompio, 118 books in *Huntap* Sibalaya Selatan, and 655 books of certificates in the *Huntap* Petobo.

**Table 36. Land Status of Permanent Housing Units in Case Study Sites**

Type of Land Provision	Methods	Initial Land Status	Legal Document (Alas Hak)	Land Status Between	Legal Document (Alas Hak)	Final Land Status
A. Small Scale Land Acquisition	1 Direct Purchase	Variations	Variations	Local government assets*)	Land Release Letter from the Owner	SHM and PSU (Preparation)
	2 Land Swap	Village treasury land	SKPT	Local government assets*)	BA Village Deliberation, Land Handover from Village Head	SHM Residential and PSU
B. Non-Land Acquisition	1 Utilization of Ex-HGB State Land	Ex-HGB State Land	HGB Release	Local government assets*)	Submission Letter and BAST from Regional Office of MAASP/NLA	SHM Residential and PSU (Preparation)
	2 Community/LCP Donation	Variations	Variations	State Land	Release of LCParticipant Donations	SHM Residential and PSU
	3 Self-Land Provision (Collective)	Variations	SKPT	None	None	SHM Residential
	4 Self-Land Provision (Individual)	Land Tenure & State Land Tenure Rights not Registered	SKPT, SHM & Letter of Submission	None	None	SHM (Preparation)

#### Illustration of Certificate Handover

The lands provided by DAP all have SKPT made. SKPT is used as the basis for making proof of rights documents in the form of SHM in collaboration with the Donggala District Land Office (NLA). All certificates have been distributed to residents during the key handover ceremony. At that time it was distributed by the previous Village Head. I was also among those who received certificates.

**Head of Lompio Village, Donggala Regency**





Figure 19 Documentation of Handover of Land Title Certificates in Sibalaya Selatan

#### 4.3.2. Livelihood of *Huntap* Beneficiaries

*Huntap* residents in 7 study locations have the potential to access education, health, and economic services, as well as to settlement infrastructure, facilities, and utilities (PSU) services, including access to neighborhood roads, clean water services, waste services, electricity, and communication network services so that their livelihoods have the potential to recover to pre-disaster conditions.

Table 37. Access of Permanent Housing Residents to Socio-Economic Services

Type of Land Provision	Methods	Huntap Name	Distance to Traditional Market (Km)	Distance to Pustu, Puskesmas, Clinic (Km)	Distance to Kindergarten (Km)	Distance to primary school (Km)	Distance to junior high school (Km)	Distance to high school (Km)
A. Small Scale Land Acquisition	1 Direct Purchase	Huntap Tompe	2	1,8	0,5	1,9	2	2
	2 Land Swap	Huntap Sibalaya Selatan	2	0,7	In Huntap	In Huntap	0,45	1
B. Non-Acquisition	1 Utilization of Ex-HGB State Land	Huntap Talise	4,3	3,5	2,7	In Huntap	4,1	4
		Huntap Tondo-2	6,9	1	1,4	1,8	0,9	1
	2 Community/LCP Donation	Huntap Petobo	5,1	5,2	-	2	2	6,1
	3 Self-Land Provision (Coll.)	Huntap Lompio	2	1	-	0,6	2	2,6
	4 Self-Land Provision (Ind.)	Huntap Pantoloan	-	1	1,4	1,2	1,1	1,8

Table 38. Access of Permanent Housing Residents to PSU

Type of Land Provision	Methods	Huntap Name	Huntap Type	Sanitation	Clean Water	Waste	Neighborhood Road	RTH	Street Lighting	Residential Lighting
A. Small Scale Land Acquisition	1 Direct Purchase	Huntap Tompe	Satelit	✓	✓	✓	✓	✓	✓	✓
	2 Land Swap	Huntap Sibalaya Selatan	Satelit	✓	✓	✓	✓	✓	✓	✓
B. Non-Acquisition	1 Utilization of Ex-HGB State Land	Talise Huntap	Kawasan	✓	✓	✓	✓	✓	✓	✓
	2 Utilization of Ex-HGB State Land	Huuntap Tondo-2	Kawasan	✓	✓	✓	✓	✓	✓	✓
	3 Community/LCP Donation	Huntap Petobo	Kawasan	✓	✓	✓	✓	✓	✓	✓
	4 Self-Land Provision (Collective)	Huntap Lompio	Mandiri	✓	✓	✓	✓	-	✓	✓
	5 Self-Land Provision (Individual)	Huntap Pantoloan	Mandiri	✓	✓	✓	✓	-	✓	✓



## 4.4. Lessons from the Case Studies

### 4.4.1. Lessons from Small-Scale Land Acquisition

#### Lesson from Direct Purchase

- *Small-scale land acquisition for relocation in post-disaster locations potentially recovers livelihoods, legal certainty of land, and safety of settlements.* About 27% of the CSRRP relocation land area or 53.45 Ha was obtained through Sale and Purchase (96% of the total area of small-scale land acquisition), spread across 25 Satellite Huntap locations, in Palu City, Sigi Regency, Donggala Regency, accommodating 1,133 housing units, with a total land acquisition fund value of Rp 24,134,000,000.00 sourced from the APBD and Provincial Grants. 1% of the CSRRP relocation land area or 2.47 Ha was obtained through Exchange (4% of the total area of small-scale land acquisition) at 1 Satellite-scale Huntap location, in Sigi Regency, accommodating 118 housing units, with a land acquisition value of Rp 700,000,000. The risk level is moderate, and problems from the legal, technical, and social aspects faced by the central and regional governments are minimal. Central and regional regulations for institutional arrangements are available; procedures and schemes for handling social impacts can replicate the procedures prepared by CSRRP. The challenge is the time required to obtain land for more than 1 year and requires careful identification of HAT administration. Land status has the potential to become a regional government asset for PSU and a beneficiary asset for housing with SHM rights. The livelihood, certainty, and safeness of settlements have the potential to recover.
- *The keys to success* are 1) local government commitment in the form of a budget, 2) availability of safe land (purchased/exchanged), 3) compliance with regulations, 4) effectiveness of assistance from Project Managers and Implementers in planning and implementation, 5) Cooperation and policy coordination of MPWH, MAASP/NLA, Provincial Government, City/Regency Government, and Village Government.
- *Innovations in the implementation of CSRRP small-scale land acquisition streamline the process and enrich existing provisions*, namely: 1) Establishment of a Small Scale Land Acquisition Team/LARAP Implementation Team in post-disaster locations, 2) Determination of Relocation Locations that meet the criteria of being safe from disasters, and 3) Identification, Verification, Validation and Determination of DAP Recipients, 4) HAT splitting that has no provisions in the stages of small-scale land acquisition as stipulated in Ministerial Regulation of MAASP/NLANo.19 of 2021, 5) Simplification of special procedures for exchanging village asset land.

### 4.4.2. Lessons from Non-Acquisition Land Provision

#### Lesson from Utilization of Ex-HGB State Land

- *The utilization of Ex HGB state land for relocation in post-disaster locations potentially recovers livelihoods, legal certainty of land, and safety of settlements.* About 55% of the CSRRP relocation land area or 112.14 Ha was obtained through the Utilization of Ex-HGB State Land (77% of the total non-acquisition land area) in 2 Huntap Kawasan



locations in Palu City, accommodating 1,654 housing units, with a land value of around Rp168,210,000,000.00. The level of implementation risk is quite high, and problems from the legal, technical, and social aspects faced by the central and regional governments in the form of claims on assets and claims of land ownership, which impact adjusting the contract administration and project work schedule. Central and regional regulations for the institutional arrangement of the utilization of ex-HGB state land have been provided, while the procedures and schemes for handling social impacts are provided by the CSRRP project (in the Involuntary Land Acquisition and Resettlement Scheme). The challenge is the time required to acquire land for more than 1 year. Land status has the potential to become a regional government asset for PSU and a beneficiary asset for housing with a SHM right. The livelihoods, certainty, and safeness of DAPs' settlements have the potential to recover, and they have the potential to access basic settlement social and economic infrastructure services.

- *Keys to success and failure in the process of utilizing former HGB state land, are: 1) Presidential Instruction No. 10 /2018, and No. 8/2021, 2) conformity of implementation with regulations, 3) Identification and verification of DAPs Prospective Beneficiaries, 4) Availability of DPZ and KRK maps, 5) Effectiveness of MPWH assistance in planning, implementation, mitigation, and mediation, through formal and informal communication, 6) Cooperation and policy coordination of MPWH, MAASP/NLA, Provincial Government, and Palu City Government.*
- *Utilization of ex-HGB state land is an innovation in the provision of post-disaster relocation land because it has never existed in Indonesia, there are innovations in the form and mechanism of compensation. The challenges are the long process (30 months), the application of various regulations, and the high risk.*

### Lesson from Community Donation via Land Consolidation Scheme

- *The Community Land Donations through the land consolidation scheme potentially recover livelihoods, legal certainty of land, and safety of settlements. About 7% of the 14.8 Ha CSRRP relocation land area was obtained from LC Participant Contributions (10% of the total non-acquisition land area) in 1 Huntap Kawasan location in Palu City, accommodating 655 housing units, with a land value of around Rp22,245,000,000.00. The level of implementation risk is relatively high, problems from the legal, technical, and social aspects faced by the central and regional governments in the form of restructuring land ownership and control rights, and the amount of donations to be given requires the involvement of community leaders, local governments, and MAASP/NLA. Central and regional regulations for institutional arrangements are available; the project provides procedures and schemes for handling social impacts (in the Land Donation scheme). The livelihoods, certainty, and safeness of settlements are recovered. Land becomes SHM for housing, and the local government owns PSU. PTB has access to basic settlement, social, and economic infrastructure services.*





- Keys to success and failure of the process: 1) Presidential Instruction No. 10 /2018, and No. 8/2021, 2) conformity of implementation with regulations, 3) Identification and verification of DAPs Prospective Beneficiaries, 4) Commitment and involvement of local governments and community leaders, 5) Willingness to Release Land owned by LC Participants, 6) Availability of DPZ Maps and Spatial Studies, 7) MPWH assistance in implementation, mitigation and mediation, through formal and informal communication, 8) MPWH, MAASP/NLA, Provincial Government, Palu City Government, LC Participants, and DAPs policy cooperation and coordination.
- *The land donation of LC participants is an innovation in the provision of relocation land in post-disaster locations.* Other innovations include 1) Determination of *Huntap* Location, 2) Identification, Verification, Validation, and determination of DAPs, and 3) Involvement of DAPs in making and agreeing on the LC site plan and location of *Huntap*. The challenges are identifying LC objects and subjects, agreeing on land donations, and the number of measurement personnel.

### Lesson from Self-Land Provision -Collective

- *Utilizing land owned by disaster-affected people collectively for relocation in post-disaster locations potentially recovers livelihoods, legal certainty of land, and safety of settlements.* As much as 7% of the CSRRP relocation land area of 13.4 Ha was obtained from LC Participant Contributions (9% of the total non-acquisition land area) in 1 *Huntap* Mandiri location in Donggala Regency, accommodating 300 housing units, with a land value of around IDR 5,360,000,000. The level of implementation risk is relatively low, and problems from the legal, technical, and social aspects faced by the central and regional governments are almost non-existent. Central and regional regulations for the institutional arrangement of the collective self-land provision are not yet available. The implementation adopts provisions for small-scale land acquisition, PTSL, POM CERC, and CSRRP, procedures & schemes for handling social impacts similar to land donation, which have not been specifically regulated. The livelihoods, certainty, and safeness of settlements are recovered. *SHM* for housing is issued, and DAPs can access settlement infrastructure and social & economic services.
- *Keys to success and failure of the process:* 1) Regent's Penlok Decree, 2) Compliance with available regulations, 3) *Huntap* Development Plan Deliberation, 4) Facilitation of Village and Regency Governments in the MAASP/NLA PTSL Program, 5) Identification of Beneficiary DAPs verification, 6) Identification of Potential Disaster DPZ Maps and Recomtek, 7) MPWH assistance in preparation, planning, and implementation, 8) Cooperation and coordination of MPWH policies, MAASP/NLA, Provincial Government, Donggala Regency Government, and DAPs.
- *The Process of Self-Land Provision (collective) is an innovation/breakthrough in providing relocation land in post-disaster locations. Another innovation is the organization of the Huntap Development Deliberation.*



## Lesson from Self-Land Provision -Individual

- *Utilizing land owned by disaster-affected people individually for relocation in post-disaster locations potentially recovers livelihoods, legal certainty of land, and safety of settlements.* As much as 3% of the CSRRP relocation land area of 6.15 Ha was obtained from LC Participant Contributions (4% of the total non-acquisition land area) in 263 Huntap Mandiri locations in Palu City, accommodating 302 housing units, with a land value of around IDR 9,225,000,000. The level of implementation risk is relatively low, and problems from the legal, technical, and social aspects faced by the central and regional governments are almost non-existent. Central and regional regulations for the institutional arrangement of individual self-land provision are not yet available, the implementation uses the CSRRP POM, and procedures & schemes for handling social impacts similar to land donation have not been specifically regulated. The livelihoods, certainty & safeness of DAP settlements have the potential to recover. DAPs have access to settlement, social, & economic infrastructure services that are not far from their residence at the time of the disaster.
- Keys to success and failure of the process: 1) Presidential Instruction No. 10 of 2018 and No. 8 of 2022, 2) Compliance with available procedures, 3) Physical identification and completeness of land juridical evidence, 4) Effectiveness of identification and verification of DAPs, 5) Work of assistance from MPWH for DAPs and local government, 6) Cooperation and policy coordination between MPWH and Palu City Government.
- *The process of Self-Land Provision individual is an innovation/breakthrough in the provision of relocation land in post-disaster locations.* Individual independence is a solution to the shortage of secure land and fulfillment of DAP location preferences



## CHAPTER 5

### LESSON LEARNED AND RECOMMENDATION

#### 5.1. Lesson Learned

Based on the description in the previous chapter, this study summarizes the lessons learned from the land provision experience in CSRRP as follows:

##### A. Land Issues in CSRRP

1. *The CSRRP relocation policy has encouraged innovation and breakthroughs in providing land in post-disaster locations.* CSRRP implements small-scale land acquisition through Direct Purchase and Land Swap, Non-Acquisition through utilizing Ex-HGB state land, community donations through the LC program, and Self-Land Provision, both carried out by groups and individuals. Through these two types of land provision, CSRRP succeeded in providing land for permanent housing covering an area of 202.35 Ha, accommodating 4,162 dwellings (3,880 plus 282 housing units built by NSUP-CERC) in Palu City, Sigi Regency, and Donggala Regency with a total land value of Rp 232,506,000,000.00.
2. *Each type of land provision in CSRRP produces land area with varying capacity and budget availability requirements.* Small-scale land acquisition: Direct Purchase and Land Swap, succeeded in providing 55.92 Ha of land (28%), accommodating 1,251 dwelling units (30%), which required a budget from the local government budget equivalent to the land value of around Rp 27,466,000,000.00. Utilization of ex-HGB land, community land donations from LC participants, and Self-land provision - collective and individuals, all succeeded in providing 146.49 Ha (72%) of land, accommodating 2,911 dwelling units (70%) with a land value of around Rp 205,040,000,000.00 without acquisition costs from the government budget.
3. *From the institutional aspect, each land provision type implemented by CSRRP works as arranged as regulations and policies and as arranged as specific guidelines of social risk management produced by projects.* Institutional arrangements for all types of land provision – in terms of regulation and policies - are available, except for the self-land provision. For the latter, land provision work is arranged by guidelines produced by the project. The guideline for social risk management is provided by the project in two forms: as a framework and manual/tools.
4. *Each type of land provision implemented in CSRRP has different types and degrees of problems (risks).* The government and LGs do not face land issues in self-land provision and small-scale land acquisition. Issues are prominent in implementing non-acquisition, especially ex-HGB state land utilization. There is a claim in both land ownership and assets. The claim resolution impacts adjustments in both contract administration and project work schedules.
  - a. There are no issues faced by the government or LG in the self-land provision locations. Both methods are solutions to the limitations of secure land and fulfillment of DAP location preferences.



- b. The problems faced by the government and LGs in this type of small-scale land acquisition are also minimal; Land Swap is a solution to budget constraints and the fulfillment of DAP location preferences.
  - c. Problems faced by the government and LGs in the type of Non-Acquisition, especially the utilization of state land Ex HGB stand out, in the form of formal ownership claims and informal control of assets on land, the resolution of which has an impact on adjusting contract administration and project work schedules. In the donation of LC participants, similar problems can be anticipated and overcome by the LG and MAASP/NLA, and disputes regarding the amount of land donated can be resolved and agreed upon.
5. *All type of land provision implemented in the CSRRP potentially recovers livelihoods, legal certainty of land, and safety of settlements.* By the end of the study (August 2024), the relocation sites that have indicated livelihood recovery, safeness from natural disaster risk, and legal certainty of land (secure tenure) are sites where land is provided through Self-Land Provision, Land Swap, and Land Donation through LC scheme. Meanwhile, locations where land is provided through direct purchase and utilization of ex-HGB state land, have indicated the potentiality to recover, especially in terms of legal certainty of land for the relocation beneficiaries.

## B. Key Success and Failure of Land Provision

1. *Each type/method of land provision in the CSRRP is carried out according to the available regulations and requires varying time duration.*
  - a. Implementation of each type/method by laws and regulations and national and regional policies.
  - b. The time required for land title release, starting from the shortest is: a). LC participants' land donation (3 months); b) Self-land provision - Collective (8 months); Direct Purchase (17 months); Land Swap (Village Treasury Land) (23 months); Utilization of state land ex HGB (30 months); The time needed for the individual self-land provision method cannot be identified because it varies from person to person.
2. *In general, there are 6 key points to the success and failure of the land provision process in the implementation of CSRRP, are;* 1) Presidential instruction on accelerating and completing rehabilitation and reconstruction; 2) Compliance with available regulations and/or procedures; 3) Effectiveness of Identification, Verification, and Validation of DAP Data, DPZ Location, and suitability of location with city/regency spatial utilization; 4) Effectiveness of MPWH assistance in planning and/or implementing land provision, and/or dispute mitigation and mediation; 5) Cooperation and coordination of MPWH policies, MAASP/NLA, Provincial Governments, city/district governments, and Communities and DAP; 6) The existence of innovation or breakthrough approaches and/or activities in providing relocation land in dealing with land issues, at the approach and activity level.



## C. Land Provision Innovation

1. There are innovations in the implementation of Small Scale Land Acquisition in CSRRP, namely:
  - a. Establishment of Small Scale Land Acquisition Team / LARAP Implementation Technical Team
  - b. Location Determination
  - c. Identification, Verification, Validation, and Determination of eligible DAP Bantauan Recipients/Candidate Beneficiaries,
  - d. Determination of disaster-safe locations through DPZ maps
  - e. Split of Land Rights
  - f. Simplify the acquisition process, especially for land swapping mechanisms that involved village treasury land.
2. Innovations in the implementation of Non-Acquisition land provision are:
  - a. The utilization of ex-HGB state land is an innovation in the provision of post-disaster relocation land because it has never existed in Indonesia. There are innovations in the form and mechanism of compensation. The challenge is that it requires 30 months, various regulations apply, and has a high risk.
  - b. The land donation of LC participants is an innovation in the provision of relocation land in post-disaster locations. Other innovations: 1) Determination of *Huntap* Location, 2) Identification, Verification, Validation, and determination of DAPs 3) Involvement of DAPs in making and agreeing on the LC site plan and location of *Huntap*. The challenges are Identification of LC objects and subjects, agreement on land donations, the number of measurement personnel, and the risk of failing to organize tenure and ownership rights.
  - c. Self-Land Provision, both collective and individual, is an innovation of the land provision in post-disaster locations.

## 5.2. Recommendation

Based on the lessons that were acquired from the study, there are the following recommendations:

1. **Recommendation for Local Government.** From the experience of CSRRP, all types of land provisions for permanent housing relocation have the potential to be replicated in post-disaster locations in the future. Local Governments are advised to consider the character, potential, and challenges (advantages and disadvantages) of each type/method of land provision for the relocation of post-disaster permanent housing units, including aspects regulations regarding institutional arrangements, handling social impacts, capacity, budget availability requirements, potential risks caused, the time required, safety from risks of potential natural hazard, legal certainty and the livelihood recovery





of the DAPs, the type of disaster and the impacts caused in the housing and settlement sector, the city/regency spatial pattern plan, and the attachment of both; the character of the household economic, and social/cultural identity of the DAPs to the original location (see. Appendix of Recommendations 1 to 3), and consider potential process recommendations for each of the following types of methods:

- a. *Processes that have the potential to be replicated in similar disaster situations in the future to the direct purchase method, include:*
  - Establishment of Small Scale Land Acquisition Team for Relocation land acquisition
  - Initial data collection and identification of land tenure, ownership, utilization, and use
  - Determination of Land Location for Relocation in Post-Disaster Areas is part of the small-scale land acquisition process, although no community resistance is expected.
  - Identification, Verification, Validation, and Determination of DAP Eligible Beneficiary Candidates
  - Provision of contingency (reserve) budget for land acquisition in post-disaster locations
  - Formal and informal approaches in mentoring communication with stakeholders involved in land acquisition, including LAP preparation
- b. *Processes that could potentially be replicated in similar post-disaster sites in the future in land swaps include:*
  - Formation of LARAP Implementation Team
  - Identification, Verification, and Validation of DAPs Receiving Assistance
  - HAT solving is preceded by the lot selection process
  - Potential village deliberation activities to minimize social risks
  - Simplifying the process of releasing village assets in the form of land in post-disaster conditions
  - Budgeting for land replacement in the following year as outlined in the official report
  - Implementation of formal and informal approaches in communicating with stakeholders involved in land swaps, including the preparation of the LAP.
  - Village assets in the form of village treasury land can be an alternative land resource in post-disaster rehabilitation and reconstruction with simpler methods of transferring rights, and or utilization by available laws and regulations (in urgent post-disaster situations).
- c. *Processes that have the potential to be replicated in similar post-disaster locations in the future in the utilization of the Ex-HGB state land include:*
  - Establishment of a presidential instruction on the acceleration and completion of post-disaster rehabilitation and reconstruction.
  - Identification and verification of DAP Prospective Beneficiaries, determination of DPZ, and suitability of land utilization



- Forms and mechanisms of compensation in the form of land redistribution activities
  - Formal and informal communication approaches in assisting the planning, implementation, mitigation, and mediation of social impact/risk management, including the preparation of LAPs.
  - State land, or rights land that could potentially become state land, could potentially be the object of relocation in post-disaster locations, the challenge is to design a shorter process and be able to anticipate social risks/impacts.
- d. *The potential process to be replicated for the provision of relocation land in similar post-disaster locations in the future in the LC participant land donation method is as follows:*
- All stages regulated in the land consolidation guidelines
  - Determination of *Huntap* Location by the Governor and/or Regional Head
  - Identification, verification, and validation of DAPs of potential beneficiaries.
  - Involvement of DAPs in the creation and agreement of the LC and *Huntap* site plans.
  - Assistance with implementation, including LAP preparation.
  - Community-owned land has the potential to be the object of relocation. The challenge is to obtain the object and subject of small-scale non-agricultural non-settlement land LC, agree on land donation, identify and reorganize land tenure and ownership, and ensure LG commitment.
  - Several activities in the planning and implementation stages have the potential to be adopted to anticipate social risks; Social Mapping and Analysis of Area Potential, Socialization of Plans to the Community and Agreement, Approval and Support from LG and Kelurahan, and Collection of Physical and Juridical Data.
- e. *Potential processes to be replicated for the provision of relocation land in similar post-disaster locations for the collective Self-Land Provision method in the future include:*
- Determination of Penlok SK by the Regent and *Huntap* Development Plan Deliberation
  - Facilitation of village and district governments in the MAASP/NLA PTSL Program
  - Identification of Beneficiary DAP verification, assessment of disaster potential in DPZ map locations, and recommendations.
  - Assistance at the preparation, planning, and implementation stages, including LAP preparation.
  - Land owned by beneficiaries could potentially be the object of relocation land in post-disaster locations, the challenge is to ensure the willingness of the land owner (beneficiary) and the connectedness with PTSL.
- f. *Potential processes applied in the method of individual Self-Land Provision in similar situations are physical and juridical identification of land and preparation*



of LAP. Land owned by DAPs has the potential to become land objects for relocation housing development in post-disaster locations. The challenge lies in the administration of legal evidence of land rights, and land registration for unregistered land.

2. **Recommendation for Executing Agency.** Variations in the types of land provision for relocation at post-disaster locations have different risks. In the future, the executing agency is suggested to consider the keys to the success and failure of land provision, as found in this study, for the advance policy. The project management and implementers of rehabilitation and reconstruction projects are suggested to complement the social safeguard screening by considering the degree of risk of each type as found by this study. This study also suggests complementing the social safeguard screening procedure by collecting and analyzing rigorously various kinds of preliminary data assisted by consultants (*see Appendix of Recommendations 4 & 5*).
3. **Recommendation for Land Sector Authority.** The central government in the land sector is suggested to conduct an advanced study on the process and mechanism of providing land for permanent housing relocation in post-disaster locations to use it as a basis for strengthening regulations and policies, especially the use of ex-HGB/HGU state land, community donations through land consolidation/redistribution scheme, and the self-land provision, which can be shorter in terms of time and able to anticipate social risks that arise (*see Appendix of Recommendations 6 to 8*).



## **APPENDIX**

Appendix 1. Case Study on Land Direct Purchase at Village Tompe

Appendix 2. Case Study on Land Swap at Village Sibalaya Selatan

Appendix 3. Case Study on Utilization of Ex-HGB State Land at Kelurahan Talise

Appendix 4. Case Study on Utilization of Ex- HGB State Land at Kelurahan Tondo-2

Appendix 5. Case Study on Community/LCP Land Donation at Kelurahan Petobo

Appendix 6. Case Study on Self-Land Provision (Collective) at Village Lompio

Appendix 7. Case Study on Self-Land Provision (Individual) at Kelurahan Pantoloan



## Recommendation Appendix - 1

### Attachment #1 Recommendation

#### Recommendations for LGs

##### Types of Land Provision and Its Potential for Replication

Type of Land Provision	Methods	Regulations for Institutional Arrangements	Social Impact Management	Capacity (Units/Over lay Land Parcel.)	Procurement Budget Requirements	Operational Budget Requirements	Social Issues/Risks	Time Required	Potential as per Regulation	Land Status Residential	Livelihood (Initial Indication)
A. Small Scale Land Acquisition	1 Direct Purchase	Available	Available*	< 500	APBD / Grant	APBD	Medium	> 1 yr	Potential	Potential	Recover
	2 Land Swap	Available	Available	< 500	APBD	APBD	Medium	> 1 yr	Potential	Land Title Certificate	Recover
B. Non-Acquisition	1 Utilization of Ex-HGB State Land	Available	Available	>500	None	APBN & APBD	High	> 1 yr	Potential	Potential	Recover
	2 Community/LCP Donation	Available	Available	>500	None	APBN & APBD	High	< 1 yr	Potential	Land Title Certificate	Recover
	3 Self-Land Provision (Collective)	Not Available	Available	<500	None	APBD & Project	Low	< 1 yr	None	Land Title Certificate	Recover
	4 Self-Land Provision (Individual)	Not Available	Available	-	None	Project	Low	-	None	Potential	Recover

\*) ESS 5 Replication ESMF CSRRP

## Recommendation Appendix - 2

### Recommendation Attachment #2

#### Recommendations for LGs

##### Types of Land Provision and Its Potential for Replication

Type of Land Provision	Methods	Similar disaster situation in Central Sulawesi		
		Type of Disaster	Disaster Impact in the Housing Settlement Sector	WTB Origin Location Position
A. Small Scale Land Acquisition	1 Direct Purchased 2 Land Swap	<b>Combination</b> ; 7.4 Richter Scale earthquake, Tsunami with wave heights of 0-30 m, Liquefaction. In some places accompanied by landslides and Flash Floods and Tornadoes.	<ul style="list-style-type: none"> <li>The total damage to housing is between 21,378 and 42,864 units, with the category of heavy damage between 30% 43%.</li> <li>Total value of damage and loss between Rp1,927,000,000,000- Rp3,372,274,280,000 per district</li> <li>The total damage and loss in Central Sulawesi amounted to IDR 8,533,577,148,000.</li> </ul>	The original location is within a disaster-prone zone that is not allowed to build settlements (Located in Disaster Prone Zone (ZRB) 4 or in accordance with applicable RTRW Regulations).
B. Non-Acquisition	1 Utilization of EMGB State Land			
	2 Community/LCP Donation			
	3 Self-Land Provision (Collective) 4 Self-Land Provision (Individual)			





## Recommendation Appendix - 3

### Annex to Recommendation #3

#### Recommendations for LGs

#### Types of Land Provision and Its Potential for Replication

Type of Land Provision		Methods	City/District Spatial Pattern	The capacity of Local Government to Acquire Land	Socioeconomic Character of DAPs
<b>A. Small Scale Land Acquisition</b>	1	Direct Purchase	Cities/districts that are mostly Protected Areas	Local government has allocated budget for land acquisition	The type of livelihood of the DAPs is tied to the location of the original residence
	2	Land Swap	Cities/districts that are mostly Protected Areas	Local government willing to allocate budget in the next fiscal year	
<b>B. Non-Acquisition</b>	1	Utilization of Ex-HGB State Land	Cities/Regencies that have availability of unutilized land in cultivated areas in the RTRW are outside disaster zones.	Local government does not/does not allocate budget for land acquisition	Livelihood types and social characteristics of the DAPs are heterogeneous
	2	Community/LCP Donation			The livelihood type and group identity of the DAPs are tied to the location of the original residence
	3	Self Land Provision (Collective)	Cities/districts that are mostly Protected Areas		The type of livelihood of the DAPs is tied to the location of the original residence
	4	Self Land Provision (Individual)	Cities/Regencies that have available unutilized land in cultivated areas in the RTRW		

## Recommendation Appendix - 4

### Annex to Recommendation #4

#### Recommendations for Project Managers and Implementers

#### Recommendations regarding Feasibility Screening Based on Legal, Social, and Technical Perspectives : Supplement with Land Provision Aspect/Issue (CSRRP ESMF - Sub-Appendix 3.3 - Sub-project Environmental & Social Screening Tool )

Issue	Risk Level		
	Low	Medium	High
Land Provision	Non-acquisition, provided by beneficiaries, land size < 5 Ha, or > 5 Ha.	Small Scale Land Acquisition, provided by LG, land size < 5 Ha	Non-acquisition, provided by the government and or LG, and or Community/LCP donation, land size > 5 Ha,



## Recommendation Appendix - 5

### Annex to Recommendation #5

#### Recommendations for Project Managers and Implementers

##### Recommendations on Process Potentially Applied at the Screening Stage by Project

- The Technical Screening Process on Social Impact Management of Potential Land Provision implemented to minimize the risk of social problems sourced from Land Consolidation experience is the **preparation and analysis of preliminary data** at the preparation/planning stage, among others:
  - Map Preparation (in coordination with District/City Government, Land Infrastructure Section of BPN Regional Office and/or Land Infrastructure Section of Land Office) among others:
    - 1) Regional Administration Map; 2) Land Use Map; 3) High/medium resolution satellite imagery or existing road network map; 4) Map of spatial pattern and spatial structure taken from RTRW/RDTR/RTBL/RP 3KP of the Local Government;
    - Map of environmental carrying capacity and capacity, and protection of natural resources, biodiversity, landscapes (*pusaka saujana*/heritage), and cultural sites;
    - Land parcel data and General Overview of Land Tenure (GUPT)/Geo Mapping of MPAs/IP4T maps
    - Zone of Land Value (ZNT) data
  - Preparation of social, economic, and cultural data on the community, including population data, livelihoods, economic levels, local wisdom, and the possibility of social risk. Data on the potential of the area is obtained from regional/local statistical data.
  - Identification of sector policies, plans, and programs related to the arrangement of the area in the *Permanent Residence Relocation* Planning activity area.
  - DAPs and/or Community Proposal regarding the relocation site
  - Infrastructure, facilities, and utilities requirements

## Recommendation Appendix - 6

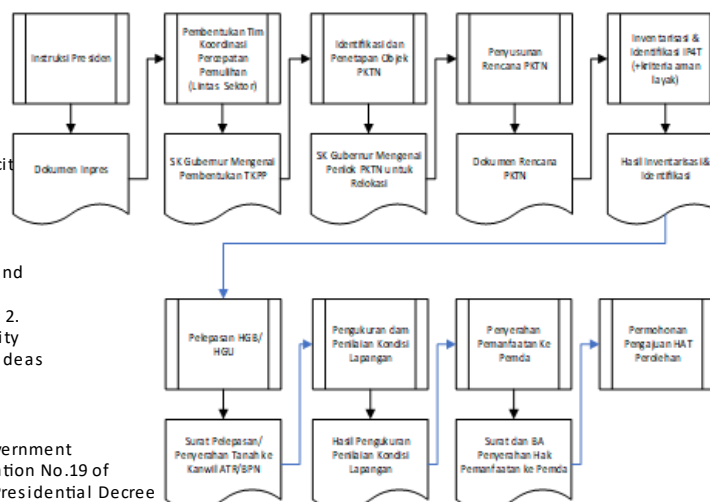
### Annex to Recommendation #6

#### Recommendations for Further Study of the Land Sector

##### I. State Land Acquisition, Handover, and HAT Application Stage of Ex-HGB/HGU State Land for Post-Disaster Relocation

Utilizing ex-HGB state land has succeeded in capacity and other technical aspects. This study found the potential of state land relocation in post-disaster locations. From CSRRP's experience, there are 2 main stages: 1. State Land Reacquisition (Authority of the Ministry of ATR/BPN and Provincial Government) and submission of acquired Land Rights by agencies/institutions that acquired the land, and 2. Land provision/acquisition and resettlement (Authority of Local Government). This study presents initial ideas regarding the process based on existing laws and regulations that need to be studied further.

- Regulatory Foundation: Law No.2 of 2012; Government Regulation No.18 of 2021, Government Regulation No.19 of 2021; Presidential Regulation No.62 of 2018; Presidential Decree No.34 of 2003; Ministerial Decrees No.18 and No.19 of 2021.



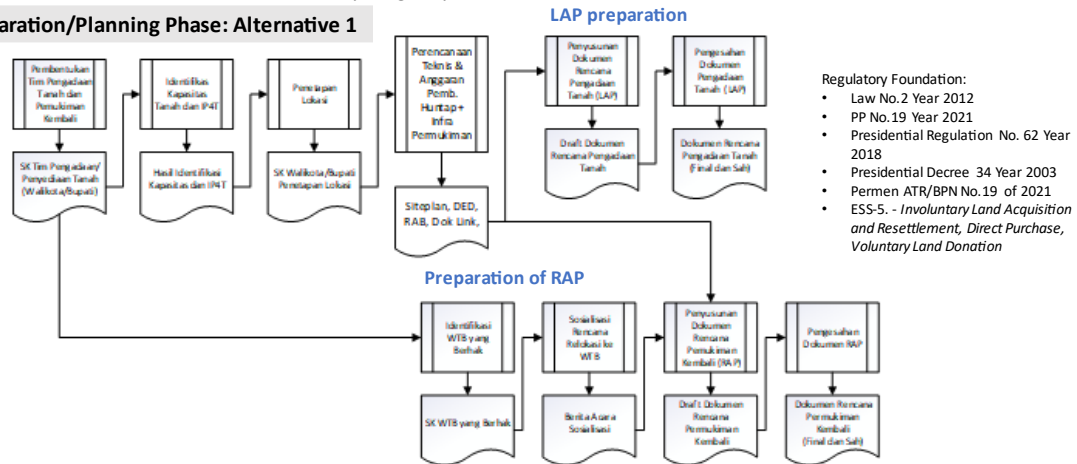
## Recommendation Appendix - 7

### Annex to Recommendation #7

#### Recommendations for Further Study of the Land Sector

##### II. Post-Disaster Land Provision/Procurement and Resettlement Phase (City/Regency LGs)

###### Preparation/Planning Phase: Alternative 1



## Recommendation Appendix - 8

### Annex to Recommendation #8

#### Recommendations for Further Study of the Land Sector

##### II. Post-Disaster Land Provision/Procurement and Resettlement Phase (City/Regency LGs)

###### Preparation/Planning Phase Alternative 2

