



Mode of Dispossession of Small Island's Agrarian Resource

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Abstract

Since 1992 to 2017 land dispute occurs Pari Island without a solution for community's tenurial security. This protracted dispute has a strong nuance of power contestation which involving state, corporation, and community to hold the control over lands of Pari Island. The state's backed corporation claim on land ownership is based on a legal and formal document while community indicates their long effective control over land and never transfer any land to the corporation. The dispossession practice over agrarian resources in this small island projected as a tool to build better tourism destination and management of resource to add the revenue of the region. This case study is an exploratory research to identify any factors and conditions that make the capitalism able to penetrate the insular and remote small island and create new space for capitalist production. The result of this study indicates that corrupt practices by local government and corporation make the capitalistic space reproduction is possible although also creating the long conflict with the local community who has their livelihood and independent management over their agrarian resources. The past practices of land administration put the small island's communal agrarian resources under serious threat due to privatization, on the other side the existing regulations seems only give little contributions to solve the problem.

Keywords: agrarian conflict; dispossession; privatization; small island.

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1. Introduction

In Indonesia, some lands in small island have been transformed from communal and state ownership to private hands but relatively invisible [1,2,3]. One of these dispossession process occurs in Pari Island, Seribu Islands, Jakarta Capital where almost all land on the island (39 Ha out of 41 Ha) could easily transferred and potentially expelling people who have been long inhabiting the region and develop a relatively stable socio-economic system. This protracted conflict from 1992 to the present day indicates the presence of major power which competing for small island agrarian resources over community.

Pari Island is a 41.32 km² small island which is one of the island in Seribu Islands Administrative Regency which is part of Jakarta capital province and its distance from Jakarta is only about 40 kilometers. Jakarta itself as a special area of the capital is designated as a National Strategic Area because it becomes the center of national economic growth but it is a big irony with Seribu Island because this region has highest percentage of the poor compared to other areas in Jakarta Capital Province.

Table 1: Comparison of percentage of poor people in DKI Jakarta capital province

Municipal/regency	Percentage of poor people				
	2009	2010	2011	2012	2013
Seribu Islands	12,66	13,07	11,53	11,62	11,01
South Jakarta	3,52	3,80	3,43	3,49	3,47
East Jakarta	3,42	3,40	3,06	3,12	3,10
Central Jakarta	3,68	3,97	3,56	3,72	3,70
West Jakarta	3,44	3,82	3,44	3,47	3,46
North Jakarta	5,34	5,62	5,07	5,14	5,30
Jakarta Capital	3,80	4,04	3,64	3,70	3,72

Sources: Statistic Office of Jakarta 2017

The island is inhabited by 1280 people or 320 families who are most of their livelihoods rely on marine tourism service providers, catch-fishers and cultivating fishers. Public facilities on the island are mosques, health clinic, one integrated schools (kindergarten, elementary and junior high school), madrassa and mooring docks for fishing vessels and tourist boats. The existing government unit on the island is at Rukun Warga (RW) level (equivalent with hamlet) under the administration of Pari Island Village Government called *Kelurahan* Pari. *Kelurahan* Pari itself consists of 12 small islands where one of them is Pari Island.

Small island itself has a distinctive character that distinguishes it with the mainland. In Indonesia's Law No. 27 Year 2007 *jo* Law No. 1 Year 2014 on the Management of Coastal and Small Islands Areas is formulated as an island with an area smaller than or equal to 2000 km² with all its ecosystem as unity. In this regime the island is no longer seen only in terms of size and number of inhabitants but more broadly also concerns on the

relationship between physical and biophysical as a unity that cannot be separated. In general the characteristics of small island bio-geophysics are as follows [4,5]:

- Small and separated from the mainland so that it is insular
- Having limited natural resources, especially fresh water both on the surface and ground water with a relatively small catchment area so that most surface water runs into the sea.
- Sensitive and vulnerable to external influences both from natural and human activities.
- Has a low terrestrial biodiversity but can have high ecological value endemic species.
- High marine biodiversity with high species turnover rate due to environmental changes
- Climate variations are small but can get potential rapid changes.
- The water area is wider than its land area and relatively isolated from its mainland (continent or large island)
- Do not have a hinterland away from the shore.

Using the formulation above then the small island should be seen as a whole that involves the connection between human (human system) with the ecology (natural system). The interconnectedness between human and nature is essential in this boundary-like environment as in this small island. These interactions and relationships include the traditional systems of knowledge and institutional management as well as norms and rules that exist to mediate human interaction with their environment [6,7].

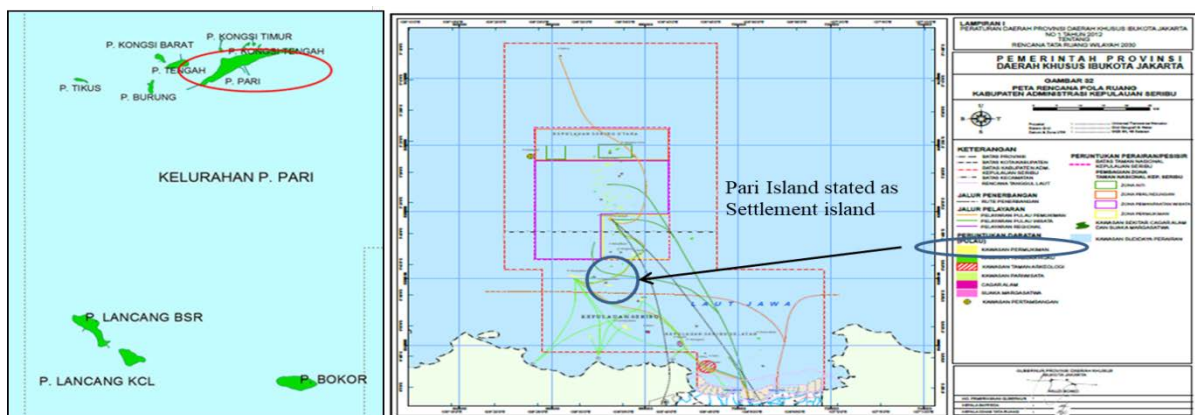


Figure 1: Pari island stated in Spatial Plan document has function as settlement

However on the agrarian aspect, there is one contradictory fact. Based on the statement of the Seribu Island Regent (2015), 65 out of 110 islands in the Seribu Islands Administrative Regency are privately owned and most of them are uninhabited islands [8]. One exception is on Pari Island because Pari Island is an inhabited island as stated in official provincial spatial planning map on the **Figure 1** that shows Pari Island has a function for settlement but in fact this island has been claimed as privately-controlled under one joint consortium corporation namely PT. BGN (BGN Inc.). The question of the research formulated as how is the mode of the dispossession of land in a small island of Pari? The research intended to describe the historical process of land transfer and what are the factors contribute on the transfer.

2. Material and Methods

This case study takes place in Pari Island, Kepulauan Seribu Administrative Regency, DKI Jakarta Province. The reason for taking the location here because Pari Island is the only uninhabited island whose status of control of the island is in the corporation i.e PT. BGN meanwhile the island has been inhabited since at least the 1950s by fisher community. The method used is case study and the research approach is explorative-qualitative because the research of agrarian conflict in Indonesia regarding the mode of dispossession on small island area still relatively small in number. Therefore this case study is expected to find indications of the complexity of small islands which associated with the occurrence of agrarian dispossession and conflicts that have occurred to date. The study was conducted for 9 months, starting from October 2016 until July 2017. To explore the relevant information, this research used triangulation method covering observations, secondary studies in form of archives, documents, regulations, media coverage, and interviews with the inhabitant of Pari Island and other relevant informants using snowball sampling method.

3. Results

From a total of 110 small islands in the Seribu Islands, 11 islands are inhabited islands that have functions as settlement and controlled under “state” through the authority under Law No. 5 of 1960 on Basic Principles of Agrarian Affairs. Here is a list of the 11 uninhabited islands and those who control them:

Table 2: Inhabited islands/settlement island in Seribu Islands

No	Kelurahan/village	Name of islands	Wide (ha)	Control
1	Kelurahan Pulau Tidung	Payung	20,86	Provincial Gov
2		Tidung	50,13	Provincial Gov
3	Kelurahan Pulau Pari	Lancang	15,13	Provincial Gov
4		Pari	41,32	PT BPA
5	Kelurahan Pulau Untung Jawa	Untung Jawa	40,10	Provincial Gov
6	Kelurahan Pulau Panggang	Panggang	9	Provincial Gov
7		Pramuka	16	Provincial Gov
8	Kelurahan Pulau Kelapa	Kelapa	13,09	No data
9		Kelapa Dua	1,9	No data
10	Kelurahan Pulau Harapan	Harapan	6,7	Provincial Gov
11		Sebira	8,82	Provincial Gov

Source: Regional Regulation of Jakarta No. 1 Year 2012

By law, the status of Pari Island which declared as “controlled by PT. BPA / PT.BGN” has implications for its people because the recognition of land control by the state suddenly puts the community in the position of "illegal" citizen because they domiciled on private land. In contrast to the residents in 10 other small islands which live on the land controlled by the state. This process then brings this case study to a look back at the

tenurial history of Pari that can be summarized in several periods. This information is based on the documentation of primary source through interviews, and supported by [9].

3.1. Period 1900-1950

This is an era of migration and early settlements on the island of Pari and other islands in the Seribu Islands. Most of these migrants come from Banten area at the western tip of Java Island. In the early period before naming Pari Island in the early 90s, Pari Island is known among fishermen with the name of Kaloran Kelapa Tinggi because it has tall coconut trees that are used as a marker for fishers's navigational direction. The initial utilization in Pari Island is for coconut field developed by Panggang Island and Tidung Island residents while being fishing. The landowner who originally lived on the island of Pari consisted of three families, proved by the existence of the old family tombs which still can be found on this island. From the administrative aspect, there was no administrative record at that time either on land nor population.

3.2. Period 1960-1970

In 1960, the first national issue of the Basic Agrarian Law mandated the country to register all the land in the territory of the Republic of Indonesia. Pari Island also carried out registration of land occupied and worked by the entire population. In the 60s the population in Pari Island is estimated to be around 40-50 households, occupying about 20 houses. The coconut has been cultivated for the long time by the residents of Panggang Island and Tidung Island as well as people who are living in Pari. In this period, the first property right system emerged where each family had a personal land certificate recorded in the *kelurahan* as the lowest government unit. This legal document is called *Girik* or *Letter-C* because it is only registered in lowest administration based on communal recognition.

3.3. Period 1970-1980

In 1970 there was a first establishment of RW (Rukun Warga/eq.hamlet) and three RT (Rukun Tetangga/eq.block) in Pari Island, which was sub-ordination of Kelurahan Tidung in Tidung Island. As *Kelurahan*, islanders do not have regional autonomy and only become part of the vertical administration of the provinces-regency-district-kelurahan line of authority. This condition causing the presence of government units is very minimal in Pari Island. On the other hand, more migrants came, social and economic dynamics run independently run by citizens. The economy base mostly comes from the fisheries sector. The presence of the National Oceanographic Institute-Indonesian Institute of Sciences (LIPI) inaugurated by the Governor of DKI Jakarta in 1977 contributed greatly to the economy and welfare of the people, thanks to the introduction of seaweed farming in Pari. This seaweed product in the late 1980s became the main cultivation product of Pari and became the leverage of people's welfare.

3.4. Period 1980-1990

This is the period of the emergence of land brokers and the transfer of ownership to outsiders. In the years 1960-1980 the process of buying and selling land has occurred but only happens between residents who share

utilization to settle and establish settlement, buying and selling requires that buyers will use it for home, not for investment. Land use practices (land use permits) already exist between residents without any compensation. This process even lasted until the 1990s. The decisive momentum was in 1982 where the staff of Tidung Island Administration withdrew all the genuine Letter-C belonging to the community on the justification for renewal, no receipt or any written proof of this submission process. But this letter never returned to the citizens until the staff died. In 1986 there was no longer a Land and Building Tax bill to the Pari Island community but no turmoil arose because of this problem, one of them concern on this because in the same time, they were fostering the economic boom from seaweed. In 1982, the Decree of the Governor of DKI Jakarta No. 1592 Year 1982 on the distribution of land in Pari Island was issued. In the decree Pari Island is divided into three zoning utilization that is 50 percent for tourism area, 40 percent for settlement area and 10 percent for marine research area. But in year 1989 a company arrived at Pari Island with name of PT. BPA with the village administration. Since then, the process behind the scenes occurred with the result: the transfer of ownership. The period 1989-1992 was the process of transferring land ownership from the community to 80 new landowners with land price of Rp 4000 / m². Land is not purchased in one round but one by one based on *girik/Letter-C*. Name of the 80 owners are all employees and family of PT. BPA and no one out of 80 lives on Pari Island. According to RW chief, at that time i.e year 1982-1990 and RT (during year 1985-1990) they do not know there was a process of buying and selling with companies or people outside the island. Agent who knows this process is kelurahan (village gov) and kecamatan (district gov). In this phase there was misuse of authority to commit a crime that can be called “white collar crime” or even “state crime” because it involves institutions in complex.

3.5. Period from 1990-2000

In 1991 there was a scandal by PT BPA which attempted to move Pari people to Tidung Island with being promised of compensation money, house, and kerosene-lamp. Of the total 90 families in Pari Island, only 16 families leave for Tidung. Finally 9 families out of 16 families who left the island returned back to Pari because they found the house is not feasible, there is no certainty of land, and people consider that the seaweed cultivation in Pari was more promising than in Tidung Island. Arriving there, 88 buildings that have been provided were not in compliance with the promise, beside unfit for habitation, the building there does not have an IMB (Permit to Build) so that the program is finally in the state of “status quo” and stopped by the North Jakarta government. In 1992 there was a claim that PT BPA had purchased all the land of Pari. There are 80 names of new owners on legal of land previously controlled by the community. This year 80 names pay the tax for land and buildings in Pari Island, that's explaining why the Tax bill was no longer accepted by Pari's residents. In the future it is said that these eighty people later joined a consortium called PT BGN (established in 1991) so it can be said the lands accumulate on the one hand i.e the corporation even though the ownership is still under private individual name. This is an irony because in 1992 it is a new regulation issued by government namely Regional Regulation of DKI No. 11 Year 1992 which prohibits the practise of individual land ownership in Seribu Islands territory. In 1993, this conflict began to rise on the media. This case then reaches the “Commission A” of DKI DPRD (parliament at region level) and the Governor. “Commission A” assesses many practices of law violations committed by PT BPA such as land acquisition without SP3L (Principal Permit) and SIPPT (Land Appointment Letter), development without IMB (Permit to build) in Tidung, and resettlement without involving local government. After the statements by the provincial government and the local parliament,

the case did not continue. Residents return to seaweed cultivation activities that are in the peak of its market (1993-1997) while the PT. BPA also does nothing to the claimed land so that the land is in absentee or neglected status as if indeed the corporation claim is legally correct.

3.6. Period 2000-2010

Just in 2007 (counted 15 years since 1992) the company placed security in Pari Island that is responsible for overseeing the activities of the citizens and prohibiting the construction of houses / renovations undertaken by the residents of his residence. The corporation's efforts to strengthen its claim began to be practically stronger. In 2008, about 182 families signed an agreement with PLN (State Electricity Company), but one of the contents of the statement there was written "citizen admitted that the residents occupied the company's land". Still added, there is a threat to those who do not sign the letter will not be received electricity installment. PLN confirmed they did not issue such a letter, eventually PLN still deliver electricity to all homes. In 2010 PT BPA moved residents in the north to the south part of the island. The number of homes in the relocation amounted to 19 houses with a compensation cost of IDR 2.5 millions/house. One house in the north is left as a security base.

3.7. Period 2010-2014

Since seaweed cultivation has decline since 2007 then in 2010 tourism start to be developed following the success of Tidung Island. The development of the first tourist area is at Pasir Perawan Beach and operated independently by Pari's community by institution with mandate for arranging the division of responsibility and profit with other community units. In 3 years (2011-2014) Pari Island becomes an additional tourist destination in Seribu Island after Tidung Island and Pramuka Island which previously have become a public tourism destination. In subsequent years, however, it can be said that it is a period of pressure and criminalization based on the issue of land claims that have not even been settled since both sides have mutual claims but have not filed a lawsuit over the legality of the land and the civil court. In September 2015 PT BGN filed a criminal case against Edy Priyadi on charges of land grabbing and building a building on land owned by PT. This allegation is based on the HGB (Hak Guna Bangunan/Right to Build) certificate on behalf of PT BGN which was issued in August 2015, while Edy has effectively occupied the land in 1999. This year also PT BGN built a police station on Pari Island to place more security much in controlling the movement of people other than security that has been present since 2007. In 2015 the company exposes the development's masterplan of Pari Island in front of the Seribu Island's government, on the masterplan it shows that the majority of Pari Island land will be built with hotel and villa facilities by the company, some part of the land will be given to the local government of DKI Jakarta and turn to be a green area. This document drives a community reaction. The residents then partnered with an NGO-Walhi Jakarta jointly to advocate the case. As a community organization, FPPP (FP3) or Forum Peduli Pulau Pari was formed as resistance organisation. On January 14, 2016 there was a meeting between citizens and companies attended by the Regent of Seribu Island and *Kapolres* (chief of police of Seribu Island), emerging draft (corporate version) of agreement between company and residents whose contains 6 points. Upon the emergence of this version, the citizens put forward 5 new points as an offer. Both sides eventually did not get agreement on these points. The contents of both the company and community versions offer can be found in the **Table 2**:

Table 2: Comparison of the contents of the company version agreement and the citizen version 2016.

Company version	Community version
<p>i. PT. BPA as the owner of the land has no intention of eviction out of Pari Island against the community of Pari Island that has occupied the building on the land of PT. BPA recorded in a letter of statement that has been signed by the public, except those in the process of law</p>	<p>i. There is no eviction and removal of buildings belong to the community of Pari Island as recorded in the letter of agreement that has been signed by the community and parties from PT. BPA and some relevant local government as witnesses.</p>
<p>i. On the land owned by company there will be no building expansion/addition nor new building without IMB (Permit to Build) in accordance with Regional Regulation no. 7 year 2010</p>	<p>ii. The community will not expand/add nor build new building without permit in accordance with Regional Regulation No. 7 year 2010. Thus residential land of society is in zone 40% and can be facilitated by policy by government to get legality of land.</p>
<p>i. PT. BPA will build hotels and tourism facilities to support tourism in Pari Island, the community promised to support. The existing community's homestay still can be operated as option for tourists / travelers</p>	<p>iii. The community will support tourism development in Pari Island through the construction of hotels and tourism facilities conducted by PT. BPA by adjusting the existing conditions without resettling community-owned buildings</p>
<p>v. Homestay/residence built by existing community according to the letter of statement with PT. BPA as the owner of the land will support its existence and cooperate with the community. The terms will be discussed further as long as the community is obedient, and subject to local government rules and applicable law</p>	<p>iv. Community will support the existence and cooperation with PT. BPA as long as there is no social gap that harms the people of Pari Island</p>
<p>v. The company hope that the island of Pari was built PT. BPA while the community is committed/obliged to support the development by PT. BPA.</p>	<p>v. The beaches in Pari Island (Pantai Perawan, Kresek Beach, Bintang Beach) as a place of entertainment/tourism is followed up by local government policy by empowering Pari Island community through the support of PT.BPA</p>
<p>i. Beaches on Pulau Pari (Pasir Perawan beach, Kresek beach, Bintang beach) as a place of entertainment/tourism will be managed by PT. BPA as the land owner and will cooperate with Pari Island community, supported by local government and tourism office.</p>	

3.8. Period 2016-2017

This is a period of criminalization of citizens over land which legally owned by the company. From the side of the government, starting from the village, sub-district, district, provincial to central only look at the issue of agrarian conflict as a matter of land law. Fundamentally, this perspective puts citizens in a weak position because they no longer have proof of ownership of land while the company already has a certificate of land ownership in the form of Hak Milik (Freehold) or Hak Guna Bangunan (Right to Build). Not surprising if the resolution process tends to be ahistorical (overriding the long historic control and the shifting of land-control from communal-local to private-external).

In March 2016 three times the company's security and PTSP wanted to measure the land of citizens accompanied by police officers, Satpol PP (civil servant police enforcement) and "kelurahan" staff. This measurement failed because of the refusal of citizens. On April 28, 2016, the RW government and residents applied for *Letter-C* land data to Pari Island Village Government but did not get a positive results as stated by government that the requested data was confidential.

On June 22, 2016, with the justification of not having IMB (Permit to Build), one of the houses was sealed by district government on the basis of company report. The prohibition process repeated in September 2016, there was a strain when the company's security banned the construction of public facilities i.e public mosque in Pasir Perawan Beach by community because it was considered not based on the approval of the Company as the owner. In October there was a leaflet that appeared in Pari residents published by Jaya Bersama Cooperative of Pulau Pari (cooperation established under company's back up) whose content was a statement of willingness of the citizens to recognize that the land is the company's land and willing to choose three options: a) rented his house from the company; b) buy the land they occupy and pay cash to the company at the latest land price, and c) Buy land that the community occupies and pay to the company on credit.

In early 2017, in January 2017 one citizen, was picked up in Pari by the police and the prosecutor's office to serve four months in prison after his appeal in the Supreme Court was rejected. Meanwhile, the process of clarification at the National Land Agency (ATR/BPN) continues to be pursued through audiences with ATR/BPN. ATR/BPN claimed they never known this conflict even they questioned the ownership of company to 90% in a small island. In March 2017, community complained ATR/BPN of North Jakarta to the Ombudsman with allegations of mal-administration in the issuance of certificates of ownership and HGB (Right to Build) in Pari for the company. Ironically the process of intimidation continues to run using other instruments, the police, using criminal law. On March 11, 2017, six organizer of Pasir Perawan Beach were arrested by Seribu Island Police on charges of levying illegal levies for the entrance to the beach.

On March 13, North Jakarta ATR/BPN revealed that there are 80 individual names owns the ownership certificate in Pari Island and then create a consortium namely PT BGN while PT BGN has 5 certificate of Right to Build. Still a statement from ATR/BPN North Jakarta dated June 13, 2017 was alleged that there is a practice of "law's smuggling" in the process of land ownership in Pulau Pari where 80 certificate owners gave their land to belong to PT BGN in an agreement but not registered in law office to avoid taxes [10]

From the tenurial historical description above, there are at least six stages of the dispossession of the land as one

of the small island's agrarian resources, namely:

- Using the opportunity of land-letter (*Letter-C*) that clearly divides the plot of individual control. Basically, the land certificate is simply a representation of the existing space based on the legitimacy of the other community, but the land certificate abstracting the actual space into a very easily transferable sheet of paper.
- Using the power of the state, in this case the village government to request a land's Letter-C from citizens without a transparent procedure. This elite behavior is relatively not get opposition from citizens as a form of compliance of citizens toward the government at that time.
- Secretly transferring land's letter to the private sector without going through the official process of land transfer.
- The corporation moves quickly by registering the land it owns and the land certificate, the land entitling process is done not transparently involving state apparatus
- After obtaining certainty over the status of the land, the corporation made a claim against Pari residents who are legally weak because there is no more certificate of land.
- Since 1999 the transfer of Pari Island has been recognized by the state through the spatial layout policy at the provincial level.

From the sequence of mode above, it appears that the corporation does not necessarily play a role as the grabber of the community land but uses state apparatus to conduct the dispossession of the land. This role is highly feasible to be carried out by the state because of the existence of isolated small island communities away from access to transportation as well as access to public services [11,12] In addition, the existence of administrative bureaucratic level of *Kelurahan* that is not rooted in the local community make the position of government staff into an elite who can use his power for corruption or namely of politico-bureacritic power [13]. This is commonly occurred during the New Order era, a bureaucratic disease that only sought personal gain [14].

In Lefevbre's concept, capitalism's durability is largely determined by its ability to reproduce space [15] where capital seeks sources of non-capitalistic space to be transformed into a new capital-production space. To create a new space the state act as a relevant agent which has capacity for shaping or changing space [16] Using the *spatio-temporal fix* [17] formula developed by Harvey (2003) the creation of this new space is the result of overaccumulation of the capital of a corporation that no longer has demand as a condition for the operationalisation of the wheel of production, and geographic expansion is one of its manifestations.

Looking back at the description of primitive accumulation, there are several processes seen in the practice of dispossession in Pari Island: a) commodification and privatization of land; b) converting land ownership from collective to private; c) suppression over the rights of local communities; d) the commodification of manpower from productive fishermen to labor; e) the process of colonial and neo-colonial asset expropriation; f) taxation of land; g) credit offerings as an effort to make dependence [17]. Upon these practices where the state is deeply involved and even determines the emergence of a new capitalist space based on dispossession by the industry [18]. Seeing from the typology of the conflict, conflicts in Pari can be categorized as conflicts due to unilateral concession permits by the state or a unilateral claim by the government or the private sector over land

dominated by the community for a long time[19] The dimension of this agrarian resource conflict is vast because it is not only driven merely by one aspect but a combination of conflicts that originate on economic, value and power[20]. What happens in Pari is the construction of a strong relationship between power, ownership and tourism. Following the successful privatization of 65 islands among the 110 islands of the Seribu Islands, the corporations wishing to develop the tourism industry on Pari Island also came up with the island's privatization agenda. The claims over 90% of the island ownership show how powerful the corporate is, so that capable for obtaining legalization of ownership even though it is smuggling over state regulations. This state's independence is crucial to the power of subsequent development. In the case of South Sulawesi[21], Gili Trawangan-West Nusa Tenggara[22,23], Karimunjawa Island[24], East Nusa Tenggara[25] and abroad as in Central America [26] as well as in Sri Lanka[27] show how the ideology of tourism, international interests, global economic impulse, the role of state facilitation, the structure of certain social groups, inter-relations with local resource-users and various decision-resources generate a turbulent face of tourism because tourism is built on the practice of dispossession and domination of power over other groups that have no-power. Both power and structural relations will determine the practice of controlling natural resources and their utilization practices[28].

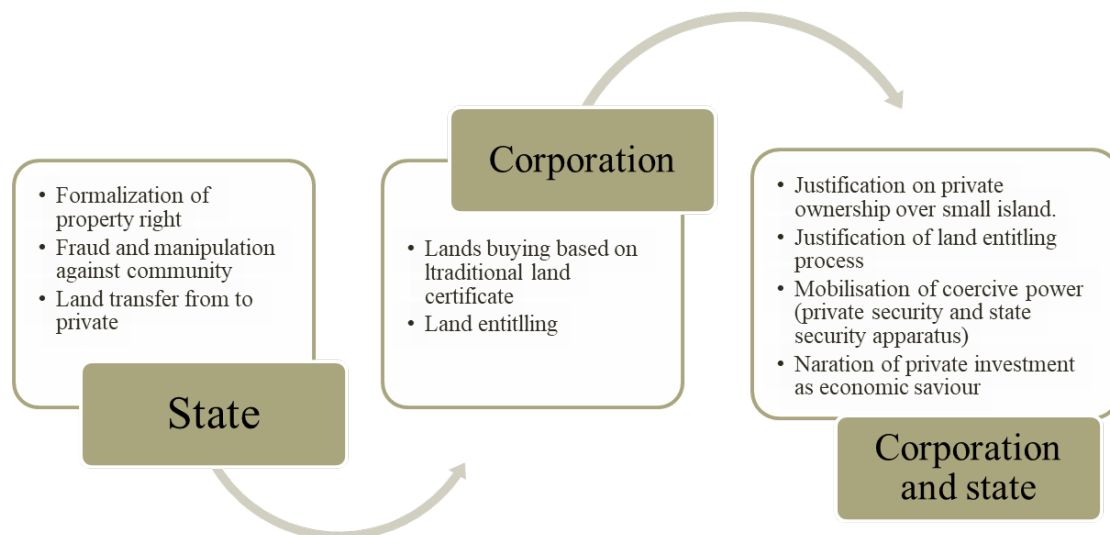


Figure 3: Mode of land dispossession in Pari Island

From the schemes and chronology above can be seen that the process of land dispossession in Pari Island does not run naturally based on market dynamics based on the law of “demand and supply” but involves extra-economic factors such as manipulation and coercion. In the pre-capitalist era there was no need for industrial land and on the other hand there was no available land for sale because the whole area of Pari Island was communal land. The nature of communal here is the limitation of the process of land transfer only to residents who live and settle in Pari Island and its utilization is by local as both for cropfield or settlement. In Pari case, “state” is the main actor that actually changes the character of community’s communal resources into a private which vulnerable for dispossession. In the past, community and its agrarian resources have a very close relationship where spatial social activities are conducted on land while the utilization of aquatic resources is conducted around coastal and island waters. But the inclusion of state actors with the accumulation of

knowledge and power over the public affairs manipulates these collective (social) resources and makes them commodities. Through abstraction of space, social spaces are simplified into plots of land and tenure relations between residents are limited only by certificate's ownership. This pattern of dispossession shows that the root cause of the dispossession is a bureaucratic behavior that improperly gives land rights to certain parties; an unclear land administration and tenure regime; agrarian resource policies that bias of capital interests; the judicial system of agrarian conflicts which still rely on formal proof [29] as well as that particular characteristic of small island dispossession is when there is a regulatory loophole where the regime of land and waters is being detached whereas communities interact within both of it. The combination between the vagueness of the governance regime and the insularity makes the small island become a grey area and lacks of legal protection. In addition, the insularity makes the island as a separated area from the mainland, lacking autonomy of regional planning, and administratively far from the range of supervision by the higher government which in this context is the North Jakarta Municipal government which based on the mainland. So that the small island is vulnerable toward potential policy manipulation and also vulnerable to private acquisitions for non-agrarian interests. The conditions above are exacerbated by the formulation of un-integrated policies that are out of synchronization of each other. In the case of agrarian conflicts in Pari Island, there is involving land issues, issues of marine governance, spatial policy and government administration policies. There are many regulations that applied in this region such as Law No. 5 of 1960 on Basic Agrarian Principles[30] and Law No. 20 of 1961 on the Revocation of Rights on Land and Objects on it[31]. Law No. 26 of 2007 on National Spatial Planning[32] , Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands[33], as well as Law No. 23 of 2014 on Regional Government[34]. Derivatives of the Laws above in the form of Government Regulation[35], Ministerial Regulation[36] and Regional Regulation[37,38] are also available but none has the effectiveness to solve the problem of dispossession and agrarian conflicts thoroughly both juridically and sociologically.

4. Conclusions

From the tenurial history and the dispossession scheme above, some issues can be concluded, which are: a) The insularity or isolation of small islands is a natural condition that places small island agrarian resources in a vulnerable position to agrarian disputes involving community, state, and private; b) The change of the tenure system from common property into a private property without adequate study on human and island relations is a policy practice that does not support the security of the community's tenure; c) Manipulative bureaucratic behavior and formalistic court still show the inherent legacy of bureaucratic and New Order style of judicial behavior which is thick with nuance of corruption involving government elite. A very capitalistic development choice and emphasize on growth so far has made the government have the perspective that all state assets should be sold or must have economic value. Similarly to small island's assets, small islands are viewed more as an economic commodity than a complex socio-ecological system so that the policy approaches still favor to investment rather than management by the community over their resources. The implication to the developmental design, the government prefers to implement "the privatization" of small island agrarian resources and this suggests state's partiality to the private sector instead of community that have managed and developed a long-distinctive socio-ecological system. This condition is exacerbated by the fact that the regulations and the judiciary have not yet able to provide solution toward the occurrence of agrarian conflicts especially in the small island that has been long enough under the threat of dispossession. The main factor of the

failure of law and regulation lies in its formalistic positive approach instead of the long-historical analysis of inequality.

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