



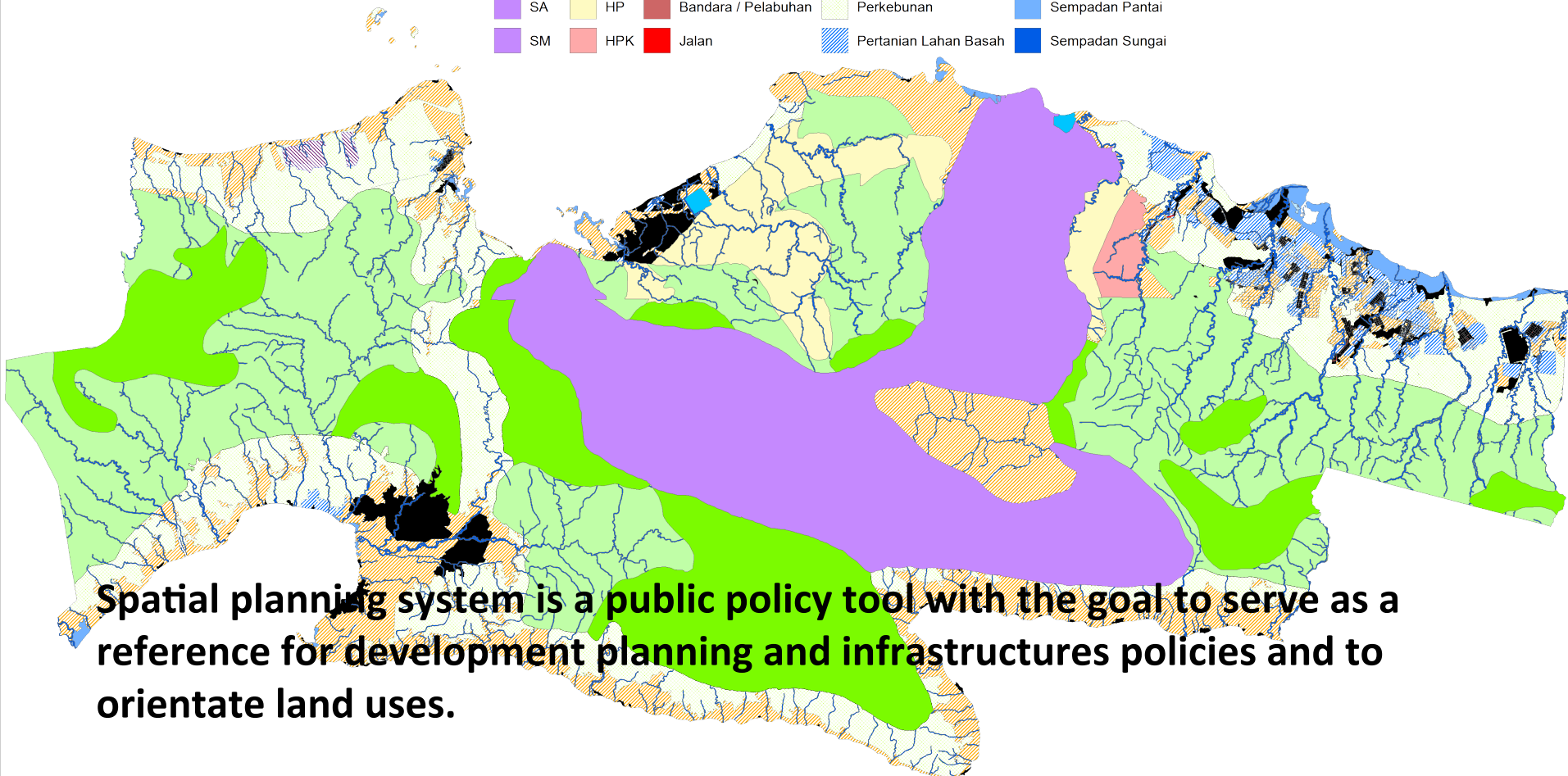
# Spatial land use planning in Indonesia: Pitfalls and opportunities of multi-level governance in Moluccas Province

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## POLA RUANG



**Spatial planning system is a public policy tool with the goal to serve as a reference for development planning and infrastructures policies and to orientate land uses.**

**State-run spatial planning as a threat to local right owners**

**Tool for Institutional coordination and multilevel governance**

# Research Questions

The aim of the study is to understand the multilevel nature of land use and land tenure processes in Seram, Mollucas

- What factors influence multilevel and cross-sectoral coordination of Indonesian land use planning and customary society participation?
- How do the related multilevel governance issues affect customary tenure security in Moluccas?

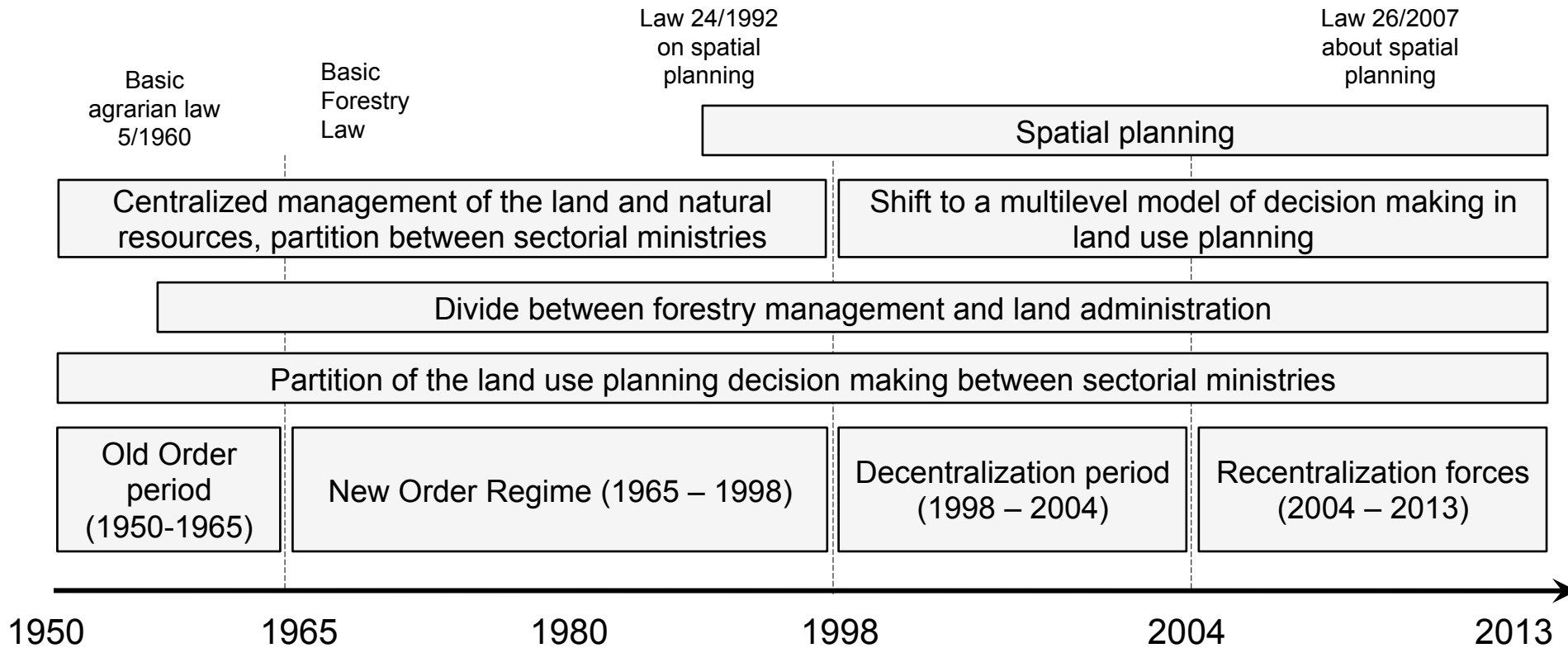


# Methods



- Qualitative interviews with local, provincial and central government officials involved in land use planning.
- Literature review on land use planning and customary tenure right legal frameworks.

# timeline of the evolution of land use planning issues in Indonesia



BKTRN

Bappenas → PU



# Coordination Issues

Indicators	Constraining factors identified
Procedure	<ul style="list-style-type: none"> <li>• forest estate not mapped</li> <li>• Delay in approval by national government agencies</li> </ul>
M a p p i n g requirement	<ul style="list-style-type: none"> <li>• Sectoral maps, inaccurate maps</li> <li>• Divergences of data between different agencies</li> </ul>
Coordination meetings	<ul style="list-style-type: none"> <li>• Lack of institutionalization of spatial planning coordination boards</li> <li>• Exclusion of agencies relating to those boards</li> </ul>
Community participation processes	<ul style="list-style-type: none"> <li>• Government budget allocation</li> <li>• Uncertainties/misunderstanding re the spatial planning legal framework</li> <li>• Control mechanisms from national level</li> <li>• Trade-offs operated by civil servants for accelerating the spatial planning process</li> </ul>
Enforcement	<ul style="list-style-type: none"> <li>• Discretionary power of regents with the prerogative of location permit issuance,</li> <li>• Propensity of sectoral institutions to follow their own agenda without referring to RTRW</li> <li>• Incentives and disincentives</li> </ul>



# Multilvel Governance, LUP and tenure

Type of institutional interplay issue	Issue expression creating the bottleneck in land use planning	Undesirable outcome in land use planning and land tenure mechanisms	Consequence on customary tenure holders in Moluccas
<b>Vertical issue :</b> Disconnect between deconcentrated and decentralized institutions	Exclusion of de-concentrated agencies (BPN, BP3DAS) in LUP processes	Mismatches between different LUP mechanisms designed by different state actors	Overlapping and conflicting claims on land
<b>Vertical issue :</b> power struggle between central and local governments	Recover of mining permit control by central state	Persistence of a unilateral centralized decision-making in LUP implementation	-
<b>Horizontal issue :</b> Struggle between MoF and BPN	Reluctance of MoF to relinquish control over the forest estate	BPN has no jurisdiction over forest land even when <i>de facto already</i> converted	weak customary claims





# Conclusion



- Legal contradictions
- LUP – vertical and horizontal tensions →
- LUP and tenure: adat not recognized
- Community participation??
- LUP – letter vs spirit of the law





## Thinking beyond the canopy

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