

Who Owns the Forest? : The Boundary between Forest and Farmland at the Frontier of Land Reclamation in South Sulawesi*

Koji TANAKA**

I Introduction

Throughout Indonesia, farmland is being expanded into the forests. Regardless of whether the work is carried out by local inhabitants or by migrants from other areas, various problems have arisen over the boundary between forest and farmland at the front line of reclamation. One such area is in Kabupaten (District) Luwu, South Sulawesi, where I have conducted occasional surveys over the past decade.

Migrants to Luwu have come by various means from various places. Some came under the government's transmigration program, mostly from Java, Bali and Lombok; some were spontaneous migrants, mostly from Bugis areas like Kabupatens Wajo, Soppeng, Bone and Sinjai and Kabupaten Tana Toraja in South Sulawesi, and from Java; and some came with private or public corporations to open large-scale plantations, including technicians from Java and laborers from locally or other parts of South Sulawesi. They joined people who had long been living in this part of the country (whom I here refer to collectively as *local people*). In my survey area, where drastic changes have taken place over the past two decades or so, these are Pamona and Bugis Luwu people.

The front line of reclamation involving local people and migrants first advanced into secondary forest that local people had used for swidden farming and other purposes and subsequently abandoned, and into forest for which a lumber company held a concession but had long since ceased operation. This forest has now virtually disappeared, having been converted to farmland where crops are cultivated.

When migrants settle and succeed in opening farmland, they are followed by many new migrants. The new migrants obtain land that has already been cleared or clear new land that is available for reclamation. As more migrants arrive, however, a saturation point is reached at which reclaimable land is exhausted. When this happens, the agricultural frontier can only advance further into the interior of the forest: reclamation progresses into the hitherto virtually untouched forest

* This paper originally appeared in Japanese in *Sogoteki Chiiki Kenkyu* [Global Area Studies], No. 8: 46-52, 1994. The data presented in this paper were obtained during the author's fieldworks in Indonesia with research permission from LIPI and with the financial support of a grant-in-aid for overseas scientific research from the Ministry of Education and Culture (Monbusho), Japan, provided in 1993 and 1994.

** 田中耕司, Center for Southeast Asian Studies, Kyoto University

zone. (*Forest zone* is used to indicate *kawasan hutan*, an area demarcated as forest by the Ministry of Forestry, where land use for other purposes is restricted).

Just such a situation has been reached in my survey area. It was in around 1990 that the earlier settlers and the later migrants began expanding farmland into the forest zone. This reclamation also involved local people and is continuing to the time of writing (1994). Similar encroachment is taking place at the fringes of the forest zone throughout Kabupaten Luwu, causing major problems over land use and land ownership. According to the local agencies of the Ministry of Forestry, this reclamation is illegal, since the forest zone is state-owned land. The pioneers, on the other hand, claim that they are simply exercising their lawful right to livelihood as citizens, clearing land that the original inhabitants had used for generations and opening it up for agricultural production.

Which side is right? Here, I shall examine the current expansion of the agricultural frontier into the forest zone in the survey area. In the border area between forest and farmland, where a plurality of land systems exist in parallel, the situation with regard to land ownership is far from clear. The opening of farmland in this border area, therefore, exposes most blatantly the inconsistency, and sometimes the conflict, between the local customary law and the modern law of the state. The front line of reclamation is not simply a frontier in terms of the physical space where reclamation of land for agriculture is advancing into "unused land": it is also a social frontier across which residents and state confront each other over an invisible legal framework.

II The Process of Migration and Changes in Land Use

1. Changes Due to the Influx of Migrants

First, let us examine how the influx of migrants affected land use in the years before the expansion into the forest zone began. Fig. 1 shows schematically the process of change. Fig. 1A shows the situation before the advent of migrants (before the mid-1970s); 1B that when most of the early

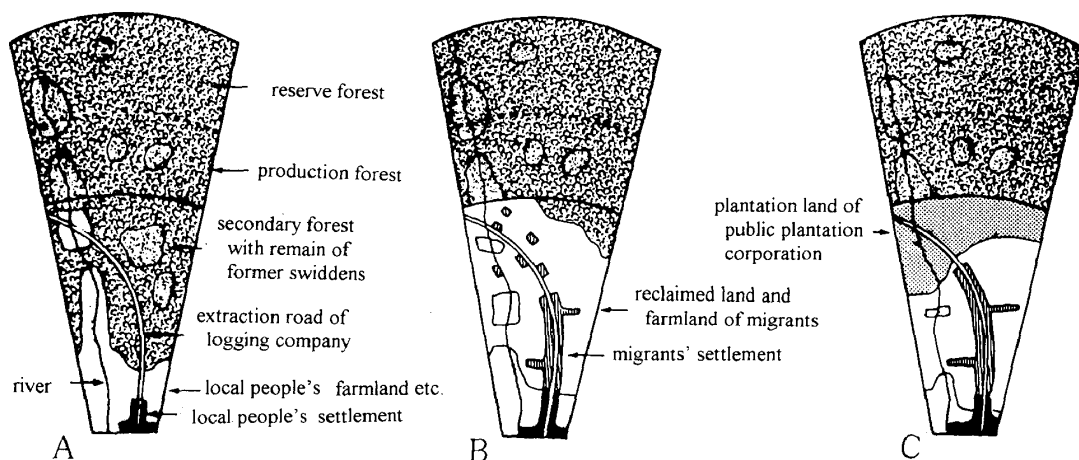


Fig. 1 Changes in Land Use in the Survey Area (conceptual maps)
(see text for the times of A, B, and C)

migrants had settled (the early 1980s); and 1C that in the late 1980s, when land use had stabilized following the opening in 1984 of a large-scale oil palm plantation by the public plantation corporation.

The influx of migrants into the survey area began in the mid-1970s. By the late 1970s, the overall regional development program known as the Luwu Project began to produce visible results, particularly in the northeast of the *kabupaten*, where the survey area is located. From this time migrants began flooding into the area. In the early 1980s, when road construction and upgrading had progressed, a second wave of migrants arrived, assisted by the earlier settlers, and the migrant population came greatly to outnumber the local population.

For the first wave of migrants who arrived before the early 1980s, it was comparatively easy to obtain land for settlement. Considerable areas of unfenced and unused land still remained outside the forest zone. If they met certain conditions, migrants could obtain permission to clear and use "state-owned land" that the local people were not using. This permission could be granted by a *camat*, chief of *kecamatan* (sub-district of the government's local administration), based on the report of the chief of an administrative village; and a migrant who had received such permission could obtain the usufructuary right to the land after clearing it. At this time, in order to promote the development of undeveloped areas, the *camat* was authorized by the Interior Ministry to allocate two hectares of state land per household to residents of the sub-district. This also applied to migrants, and some of the early migrants actually received such permission to clear land.

There were also many migrants who cleared land without such permission. Having sought confirmation from a local influential or village chief that land they wished to settle did not belong to a local resident, they first cleared the land, and once they had settled they sought retrospective approval from the *camat*. For the sub-district offices concerned with promoting regional development, it made little difference whether the land was cleared with or without prior permission. As long as the migrants were using the land for agricultural production, officials did not take issue with whether an application for permission to clear land was made before or after the fact. And as long as the settler paid the tax on his land and house (PBB: *pajak bumi bangunan*), his usufructuary right over the land was officially recognized. (It should be noted that a usufruct did not become ownership until the land registration by the Interior Ministry's Land Registry Office [Direktorat Jenderal Agraria; subsequently reorganized as Badan Pertanahan Nasional] was complete. This distinction was to become pertinent later, when the plantation was established.)

In addition, many other migrants cleared and settled land purchased from its customary owners. Since land was inordinately cheap compared with that in their homelands, migrants who arrived with a certain amount of capital could easily purchase land from local people. In no case, of course, was the private ownership of this land legally established on the basis of land law. All of it was land to which an individual's customary right of occupancy through inheritance was recognized in his village. Someone in the past may have opened a swidden there or planted useful perennial plants like durian, jackfruit, *langsats*, or sago, and that person's heir was recognized as owning these trees and having the right to occupy the land.

Local households had considerable areas of such land, and the sale of plots of one or two hectares to migrants provided a welcome opportunity for them to obtain cash. While their holdings

were sufficient, local people continued to sell land not only to new migrants but also to settlers who had received their allocations of state land. With their enlarged holdings, the settlers not only cleared land themselves, they also invited relatives and acquaintances from their homelands to come and make use of it. Eventually, these later migrants secured land for themselves, and now most of the land in the survey area is occupied by migrants. Not only did migrants come to exceed the local people in scale of population, they also became predominant in terms of land use.

Through this process, the pattern of land use shown in Fig. 1B became established in the early 1980s. At first, the migrants concentrated on cultivation of upland rice and maize for home consumption and commercial cropping of cloves. However, when clove cultivation failed to produce satisfactory results, cacao cultivation began to boom, and from around 1982 or 1983 an expansion of cacao plantations began involving settlers and local people.

2. *Establishment of the Government-run Plantation*

It was at just this time that the plantation public corporation announced its plan for an oil palm plantation. The plan involved setting up the public corporation's plantation in a broad tract extending to the boundary of the forest zone, a tract that included farmland already cleared by settlers and local people. The design of the plantation was one known as PIR (*perusahaan inti rakyat*), an estate consisting of a "nucleus" and "plasma," in which a central plantation owned by the corporation would be surrounded by smallholdings of plantation allocated to local people and migrants.

On hearing of the plan, the vast majority of villagers, both settlers and local people, were against it. It would mean that land that they had labored to clear would be taken over by the public corporation. The new PIR design, which was at the time being introduced in various parts of the country, seems to have gained little understanding among people in the survey area. In the case of the "plasma" smallholdings, the ownership of land (although limited to two hectares per household) would be officially reconfirmed, but the owners would have to reimburse the company for the costs of establishing the plantation. These costs would be advanced by the company and repaid by smallholders, with interest, from future production. This was seen as taking on new debt. Those who had cleared more than two hectares, moreover, would have to return land in excess of this amount to the state. This would either become part of the company's "nucleus" plantation or be given to others as a "plasma" plantation.

While the villagers thus did not welcome the plan, neither did they have sufficient strength to take any countermeasures. Permission from the *camat* to reclaim land included no provision for recognition of ownership, being merely the recognition of the right to use state land within certain limits and under certain conditions. In the face of the state enterprise to establish a plantation, the settlers' claims over the land were too weak.

The choice villagers faced was between offering the land they had cleared to the corporation for use as "plasma" smallholdings in return for new official recognition of their ownership of just two hectares of that land, and abandoning the land entirely in return for monetary compensation from the corporation for the loss of the usufruct and the field and tree crops planted there. When the time

came, many of the earlier settlers with larger holdings chose the former option, while the majority of local people who still held land in the designated "plasma" area chose to accept monetary compensation.

While there was room for choice in the designated area for "plasma" smallholdings, those whose land lay in the area that the company would own in the future "nucleus" area had no such option. Whether settlers or local people, their land was state-owned land over which private ownership was not legally recognized. They had no choice but to withdraw, receiving monetary compensation for the loss of the usufruct and the crops and useful trees on the land. In the survey area, only one migrant persisted in rejecting the requisition of his land, but even though he himself did not accept the monetary compensation, his land was eventually taken over and planted with oil palm.

The plantation opened in 1984, and within a few years the land use in the survey area was as shown in Fig. 1C. From the third year after the planting of the oil palms, migrants who had obtained "plasma" smallholdings began to harvest fruit and profit from its sale to the public corporation. The cacao plantations that the corporation had not requisitioned also began to produce, and incomes became comparatively stable. The migrants and local people who had relinquished their parts of lands also benefited in their own way from the cacao boom of the time. Land use in the survey area appeared to have stabilized at the boundary with the forest zone. But this began to break down in 1990.

III Expansion of Farmland into the Forest Zone

New migrants continued to arrive in the survey area through the late 1980s. They came to open new cacao plantations, settling on unused land outside the forest zone which they purchased from local people. Although the price had by this time risen tenfold compared to that paid by the early migrants, land was still considerably cheaper than in the migrants' homelands, and its purchase did not present that great a burden for them. In this way, virtually all of the remaining reclaimable land was converted to cacao plantations.

Nevertheless, the influx of migrants continued. Since the reclamation of designated arable land had now reached saturation point, the only land that could be cleared was in the hinterland of the oil palm plantation, namely, the forest zone. In this way, the frontier of reclamation began to "invade" the forest zone.

While hitherto we have spoken of the "forest zone" as a single entity, it should be noted that the Ministry of Forestry classifies several divisions. In general, from the periphery to the interior, the forest zone is divided into "convertible production forest" (*hutan produksi yang dapat dikonversi*), "restricted production forest" (*hutan produksi terbatas*), and "reserve forest" (*hutan lindung*). In the survey area, as shown in Fig. 1, the lines had already been demarcated. The concession given to the logging company fell into the second category of production forest. As mentioned earlier, however, operations on the concession had virtually ceased, and even though the 30-year lease had not expired the forest remained totally unexploited by the logging company.

In these circumstances, a number of local people came forward claiming that there was land in

the forest zone that their ancestors had formerly used and that had been passed down to them from generation to generation. These claims were not new, of course, but they were rapidly revived in the face of the steady influx of migrants seeking land to reclaim. In this way, land in the production forest which local people owned (so they claimed) was sold to migrants. Both parties involved were fully aware that such transactions were more risky than they had hitherto been. In the eyes of the *kecamatan* administrative office and the sub-unit office of the Ministry of Forestry, they involved the illegal sale of state-owned land and were totally unacceptable.

Once begun, however, it was only natural that such transaction and reclamation of land should continue. Indeed, particularly in the “convertible production forest,” it became a frequent occurrence. Moreover, land in the production forest to which local people laid no claim also began to be reclaimed by migrants. Again, the pioneers were fully aware of the illegality of felling trees in the forest zone. The result of this “invasion” of the front line of reclamation by the three parties involved, the settlers, the new migrants, and the local people, is shown schematically in Fig. 2A.

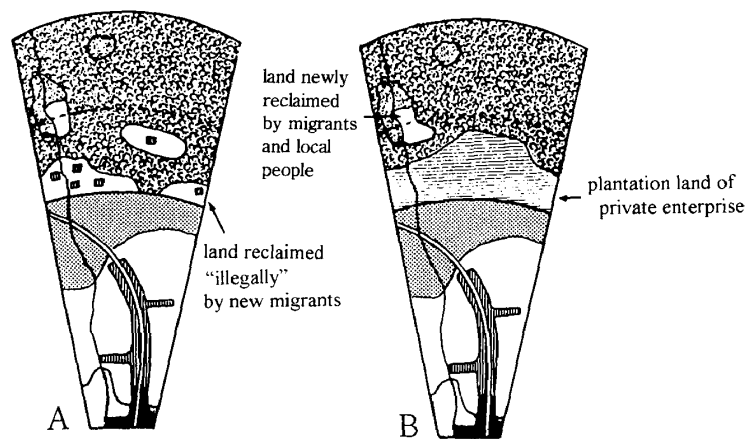


Fig. 2 Present and Future Land Use in the Survey Area (conceptual maps)
(A : 1994 ; B : future projection)

IV The Response of Local Government Agencies

The relevant local government agencies, such as the sub-unit office of the Ministry of Forestry, the *kecamatan* administrative office, and the sub-district police force naturally moved to control this illegal land clearance. In Indonesia, where the state has to some extent put in place networks of local administration and modern law over the whole country, there is now virtually nowhere that such “illegal acts” go completely unchecked. In the survey area, too, the “invasion” of the forest zone prompted the administration to begin countermeasures.

In 1990, the forestry sub-unit office and the sub-district police detained the leader of a group of migrants who had touched off the reclamation in the forest zone and began an investigation. After 10 days in detention, the leader was returned to the village having given a written pledge to the forestry office. The substance of this pledge is interesting in revealing how the administration

regarded the current expansion of farmland into the forest and how they intended to deal with it.

This document in part can be summarized as follows.

1. I [name omitted by the author], together with several residents of village A [name omitted by the author, a village adjoining the survey area: author's note], are cultivating and managing my cacao plantation and coffee plantation. I recognize that this plantation land of mine is situated in the forest zone [*kawasan hutan*]. However, I originally obtained the above-mentioned plantation land from Mr. C [a local man: author's note] of village B [the village in the survey area: author's note] by means of paying compensation [*ganti rugi*] of 400,000 rupiah per hectare. The total area is 5 hectares.
2. Next, I promise not to expand the area beyond this. If, in future, it becomes clear that I have further expanded my plantation land, I am prepared to accept punishment in accordance with the current laws and regulations.

Following this promise, the document ends with information laid against others by the leader. It names a neighboring village and the leader (local man) of another group, and explains that they had fenced off land in the forest zone for sale to new migrants arriving from other areas.

This document makes it clear that the sub-unit office of the Ministry of Forestry, while accepting the *fait accompli* of the reclaimed land, intended to control further expansion of plantation land into the forest zone. There must naturally have been some behind-the-scenes maneuvering between local people and the administration, but it is important to note that the forestry sub-unit office adopted a policy of lenience toward the opening of farmland in the convertible production forest. Although this was designated as a forest zone, its peripheral areas contained lands that local people had used in generations past; and although it was not the official line to recognize claims to this land, it was a local circumstance that the forestry sub-unit office could ignore. At the same time, the forestry administration itself was in no position, given its level of local staffing, to prevent the "invasion" of the forest zone. The leader's pledge can thus be seen as a compromise that took into account these two circumstances.

This policy of allowing agricultural activities on land cleared in the forest zone, particularly in convertible production forest, provided that migrants actually settled and farmed the land rather than engage in speculative or predatory activities, is based on an agreement reached in the late 1980s between the South Sulawesi governor and the provincial office of the Ministry of Forestry (although details of the agreement are unconfirmed, it is generally known as the South Sulawesi System). According to the agreement, in cases where a local resident had cleared state land in the forest zone, planted a crop and produced a harvest, his ownership of the crop, but not the land, would be recognized.

Ultimately, the incident in the survey area was settled with the migrant acknowledging the state's ownership of the land and the administration also making concessions. However, it also led to the tightening of controls in the restricted production forest and reserve forest behind the convertible production forest. Migrants found to have begun reclamation deeper in the forest were

to be immediately stopped and repatriated. It is still unclear how effective these compulsory measures will be, but it is clear that, as a result of this incident, the administration has begun to tighten its control in line with the different divisions of the forest zone.

V Further Advance of the Front Line of Reclamation

The pledge made to sub-unit office of the Ministry of Forestry by the leader of the pioneer group had the effect of providing a kind of guarantee to later “invaders.”

When the first wave of migrants came to the area, the *camat* was authorized to permit the use of unused state land, but that authority was abolished in 1984. Since then, the use of state land required permission from the Land Registry Office. For up to five hectares it is necessary to apply to the provincial land registry office, and for larger areas to the office at the state level. The complex procedure involved, however, is totally beyond the migrant arriving with little capital, for whom the usual course is still to reclaim land without permission.

In this situation, the effect of the pledge has been to create a milieu in which the migrant sees it as easy to obtain land in the forest zone by establishing a *fait accompli*. In fact, since the first “invaders” began clearing land, they have been followed by a steady stream of people who have opened farmland in the forest zone. These include not only migrants who have bought land from local people who claimed ownership; but others who have cleared land deeper in the forest than the local claims extend. From around this time, the saying, *curi dulu, nanti urus* (steal [state land] first, own up [to the authorities] later), began to be heard in the survey area.

Of course, the local people and migrants also have their own logic to justify reclamation in the forest zone. They claim that they will make positive use of unused land in order to convert forest that local people formerly used into the “green” of crops. They fully recognize the importance of the forest zone, and do not intend to expand into the reserve forest. They are converting land that had been abandoned until its enclosure as state land into a place for production that will benefit the region. What is more, most of the land is originally alienable land that local people formerly used.

Local people and settlers feel that any land which they clear becomes their own land. They regard land which they have actually cleared, which they can buy and sell among themselves, and on which they have paid land tax, to have the right of ownership attached. They state their intention eventually to pay land tax on the land they have opened in the forest zone, and some claim to have begun procedures. In the eyes of the *kecamatan* administration office, however, this land tax is merely a levy on the agricultural produce of the land and not premised on recognition of ownership. Officially, this land remains the inalienable property of the state.

VI In the Age of Development

The above problems over reclamation and ownership of land in the border area between forest and farmland are not limited to my survey area but occur frequently in many parts of the country. These problems are compounded by the fact that this reclamation is proceeding in parallel with the

Indonesian government's development policy. The development policy and development plans promoted by the government do not always accord with the interests of the local people and settlers who are engaged in the reclamation: indeed, there appear to be many cases where interests clash. In particular, spontaneous migrants, those who migrate and settle at their own initiative, tend to be excluded from development plans, which they are seen as disturbing.

There is also no doubt that the future of land now being cleared in the forest zone in my survey area will be greatly influenced by development plans for the region as a whole. Fig. 2B shows conceptually a projected pattern of future land use.

According to the sub-unit office of the Ministry of Forestry, a private enterprise has applied to the Ministry of Forestry in Jakarta for permission to establish plantation farmland on a large scale in the convertible production forest, and this is now under consideration. The plan proposes developing 5,000 hectares of plantation land under the PIR design, with 4,000 hectares of cacao plantation and 1,000 hectares of industrial plantation forest (HTI: *hutan tanaman industri*). If this is approved, the convertible forest of the forest zone in the survey area will be felled to provide the land. Land already opened by migrants in the forest zone will also naturally be included.

Because this plan of operation involves development of the forest zone, the land in question will remain as state land, being loaned to the enterprise for a period of 30 years. This means that people who have entered the forest zone and are growing crops on land they have cleared there must return their land to the state. The local officers in the forestry sub-unit division also state that because these people have illegally deforested state land, it is highly unlikely that the private enterprise will pay any compensation for the crops cultivated on that land.

If the application is approved, it is envisaged that, as in the case of the public corporation's oil palm plantation, migrants who have cleared land in the concession area will obtain two hectares of plasma smallholding and be obliged to give up any remaining land. Worse still, it is likely that they will receive no compensation for the land and crops they give up.

For their part, it appears that the migrants have already caught wind of situation and are taking countermeasures. They are clearing land together with many relatives and acquaintances, and increasing as far as possible the number of people nominally using plots of about two hectares of reclaimed land. Others are planning to reclaim land with the expectation that the private enterprise will pay compensation.

Whatever the expectations of the people who have reclaimed farmland, it is unclear at the present stage whether their labors in clearing the forest will turn out to be wasted effort in the face of government development policy, or some lead will be found that can be followed to be harmonious solution. What is clear is the very high probability that a pattern of land use like that shown in Fig. 2B will emerge in the future.

VII Conclusion

A movement to apply the brake to development policies, particularly unsystematic, rampant development that destroys the environment, to protect the traditional land right of people who

maintain a traditional lifestyle, and to foster their traditional techniques of exploiting land and resources, has emerged not only in Indonesia but in developing countries worldwide. This in itself is a good thing, but I cannot help but wonder how in practice it could be realized. Almost nowhere are there people who remain untouched by the waves of modernization and development and who are living free of framework of state and government. To overlook this obvious fact and voice only a sense of hope for tradition is to lose sight of an important aspect of what is actually happening at present.

The situation I have described in my survey area is a common case of people leading extremely ordinary lives in the midst of advancing development policy, rather than of people who have inherited a traditional lifestyle. However, the survey does reveal how ingeniously these very ordinary people have sought a *modus vivendi* within the framework of administration and law imposed upon them by government and state. To me, as a complete outsider to the region, not only did the government appear to be conducting itself in a strict manner, the local people and migrants also appeared extremely shrewd.

Frontier spaces in the various senses discussed here can be seen across Southeast Asia. The frontier space at the boundary between forest and farmland is one that is throwing up many problems related to the future of the environment and land use. It is my hope that solutions to these problems may be found in the ingenuity of the ordinary people that I have described here, and for this reason I wish to continue my association with the survey area for a while longer.