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The Political Ecology of Salt: Dynamics of Agrarian Change in Rural Kupang, Indonesia

塩のポリティカルエコロジー：
インドネシア・クバン農村部における土地利用・保有の変化の動態



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**The Political Ecology of Salt:
Dynamics of Agrarian Change in Rural Kupang, Indonesia**

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Summary

Over the past few decades, salt self-sufficiency (*swasembada garam*) has been a major concern in Indonesia. Under the strategy of salt's self-sufficiency, the central government has allocated land to the salt company in rural Kupang, specifically for salt production (solar salt evaporation field). However, the land granted to the company has been populated and tilled by thousands of villagers and their families for generations. This consequently led to contestation between the villagers, the government, and the company.

This study focuses on the 3,720 hectares of land in Kupang, where the central government of Indonesia has granted land use permit or *hak guna usaha* (HGU) to PT. Panggung Guna Ganda Semesta (hereafter referred to as PGGS) for a period of 35 years (1992–2027). This land includes five villages in Kupang, namely Oebelo, Merdeka, Babau, Nunkurus, and Bipolo. Nunkurus is chosen as a case study because it is the center of the resistance movement against PGGS and has captured the dynamics of agrarian change over the last two decades. Further, the problem of land acquisition in Kupang became more complicated since 2018, when the local government granted 596 hectares of PGGS-HGU land in Nunkurus

to a new salt company, PT. Timor Livestock Lestari (hereafter referred to as TLL), for salt's self-sufficiency.

Hence, this study critically examines the phenomena of large-scale land acquisition in rural Kupang in the last two decades (by PGGS) and are taking place now (by TLL), with the aim of achieving the government goals to be self-sufficient for the salt in Indonesia. Specifically, this study aims: (i) to describe the history of salt-land in rural Kupang; (ii) to critically examine how the discourse of salt self-sufficiency has been employed to release the land from customary tenure; (iii) to investigate who are the actors promoting or opposing the salt-land acquisition; and (iv) to explore community perception in two hamlet groups on how they perceive the impact of salt-land acquisitions.

To answer the research questions, several fieldworks has been conducted from March 2018 to August 2019. During the fieldwork, data and information were collected from key informant interviews, participatory observation, and focus group discussion (FGD) as well as secondary data from a range of sources at all levels (local and national level). Specifically, information was collected utilizing semi-structured questionnaires designed for a household survey to explore the community perception toward TLL in two hamlet groups in Kupang.

The results revealed that, *first*, the large-scale land acquisition process for achieving salt self-sufficiency in Indonesia represents an assemblage of actors, historical events, as well as political, socio-cultural and economic structures that work at sub-national, national and international levels across different periods of time. As shown in Chapter 4, during the authoritarian New Order regime, the government mainly contributed to the process of land dispossession in rural Kupang.

Granting the land to PGGS through violent threats by authoritarian regime and without proper compensation have shaped the land as an arena of contestations, which involve government, military officers, and salt business (PGGS) on one side and local community on the other.

Second, the process in which salt companies facilitate access to and control over the land in Kupang is *not simply a linear process* in which ‘predatory’ companies steal land from ‘vulnerable’ rural communities. Investors do not dispossess villagers of their land; the state does by transforming the status of land into ‘state land’ and, then, allocating it to investors for long-term use. Companies make use of the discourse of salt self-sufficiency to ‘wedge’ their way in. The state, particularly, the government officials, plays an important role in facilitating this. Despite the failure of large land schemes, as seen in the PGGS case, the government still continues to legitimize large-scale land acquisitions in the same landscapes in the name of salt self-sufficiency by granting the salt-land to TLL.

Third, each actor involved in the process of land acquisition for salt has a vested interest in salt expansion. This has resulted in a *land grab competition* between the state, the corporate actors, and the local elites’ actors within Nunkurus. The central government wants to ensure the country’s self-sufficiency for salt, the local government wants to generate more revenue for their region, the corporate actors want to make profit through land holding and salt development projects, and the local elites’ actors through cooperation (co-op) want to obtain higher profits for their land. Since the central government granted HGU to PGGS in 1992, the constellation of power relations among the actors is ‘bipolar’, entailing the local community against PGGS and the central government, which were viewed as

participating as a single entity in the HGU land. However, the power relation might be more complicated since the local government of Kupang release 596 ha of land to TLL in 2018, previously seen as being bipolar, toward *a more multi-polar contestation* with the salt company on one side, the local government, and the local community on another.

Fourth, the process of land acquisition in Nunkurus has resulted in *benefits and adverse effects* at the local level. A majority of the respondents from Uel hamlets were concerned regarding the negative impact on environmental and social relationships after the government had granted land-use right to TLL. However, in Padang Beringin hamlet, there seemed to exist a polarization in the community's perceptions toward the company. Some people were of the opinion that this would have a *very positive* economic and social impact, whereas others believed it to have a *very negative* economic and social impact. This polarization in the perception represented the formerly unheard voices. People who perceived this to have a very negative impact were basically the members of the Feto Mone Sonaf Oninama (FMSO), who seemed to disagree with the existence of the TLL.

In conclusion, regardless of whether the salt self-sufficiency project will be a failure or a success, the process of legalization through a set of regulations leading to spatial planning has changed the ways of accessing and claiming land, excluding the people of Kupang who benefit from corporations via the state.

Based on an understanding of the phenomena of large-scale land acquisition for salt in this study, several policy implications have sprung up that needed to be developed. To secure land tenure rights for the people of Kupang, the government should (i) recognize and formalize customary community land rights,

including the clearly established rights to the ‘salt land’ currently in use, and verify the community-led rights, confirming the demarcation of external boundaries around ethnic areas; (ii) apply the free, prior, and informed consent (FPIC) principal and prioritize the resolution of acute, existing land disputes involving customary land rights; and finally, (iii) create a comprehensive village or adat community land database with clear planning regarding the community’s future that should not only address the social aspects but also economically viable and environmentally sound planning.

This study however has some limitations. Conducting research in villages with a recent history of conflict with the salt company came across as a challenge. The tension was still high, and a considerable mistrust was seen toward people who allegedly supported the company. In this context, it was difficult to explicitly look for “pro-salt company” informants. More specifically, in conflict cases as such, no clear boundaries were observed between “supporters” and “opponents,” as people often have ambiguous perceptions regarding the salt project and the company and may change their stance with time. Further, because this study is a case study, its findings cannot be generalized for broader communities; however, it can be taken into consideration in similar geographical settings for wider discussions of ‘agrarian dynamic’. Finally, further work is needed to investigate the relationship between social heterogeneity, tenure complexity, and the progress of large-scale land deals.

Key words: *Salt, Self-sufficiency, Land grab, Rural, Agrarian change, Kupang, Indonesia*

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List of Abbreviations

<i>AMDAL</i>	Analisis Mengenai Dampak Lingkungan / Environmental Impact Analysis (The overall process of assessment on any proposed development that could conceivably affect the environment in order to determine its potential for generating significant impacts)
<i>AIPGI</i>	Asosiasi Industri Pengguna Garam Indonesia / Indonesian Salt-Using Industries Association
<i>BP3TKI</i>	Balai Pelayanan Penempatan dan Perlindungan Tenaga Kerja Indonesia / Provincial Migrant Workers' Agency for Placement and Protection
<i>BPK</i>	Badan Pemeriksa Keuangan / The Supreme Audit Agency
<i>BPN</i>	Badan Pertanahan Nasional (The National Land Agency). A non-departmental government institution responsible for conducting government tasks in sectoral, regional, and national land matters.
<i>BUPATI</i>	Regent; head of administrative district called kabupaten
<i>CAMAT</i>	Head of administrative sub-district called kecamatan
<i>DPMPTSP</i>	Dinas Penanaman Modal dan Perizinan Terpadu Satu Pintu (Office of Investment Service and One Stop Integrated Service).
<i>FETOR</i>	Head of administrative sub-district called kefettor
<i>FMSO</i>	Feto Mone Sonaf Oninama Cooperative (Co-op)

<i>FPIC</i>	Free, Prior and Informed Consent (FPIC) is an important standard Indigenous people can use to claim their rights to self-determination, consultation, and participation in decision-making
<i>GMIT</i>	Gereja Masehi Injili di Timor; Timor Evangelical Christian Church
<i>HGU</i>	Hak Guna Usaha (Right to Cultivate/Exploit). HGU is the right to work on land which is directly controlled by the Indonesian state. HGU is granted for a period up to a maximum of 35 years and may be extended for a maximum period of 25 years. HGU is granted on lands that are larger than five hectares and can be granted to Indonesian citizens and corporate bodies in Indonesia (the latter includes foreign investment companies). HGU gives the right to use a state-owned land for the purpose of agriculture; in particular, agricultural projects, including plantations, fisheries and cattle ranches
<i>KOMNAS HAM</i>	The National Commission on Human Rights (Indonesian: Komisi Nasional Hak Asasi Manusia, usually abbreviated to Komnas HAM) is the national human rights institution (NHRI) of Indonesia.
<i>NTT</i>	Nusa Tenggara Timur (East Nusa Tenggara) Province
<i>PAD</i>	Pendapatan Asli Daerah (Regional Local Government Revenue)
<i>SWATANTRA</i>	Autonomous government at the provincial level
<i>SWAPRAJA</i>	Autonomous government at the district level
<i>TCUN</i>	Tanah Cadangan Umum Negara / a State General Reserve Land (Land which has been declared abandoned, has its right abolished, has its legal ties severed, and is

declared as land directly controlled by the state as state public reserve land, namely TCUN)

<i>TEMUKUNG</i>	Title of traditional power holder.
<i>TORA</i>	Tanah Objek Reforma Agraria / Land Objects for Agrarian Reform
<i>TNI</i>	Tentara Nasional Indonesia / The Indonesian National Armed Forces. TNI is the military forces of the Republic of Indonesia.
<i>VOC</i>	Vereenige Oostindische Compagnie / The Dutch East India Company

Note on Legislative References

UUPA	: Undang-undang Pokok Agraria (Basic Agrarian Law)
UU	: Undang-undang (National Law)
PP	: Peraturan Pemerintah (Government Regulation)
KepPres	: Keputusan Presiden (Presidential Decision/Decree)
Permen	: Peraturan Menteri (Ministerial Regulation)
Kepmen	: Keputusan Menteri (Ministerial Decree)

Chapter 1. Introduction

1.1. Background of the study

Over the past few decades, salt self-sufficiency¹ or *swasembada garam* has been a major policy concern in Indonesia. As one of the countries with the longest coastlines in the world, Indonesia is generally expected to be self-sufficient in domestic salt production². However, according to the Indonesian Ministry of Marine and Fisheries Affairs (2016), domestic salt producers can only produce approximately 2.6 million tons of salt a year; moreover, 4.23 million tons need to

¹ The study looks at salt's self-sufficiency, which is broadly defined as being able to meet salt consumption needs from self-production (domestic/local) rather than by buying or importing from foreign country. It should be noted that salt self-sufficiency in Indonesia does not mean food sufficiency. The main purpose of salt self-sufficiency is to cover industrial needs for medical purposes, cosmetics, and food and beverages (BPPP, 2016).

² There is a myth in Indonesia that the country with longest coastline in the world must produce more salt than any other country. In fact, a country with a long coastline is not necessarily a major salt producer. Canada for example, which has the world's longest coastline, ranks eighth globally in salt production at 10 million tons (AIPGI, 2016). The world's largest salt producers generally rely on salt mines to access deposits laid down over millions of years. The salt from these mines is often more concentrated with higher levels of sodium chloride than in sea salt and therefore preferred by manufacturers. It is also a lot cheaper to dig salt out of the ground than to wait for seawater to evaporate from ponds. Further, aside of the total coastline, many requirements must be met to turn a coastal area into a successful salt production facility, including weather, rainfall, humidity, wind speed, and ocean waves (Gozan et al., 2018).

be produced for both industrial and household consumption. To compensate for this, Indonesia must import approximately 1.9 million metric tons of salt per year from Australia, China, India, and other countries (Statistics Indonesia, 2016).

However, persistent salt import becomes a problem when high and rising salt import bills take the money away from other important development agendas, i.e., health, education, etc. Further, the salt import policy also has a serious impact on local salt producers when entering the country (Helmi & Sasaoka, 2018). This situation offers political fodder to government critics for the failure of salt's self-sufficiency, especially from the opposition and national NGOs. Therefore, the government has developed various alternative policies to solve these problems by allocating land specifically for salt production.

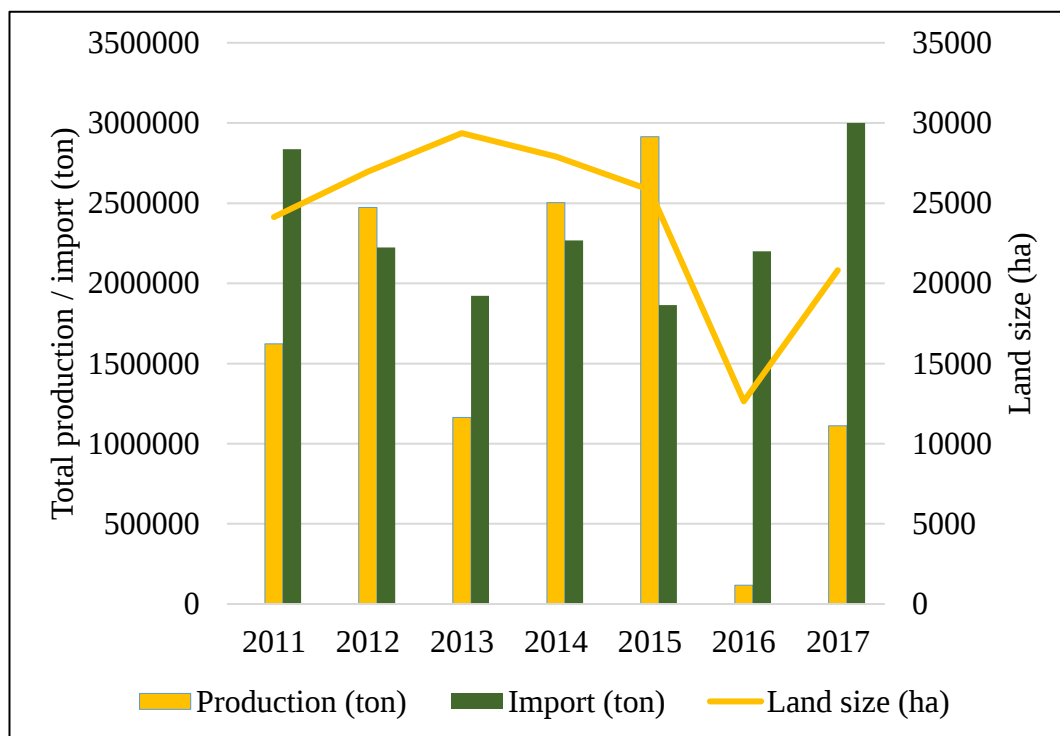


Figure 1. Salt production in Indonesia compared to land size

Source: Ministry of Marine and Fisheries Affairs (2017), Ministry of Industry (2018)

According to the data from the Ministry of Marine and Fisheries Affairs (2017), the total amount of existing land for salt production is 29,000 hectares, with an average productivity of 66 tons/hectare (Fig. 1). With this existing land, Indonesia can only produce a maximum of 2.6 million tons of salt per year. Because of this, the Indonesian Government has argued extending the land for salt production is a critical means to boost domestic salt production to achieve salt's self-sufficiency (see Regulation of the Ministry of Industry No. 88/M-IND/PER/10/2014 on Indonesia Salt Industrial Road Map). These concerns are reflected in the government's effort to identify land areas that can be allocated for salt production.

According to the Regulation of the Ministry of Industry (Peraturan Menteri Perindustrian) No. 88/M-IND/PER/10/2014 on Indonesia Salt Industrial Road Map, from 2010–2025 the government must develop new salt production areas in Sampang-Madura (2,000 hectares), Bima-West Nusa Tenggara (500 hectares), Flores-East Nusa Tenggara (2,000 hectares), and Kupang-East Nusa Tenggara (6,000 hectares) to achieve salt self-sufficiency in the future. This of course sent a loud positive signal to potential investors that the land in this region is up for grabs.

Since 2018, the land-use right or *hak guna usaha* (HGU; literally “right to use”) for salt investment for 9,575 hectares of land in East Nusa Tenggara Province is being issued by the National Land Agency (see Table 1). HGU bestows the right to use state-owned land (specifically granted for estate or plantation activities) for a period up to a maximum of 35 years; it may be extended for a maximum period of 25 years. HGU is granted on land areas that are larger than five hectares to Indonesian citizens and corporate bodies in Indonesia (the latter includes foreign investment companies).

Table 1. List of corporations that have received land concessions for salt in East Nusa Tenggara Province

No	Name of corporations	Status	Location	Land size (ha)
1	PGGS	Private	Kupang	3,720
2	PTG	State-owned	Kupang	225
3	IDK	Private	Malaka	4,500
4	CSI	Private (Foreign)	Nagekeo	545
5	TGN	Private	TTU &TTS	585
Total concessions				9,575

Source: Coordinating Ministry of Maritime Affairs (March 2018)

By granting the land to produce salt in some region of Indonesia (particularly in East Nusa Tenggara province), the Indonesian Government is optimistic that salt investment will increase employment opportunities and the income for rural workers either as laborers for smallholder salt farmers on contract or as wage workers for large salt firms (Coordinating Ministry of Maritime Affairs, 2018). As Li (2015) and Neef et al. (2013) pointed out, the legitimating narrative for corporate land investment hinges on both the need for efficient production to supply salt to a greater share of the population and the promise that the project would help develop remote regions, reduce poverty, and create job opportunities.

1.2. Focus of study: HGU land in Nunkurus, Kupang

For a complete understanding of the context of the salt land acquisition in Indonesia, this study focuses on the PGGS area in Kupang, where the central government of Indonesia has granted an HGU for 3,720 hectares of land for a period of 35 years (from July 23, 1992, until December 31, 2027). This land includes five villages in

Kupang: Oebelo in Central Kupang Sub-District, Merdeka, Babau, Nunkurus in East Kupang Sub-District, and Bipolo in Sulamu Sub-District. Nunkurus was chosen as research site because it was the center of the resistance movement against PGGS and had captured the dynamics of agrarian change over the last two decades.

The problem of salt-land acquisition has become more complicated since 2018 when the local government of Kupang granted 596 hectares of PGGS' land to a new salt company, TLL, in the name of salt self-sufficiency. As a result, the right over the land shifted from PGGS to the TLL. However, the people residing in this area argued that the land granted to TLL was customary land, which they had inherited from their ancestors who had been occupying it for decades before the Indonesian independence. Moreover, this area has long been populated and tilled by thousands of villagers and their families for generations. Further, from generation to generation, they depended on this land for their livelihood. Consequently, this salt-land expansion project raised tension and spurred conflict between the government, the companies, and the local communities.

Hence, this study critically examines the phenomena of large-scale land acquisition in rural Kupang over the last two decades (by PGGS) and now (by TLL) to achieve the government's goals to ensure self-sufficiency for salt in Indonesia. In particular, this study aims to (i) describe the history of salt-land in rural Kupang, (ii) critically examine how the discourse of salt self-sufficiency has been employed to release the land from customary tenure, (iii) investigate the actors promoting or opposing the salt-land acquisition, and (iv) explore the community perception in the two hamlet groups in Nunkurus on how they perceive the impact of salt-land acquisitions.

1.3. Problem statements

The existing literature on salt self-sufficiency, particularly in Indonesia, has only focused on the supply-demand of salt (Boenarco, 2012; Kurniawan & Azizi, 2013), technological problems (Wardono & Istiana, 2014), etc. This is indeed essential in understanding the failure of salt self-sufficiency in Indonesia. However, there is a lack of knowledge on how the salt self-sufficiency programs work at the local level and affect local livelihoods in rural areas. Therefore, the issue discussed in this dissertation is a novel attempt at bridging this existing knowledge gap in the context of the current situation resulting from the salt self-sufficiency program in Indonesia in terms of large scale-land acquisition for salt.

Furthermore, a recent study by Zhan (2017) on grain's self-sufficiency in China concluded that the need to produce more grains (under the strategy of grain self-sufficiency) has led to the government forcing small farmers to give up land use rights. As a result, this self-sufficiency agenda caused all land to be concentrated on large-scale farms and agribusiness (Zhan, 2017; Ye, 2015; Zhang & Donaldson, 2008). In addition, the study by Ito et al. (2014) and McCarthy et al. (2012) found that the discourses on food, climate, and energy crises could also be sufficient to profit the particular actors and often resulted in local communities losing access to land for food production (Montefrio, 2017; Cotula, 2012; McMichael, 2012; Zoomers, 2010). In the context of salt, under the strategy of salt self-sufficiency, the government granted large tracts of land for large-scale salt investment in rural Kupang, often resulting in local communities losing access to land for food production. Under this perspective, this study argues that the discourse of self-

sufficiency in Indonesia has been used to release the land from customary tenure. Hence, this study aims to critically examine how the discourse of salt self-sufficiency can release land from customary tenure to a coalition of the state, the corporate, and the local elite's actors.

This study borrows and combines the concepts and elements from the fields of political ecology and agrarian political economy. Political ecology has always been used as a lens to examine the ways in which the practices of corporations and their relationships within local communities impact resource use and environmental change (de la Cruz & Jansen, 2018). Political ecology approaches can also help understand how governments and their line agencies—often in conjunction with external advisors and producers of ‘expert’ knowledge—employ a variety of strategies to “governmentalize nature” (Whitehead, Jones, & Jones, 2006) and territorialize peripheral and marginal areas (e.g., Peluso & Vandergeest, 2011), thereby enhancing control over both natural resources and rural/indigenous people (Neef et al., 2013).

Further, scholars of political ecology have typically focused on how state actors, social movements, and transnational corporations impact resource management (Mackenzie, 2003; Sheridan, 2001; Whitehead, Jones, & Jones, 2007) and how historical processes of capital accumulation and consumption impact agriculture and rural livelihoods (Bury, 2008). Hence, this study attempts to investigate the actors promoting and opposing the salt-land acquisition and how this acquisition is impacting the two hamlet groups in Nunkurus, Kupang. As many scholars have pointed out, the local perception significantly determines the community's acceptance and the way peasants view their participation in salt

company activities (Marks, 2004; Mankad & Tapsuwan, 2011; Schrader, 1995; Colonists, 2001).

1.4. Research significance

The study intends to gain a deep insight of the agrarian issues in Kupang after the government decided to allocate the area for salt production. In addition, it also provides the local community's perception of the salt company, such as economic impacts, job opportunity, physical infrastructure, environment, and social impact resulting from salt investment. A particular interest of this study is the agrarian dynamics and landscape transformation in the rural Kupang where the salt project was induced. This understanding can help policymakers address the agrarian issues more seriously by considering community land rights and their livelihoods.

The findings in this paper are highly significant for wider discussions of 'agrarian dynamic'. First, it reveals the practice of dispossessing peasants of their land has continued even though the political regime in Indonesia has transitioned from authoritarianism to democracy. In other words, changes in political regimes have not been reflected in agrarian policy. During the authoritarian regime, the government legitimized large-scale land acquisitions in the name of development. This situation is almost the same in the current situation, as the government still continues to legitimize large-scale land acquisitions in the name of salt self-sufficiency. Second, this paper shows that land-acquisition practices in accordance with domestic discourses on salt crises can profit particular actors. Companies make use of the discourse of salt self-sufficiency to 'wedge' their way in. The state, in particular government officials, plays an important role in

facilitating this. Finally, this research also highlights the major issues concerning agrarian disputes in Kupang, which can be used highlight similar problems of agrarian conflicts elsewhere. This case shows a context of overlapping, unclear, and complicated tenurial regimes.

1.5.Organization of the dissertation

This dissertation consists of eight chapters. Chapter 2 describes the methodological and theoretical approaches. The first part describes the methodological and procedural considerations of collecting primary data to inform this research and explains why this case study method was employed and how the specific case was selected. It goes on to describe the procedural consideration of undertaking and implementing the research. The second part describes the growing body of literature related to political ecology, agrarian political economy, debate on self-sufficiency, and rural livelihoods. Combined, these fields provide valuable theoretical and empirical contribution to the case study and analysis.

Chapter 3 introduces the case study location, Kupang District. It starts off by explaining the geographical setting, economy, history and demographic condition in Kupang. It proposes the one particular case of salt development (PGGS and TLL), investigating how salt expansion can transform the current agrarian landscape and analyzing the two hamlets and communities affected by that proposal before understanding how local resistance was initiated in this area.

Chapter 4 examines the historical description of the processes of realizing the land to PGGS and the practice of the state enclosure that originated from the New Order period (1967–1998). Chapter 5 investigates the practices of local

agrarian dynamics in Kupang—i.e. turning salt crises into opportunity and the conflict of interest between various state agencies—followed by a detailed analysis of the social-ecological transformations in cultivation systems in rural Kupang.

Chapter 6 explores the various actors who are involved in large-scale land acquisition and their role. This study first identifies all possible actors by reviewing the information collected during fieldwork and field observations. It then postulates four key questions in agrarian political economy, as outlined by Henry Bernstein (2010), to critically examine the roles of actors in land deals.

Chapter 7 explores how the local community in the two hamlet groups in Nunkurus perceives the impact of salt-land acquisition. This research does not conduct an empirical measurement of the actual impact of salt company in the field but instead focuses on the *perceptions* of two community hamlet groups in Nunkurus, Kupang. This dissertation ends by summarizing this study's findings and presenting some conclusions in Chapter 8. This chapter also addresses the policy implications for the findings in line with the wider social, economic, and political changes in Indonesia. Finally, this study will recommend future studies in respect to agrarian and salt issues in Indonesia.

Chapter 2. Research Method and Theoretical Framework

To answer the research questions outlined in Chapter 1, this chapter will explain why the method of case study was employed, how the specific case was selected, and then describe the procedural considerations of undertaking and implementing the research. It will further describe the growing body of literature related to political ecology, agrarian political economy, debate on self-sufficiency, and rural livelihoods.

2.1. Study approach

This study is based on a *case study*. According to Snow & Trom (2002), a case study is “a research strategy that seeks to generate richly detailed, thick, and holistic elaborations and understandings of instances or variants of bounded social phenomenon”. It may be useful for explaining, describing, or exploring complex social phenomena (Yin, 2014). Gerring (2006) emphasizes that case studies “enjoy a natural advantage in research of an exploratory nature”. Not only the complex relations, processes, and scales that lead to land dispossession but also the lack of existing understanding or detailed cases are considered. In the context of this study, a case study approach was chosen due to its advantage over extensive or cross-case methods for generating insights on how or why some villagers accept this acquisition and other opposed in the context of agrarian change.

However, the case study method has some drawbacks; for example, its lack of generalizability (Gerring, 2006; Yin 1989 in Snow & Trom, 2002). While the case study approach cannot generalize populations or universes, case studies can inform of theoretical or analytical generalizations (Yin, 2014; Lund, 2014). Snow and Trom (2002) identified three ways by which new case studies can contribute to theory—through theoretical discovery, theoretical extension, and theoretical refinement. Thus, for both its empirical and theoretical utility, this approach is a useful research strategy for investigating agrarian change in Kupang.

Further, it is regarded as the most suitable strategy for explaining the dynamics of agrarian change and exploring an under-researched area where a cross-case method would not have been useful, even if possible. While the empirical contributions of this approach are obvious, efforts need to be made to link this case study with the wider context as well as consider the possible analytical or theoretical contributions. In addition to justifying the case study approach, Snow and Trom (2002) also provided a set of procedural considerations for producing an empirically compelling case study. One of these—being open-ended and flexible—resonated with selecting a specific case study for this research study, as will be explained in the following section.

2.2. Data collection

This study was based on a case study with integrated macro and micro approaches to investigate the process and dynamics of agrarian change due to the massive salt investment in rural Kupang. The macro information, such as salt policy, land use policy is used to investigate the macro changes in salt self-sufficiency discourses in Indonesia. The micro approach was conducted in an origin village in Kupang, East

Nusa Tenggara Province as the destination area. The microanalysis was based on key informant interviews, household surveys, participatory observations, and informal conversations.

I conducted fieldwork at Kupang three times: (i) February–March 2018, (ii) July–August 2018, and (iii) June–July 2019. In my first visit, I went to obtain and review a range of information on land utilization and salt policy in Indonesia and Kupang in particular as well as to assess the suitability of the proposed research sites. Some villages were identified to check the availability of data and key informants from among several actors involved in the process and their readiness to tell their stories.

At the national level, I visited and interviewed various government agencies in Jakarta, the capital of Indonesia. The organizations and individuals interviewed included the Ministry of Marine and Fisheries Affairs, Coordinating Minister of Maritime Affairs, and National Land Agency. A key opportunity to collect the information about the government plan on salt investment emerged when the staff of Coordinating Ministry of Maritime Affairs invited me to participate in a coordination meeting with all the stakeholders related the salt project in East Nusa Tenggara Province, which was held in Jakarta on March 2018.

At the provincial level, I visited and interviewed the staff of the Governor of East Nusa Tenggara Province, the Capital Investment Coordination Board (Dinas Penanaman Modal dan Perizinan Terpadu Satu Pintu Provinsi NTT), the Office of Industry and Trade (Dinas Perindustrian dan Perdagangan), the Office of Marine and Fisheries Affairs (Dinas Kelautan dan Perikanan Provinsi NTT), and the Provincial Land Affairs Office (Kantor Wilayah ATR/BPN NTT).

At district level, I also visited and interviewed various government agencies and the regional legislative district council (DPRD), including the Regent of Kupang (Bupati), the Office of Industry and Trade (Dinas Perindustrian dan Perdagangan), the Office of Marine and Fisheries Affairs (Dinas Kelautan dan Perikanan Kupang), Kupang's Office for Land Affairs (Kantor Pertanahan Kupang), and Kupang's Office for Investment and One Stop Service (PMPTSP). I met the key staff members of these agencies and learned about their salt policies, land use policies, and programs and obtained some preliminary information on how these can affect the community in rural Kupang. I also interacted with the staff of various local and national NGOs, such as Walhi NTT and Yayasan Pikul. Additionally, I also interviewed the key staff members of the salt companies of PGGS, TLL, and PT Garam. The total number of government personnel, NGO activists, and corporate staff who were interviewed during fieldwork is listed in Table 2.

During my fieldwork, there were seven villages and settlements on the targeted project land. I stayed in several villages (Oebelo, Babau, Merdeka, Nunkurus, and Bipolo) and two hamlets in Nunkurus (Padang Beringin and Uel). Fortunately, every village I visited, I was able to interview the local leaders (chief of adat (ketua adat), head of village, and peasant leader). They responded positively to my intention to carry out this study in their areas because the timing of my study coincided perfectly with some of the peasants' movements to reclaim their land.

Table 2. Number of government and non-governmental personnel interviewed

Name of the agency	Total number
Government agencies	
Coordinating Ministry of Maritime Affairs	3
Ministry of Marine and Fisheries Affairs	3
National Land Agency	3
Regent of Kupang	1
Ombudsman Kupang	1
BAPPEDA Kupang	1
Kupang's Office for Investment and One Stop Service	4
Office for Marine and Fisheries Affairs, Kupang	2
Office of Industry and Trade Affairs, Kupang	1
Non-governmental organization	
Yayasan PIKUL	3
Walhi NTT	2
Private Salt Company	
TLL	3
PGGS	1
PT Garam	2
FMSO Co-op	2
Villagers (excluding Nunkurus)	
Oebelo village	
Village officials	1
Villager (local community)	8
Babau village	
Village officials	1
Villager (local community)	1
Merdeka village	
Village officials	1
Villager (local community)	4
Bipolo village	
Village officials	1
Villager (local community)	1
Total	50

Source: Fieldwork (2019)

In the following fieldwork in Kupang, I collected the data from key informants' interviews, household surveys, participatory observation, and the FGD of some informants as follows:

- **Key informants' interviews.** These are used to collect data from a "knowledgeable person" at all scales. The knowledgeable person in KII refers to the person who has a good knowledge of the history of the land, HGU land, salt development, and agrarian change (land acquisition processes, the actors, and their roles) in Kupang. They are opinionated leaders, such as the head of the village, elders, adat leader, public officials or government agents, etc. They are also leaders of associations or groups such as salt producer associations and managers of state-owned enterprises as well as experts/academicians from universities or NGOs. The KII was conducted at all scales, from the grassroots, Bupati, governor, to the national level (ministry and government agency).
- **Household survey.** The respondents of the study (Table 3) were asked about the (i) annual income, (ii) ethnicity and clan affiliations, (iii) land ownership and assets, (iv) key issues toward the company (pros or cons), and (v) perception of the local community toward large-scale land acquisition and the salt company.

Table 3. The number of respondents interviewed

Name of the respondents	Total
Nunkurus	
Uel hamlet	21
Padang Beringin hamlet	30
Total respondents	51

Source: Fieldwork (2019)

- ***Participatory observations.*** These are used to gain a deeper insight of the trends and problems of the local livelihoods including village walks (1), rankings of important food and cash crops, including the assessment of their production costs, yields, and prices (2), participatory resource and land mappings (3), a matrix scoring of the stressors for agriculture and responses (4), and the elaboration of a seasonal calendar (5).
- ***Focus Group Discussion (FGD).*** This was performed twice (in Padang Beringin Hamlet & Uel Hamlet) and involved up to ten people for each FGD. The participants were recruited purposively from different socio-economic backgrounds to ensure they represent different groups and views. They were asked to discuss important issues, such as (i) the involvement of clan into large-scale land acquisition, (ii) the land management and utilization pattern within the community, and (iii) key issues toward the company (pros or cons aspect for community).
- ***Content analysis.*** This approach is used to collect an official statement in a newspaper or a magazine, printed or electronic media. I was unable to conduct an in-depth interview with the salt company (PGGS-PKGD and TLL). To fulfil this gap, I gathered their statement from newspapers, magazines, official reports, websites, or other print and electronic media.

2.3. Types of Data

This study uses a combination of secondary and primary data (Table 4). The primary data consists of qualitative and quantitative data. The quantitative data is collected from a survey of a number of interviewees (respondents) who represent the local community's population in the research location. The qualitative data is

collected from participatory observations, in-depth interviews, and the FGD of some informants. These methods are also used to garner a deeper understanding of social-economic issues and to identify as well as to assess various aspects, such as the history of salt producing activities, livelihood strategies, agrarian disputes and peasant resistance, etc.

In addition, I also collected a range of secondary sources to provide the context for the case study (Clark, 1997). Much of this data was quantitative in nature and consisted of statistical records on demographics and agricultural and land use change (especially around the salt development project), though I also collected maps, policy reports, journal articles, and the other related information. These secondary data were collected from a range of sources at all levels, from relevant government officials at the district, provincial, and state levels, and a range of related organizations. I also collected artefacts directly related to the land, including photos and videos, newspaper clippings, and documents related to PGGS and TLL.

2.4. Data analysis

First, data from the 2018 interviews were analyzed to elicit (1) the history of HGU land (2) and the agrarian structure after the government has granted HGU to PGGS. Second, the 2019 interviews and secondary published data were reviewed to show the agrarian change after the local government granted HGU to TLL. Third, the 2019 household survey data were triangulated and analyzed to depict the community perceptions toward the salt company. Fourth, the 2018 and 2019 interview data were analyzed to explore processes of change in agrarian structure and agrarian relation in Nunkurus after the government granted the land to TLL.

Table 4. Study aspect, method, and data sources

	Study Aspect	Data Collecting Method	Data Sources
1	General condition: geographical condition, history, culture, demography, economic structure; ecology, social structure, local institutions, and infrastructure, resource mappings, livelihood trends, etc.	Observation, literature study (BPS, village report, NGO etc.), in-depth interview, and FGD	Village officials, prominent figures, informants, local government, and literature
2	Salt producers' profile: Livelihoods asset, social network, social stratification, significant changes or events in the households, production costs, yields, and prices	Household questionnaire, in-depth interview, and FGD	Salt producers, informants, and the local government
3	Salt self-sufficiency: Salt crises, salt imports, and salt governance over decade	In-depth interview and literature study	Central and local government and literature
4	Land relation: Actor mapping, access, and control of land, agrarian capital investment, and agrarian disputes	In-depth interview, observation, and FGD	Salt producers and informants
5	Peasant resistance: The reason behind their acceptance and rejection: who are the actors promoting or opposing these changes in land relations?	Household questionnaire, in-depth interview, and observation and FGD	Villagers and informants

Source: Author (2019)

2.1. Theoretical framework

2.1.1. Political ecology

Political ecology, like many other scientific terms, has several meanings. The pioneering work of Blaikie and Brookfield (1987) defines political ecology as the combination of ‘the concern of ecology and a broadly defined political economy’, emphasizing ‘a concern with the role of the state’ and ‘actions such as taxation, food policy, land tenure policy, and the allocation of resources’. Moreover, Forsyth (2003) explained that there are at least five definitions of political ecology: (a) the interaction of bio-physical processes, human needs, and the political-economic context (4, 202); (b) the environmental activism associated with deep ecology (203, 204) and its critique of modernity and capitalism (203–205); (c) the Marxist debate on unequal power relationships in a global capitalist political economy, as seen in world-systems theory (206–208); (d) a more general discussion on the politics of environmental problems (11, 209, 210); and (e) a critical political ecology that problematizes the role of science (primarily, natural sciences) in environmental issues (7, 211).

A variety of approaches to political ecology have been discussed in the literature (see, for example, Blaikie & Brookfield, 1987; Basset, 1988; Peet & Watts, 2004). More recently, a number of recent political ecology studies have specifically examined the issues related to land tenure or access to land (Borras et al., 2015; Borras et al., 2010), struggles over the preservation and use of local seed varieties (Mullaney, 2014; Watts & Scales, 2015), and the impact of policies and regulations such as trade liberalization (Grossman, 1993).

Political ecology bears great affinity with political economy, as both explore the role of power relations in affecting the human uses of the environment,

particularly the impact of capitalism on developing societies (Gezon 1999; Kottak 1999). In Indonesia, the research regarding political ecology mostly focuses on forests and forest-dwelling communities that emphasized the state-society-nature relations (e.g., Peluso 1992; Li 2001; Thorburn 2002, 2004; Afiff 2004, 2008; McCarthy 2004, 2009; Hartanto 2009; Warren & McCarthy, 2009; Maryudi 2011; Krott, Bader et al., 2014). This research, thus, employs the perspective of political ecology, which highlights the complex relations between political economy and patterns of resource use to examine the process of large-scale land acquisition in the name of the salt self-sufficiency project in Indonesia.

2.1.2. Actor-oriented approach

In political ecology studies, actor-oriented approaches have emerged to understand how the behavior of actors operating at a variety of scales influence local interaction with resources (Bury, 2008). For example, Bryant and Bailey (1997) examine the nature of the state, corporate, and civil society actors on the social and environmental change across a variety of scales of analysis. Another research that draws on actor-oriented approaches, such as Grossman's (1993) work on banana production in the Caribbean, illustrates the various, and at times unexpected, impacts of international organizations at the local scale. In addition, the research on the state and its impacts, as in Peluso's (1996) examination of government policies in Indonesia, similarly illustrates the utility of actor-oriented research. Thus, actor-oriented research tends to disaggregate political and economic structures by focusing on the role of individual actors at different scales of analysis

One significant benefit of utilizing an actor-oriented approach in political ecology studies is it allows researchers to draw on the direct causal relationship

between the activities of particular actors operating at a variety of scales and local resource transformation and utilization. In addition, it can illustrate the complexity of relationships between local places and larger scales of analysis. For example, the recent political ecology research illustrates that local resource managers are increasingly drawing on a more complex and varied network of relationships across a variety of scales in their production strategies (e.g. Bebbington & Batterbury 2001; Perreault 2001). Hence, this study uses an actor-oriented approach derived from political ecology to critically examine the interest, actions, and power relations of the numerous actors involved in the large-scale land acquisition in Kupang.

2.1.3. Power and discourse

Power is a central concept to understand a socio-political discourse. It is generally defined as a person's ability to influence others and make them do things they would not do otherwise (Weber, 1978). While giving a precise definition, Weber (1978) did not proceed to explain the function of power. Instead he theorized three types of authority—a legitimate form of power founded on legality, charisma, and tradition. Of the three types of authority, Weber endorsed the legal one, which defines roles and positions in social relations. His theory of authority offers to explain the dynamics and structure of social actions in a concert.

The other conceptualization of power comes from Marx, whose political theories exerted a formidable influence in the 20th century. In the works of Marx and Engels, power features in several ways, such as economic power, material power, labor power, social power, political power, etc. (see Marx & Engels, 1932). Basically, three dimensions of power can be identified. First, power is related to the control of resources (i.e., the means of production), which constitute material power

or economic power. Second, power refers to human capabilities which, in turn, give rise to productive power. Third, power leads to domination and oppression, which is exercised through political power. In this view, the most important social relation in the capitalist system is the one between the capitalist class and the working class. The capitalist class controls the means of production and, thus, gains the power to appropriate the labor of the working class. Power relations are usually justified by ideologies.

The concept of power is developed from a variety of approaches in the 20th century. One of the most influential theorists of this century is Foucault, who wrote extensively about power. In Foucault's (1980) view, power is interwoven with knowledge, located in the networks of social relationships, and omnipresent in human interactions. Power is exercised rather than possessed. The exercise of power is not so much to dominate and control as strategic influences exercised through thoughts, attitudes, and relationships. Individuals are both the subject and the object of power, as they exercise and accept or resist power simultaneously. Therefore, the exercise of power is circulative, and its effect is always reciprocal. For Foucault, power is not necessarily destructive, but actually formative, as power imposes order, structures, and institutions and produces individuals' subjectivities in society.

Political ecologists Bryant and Bailey (1997) understood the concept of power in relation to 'the ability of an actor to control their own interaction with the environment and the interaction of other actors with the environment' and, above all, 'the control that one party has over the environment of another party'. Power relations between different actors are at the heart of a political ecology framework. Assessing the unequal power relations between actors can explain the uneven

distribution of access to natural resources. Power is conceptualized by the differential ability to control the access to valued environmental resources, the main objective of which is control and/or access to the economic benefits ensuing from resource exploitation (Bryant, 1997; see also Peluso, 1992; Dauvergne, 1994; MacAndrews, 1994; Bryant, 1996).

2.1.4. Land: Peasant economy and livelihood

Land is the base of agricultural production and, peasant struggles all over the world have been linked to access to land (Valtonen, 2000). For peasant economy, land has been the buffer against changing external conditions and outside domination. With access to a piece of land for their own use, peasants have been able to survive against heavy laborious duties, usurious interest rates and land rents, exploitative contracts, wages less than enough for reproduction, underpricing of their produce, and other forms of surplus value extraction out of their meagre livelihood. For them, land is something more than just another factor of production or a simple commodity (Valtonen, 2000).

2.1.5. Crisis narratives & land

The concept of the *narrative* adopted in this paper was put forward by Roe (1994) as one of those stories—scenarios and arguments—that are taken by one or more parties to undergird and stabilize the assumptions for policy-making in the face of the issue’s uncertainty, complexity, or polarization. Roe (1991, 1994) also argued that narratives are an important aspect of policy formation and typically propagated by actors with power (e.g., governments and multinational organizations). In this

regard, a narrative offers a powerful tool to gain the attention of people, attract political will and funding, and motivate civil society to action (Berdej et al., 2015).

Unfortunately, the narrative of powerful actors often takes the form of crisis scenarios for reinforcing the idea that local people cannot steward their own resources (Bardej et al., 2015). Thus, it requires external assistance from experts (e.g., government officials, donor agencies, and transnational non-governmental organizations) for efficient resource management (Bardej et al., 2015). This statement is in line with the argument from White et al. (2012) that a series of ‘crisis narratives’ is often used to justify large-scale land investments. Moreover, a large number of studies found that the discourses on food, climate, and energy crises can be sufficient enough to profit particular actors (Ito et al., 2014; McCarthy et al., 2012; Ye, 2015; Zhan, 2017).

Meanwhile, there is no one study that successfully depicts the practice of invoking ‘crisis narratives’ with respect to ‘land for salt’ in Indonesia. A few studies connect the history of land with narratives (Borras et al., 2012). The literature itself emphasizes that these conditions are place-specific. Hence, the issue discussed in this paper is a novel attempt at bridging this existing knowledge gap in the context of salt-evaporation land and salt production in the coastal areas.

2.1.6. The concept of salt self-sufficiency

As commonly accepted, salt self-sufficiency is typically understood as a country producing sufficient salt to cover its own needs. The concept was actually derived from FAO’s definition of food self-sufficiency (1999), which is generally the extent to which a country can satisfy its food need from its own domestic production.

A number of scholars examined the use of the self-sufficiency concept. In

relation to rice in Indonesia, Mears (1984) noted that the term self-sufficiency has been used loosely in Indonesia since independence to imply sufficient yearly production to satisfy domestic demand at prevailing prices and incomes. Clapp (2017) analyzes the concept of food self-sufficiency and contests that policy choice on this issue is far from a straightforward binary choice between the extremes of relying solely on homegrown food and a fully open trade policy for food. The author argues that food self-sufficiency is defined and measured in a number of different ways and that a broader understanding of the concept can open up the space to consider the food self-sufficiency policy in relative terms, rather than as an either/or policy choice.

More recently, Zhan (2017) examined how the pursuit of grain self-sufficiency in China h fueled the expansion of agribusiness enterprises and large farms. Combining the data from government statistics/documents and fieldwork in several provinces, the author found that under the policy framework of grain self-sufficiency, the power of agribusiness greatly enhanced. The subsidies paid to farmers were converted into the profits of agribusiness while farmers were made to shoulder the growing costs of agricultural inputs. This has undermined small farmers' incentive to participate in agricultural activities, especially those pertaining to grain production. The governments' solution to this is to scale up agriculture and allow agrarian capital to engage directly in grain production. This has led to the other two policies being examined in the next section: the incentive scheme for grain producing regions and the policy of nurturing new agricultural units.

Chapter 3. Research Site

This chapter will explain a small part of Indonesia—the district of Kupang. It will first explain the geographical setting, history, and demographic condition in Kupang. The second half will explore the a particular case of salt development (PGGS and TLL), how salt expansion can transform the current agrarian landscape and look at the two hamlets and communities affected by that proposal before exploring the local resistance in this area.

3.1. Kupang

3.1.1. Geographical settings

Kupang is a regency (*kabupaten*) located on Timor Island, East Nusa Tenggara Province, Indonesia (Fig. 2). It fully encircles Kupang City, although the latter is administratively independent of the regency. Kupang covers three islands, namely Semaue, Timor, and Kera, which are inhabited. Timor is the principal island in the East Nusa Tenggara province in terms of population and comprises the provincial capital of Kupang.

In the western part of the island of Timor, which belongs to Indonesia, the climate is tropical, hot all year round, with a rainy season from December to March, and a dry season from June to September. The tropical rainfalls in the form of showers or thunderstorms are intense, but usually short-lived; therefore, after a

short period of time, they give way to the sun, even in the rainy season. The eastern part of the island is occupied by the small country of East Timor (Timor-Leste).

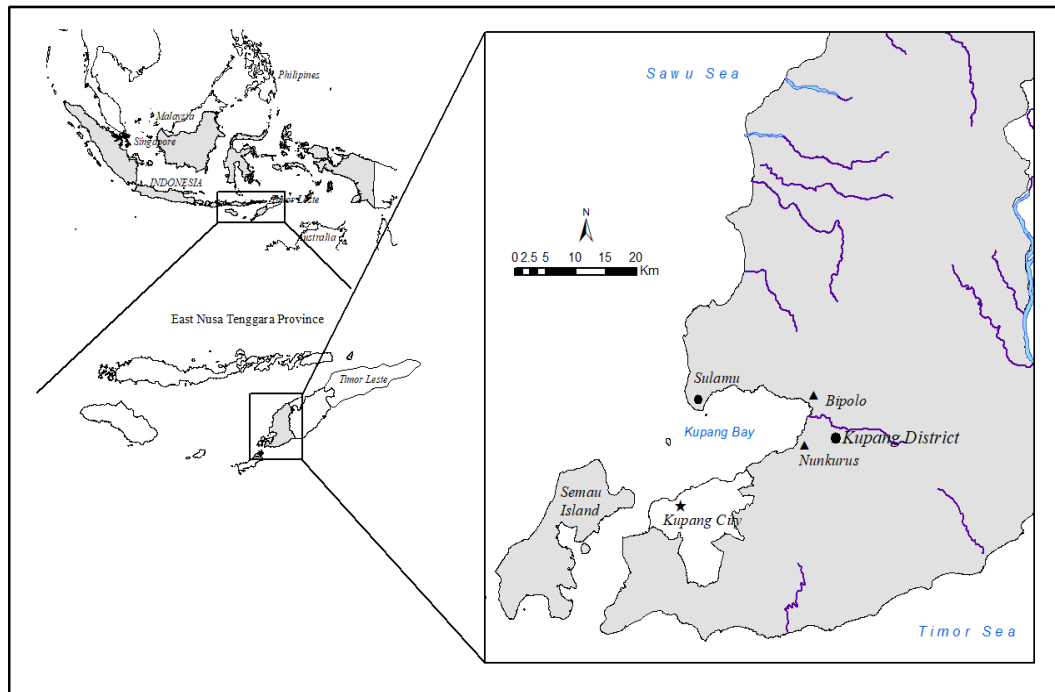


Figure 2. Map showing the study area from which the data were collected

This regency is considered a low-potential land that is either arid or semi-arid depending on the location. The arid landscape of eastern and south eastern Kupang is the result of hot, dry winds blowing in from Australia. The low precipitation and the long dry season limit the land's productivity. Typical plants of this area are grass, papyrus, pine tree, sandalwood, and 'gewang' or *Borassus flabellifer* (Fig. 3) while typical animals include buffalo, cow, horse, goat, pig, sheep, snake, and fowls such as chicken, cockatoo, parrot, etc.



Figure 3. Gewang tree (*Borassus flabellifer*), in Kupang
Source: Fieldwork (2018)

The rainfalls are not very abundant in nature and generally amount to 1,200/1,500 millimeters (47/60 inches) per year; however, there also exist some areas where the rainfall drops below 1,000 millimeters (40 inches). Given that the rainfalls are abundant only from December to March and that the dry season is quite long, the landscape is not particularly verdant; as a matter of fact, in some areas, it is almost arid. The small neighboring islands, such as Semaue, Rote, and Savu, have a fairly arid landscape. From November to mid-May, but more often from January to mid-April, Kupang can be affected by tropical cyclones, which usually strike in the early stages of their development and therefore at a moderate intensity; however, they can lead to an increase in wind speed and the frequency of rainfall.

3.1.2. A brief history of Kupang

Kupang in the VOC (Vereenige Oostindische Compagnie/The Dutch East India Company) period was a small colonial settlement with a population that apparently

ran in hundreds rather than thousands, and where people of European extraction were relatively few. The Dutch completely depended on a degree of co-operation with local groups (and pliable Chinese merchants) for their survival in a surrounding that was overwhelmingly hostile up to 1749 (Hägerdal, 2008).

During the colonial era, the arrival of the Dutch resulted in population growth in Kupang. People started migrating not only for trading but also religious and political purposes. The migrants established new settlements around Kupang with names according to their areas of origin, such as Kampung Rote, Kampung Solor, Sabu, etc. (Parimatha, 2002). Fox and Matsay (1996) explained the Dutch attracted residents from neighboring islands, especially Rote, Sabu, and Solor, as protection against the attacks by King Sonbai³ and the Black Portuguese.

In 1950's, approximately 60% from 60,000 of the Kupang population were non-Timorese (Fox & Matsay, 1996). The majority were Rote and controlled the fertile lands left by the Timorese kingdoms. In the hands of these migrants, these fertile lands become food barns for the residents of Kupang and, gradually, the economy in Kupang started becoming controlled by Rote, Sabu, and other migrants.

In general, under the system introduced by the Dutch, a kingdom was to be supported by a number of district heads known as *fettors* (from the Portuguese *feitor*, administrator) who, in turn, were supported by a number of *temukungs* or village heads. Many more problems were initiated by individual Dutch officials, such as in the case of two *fettors* in south Belu who introduced themselves to the new Dutch

³ Sonbai (Sonnebay), the most prestigious dynastic group of West Timor, which has important mythical connotations

Gezaghebber (Administrator) and he, apparently not understanding their positions, declared them to be rajas and, thus, arbitrarily created two new kingdoms.

3.1.3. Population and clan membership

A number of populations in Kupang reach 360,228 people (see Fig. 4). As of 2017, the population density of Kupang in terms of the number of persons per square kilometer had peaked 70 persons/km² compared to 68 persons/km² in the 2011 census, indicating population growth (BPS, 2018). The highest population was observed in Kupang Timur, which accounted for 16.24% of the total population of Kupang Regency. Moreover, the densest district was found to be Kupang Tengah with 568 persons/km².

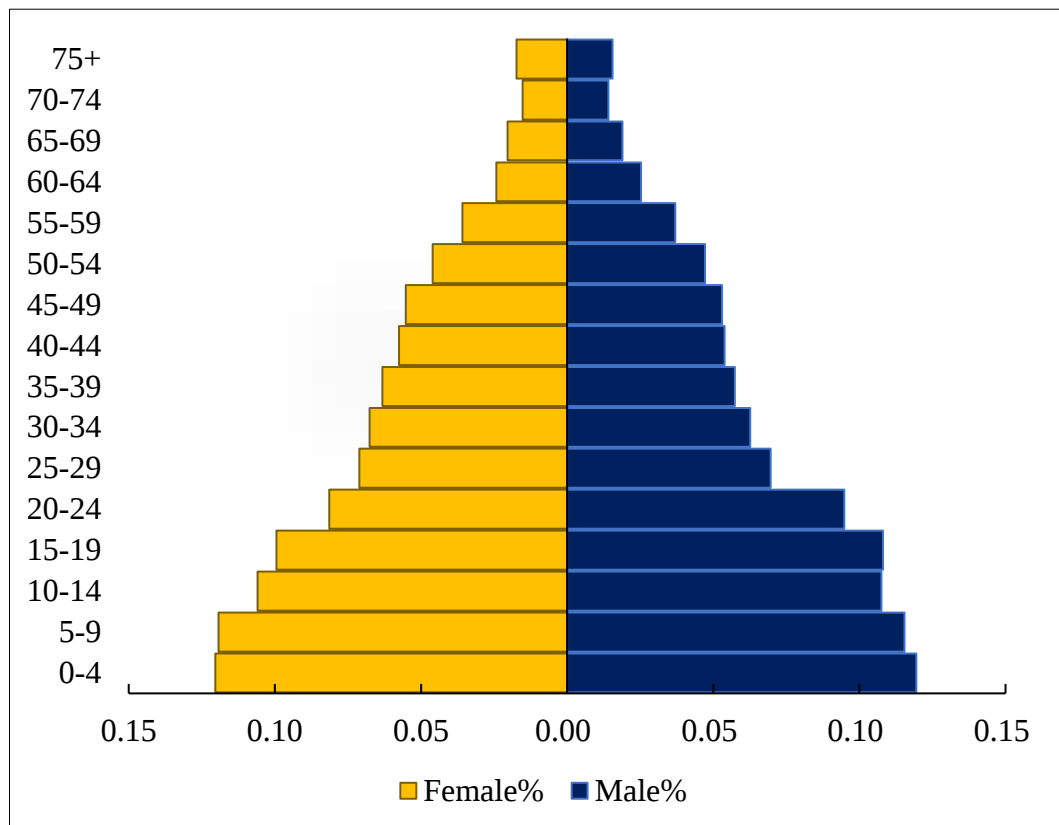


Figure 4. Percentages of population by age group and sex in Kupang
Source: Own design based on the data from the Statistic Agency of Kupang (2017)

The local Bureau of Statistics reported that 22.91% of Kupang's population live below the poverty line (BPS, 2018). Additionally, in terms of human development indicators, Kupang District is listed as one of the poorest districts in Indonesia, lagging behind both provincial and national averages (Table 5). However, in the last two years, the Human Development Index (HDI) has been increasing constantly.

Table 5. Comparison of the relevant administrative units according to the key indicators of the Kupang District

Indicators	Kupang ¹	NTT Province ²	National ³
Life expectancy (years)	63.33	66.07	69.40
Human Development Index	62.79	63.73	70.81
Percentage of Poor Population (%)	22.91	21.38	9.66
Unemployment rate (%)	3.52	3.27	5.13
Gross Domestic Product (billion rupiahs)	6581	92914	

Source: Own compilation based on the data from (1) BPS Kabupaten Kupang (2018), (2) BPS NTT Province (2018), and (3) Statistics Indonesia (2018)

The economic structure of Kupang was dominated by the agriculture sector by 42.07% (BPS, 2018). Moreover, regarding wholesale and retail trade, the repair of motor vehicles and motorcycles sector came second with a contribution of 12.82%. The third contributor was the public administration, defense, and compulsory social security sector with a contribution of 12.13%. Meanwhile, the least sector was electricity and gas supply, waste management, and recycling, which contributed by only 0.03% of the GDRP of Kupang.



Figure 5. Typical house (with a thatched roof) in Nunkurus, Kupang
Source: Fieldwork (2018–2019)

The Kupang social system revolves around the fact that all the members of society are also members of a clan. Clan and kinship relations and bride-giving and bride-taking connections between clans arise from the need for political alliances. The Kupang political system, however, does not just rely on the relationships between clans.

3.1.4. Agrarian landscape and livelihoods

Agriculture is an important livelihood activity in Kupang not only in terms of meeting the food needs of the population (nearly 50% of population's rice production is met through domestic production) but also in terms of generating income through crop sales and agricultural labor opportunities. Crops are also grown under rainfed conditions in the region. Limited amounts of ground water

suitable for agriculture restrict irrigated production to oasis farming (shallow wells or springs) over an area relatively small but spread fairly broadly over the north east and central regions. Crop production highly varies from year to year depending on the rains and local flooding, use of inputs, timing of sowing and weeding, and the incidences of pests and diseases.

Kupang remains overwhelmingly rural, and the people there spend approximately 56% on food compared to those in the province (59%) (BPS Kabupaten Kupang, 2018). The predominant agricultural production systems in this region are (i) swidden (shifting/slash and burn) cultivation of rainfed crops, mainly maize, (ii) the cultivation of rainfed or irrigated rice (*Oryza sativa*) in lowland areas, (iii) house gardens with rainfed maize (*Zea mays*), cassava (*Manihot esculenta*) and beans intercropped with tree crops, (iv) cattle production where the breeding herd is also used for *rencah* (a system of herding cattle in flooded rice fields to puddle the soil in preparation for rice planting), and (v) harvest of forest products such as tamarind (*Tamarindus indica* L.), candlenut (*Aleurites moluccana* (L.) Wild), sandalwood (*Santalum album* L.), and fuel wood. These production systems overlap one another and commonly exist side by side within a single-family farm.

In 2017, paddy was the food crop with highest production (110,309.01), followed by maize and cassava (109,961.04 tons and 33,645.35 tons, respectively) (see Table 6). While most of the large livestock included buffalos, horses, and cows, a small livestock included goats, pigs, and sheep. Livestocks make a vital contribution to poor people's lives in Kupang. Livestock production in Kupang is not a specialized commercial operation; a mixed crop-livestock farming system is generally practiced. Farmers in rainfed and semi-arid areas heavily depend on livestock, particularly when monsoon fails. Livestock is also an economic asset,

providing financial security to smallholder farmers. Based on the data from the statistical agency, the livestock population in Kupang is as follows: 51.6% cows, 35.7% pigs, 12.1% goats, 0.5% horses, and 0.18% buffaloes.

Table 6. Planting area, harvested area, and production and productivity of the agricultural crops in Kupang

Commodity	Planting area (ha)	Harvested area (ha)	Production (tons)	Productivity (ton/ha)
Paddy	26730	22743	110309	4.85
Wetland paddy	7550	6333	33422	5.28
Dryland paddy	9321	6140	17577	2.86
Maize	32317	23852	109961	4.61
Cassava	3984	3836	33646	8.77
Sweet potatoes	81	314	1370	4.36
Peanuts	2048	2466	3482	1.41
Mungbean	194	144	157	1.09
Sorghum	56	24	2	0.08

Source: BPS Kupang (2018)

These statistics provide some insight into the demographic composition of Kupang. To summarize, Kupang is dominantly rural and generally suffers from high rates of poverty and low human development indicators. These insights help contextualize the current agrarian landscape in Kupang and provide tools to understand how the recently proposed changes, particularly the expansion of salt investment sector, can affect socioecological relations in the future. The following sections will first describe the current agrarian landscape in Kupang before moving on to consider the ways in which it is changing.

3.2. Nunkurus as a case study

The study site was chosen with the purpose of capturing the dynamics of agrarian change in rural Kupang, Indonesia. There are a few areas that demonstrate these criteria, since the expansion of the salt industry is rising in the eastern part of Indonesia. Nunkurus was selected after initially visiting these areas in 2018 to check the availability of data and key informants from among several actors involved in the process and their readiness to tell their stories.

Nunkurus is located in East Kupang, East Nusa Tenggara Province. According to the data from the village officer (2016), the total population in Nunkurus is 2,612 (see Table 7). The highest population was found in Uel Hamlet(940 people), which accounts for 36% of the total population of Nunkurus. Nunkurus was selected because it acted as a center of the resistance movement against PGGS. This area is currently being developed for more intensive salt production.

Table 7. Population based on the community groups (RT/RW) in Nunkurus, Kupang

No	Hamlet	Household	Population		
			Male	Female	Total
1	Uel	203	485	455	940
2	Padang Beringin	141	336	318	654
3	Kakaban	109	260	228	488
4	Laus	130	272	258	530
Total		583	1353	1259	2612

Source: Self-elaboration based on the data from Nunkurus' village officer (2019)

3.2.1. Brief history of Nunkurus

During the Dutch colonial era, Indonesia consisted of some areas that were governed directly by the Dutch East Indies Government (*Rechtstreeks Bestuurgebeid*) and some by *Zelfbestuurders* (*Zelfbesturen*)⁴, what was known as Swapraja or an autonomous region. Swapraja is a term that is used to refer to or define self-administering regions, particularly in the form of a kingdom that existed by 1945 (see Fig. 6).

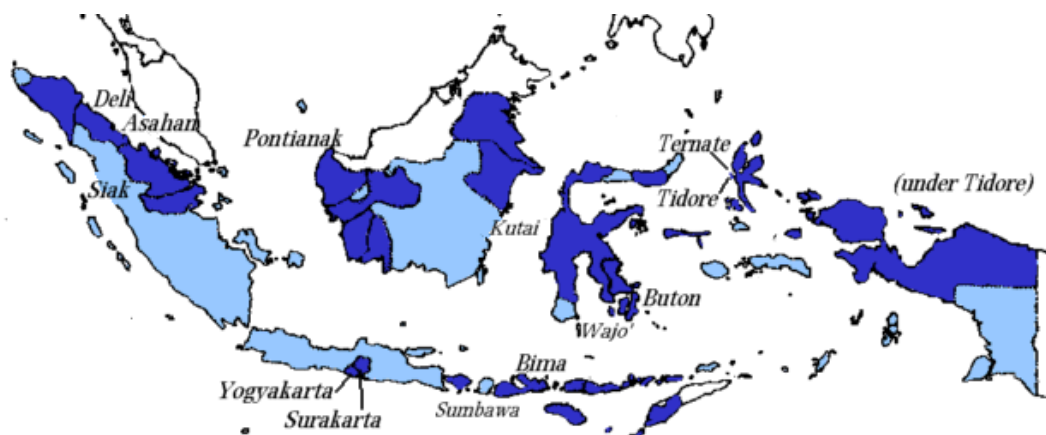


Figure 6. Areas under Zelfbesturen (Swapraja) in the 1930's are in dark blue
Source: Adapted from Cribb and Kahin (2004)

In East Nusa Tenggara, there are 43 swapraja jurisdictions existed during the Dutch colonial era: 10 swapraja in Timor island, one in Rote island, one in Savu island, 15 in Sumba island, 9 in Flores island, and 7 in Alor-Pantar island (see Table 8). Each swapraja jurisdiction was ruled by a king.

⁴ "Zelfbesturen" or "swapraja" were areas where the Dutch Indies government allowed local rulers to govern the internal affairs of their lands. The local rulers did not have power beyond their borders and generally did not have jurisdiction over the Europeans or Chinese living in their territories.

Table 8. Swapraja Principalities in East Nusa Tenggara during the colonial period

No	Afdeeling	Onder-afdeeling	Swapraja
1	Timor	Kupang	Kupang
2			Amarasi
3			Fatuleu
4			Amfoang
5		Zuid Midden Timor	Molo
6			Amanuban
7			Amanatun
8		Noord Midden Timor	Mio mafo
9			Biboki
10			Insana
11		Rote	Rote
12			Savu
13		Alor	Baranusa
14			Pantar Matahari Naik
15			Kui
16			Kolanan
17			Batulolong
18			Pureman
19		Belu	Belu
20	Flores	Ende	Ende
21			Lio
22		Flores Timur	Larantuka
23			Adonara
24		Maumere	Sikka
25		Ngada	Ngada
26			Riung
27			Nage Keo
28		Manggarai	Manggarai
29	Sumbawa-Sumba	Sumba Timur	Kinantang
30			Lewa-Kanbera
31			Tabundung
32			Melolo
33			Weijelu
34			Rendi Mangili
35			Masu Karere
36		Bima	Bima
37			Dompu
38		Sumbawa Besar	Sumbawa
39		Sumba Barat	Laora
40			Laoli
41			Waijewa
42			Waimangura
43			Kodi
44			Memboro
45			Umbu Ratu Nggay
46			Ana Kalang
47			Wanokaka
48			Lamboya

Source: Self-elaboration based on the data from the Department of Education and Culture, Republic of Indonesia (1979)

The swapraja principalities were divided into smaller parts, namely *kefetoran*. Kupang Swapraja area consisted of Kefetoran Babau, Kefetoran Amaabi Oefeto, Kefetoran Amaabi, Kefetoran Tabenu, Kefetoran Sombait Kecil, Kefetoran Funai, and Kefetoran Semau (Fig. 7). Nunkurus, which is the location of this study, entered the territory of Kefetoran Babau, which was led by a Fetor named Benjamin Lola (1906–1996).

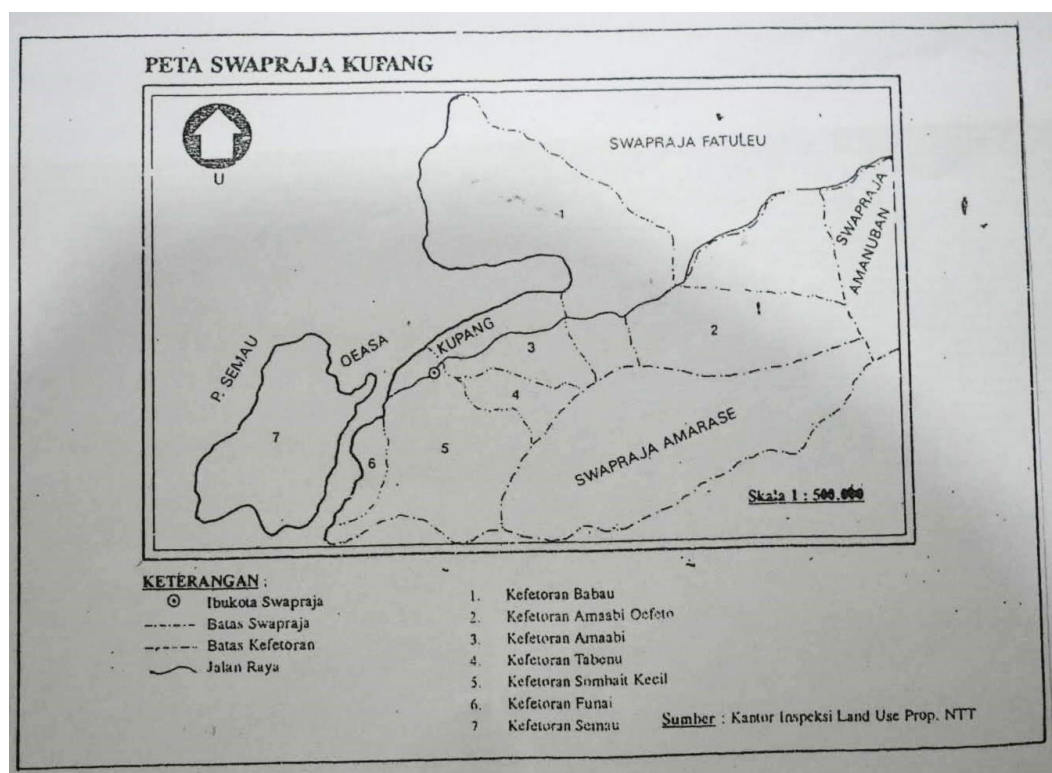


Figure 7. Map of Swapraja Kupang
Source: Fieldwork (2019)

The territory of *kefetoran* was divided into smaller areas, known as *ketemukungan*, which were led by a *temukung* (see Fig. 8). Kefetoran Babau consisted of several *ketemukungan*, one of which is the Ketemukungan Nunkurus. At that time, Nunkurus was led by several *temukungs*, namely Kotten Manafe

(Temukung I), Markus Gago (Temukung II), Sui Polin (Temukung III), Thomas Polin (Temukung IV), and Petrus Polin (Temukung V).

The Swapraja Land Law was basically a customary law created by the Swapraja Principalities (King) and partly by the Dutch Indies Colonial Government. The legal basis of this law is the Koninlijk Besluit (the Royal Decree) that was promulgated in Staatsblad 1915 No. 474. According to the law, the Dutch colonial government can essentially gave the swapraja authorities the right to give their land with western land rights (Santoso, 2017).

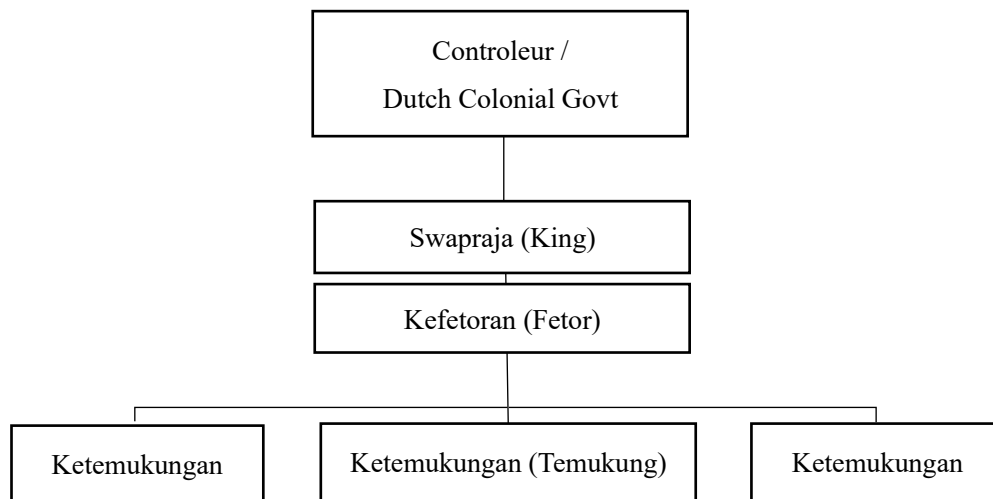


Figure 8. Subdivision in Swapraja Era

In the consideration of Staatsblad 1915 No. 474 emphasized that the lands are located within the jurisdiction of swapraja, the property rights can be established and regulated in Burgerlijk Wetboek (Civil Law Book), such as *eigendom*, *erfpacht*, *opstal* rights, etc⁵. It is possible for the swapraja government to provide swapraja

⁵ A relationship exists between the Eigendom Rights, Erfpacht Rights, Opstal Rights and Gebruik Rights within the Western land rights. Under nationalization, the Western right of ownership (*eigendom*) held by nationalized companies was converted into the right of exploitation (HGU) while the Western right of building (*opstal*) and the Western right of exploitation (*erfpacht*) into the

lands with western land rights but is limited to those who are subject to Burgerlijk Wetboek⁶ (Santoso, 2017).

With this regulation, the lands in the swapraja area were entirely controlled by the King of Swapraja. At the lower levels of administration, the positions of King Swapraja were known as *fetor* and *temukung*, respectively. It gave them the

right of building (HGB) or the right of exploitation (HGU) depending on the status of the land.⁶³ The land in residential areas was converted into a land with the right of building (HGB), but converted to the right of exploitation (HGU) if used for agricultural activities. The right of exploitation (HGU) under the BAL 1960 is a primary right granted under state land, whereas the erfpacht is a secondary right that may be granted under various primary rights under the colonial law, such as the Western rights of ownership (*eigendom*), the Indonesian rights of ownership (*Agrarische eigendom*), or under colonial land domains. The colonial right of ownership (*eigendom*) was the strongest colonial property right, restoring full powers of ownership. The *eigendom* was directly converted into the right of ownership (*hak milik*) if a landholder held only Indonesian citizenship at the time the BAL 1960 was passed. The erfpacht rights is a secondary right to use and exploit land either under the rights of ownership, with or without time limits, or state land. Erfpacht rights holders may make use of the authority contained in *eigendom*'s rights to land. Article III of the conversion provision of the BAL 1960 states that all erfpacht for plantations granted by the Dutch colonial government must be converted to the right of exploitation (HGU) by September 24, 1960. The right of exploitation (HGU) as a result of conversion can be granted until the end of the plantation lease, or for a maximum period of twenty years if the landholder is found to be eligible.

⁶ The Burgerlijk Wetboek (or BW) is the Civil Code of the Netherlands. Early versions of it were largely based on the Napoleonic Code. The Dutch Civil Code was substantively reformed in 1992 and deals with the rights of natural persons (Book 1), legal persons (Book 2), patrimony (Book 3), and succession (Book 4). It also sets the law of property (e.g., ownership, possession, and security interests) (Book 5), obligations and contracts (Books 6-7), and conflict of laws (Book 10). The proposed amendments will add a book on intellectual property. The codification of laws is still being used in Indonesia as a pinnacle of the private laws besides Sharia law and custom laws. The laws were initially applied only to Dutch settlers and foreign traders such as Chinese traders, Indian traders and Arab traders during the Dutch colonial era in Dutch East Indies but, after Indonesia gained its independence in 1945, the government decided to retain the old Dutch law and expanded in use to indigenous people and Muslims voluntarily. The 1992 reformed version does not apply in Indonesia.

sole right over the entire territory, displacing the historical claims of other families over certain parts of the lands. The government of swapraja is the owner of the land; only the community members have the rights to lease and the rights to use. If the ruler of the swapraja wants, they can at any point in time revoke the rights again.

3.2.2. The end of swapraja principalities

In East Nusa Tenggara, the era of swapraja (*kefetoran* and *ketemukungan*) ended in 1962 after the Governor of the East Nusa Tenggara issued Decree No.Pem.66/1/2 concerning the formation of sub-districts in the Swatantra region in East Nusa Tenggara. Consequently, starting on July 1, 1962, *de facto*, the swapraja areas were abolished (Monografi NTT, 2019). Whereas, *de jure*, this regulation began on September 1, 1965 with the enactment of Law No. 18/1965 concerning the Principles of Regional Government in Indonesia. At the time, the designation of the Swatantra Level I Region of East Nusa Tenggara was changed to the Province of East Nusa Tenggara while the Swatantra Level II Region was changed to the Regency (Kabupaten).

Since then, Nunkurus also changed its status from *ketemukungan* to *village*, which was then led by a number of village heads such as Petrus Polin (1965–1977), Benjamin Suan (1977–1982), Yeskial Seik (1983–1993), Alex Koroh (1994–2004), Adrianus Uran (Caretaker 2005–2006), Matheos Tapikap (2007–2008), and Karel Foes (2008–2019).

The end of the swapraja government also had implications for land tenure in Kupang, particularly in Nunkurus. Since the enactment of Basic Agrarian Law (BAL) No. 5 of 1960, the swapraja or ex-swapraja lands must return to the State (Dictum IV). Thus, the lands fully controlled by the fetor or temukung were taken

over by the State.

However, the Government Regulation, which can be used as a guide to implement the Dictum IV BAL, has not been released till now. Thus, the process of returning the land owned by the swapraja to the State has never been carried out. As a consequence, dualism claims occur in swapraja lands. The swapraja leaders (fedor and temukung) continue to claim the lands on their territories are customary lands; however, the State through the BAL declared they are state lands.

In Nunkurus, these problems still continue to this day. Descendant fedors or temukungs still claim the lands once ruled by their ancestors (while serving as fedor or temukung). Communities that have settled down and farmed on the land for generations also claim it to as their own land and not that of the fedor's or temukung's, despite having the knowledge that the land was previously given as a gift from a fedor or temukung during the rule of the Swapraja Government.

At present, when there is a potential for the development of large salt production on these lands, many investors are eyeing the lands to convert them into a salt estate. This is of course in line with the government's program to increase domestic salt production to achieve national salt self-sufficiency.

Chapter 4. Historical Overview: From Swapraja to the Present

4.1. Introduction

The premise of this chapter is that history matters, and that to understand the current agrarian change in Kupang, a historical perspective is useful. Therefore, it delves into the history of the salt-land. This chapter starts by highlighting the broader historical agrarian political economies of Kupang and Indonesia, particularly emphasizing on the processes of land dispossession and the practice of state enclosure during the New Order period (1967–1998). It goes on to discuss the practices of local agrarian dynamics in Kupang followed by a detailed analysis of the social-ecological transformations taking place in the cultivation systems in rural Kupang.

4.2. Land tenure systems in Nunkurus and the beginning of salt-land

FAO (2002) defines land tenure as the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Land tenure is an institution, i.e., rules invented by societies to regulate behavior. The rules of tenure define how property rights to land can be allocated within societies, how access can be granted to rights to use, control, and transfer land, as well as to the associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long and under what conditions.

Based on the information gathered from FGD in Nunkurus⁷, there have been three categories of land tenure since colonial times: (1) collective/communal land, which includes salt-lands, coastal areas, mangrove forests, rivers, riverbanks, pastoral land, cemeteries, and sacred places; (2) ancestral land, which belongs to entire lineages of the same ancestors; and (3) individual land, which is inheritable and includes rice fields, orchards, and houses.

Communal lands were managed by the King of Swapraja. They officially owned the land, but allowed the peasants to work for them in exchange for a levy. They allocated land, settled disputes, and were involved in inheritance matters. Prior to 1962, the Indonesian Government declared that communal lands were the property of the State, and that the power over those lands resided with the central government. This left many traditional leaders in a quandary, unsure of their continued role in land management.

During the period of uncertainty, some peasants took advantage of the lack of local management by utilizing the land for farming. However, the individual rights over this land were the rights of usufruct, which have limited security of tenure. YSK⁸, elderly people in Nunkurus, explained during the time, people in Nukurus utilized the land for multiple purposes, i.e., for herding, farming, salt extraction field, and foraging.

The old photos obtained from KITLV have shown that the land in Kupang was utilized by the people of Kupang to produce salt, probably between 1919–1925 (see Fig. 9). This revealed that salt evaporation in Kupang is neither new nor unique.

⁷ FGD in Nunkurus (March 11th, 2018)

⁸ Interview with YSK (a former Village Head of Nunkurus) on June 24th, 2019



Figure 9. Salt production by evaporating seawater in Kupang, published by KITLV⁹

Throughout the year, the people of Nukurus utilized the land for multiple purposes, particularly for farming, herding, and salt extraction. WIL¹⁰, an informant from Nunkurus, reported that he and his ancestors had been utilizing the communal land located in the coastal area of Kupang to extract the salt from the land (as shown in Fig. 10). This tradition (extracting salt from the land) was inherited from generation to generation by the ancestors.

⁹ Zoutwinning door het verdampen van zeewater in grote schelpen bij Fetto Fetto in de residentie Timor Koepang (<http://hdl.handle.net/1887.1/item:936696>)

¹⁰ Interview with WIL, an Uel Hamletcommunity, that are extracting salt in PGGS HGU land. The interview was conducted on March 11th, 2018.



Figure 10. Salt extraction from the HGU land in Nunkurus, Kupang
Source: Fieldwork (2019)

The worst happened in the 1990's, when the company gained an interest on salt development in Kupang. Since the 1990's, a salt company has advocated salt development in Kupang because its climate and salinity of the sea water are favorable for salt production. Climatic conditions in Kupang with long summers, extending for 6–8 months, are suitable for the production of salt. Kupang also presents an ideal space for salt land expansion with a potential dry land and flat terrain. This led the government of Indonesia to grant a land-use right or *hak guna*

usaha (HGU) for 3,720 hectares of ‘state land’ for a period of 35 years (1992–2027) to the salt company PGGS.

4.3. The center of controversy: 3,720 ha of land

The history of the 3,720 hectares of land in Kupang dates back to the Suharto Regime, widely known as the New Order Regime (1966–1998), during which Indonesia was under the authoritarian rule. The military dominated all the aspects of the regime (Crouch, 1988). Military officers were appointed to the key ministries in the cabinet and held important positions throughout the bureaucracy. They also composed an overwhelming majority of provincial governors and a substantial proportion of district heads. In Kupang District and NTT Province, Major General Herman Musakabe was appointed by Suharto as the governor of NTT (1993–1998) and Colonel Paul Lawa Rihi (1989–1999) as the regent of Kupang. To further illustrate this, this study traces the timeline through Indonesia’s transition from authoritarian to democratic political regimes (Fig. 11).

At that time, the demands of “development” equating the “national interest” caused large-scale land allocations to be granted to many companies in Indonesia, such as logging and oil palm plantation companies. Various pieces of legislation were aimed at legitimizing the exploitation of natural resources by both domestic and overseas private companies with scant regard for ecological and social consequences (Kartodiharjo & Jhamtani, 2009).

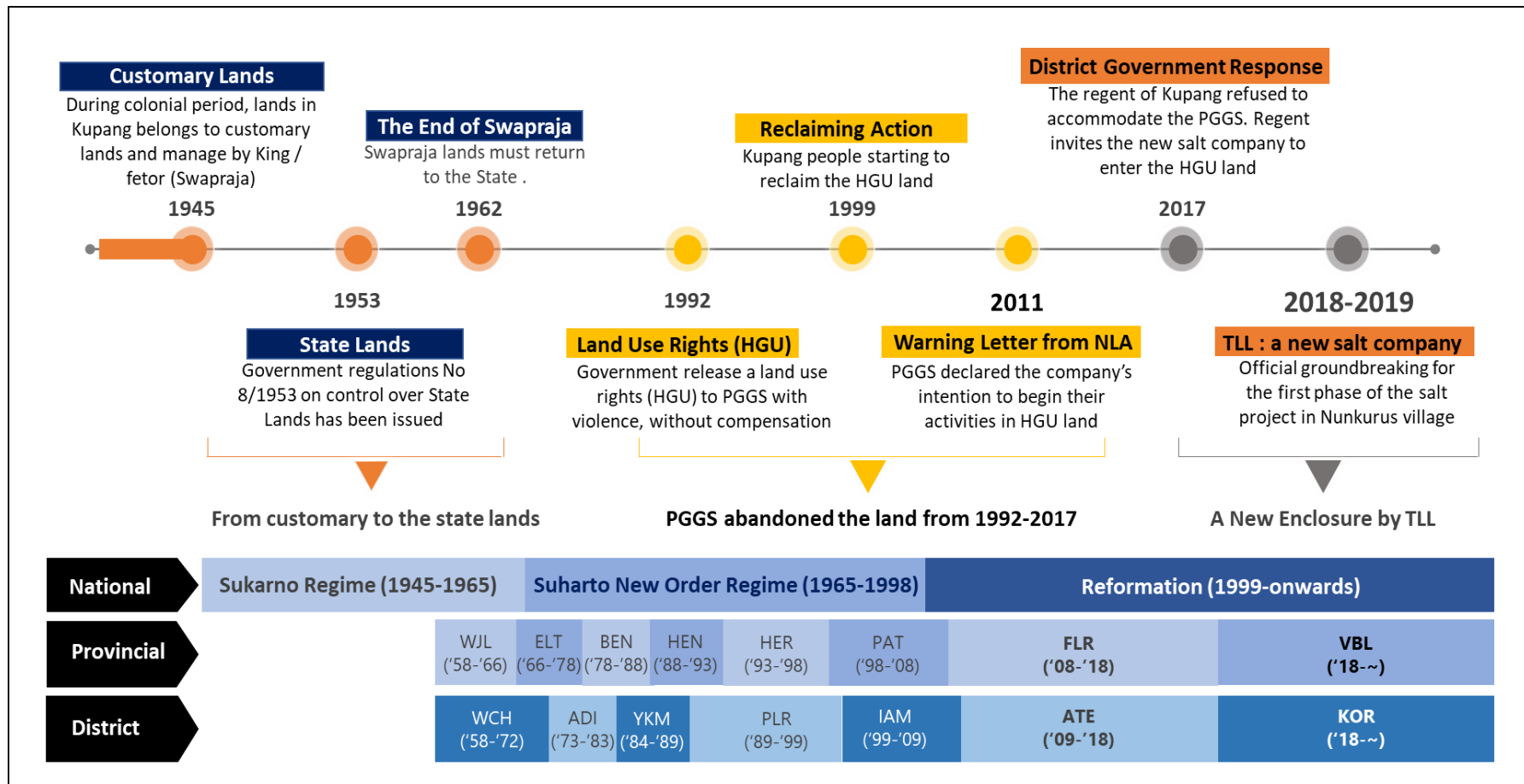


Figure 11. The history of salt land
Source: Author (2019)

In Kupang, the Indonesian Government granted the land-use right (HGU) of 3,720 hectares of land for PGGS (Fig. 12). By the Decree of the Minister for Agrarian Affairs/Head of the National Land Agency Number 08/HGU/1992, the government granted PGGS the land-use right for a maximum period of 35 years, from July 23, 1992, until December 31, 2027. This land included five villages in Kupang: Oebelo in Central Kupang Sub-District; Merdeka, Babau, Nunkurus in East Kupang Sub-District, and Bipolo in Sulamu Sub-District.

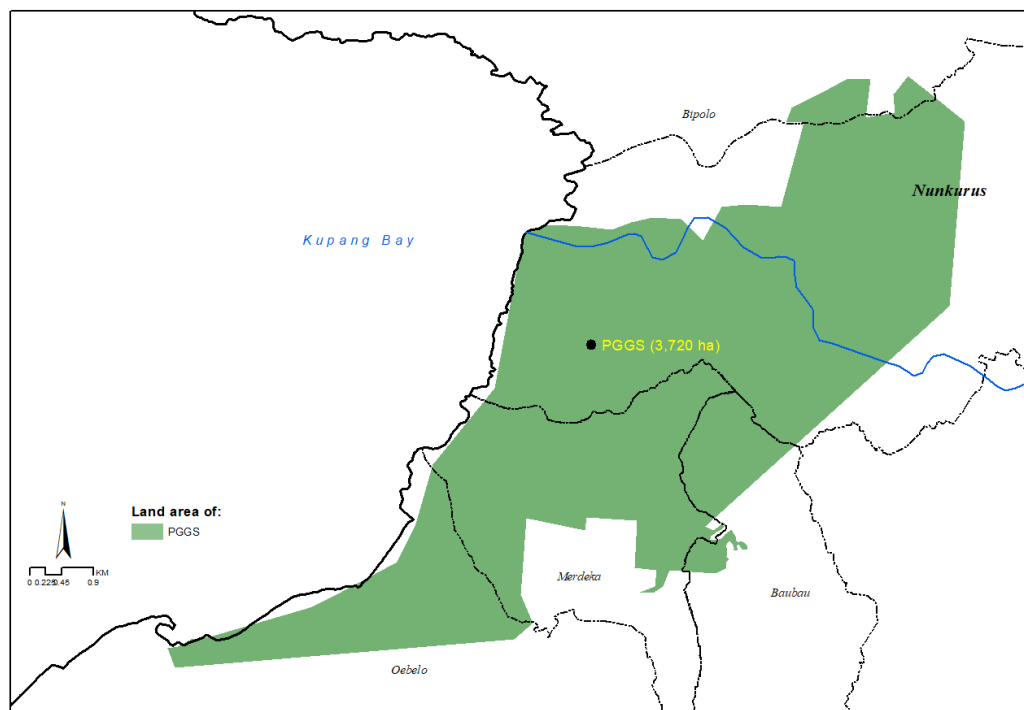


Figure 12. Map of PGGS HGU land

Source: Self-design based on interviews with National Land Agency (2019)

The government argued that this land was owned by the government (state land). In contrast, the people argued that the 3,720 hectares of land was customary land and that they had inherited this land from their ancestors who had been occupying it decades before the Indonesian independence.

Under the Basic Agrarian Law No. 5/1960, the state is authorized to determine the proper use of land, the relationship between land and individuals or groups of individuals, and the consequences of legal actions concerning the land. The Basic Agrarian Law is quite a complex piece of legislation that reflects and adopts the customary (adat) law developed over hundreds of years at the rural village level and was further modified by the Dutch colonial rule. Prior to the issue of the Agrarian Law, the Adat law and Western law coexisted, governing land registration for Indonesians and foreigners respectively. The Basic Agrarian Law aimed to create a uniform regime and end the dualism on land matters while still maintaining the communal concepts applicable to land under the Adat law (customary land rights). However, during the New Order regime, customary land rights were superficially recognized and subordinated to national plans for development (Li, 2017). Thus, based on the authoritarian regime, the status of customary land (including lands belonging to former autonomous *swapraja* principalities) fell under state land.

4.4. Between promise and violence

In Kupang, before the PGGS obtained 3,720 hectares of land, they organized ‘socialization meetings’ to inform the people about its plans. The meetings were held to introduce PGGS’ plan and to hand over officially the land from the villagers to PGGS. Before the meeting began, the people occupying 3,720 hectares of land were transported to the district capital and local churches by truck and forced to sign a land release agreement. The company staff and government officials (with military support) compelled people to support the company through intimidating tactics such as those in the following account:

There was army involvement behind investors, we were under pressure and fear, more and more, this incident happened in the New Order era. However, we do not recognize our land as PGGS land (HGU) at all, from the beginning, we are ready to fight against (if the company want to continue using this land).¹¹

Participants of the focus group reported that the atmosphere during the meeting was ‘heated’ and ‘tense’. The people who rejected the land acquisition project were intimidated and their property was targeted for vandalism or destruction, causing both psychological and physical impediments to keep their land. They were also risking getting arrested if they refused to hand over their land.

According to Article 18 of the Basic Agrarian Law and the Ministry of Home Affairs Regulation (Permendagri no. 15/1975), the government must pay adequate compensation (*ganti rugi yang layak*) for those who have lost their land to a private or government development project. In the socialization meeting, the company promised to compensate the villagers with (1) *sirih-pinang*¹² and (2) for land acquisition (*ganti-rugi lahan*). For Kupang’s people, particularly Timorese, the compensation of *sirih-pinang* was mandatory for any outsider (PGGS) who wished to enter their area. It is a tangible symbol of a valued relationship, the fundamental gesture of the introduction to all relations with the people in Kupang. In the case of land-acquisition, it symbolized a series of exchanges of their

¹¹ Interview with AMI (prominent leader) in Kupang on April 7th, 2018

¹² The *sirih pinang*, as it is called here, consists of the sirih fruit (betel fruit here rather than leaves), a vine related to pepper, pinang (areca nut), and slaked lime. *Sirih pinang* is one of the most important cultural symbols for Kupang’s people. Offering sirih-pinang has a social function and goes beyond hospitality. It can be used as a tribute to someone. Therefore, an outsider who wishes to enter their Kuoang, as a culture, must provide *sirih-pinang* for them to expand the succession.

customary lands that accompanied the relationship between the local community, PGGS, and the government.

The compensation of *sirih-pinang* at the time was paid by cheque, granted in a sealed envelope, equal to Rp. 1,250,000 (USD 615) per hectare of land. The villagers had to convert the compensation cheque they received from PGGS to currency notes in the national bank branch located in central Kupang (present-day Kupang City). The company did not allow the villagers to open the cheque until they got home from the socialization meetings. People recounted later that when they received their *sirih-pinang* compensation, they were asked by the company officials accompanied by military officers to sign a letter without understanding what it read. After the meeting, only a few people realized that the letters formalized the handover of their land to the company, even though they did not yet know the amount of compensation for the land.

From this point, the lands were transferred to PGGS, and the residents could never again use the land to grow crops or for any other activity. During the focus group's discussion for this study in Nunkurus, a participant said, 'From 1992, when our lands were transferred to companies, we could not cultivate [them]'.¹³ Despite this, in 1992, Indonesia's Land Agency issued HGU certificate Number 08/HGU/1992, giving PGGS the legal right to utilize the land. However, despite this, PGGS did not operate there immediately, and the land was abandoned for almost four years (1992–1996). Meanwhile, efforts were made by the villagers for land compensation but did not receive any response.

¹³ Note during focus group discussion in Nunkurus on March 9th, 2018

The company's effort to utilize the land began in early 1996. The company had marked the borders of the HGU area, which included the land in Oebelo, Merdeka, Babau, Nunkurus, and Bipolo. The company only informed the local authorities through making personal visits¹⁴ to village officials about this plan, without any prior attempt to discuss these plans with, or even inform, the villagers.

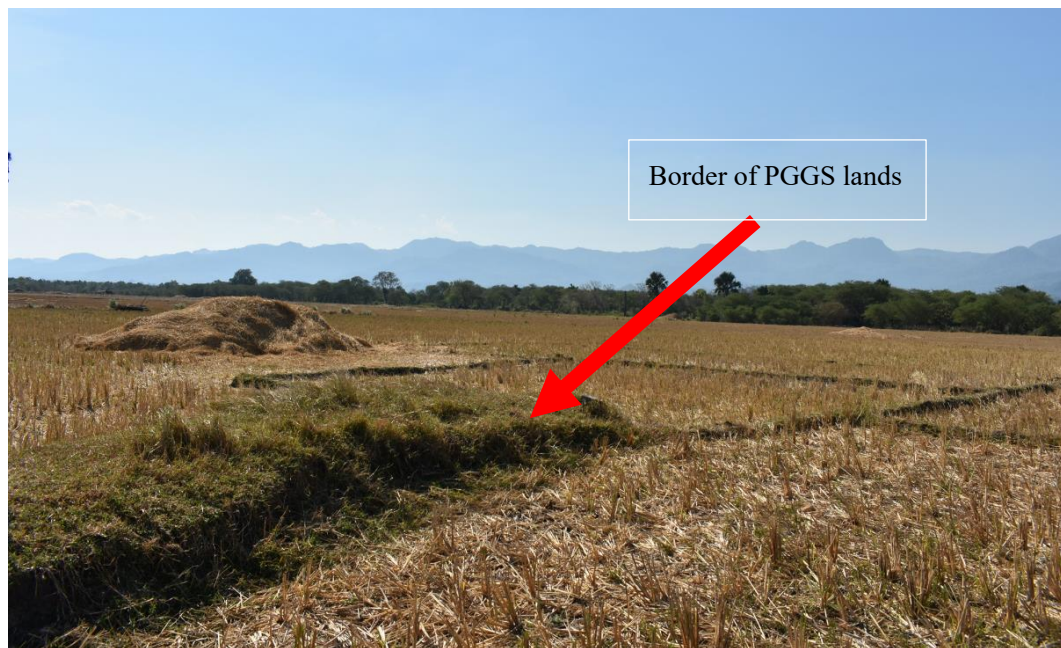


Figure 13. The border of HGU area in Nunkurus
Source: Fieldwork (2019)

This plan aroused the tension not only between the company and community but also within the community. Some people rejected the company-designated boundary markers (Fig. 13) and argued that they had not yet received

¹⁴ The personnel visits the local elites (including village officials) who have contributed to an atmosphere of mistrust. This is to spread rumors and forge deep rifts within the already divided communities, especially between villagers and village officials. In this way, over time, the bribery that companies use to gain control over communities also strengthens their control over land.

any compensation for land acquisition (*ganti rugi*) as promised. In contrast, some people did support these boundaries with the belief that the project construction (for making border fence) would produce job opportunities for the villagers. In this case, the company created a growing rift between the supposed ‘opponents’ and ‘supporters’ of the company. Even though the opponents outnumbered supporters, they could not fight for their interests with the aid of the existing political institutions. During the New Order regime, a rural protest in Indonesia was effectively silenced via violent repression, particularly of the rights to assembly and expression (Bachriadi, 2009). Government authorities co-opted and controlled political activity at all levels. Military officers were stationed in villages to control all socio-political activities in rural areas, and there were few ways for rural people to be critical or openly protest against repression.

4.5. The end of authoritarianism and momentum for reclaiming the land

Following the end of the New Order regime in 1998, the peasants found the momentum to act and reclaim their lands. At that time, the previous village head—an official who had served as a bridge between the district government, the companies, and the villagers to ensure the land transfers went smoothly—who had supported the HGU, was replaced with a new village head who sided with the community and rejected the HGU. People asked the new village head to support the villagers to restore all rights and ownership of the abandoned lands back to them.

People argued that PGGS had never fulfilled promises of compensation (for land acquisition) and never carried out any activity on the HGU land that had been transferred. Then, the village head—as a representative of the villagers—delivered their complaint to the regent of Kupang (a representative of the

government in Kupang) about returning PGGS's HGU to them. The regent responded by issuing a statement of support granting the peasants' permission to access the HGU land and cultivate it. The statement gave political strength to and boosted the morale of the peasants who reclaimed their lands. At the time, the state grew weaker because of the fall of General Suharto (Herwati & Sumarlan, 2016).

Peasants used the opportunity to reclaim their lands. In this case, the reclamation was not done entirely by peasants. In the first stage, only a few peasants lobbied the local government for support or to get a recommendation letter to strengthen their resistance. Beside the trauma instilled by the policies of the New Order regime, the peasants encountered hardship because the HGU land had been left undeveloped long enough that it had overgrown with thorns and shrubs that were difficult to take care of. Only those with enough capital and with the courage to match could cultivate those lands again. This peasant action began from two or three people in 1999 and gradually intensified and spread across the rest of rural Kupang.

In some ways, the political transition to democracy accompanied a process of decentralization and implementation of regional autonomy politics. This process was perceived as providing political opportunities for civil society entities, including peasant's organizations, national NGOs, and supporting (e.g., religious and traditional) institutions, to intervene in the process of policymaking (Bachriadi, 2001). This new development at the district level—particularly since 1999, when decentralization and regional autonomy policies were being implemented—became a significant factor to influence people to organize in many areas. Peasant organizations could now react directly to local political changes such as new leadership, new local governments, and new policies. These developments were

seen to provide both opportunities and threats to rural peasants' livelihoods (Bachriadi, 2010).

4.6. The state's hesitancy to revoke the land-use permit

In 1999, when the peasant movement exploded, the residents of Kupang complained to the local government about the status of HGU land. They organized and sent three complaint letters to the Provincial Land Agency to revoke their HGU rights. Efforts to seek compensation for the seized land were also been made but received no response. Unfortunately, these actions received little attention from the government. At that time, the existing regulation on the abandoned land (President's Regulation No. 36/1998 concerning the Control and Utilization of Abandoned Land) had not been implemented (Herwati & Sumarlan, 2016). This regulation allowed the government to take several formal steps after accepting complaints from citizens about the abandoned lands. For example, when a company has been warned for three times to utilize their lands and has refused to do so, the government can revoke its land right, put the lands under the 'abandoned land'¹⁵ status, and retake the lands as state lands¹⁶.

Government action to revoke the company's land right began in 2011, pursuant to regulation No.11/2010 regarding the amendment to President's

¹⁵ According to the Government Regulation No. 36/1998 and No. 11/2010, 'abandoned land' is defined as the land for which the use rights have been granted, but the land has not been used as specified in the rights.

¹⁶ For the villagers, the status of land as state lands are beneficial because the state land can be determined as the objects of the land redistribution program, which focuses on the redistribution of the state lands for the poor people claiming 1.1 million hectares from state lands under the National Land Agency authority.

Regulation Number 36/1998 concerning the Control and Utilization of Abandoned Land. The regulation had come into effect on January 22, 2010. Based on this new regulation, the National Land Agency began identifying the abandoned land and warning the company to utilize the land as specified in the HGU license. In PGGS's case, the National Land Agency sent warning letters three times to the company (June 30, 2011; August 5, 2011; and September 12, 2011). Normally, such a letter would be followed up by the National Land Agency with identification, warning, and action to revoke the company's land right. However, no additional action was taken in this case.

In 2016, the National Land Agency notified that PGGS's land had been entered into the National Database of Abandoned Land (Database Tanah Terindikasi Terlantar)¹⁷. However, the company resisted the decision and sent a letter notifying the National Land Agency that it would utilize the land as specified in the HGU license. PGGS requested that the 3,720 hectares of lands not be designated as abandoned land; the letter also declared the company's intention to begin industrial salt investment activities in Kupang.

Responding to the company's officer in letter 255/024-53.500/VI/2016 on June 22, 2016, the Head of National Land Agency's Regional Office supported the company's immediate commencement of investment activities. The company was instructed to coordinate operations with Kupang's provincial and regency governments, and the results needed to be reported to the Ministry of Agrarian Affairs and Spatial Planning/BPN, the Regional Office of the National Land

¹⁷ There are several parameters used to determine "abandoned land" based on Government Regulation (Peraturan Pemerintah) No. 11/2010, including these lands are not cultivated, not utilized or not utilized in accordance with the circumstances, or the nature and purpose of the rights.

Agency, and the Kupang Land Office. This situation is still unresolved and has spread mistrust at the grassroot level. The state's hesitancy to change the status of the land to 'abandoned land' under the 2010 regulation caused distrust among the peasant community.

4.7. Concluding remark

The empirical section above demonstrates that during the colonial times, people in Nukurus utilized the land for multiple purposes, i.e., for herding, farming, salt production, and foraging. However, ever since authoritarian regime came to power, the customary land has not been recognized by the state. The subordination of local customary rights to national interest claims was ultimately rationalized by the same evolutionary developmentalist ethos that had previously underpinned colonial policy and law.

Further, as seen in PGGS's interaction with villages, when the 'sweet promises' made by companies are not realized, large numbers of conflicts emerge. Conflicts over land between communities are considered to be minor by the community, whereas conflicts between communities and companies' overcompensation for land and labor are considered to be more serious. The local residents resisted the company despite promotion by the district leader. These people chose to manage their land for other purposes. Thus, once a promise fails, it can become a key part in the transformation of rural landscapes and an instrument in the violation of villagers' interests.

Chapter 5. Turning Crisis into Opportunity

5.1.Introduction

This chapter broadly highlights the salt complex problems in Indonesia, i.e., supply-demand on salt, the salt self-sufficiency policy, and salt crisis in 2017. It goes on to discuss the practices of local agrarian dynamics in Kupang and the conflict of interest between various state agencies—followed by a detailed analysis of how discourse of salt self-sufficiency has been employed to release land in Kupang—i.e., turning salt crises into opportunity, and the social-ecological transformations taking place in cultivation systems in the rural Kupang.

5.2. Salt domestic demand: local productivity and salt importation policy

In the past few decades, domestic demand on salt in Indonesia increased dramatically. According to data provided by the Ministry of Maritime Affairs and Fisheries (2016), the domestic salt demand in 2007 that was about 2.7 million tons increased to 2.9 million tons in 2008 and 2009 and to 3 million tons in 2010. The Ministry of Industry (2014) states that the salt demand in Indonesia climbed up to 50,000 tons annually. The growing population and industrial sector impacted the need for industrial salt within the country (BPPP, 2016). The Ministry of Industry recorded that the increasing demand on salt for industrial grade in 2018 rose to 76.19%. By 2017, the need of salt for domestic industry was only 2.1 million tons

but, in 2018, rose to 3.7 million metric tons. To compensate this, Indonesia must import approximately 1.9 million metric tons of salt per year from Australia, India, China, and other countries (UN Comtrade, 2019).

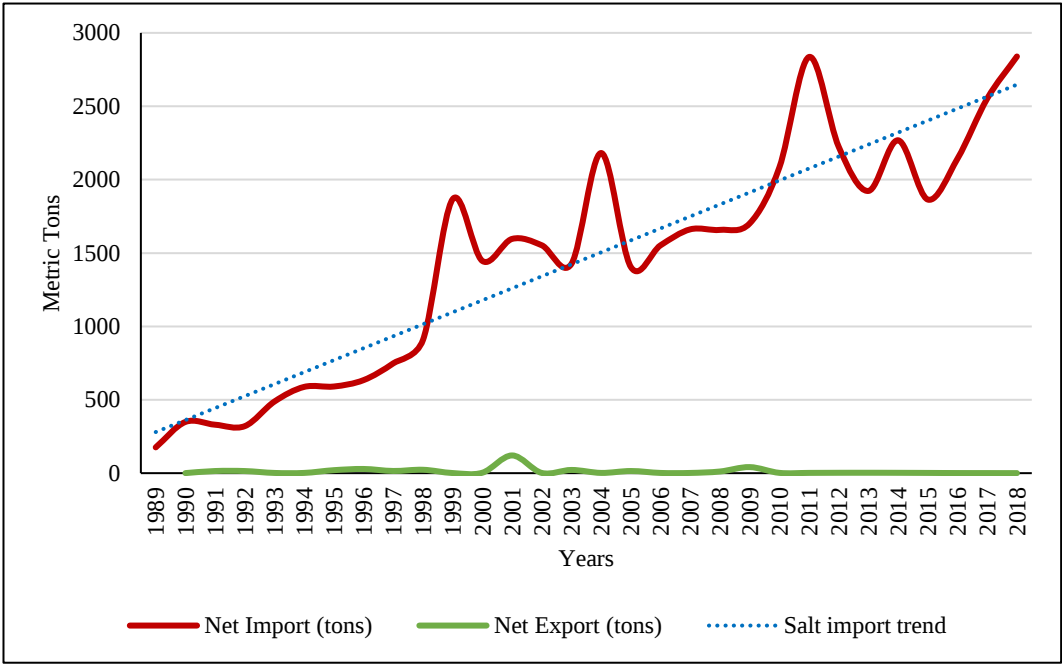


Figure 14. Indonesia salt import in million tons by year
Source: UN Comtrade (2019)

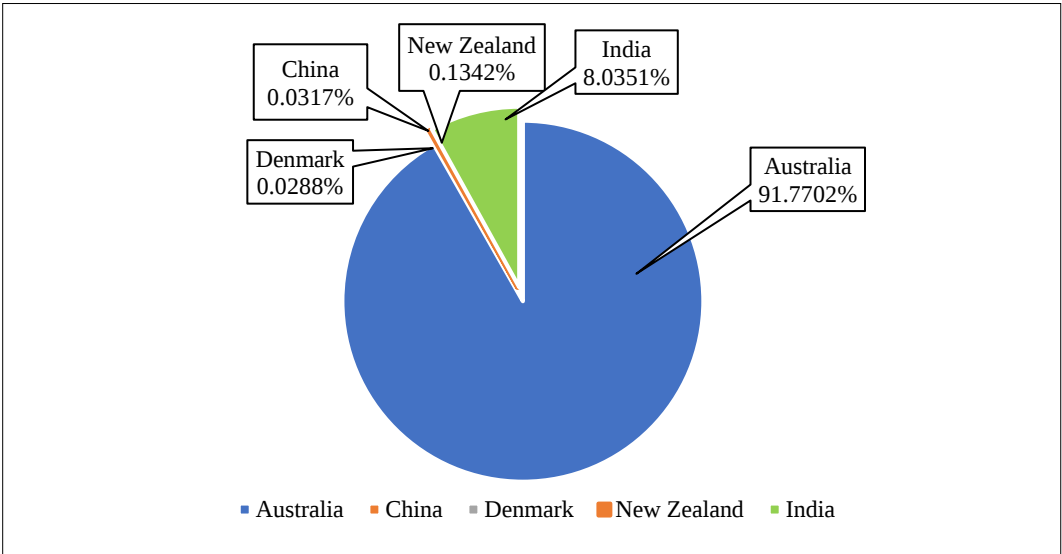


Figure 15. Shares of salt imports from foreign countries to Indonesia (2018)
Source: UN Comtrade (2019)

Apart from being unable to meet the quantity of domestic demand for salt, there is also a quality challenge. The local salt producers are unable to produce enough high-grade salt, which requires a sodium chloride level of 97% (see Table 9). Local salt—which is produced salt from solar evaporation—only has a sodium chloride level between 86 % and 92% (BPPP, 2016).

Table 9. Salt quality standard for the selected food and beverage industry in Indonesia

No	Selected company	NaCl Min. (%)	Water Max. (%)	Calcium Max. (ppm)	Magnesium Max. (ppm)	Impurities Max. (%)	Utilization
1	UNI	98	0,20	600	400	0,07	Margarine, seasoning
2	NES	97	0,20	400	200	0,07	Biscuit
3	IDF	97	0,25	600	400	0,5	Seasoning
4	MON	98	0,20	600	400	0,1	Biscuit
5	AJI	98	0,50	600	400	0,07	Seasoning
6	MRS	98	0,15	600	150	0,04	Seasoning
7	URC	98	0,50	600	200	0,07	Seasoning

Source: Ministry of Industry, Rep. of Indonesia (2018)

Food companies need salt with a maximum water content of 0.5% and sodium chloride above 97% (see Table 9), levels many domestic suppliers cannot meet ($\text{NaCl} < 97\%$). Further, most salt production in Indonesia is low-tech, involving the evaporation of seawater in coastal ponds during the dry season. Locally made salt is often the product of small-scale farmers who use traditional harvesting methods that can only produce medium and low-quality salt unsuitable

for industrial purposes. The Association of Salt-Using Industries (AIPGI) explained this low-grade salt could hinder productivity and damage the machinery at plants that require industrial-grade salt (Indonesia Economic Forum, 2016). This forced many industries to get salt imported from other countries.

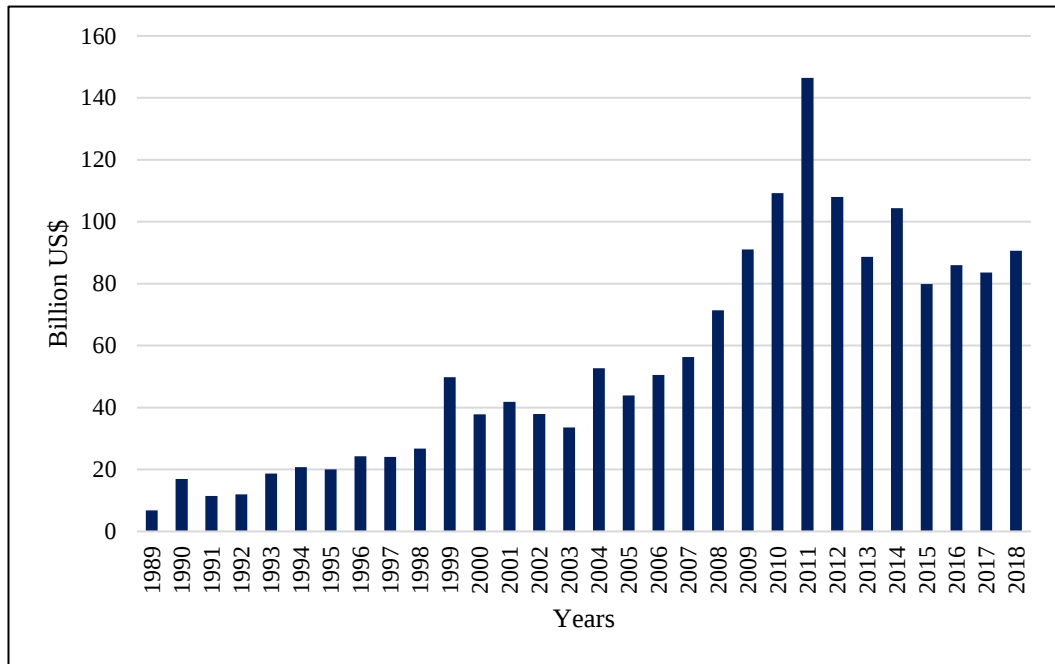


Figure 16. Salt Trade Value (million US\$)

Source: UN Comtrade (2019)

However, Helmi and Sasaoka (2018) indicated that persistent salt import became a problem when entering the country during the dry season. The local price of salt was dropping because of the abundance of imported salt. Moreover, salt import also became a problem with the high and rising salt import bills taking the money away for other important development agendas, i.e., health, education, etc. In 2011, the overall value of salt import was valued at US\$146 billion (as shown in Fig. 16). This prompted the government to launch salt self-sufficiency policy in Indonesia by allocating land specifically for salt production.

5.3. Salt self-sufficiency and PGGS's action

5.3.1. The growing ambition on salt self-sufficiency

In 2014, the Indonesian Government released the Regulation of the Minister of Industry (Peraturan Menteri/Permen) No. 88/M-IND/PER/10/2014 on the amendment of Regulation No. 134/M-IND/PER/10/2009 on Salt Industrial Road Map to achieve salt self-sufficiency by 2010–2025¹⁸. According to *Permen*, to achieve self-sufficiency on salt, domestic salt production can improve either by using more input—mainly land (extensification) and/or by improving technological level (intensification). The Indonesian Government argued that allocating land specifically for salt production is a critical means to boost domestic salt production to achieve salt self-sufficiency.

According to the data from Indonesian Ministry of Marine and Fisheries Affairs, the total area of the salt field in Indonesia is 20,821 hectares (2017). If the land productivity on average is 66 tons/ha/season, the domestic production of salt can only produce 1.3 million tons of salt. Hence, the government assumes that allocating land for salt production is mandatory to achieve salt self-sufficiency (as mentioned in *Permen*).

¹⁸ As commonly accepted, salt self-sufficiency typically understands as a country producing sufficient salt to cover its own needs. The concept was actually derived from FAO definition on food self-sufficiency (1999) which is generally taken to mean the extent to which a country can satisfy its food need from its own domestic production. However, it should be noted that salt self-sufficiency in Indonesia does not mean food sufficiency. Because of the main purposes of salt self-sufficiency is to cover industrial needs, such as salt for medical purposes, cosmetics, soda, food and beverages (BPPP, 2016).

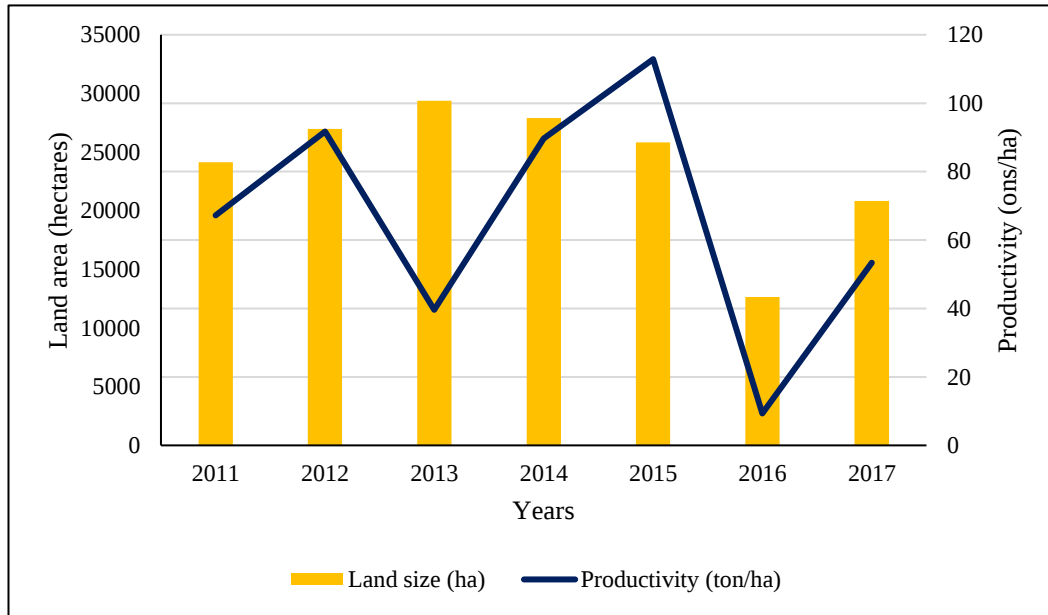


Figure 17. Salt land and productivity in Indonesia

Source: Ministry of Marine and Fisheries Affairs, Rep. of Indonesia (2018)

5.3.2. Kupang as a target for salt development

In Kupang, the governor of East Nusa Tenggara (NTT) province shared the same interest in transforming the entire district into a salt production center. In 2017, the provincial governor declared East Nusa Tenggara as an Indonesian ‘Salt Province’. The Governor of NTT declared on March 17, 2017, that *‘our salt production is potentially large and even twice the salt production in Madura [an important salt-producing region since colonial times, which] can produce 60 tons of salt per hectare, NTT can produce 120 tons per hectare’*.

From the government’s point of view, there are several reasons for allocating lands in East Nusa Tenggara for salt production. First, the dry and sunny climate of East Nusa Tenggara is suitable for salt production (see Fig. 18). Many areas in this province also require sea salinity without any freshwater discharge from large rivers, sub surface, or ground brackish water. Saline and clayey tracts on the edges of the creeks have strong beds and natural contour levels, fit for locating

salt works. As stated by the Head of Research and Development Agency for Industry, Indonesian Ministry of Industry (2015), *'NTT is very potential for the development of industrial salt because the quality of the seawater, the weather climate is supportive, and the vast land has not been managed. That is very strategic, NTT needs to be immediately designated as a special area for salt development.'*

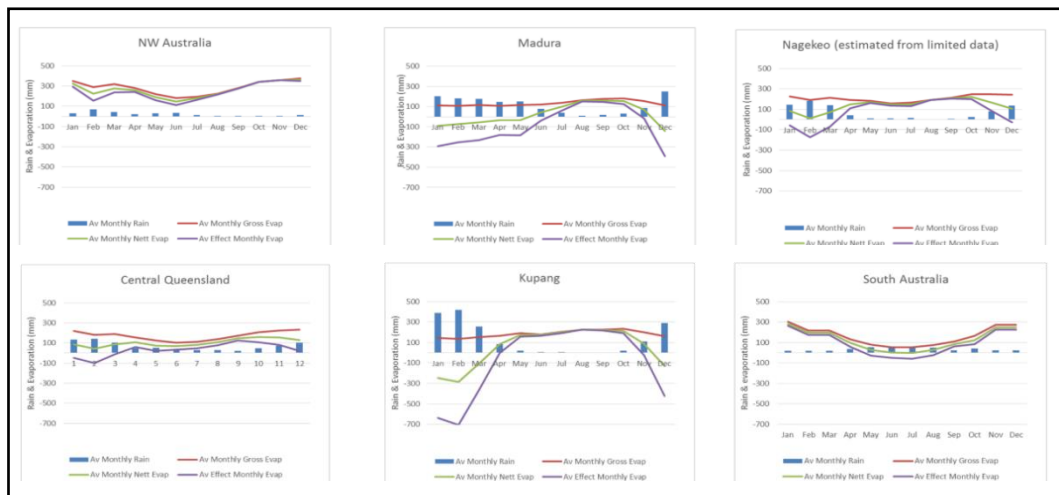


Figure 18. Climatic conditions in Kupang compared to the other salt production areas in Indonesia and Australia

Source: Coordinating Ministry of Maritime Affairs (2018)

Second, the NTT province is the third poorest region in Indonesia (BPS, 2019). By promoting salt investment, the government believes that such an investment will contribute to reduce poverty in this province. The poverty rate in East Nusa Tenggara Province remains high, around 1.149 million or 22.% of the population in poverty (as shown in Chapter 3). It was written in an official letter from the Kupang regent to the president on October 30th, 2017:

In order to obtaining the national salt sufficiency, enhancing the economic growth of undeveloped regions, providing job opportunities for tackling the surge of illegal migration worker and child trafficking that had been the crucial issues in our province, as well as for promoting farmer's well-being, thus, we made a collaboration agreement with several salt industries in Kupang bay.

Lastly, the land for salt production in Madura—an important salt-producing region since colonial times— is heavily populated and not suitable to extend the salt area. Apart from these three factors, Kupang, was also mentioned in Permendag as a target location for domestic salt production to achieve salt self-sufficiency. Taken together, East Nusa Tenggara Province, particularly in Kupang, is considered to be a suitable salt province in Indonesia.

5.3.3. Salt crisis and PGGS's action

In April 2017, a severe salt crisis hit Indonesia. The market price for edible salt suddenly experienced a 600% increase in Indonesia (Ivansyah 2017). A few months later, some parts of the country experienced a 1,000% surge (Widodo 2017). Officials claimed that this crisis was a result of high rainfall caused by the *La Niña* weather phenomenon in 2016, resulting in a 96% decline in the annual salt production from 2.6 million tons to 118,056 tons (Ministry of Marine and Fisheries Affairs, 2017). This salt crisis created political and economic problems. The unavailability of salt in the market forced some producers of salted fish in Maluku to change their production to smoked fish (Tirto, 2017). In West Sumatra, many salted fish producers also went out of business due to their difficulty of getting salt (Jawa Post, 2017).

This situation sparked a government search for solutions. Salt imports were added to the domestic supply and helped the government stabilize salt prices. Then, the government agreed to import salt from foreign countries (around 3.7 million metric tons (Coordinating Ministry of Economic Affairs, 2018). At the same time, *the government allocating PGGS lands* that were suitable for salt began salt production in the disputed land in Kupang.

This idea of allocating PGGS lands was seriously considered by the Agrarian and Spatial Planning Minister in Jakarta, who asked the PGGS to find a partner to utilize the lands they had previously abandoned, threatening that *'if the PGGS does not find a partner in 90 days, we will revoke its certificate of HGU'* (Ministry of Agrarian and Spatial Planning, August 15, 2017).

The government also established the working team for the Acceleration of National Salt Development (Tim Kerja Percepatan Pembangunan dan Pengembangan Komoditas Pergaraman Nasional) (Setkab, 2017). This team consisted of several related ministries or institutions and was chaired by the Coordinating Minister for Maritime Affairs (see Appendix B). The working team held several coordination meetings and suggested among its recommendations the reactivation of the land use permit for the 3,720 hectares of land in Kupang. In September 2017, the Agrarian and Spatial Planning Minister issued letter No. 3454/35.2.700/IX/2017, mentioning that PGGS' land right (HGU) had been excluded from the National Database of Abandoned Land (Database Tanah Terindikasi Terlantar)¹⁹ and ordered them to begin their activities in the 3,720 hectares of land.

¹⁹ In chapter 4 (section 4.5), I explain that the National Land Agency has been notified that PGGS's

In response to this action, the company responded favorably. It announced its readiness to invest Rp1.8 trillion (USD 94 million) and estimated to create more than 500 local jobs. The company also explained in its business plan that it would reach its target salt production capacity of 310,900 tons/year. PGGS also explained that they support the government's program toward self-sufficiency of salt nationwide and help increase the state income tax form and increase the region's revenue (PAD) Kupang to accelerating the growth of the economy of the community.

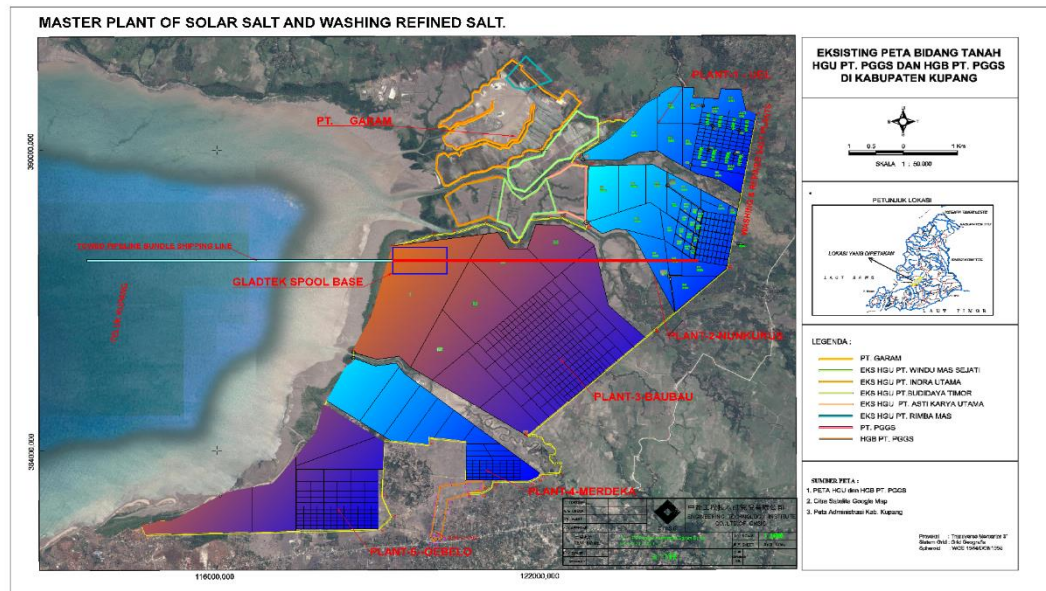


Figure 19. Master plant of solar salt and washing refined salt, proposed by PGGS
Source: PGGS-PKGD (2018)

However, the problem arose at the local level when PGGS entered the 3,720 hectares of land. The bad images of PGGS had been acknowledged in the Kupang community, since they had occupied the customary land by force in the

land had been entered into the National Database of Abandoned Land (Database Tanah Terindikasi Terlantar).

New Order regime (as mentioned in Chapter 4) and abandoned it for approximately 25 years (1992–2017). Since then, PGGS had changed its name to PKGD (Puncak Keemasan Garam Dunia). According to the Director of PKGD, this was an implication after the acquisition of PGGS holding by PKGD. However, PKGD's Executive Director did not explain in detail how the process occurs and how many shares do PGGS have.

To begin their activity, PKGD started by assigning A⁺CSR Indonesia as a consultant for social mapping and gave the recommendation to the company for stakeholder engagement program. PKGD also assigned the Engineering Technology Institute Co. Ltd as a consultant to make a masterplan for 3,720 hectares of land in Kupang.

One of the stakeholder engagements programs done by PKGD involves the military officer to engage the local community in Kupang. On December 21st, 2017, the social service program (Bhakti Social) in Oebelo Village, East Kupang, was held by PKGD in collaboration with the Indonesian Air Force (TNI-AU) and Governor of NTT. This program was held to commemorate the Juang Kartika Day²⁰ and celebrate the 59th Anniversary of East Nusa Tenggara Province. Almost 5000 packages of basic food (sembako) were distributed for free in that event²¹. Moreover, still in the same event, the most appealing performance was when the parachutists jumped from helicopters with flags. They waved out some flags: the

²⁰ Juang Kartika Day or Hari Juang Kartika is commemorated on December 15. It is the momentum of military victory in the Battle Ambarawa on December 15, 1945. Every year, Juang Kartika Day is celebrated to honour the active and reserve serving men and women and veterans of the Indonesian Army (TNI).

²¹ <http://www.nttonlinenow.com/new-2016/2017/12/21/ribuan-warga-antusias-hadiri-bhaksos-kodam-ix-udayana/>

NTT Province flag, Kopasus flag, Kostrad, Kodim IX/Udayana, Korem 161/Wira Sakti, and Bipolo village²². Unfortunately, other villages' flags (Nunkurus, Merdeka, Babau, and Oebelo) were not included. People in Nunkurus assumed that this action is 'smooth politics.' Because of the resistance of the people of Nunkurus to PKGD, their flag was not included. In contrast, Bipolo had accepted them, so their flag was included in jump.

A serious commitment from PGGS/PKGD to operate those lands was marked with paying the land and property tax in the Kupang Tax Office. Those delinquent tax was 857 million (US\$ 60567). PKGD explained that *'This tax payment supposed to prove our support for regional income as well as tax obedient program.'*²³

PEMERINTAH KABUPATEN KUPANG
DINAS PENDAPATAN, PENGELOLAAN KEUANGAN DAN ASET DAERAH
JALAN TIMOR RAYA KM. 37 OLEMASI

SURAT SETORAN PAJAK DAERAH
PAJAK BUMI DAN BANGUNAN PERDESAAN DAN PERKOTAAN
(SPPD PBB-P2) TAHUN 2018

NOMOR BUKTI/STAN	: 71FA0D41B1D3CE35000000000000000
TANGGAL TRANSAKSI	: 08-11-2018
JENIS PAJAK	: PBB
NOF	: 530310001000800010
NAMA WAJIB PAJAK	: PT PANGGUNG GUNA GANDA SE
ALAMAT	: JL HATI MULIA II
LURAS TANAH DAN BANGUNAN	: 6100000, 0
MASA PAJAK	: 2018
PESAN	: TERIMA KASIH
PAJAK TAHUN BERJALAN	: 37.362.500,00
DENDA	: 0,00
ADMIN BANK	: 0,00
JUMLAH	: 37.362.500,00,
TERBILANG	: Tiga Puluh Tujuh Juta Tiga Ratus Enam Puluh Dua Ribu Lima Ratus Rupiah.
CABANG	: Bank Mandiri Kupang
OPT-ID	: usrmndic101

Kupang 08-11-2018
 Kepala Kantor
 Bendahara Penerima/Penerima
 08 NOV 2018
 Handro/9968130120

Figure 20. The receipt proof for the tax payment of land and building (PBB) that had been paid by PT. PGGS (11/08/2018)
 Source: PGGS-PKGD (2018)

²² Bipolo is one of the villages in Kupang that support the salt investment. In contrast, the other village, such as Nunkurus, Merdeka, Babau, Oebelo is opposed the salt investment by PGGS/PKGD.

²³ Interview with HIN (Corporate lawyer of PKDG) on March 2019

After the government excluded the PGGS/PKGD HGU land from the National Database for the abandoned land, various attempts had been made by PKGD for an easy business development in Kupang District. For example, PKGD had constructed a three-kilometer access road in Babau, Kupang Regency, East Nusa Tenggara for realizing the development of salt industry in Kupang.

5.3.4. Growing rift between community members

At the community level, some people argued that PGGS' investment was a positive, necessary step toward economic progress and development. It would allow peasants to escape from their poor and difficult agricultural or subsistence-based livelihoods by entering into full employment in higher-paid sectors. They hoped it would bring necessary infrastructure developments such as roads along with the new source of cash income. As stated by an anonymous participant in a Bipolo focus group:

*'We want to collaborate with the salt company (core-plasma²⁴) because it would develop our village and provide jobs opportunities for villagers.'*²⁵

Others opposed to the idea of salt investment. The villagers opposed the salt investment project, which they saw as a threat to their livelihoods and lifestyles owing to the loss of diversified and flexible agricultural production. The salt

²⁴ Core-plasma scheme is the partnership scheme between salt companies as the nucleus (core) and small-scale salt producers as the plasma. In this type of partnership, the company as the nucleus is in charge of assisting in developing their plasma and guiding smallholders as the plasma in a partnership system. In Indonesia, this scheme is often applied to the plantation crops, such as oil palm, rubber, and others.

²⁵ FGD in Bipolo was held on March 14th, 2018

investment project, in their eyes, would make them vulnerable to volatile markets and depended on companies whose management was not local. The loss of their autonomous lifestyles as farmers by becoming company laborers on their own land was an overwhelmingly negative process, as established in the statement from a focus group participant from Nunkurus:

‘we do not want to be wage laborers and dependent on the salt company. As wage laborers, we’d have to work for the company and wait [to get our] salary to buy rice’²⁶.

People’s reasons for supporting or opposing the salt projects cannot be explained solely by the difference in economic status or access to land. Rather, people’s positions are influenced by the relations with local authorities and clan relationship.

5.4. Local government response: Same interest, different ways

Contrary to the state and provincial governments, the plan to facilitate PGGS to begin their production activity again on these HGU lands did not get full support from the local government at the district level. The regent of Kupang (*bupati*) refused to accommodate PGGS, arguing that for the past 26 years, the company had abandoned the lands and, thereby, caused economic losses in Kupang (Kontan, 2018). The regent of Kupang assumed that the existence of the PGGS lands had increased public anxiety because they had not provided appropriate compensation for local people.

²⁶ FGD in Nunkurus was held on March 11th, 2018

“...they (PGGS) had abandoned HGU land is for 26 years, including the region assets that was occupied by them (PGGS), hence, it caused our region poor and undeveloped.”²⁷

However, on the other side, the regent also had a desire to invite other salt investors to enter the HGU land. He estimated that those lands have a potential salt production of about 500,000 tons per year (Kontan, 2018). Therefore, he argued that in the more than two decades PGGS abandoned the land, Kupang lost the opportunity to produce about 13 million tons of salt. In this case, the regent stands on *two sides* and promotes a more ambiguous policy. First, he wants the HGU land to be returned to the people of Kupang. However, on the other side, he also acts as a ‘marketing agent’ so that the other companies can enter and PGGS’ HGU land.

For the *bupati*, the decision to become a marketing agent of the salt land is to increase the region’s revenue (PAD). In 2017, the revenue of the Kupang regency was just over 67 billion Indonesian rupiahs (BPS Kupang, 2018), a level far behind that of the neighboring region of Kupang Municipality, with a revenue of 165 billion rupiahs.

In 2018, the results of the *bupati*’s policy show that the regent has handed over several hectares of land to other companies. According to Kupang’s Investment Office and One Stop Integrated Service (DPMPTSP; Dinas Penanaman Modal dan Perizinan Terpadu Satu Pintu), at least five new investors in the salt producers entered the HGU land (Table 10).

²⁷ Interview with regent of Kupang on June 16th, 2018

Table 10. List of salt companies with an investment permit from the *bupati*

No	Companies	Type	Location	Land size
1	PTG	State-owned	Bipolo	225 ha
2	GIN	Private	Bipolo	245 ha
3	JSN	Private	Merdeka	100 ha
4	TLL	Private	Nunkurus	300 ha
5	SUM	Private	Oeteta	100 ha
Total				970 ha

Source: Kupang Regency Investment Service and One Stop Integrated Service (2018)

For district governments, the failure to attract investors would be perceived as an inability to deliver the maximum development benefits to their residents. On the other hand, local governments that attract investors and issue large numbers of permits gain directly—mainly through supporting electoral governments that have already attracted investors and issued large numbers of permit gain directly—from entitlements in investment schemes and through support for electoral programs in return for the services rendered (McCarthy et al., 2012).

The case of the *bupati* shows that he liked the idea of a salt investment project but mistrusted PGGS. The village head of Nunkurus and some villages in Kupang supported the policy and wanted the regent and local parliament to invite some salt companies to invest in their area. It should be noted that support for the salt project is something different from the support for the company.

5.5. Turning salt crisis into opportunity: State legitimation of land dispossession

5.5.1. TLL: strong ties to the local government

After a long conflict (1992–2018) between PGGS and the local government (particularly, the regent of Kupang), the regent launched the maneuver on releasing the permit for a new corporation, namely TLL, for operating the HGU PGGS land in Nunkurus²⁸. Based on Dinas PMPTSP Kupang District, on March 25th, 2018, TLL got the permission to cultivate 300 ha land in Nunkurus²⁹. After signing the agreement, the regent threatened TLL to begin their business no later than 45 days.

TLL is a new salt company in Indonesia founded by Daniel Charlie (DC). DC is a businessperson and a local politician who is the head of the Regional Leadership Council (Dewan Pimpinan Daerah/DPD) of National Democratic Party (Partai Nasdem) in Kupang municipality. He has also been appointed as the Chairman of the Provincial Salt Manufacturer Association (Asosiasi Garam Industri Provinsi NTT), which aims to promote salt investment in East Nusa Tenggara Province. He has strong ties to the provincial and district government. His colleague in the Nasdem Party (National Democratic Party) was appointed as the new governor of East Nusa Tenggara Province (2018–2023). His company, TLL, also

²⁸ According to Indonesian Land Regulation, granting permit for cultivating land with HGU status, was prohibited. Indonesian land regulation explained that authority for revoking or granting HGU in government land is on central government.

²⁹ Initially, TLL had got permission for 300 ha land, ex-HGU land of PT. Indra Utama (75 ha), PT Windu Mas Sejahtera (50 ha) dan Asti Karya Utama (50 ha) dan HGU PGGS (125 ha). In fact, it was expanding to 596 ha land including HGU of PGGS land (±421 ha in total). Finally, Nunkurus people made a contract agreement to transfer 596 ha land for TLL.

received full support from major Indonesian iodized salt production, and most of its shares are owned by PT. Susanti Megah³⁰.

On June 23rd, 2018, TLL invited Bupati to attend the official ground-breaking ceremony for the first phase of the salt project in Nunkurus, Kupang. Apart from Bupati, the General Secretary of Kupang Customary Council, Executive President of TLL, Synod of GMIT, Head of Nunkurus, and community members from Nunkurus and surrounding villages were also invited. This ceremony emphasizes that the regent of Kupang has the same desire to build a salt field or salt factory in the customary area of Nunkurus, which was previously held by PGGS.

5.5.2. Agrarian dynamics

Before the ground-breaking ceremony, the Kupang District government facilitated the TLL to meet with the villagers of Nunkurus. This was done because at that time, there was still some resistance by the villagers to accept the salt company. The Government of Kupang tried to persuade people in Nunkurus to fully accept the new salt company, TLL. Bupati states that *'this is actually our policy and effort to improve the community welfare.'*³¹

Hearing this, the village government held a community meeting (*musyawarah desa*) with the people of Nunkurus several times. The results of meeting were noted in the Letter of Community Agreement to Transfer the Lands

³⁰ Susanti Megah Co. Ltd was founded in 1978 in Surabaya by Mr. Halim Santoso. Susanti is one of the largest Indonesian iodized salt producers located in Surabaya, East Java. The Company's line of business includes the manufacturing of chemical preparations such as salt, plastic mat fabrication, vacuum chrome metallizing products, warehousing, transportation and general trading.

³¹ Interview with regent of Kupang on June 16th, 2018

for Salt Industrial Purposes (Surat Pernyataan Penyerahan Lahan untuk Keperluan Industri Garam/ hereafter as “community agreement”), which was signed on March 23, 2018 (see Appendix D). The contents of the community agreement are as follows:

“On this Friday, March 23rd, 2018, we as the owner of customary land/private land/family land voluntarily hand over our lands for the third parties to cultivate and produce salt which will be determined as land use agreement mediated by Kupang District Government. Our lands are located in Dusun II, Padang Beringin, Nunkurus, East Kupang Sub-District, Kupang District, and well known as flat ground in total ±596 ha.

...For simplify this land use agreement with the third party, we-the owner of lands, has appointed Mr. Donikson Laisnima as the group coordinator and signed the agreement in the name of land owners. With this agreement document, we hope Kupang District government will soon facilitate our meeting with the third parties whom we trust as land manager. Therefore, we hereby declare our willingness to provide security guarantees for third parties (TLL) who will use our land in accordance with the agreement.”

This community agreement will be used as a reference in salt profit sharing to be distributed by the salt company to the community. The salt profit sharing will be calculated depending on the land used for salt production.

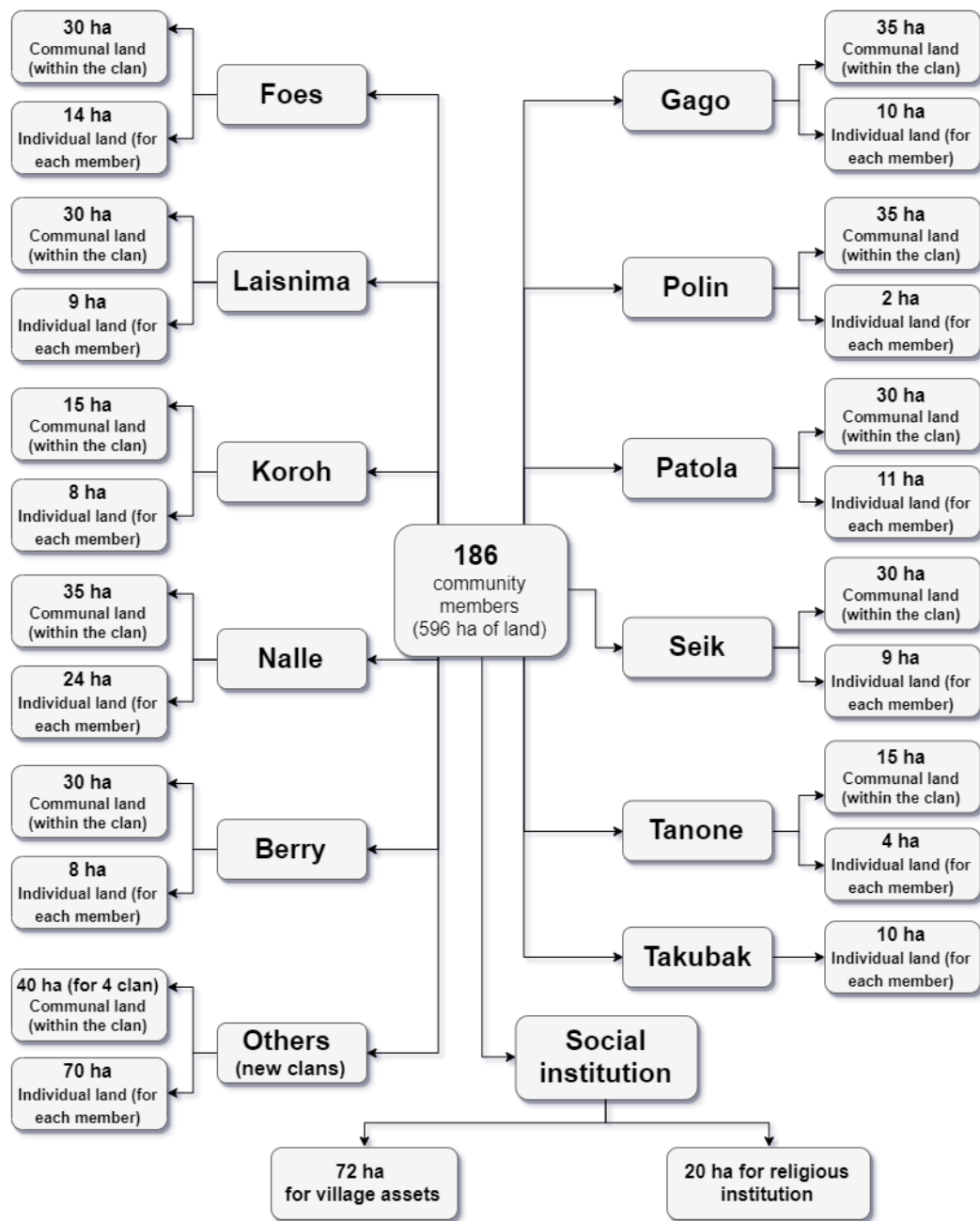


Figure 21. Land allocation for the clan members in Nunkurus
Source: Fieldwork (2019)

However, this community agreement was only approved and signed by one hamlet in Nunkurus, namely Padang Beringin hamlets. This caused the community from other hamlets (Uel hamlet) to become disappointed. The Uel Hamlet community groups argued that the people in Padang Beringin had violated the

previous agreement³² at the village level, where they had both rejected the presence of a salt company in their village, as mentioned by NLK and MEL:

“They (Padang Beringin hamlet) have violated the agreement between hamlets (Padang Beringin and Uel), that they will refuse the existence of salt company in this village. People of Uel Hamlet strongly decline the establishment of salt pond either from company or individual. Contrary, in fact, they accept them”³³

Because in the beginning of our agreement, two hamlets were declined the salt pond. Well, in the end, they, themselves who made the agreement with the current salt company to expand land. Therefore, I really do not know about that company at all.”³⁴

In this community agreement, it was recorded 186 members of Nunkurus people who lived in Padang Beringin hamlet had received salt land sharing, which was previously considered as customary lands (see Fig. 21 and Table 11). This land sharing based on several categories: (i) clan category; (ii) individual; and (iii) village institution (custom, religion government). Among those 186 people, not everyone signed the agreement. About 174 households (93.55) signed the document while the remaining 12 households (6.5%) did not sign this land transfer agreement document.

³² Beforehand, in 2017, people among two hamlets had agreed to decline the existence of salt company, either from company or individual. Those agreement were not written, but only been agreed upon a meeting in Nunkurus government office in 2017.

³³ Interview with NLK on June 20th, 2019

³⁴ Interview with MEL in Uel Hamlet on June 21st, 2019

Table 11. Land allocation for profit sharing in Nunkurus

Allocation	Total	Land size (ha)
Clan (sub-ethnic)	11	335
Individual	164	169
Village Office	1	72
Religion institutions	2	20
Total	186	596

Source: Fieldwork (2019)

Those who did not sign the land transfer document were the 7 clan members in Nunkurus³⁵. Who did not agree with the local government that had invited companies for cultivating customary land with PGGS HGU status. As explained by YSK: *“Local government invite a new company before HGU status is revoked. It is worst that the late HGU. No discussion with us.”*³⁶

The customary elders have explained that 596 ha land belonged to the 7 clans and should be returned to them. It could not be distributed as per the village officer’s plan, as explained by STN: *“Government, at the district or village level, should involve us, as customary elder. After that, the rest of land could be transferred to TLL or distributed to people. We hope the government can give their respect to the elders who has been living here for long time.”*³⁷

³⁵ The 7th group of clans including: Polin, Nalle, Seik, Patola, Tanone, Takubak, and Benjamin clan. They thought that 596 ha land was a customary land which should be returned to the elders, not to the government or to be shared to community.

³⁶ Interview with YSK (a former Village Head of Nunkurus) on June 24th, 2019

³⁷ Interview with STN (member of 7 clans) on July 2nd, 2019

On the other hand, the village and local government elites claimed that since kefektoran system had ended, the lands did not longer belong to those 7 clan members. It belonged to the village government. Therefore, the village government had the authority to manage the land ownership.

“Regarding the land allocation and the amount of profit sharing, village government has discussed this matter with community group including the member of 7 clans. They scheduled and signed the agreement in village government office and regent office. But why suddenly they withdraw from agreement?”³⁸

Further, the village government also assumed that they had divided the customary land equally. *“The government tries to manage it properly, hence, we all can receive the benefit”³⁹*. The village apparatus explained some criteria for people who could receive land, as was explained by the chief of BPD Nunkurus: *“Several criteria of people who can receive the land are: 1) people who just build a family; and 2) permanent settlers but have not owned a land so that they often work together with people who own land.”⁴⁰*

However, the statement from FIK was denied by the 7 clan members, as mentioned by YSK: *“Indeed, we were invited [community meeting]. But our lands had been distributed and been transferred to them. We were invited so that we could agree. We do not want to sign the contract or agreement. If there is different information regarding that matter, it would be a twist fact. So that, we were invited*

³⁸ Interview with FIK (a Head of Village Consultative Board/BPD) on June 26th, 2019

³⁹ Interview with KOB (a Head of Hamlet in Nunkurus) on June 23th, 2019

⁴⁰ Interview with FIK (a Head of Village Consultative Board/BPD) on June 26th, 2019

only! That was not a discussion. I never signed that agreement! The [community] agreement had never been discussed.”

On 27 April 2018, the Land Contract Agreement (Perjanjian Kerjasama) No. 04/SP. G/26/IV/18 was signed by TLL and Nunkurus (see Appendix E). This Land Contract Agreement was signed and notarized in the Bupati Office in Oelmasi, Kupang. The contents of the agreement were as follows:

1. Prioritizing to recruit local employee;
2. Providing health insurance and safety workplace;
3. Completing environmental and operational permits;
4. Building and developing infrastructure for community;
5. Appointing a public accountant for auditing the salt production obtained every year;
6. Sharing a profit of 5.5% from the total salt production no later than 15 working days since the issuance of the Public Accountant Audit Results;
7. Contributing 4.5% of total salt production with a share of 1.5% each to (i) Adat Secretariat; (ii) GMIT Synod; and (iii) Kupang Regency Government;
8. Returning the land right at the end of this agreement (30 years).

Unfortunately, the member of the 7 clans totally disagreed with this agreement. In their opinion, the profit shared was quite small (5.5% for 186 households). The contract on profit sharing is as follows: 5.5% for 186 community members, 1.5% for Adat secretariat, 1.5% for GMIT Synod, and 1.5% for the Local Government of Kupang.

“Our clans do not like TLL company, because they only give us 5%. Meanwhile, we have a lot of members to share that profit with. If the profit [of salt company] only 1 billion [rupiahs], they will give us 50 million. Then those 50 million should be shared to 186 people. What will we do with only 500 thousand [rupiahs]?”⁴¹

The 7 clan members reported that they were disappointed not to receive the benefits they expected and felt they deserved, such as agricultural compensation. Responding to the disappointment, a member of the 7 clans then established the Feto Mone Sonaf Oninama Cooperative (hereafter FMSO), which is a cooperative (co-op) owned and operated by the members of the 7 clans. The cooperatives got the full support from ONI, who is the descendent of Fettor Baubau (see chapters 3 and 7). FMSO operated and opened up the salt evaporation pond in 296 ha land that was previously claimed by TLL and legally owned by PGGS (as HGU holder), as shown in Fig. 22.

Seeing that the HGU land was used by TLL and FMSO, PGGS-PKGD then took the case of TLL and FMSO to the Kupang ordinary state court (Pengadilan Negeri Kupang). PGGS-PKGD demanded TLL and FMSO to return 596 ha of land to PGGS-PKGD. PGGS registered a case (No. 148/Pdt.G/2018/PN Kpg) in Kupang’s ordinary state court. The community made efforts through its leaders to obtain the support from the government or other institution to reclaim their land from PGGS-PKGD. The regent of Kupang has since been active in sending letters and formal statements to the government leaders (such as the president and governor) and other state institutions, documenting the case and compiling a case chronology, sending information to the media, and organizing regular coordination

⁴¹ Interview with TOM on July 8th, 2019

meetings among the villagers. Hence, the case attracted the attention of the general public, academics as well as NGO, and was published in the local and national newspapers.

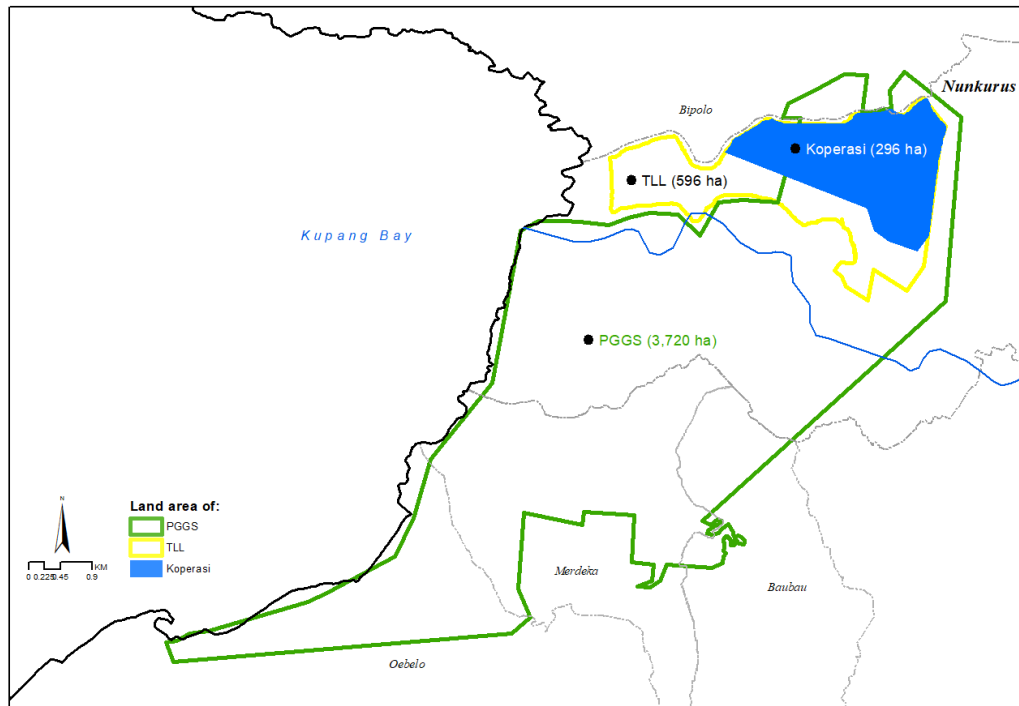


Figure 22. Claims over the land between PGGS, TLL, and FMSO in Nunkurus
Source: Self-design based on the data from NLA and observation in Nunkurus (2019)

The case also caught the attention of the New Governor of NTT, VBL, who shared a close relationship with President of Indonesia, Jokowi. He lodged an informal protest to the President to revoke the land right of PGGS in Kupang.

5.5.3. President: revoking PGGS land use permit and supporting TLL

On 20 May 2019, Indonesian President Joko Widodo inaugurated the largest dam in East Nusa Tenggara Province, located along the border of Indonesia and Timor Leste, Rotiklot Dam. The Rotiklot Dam is one of seven dams and one of the

programs of President Joko Widodo (Jokowi) and Vice President Jusuf Kalla (JK) to improve food security in the province. In that occasion, the president emphasized he would develop NTT as a national salt industry and return the HGU land to the community:

“In this area, there are abundant of salt that overspread widely over decades, but it was never once seriously managed. This information is relayed by Pak Gub during my last visit. I have made an order to the Ministry of Agrarian Affairs revoke the HGU land-use right if [the owners] are abandoning the lands. The concession is given to private sector, but if they cannot work properly, their HGU will be revoked and be given to community.” ~ Jokowi (20 Mei 2019 in Bendungan Rotiklot, NTT).

After 27 years since the dispute began, the president ordered PGGS’s permit to be revoked. On May 27th, 2019, the central government through the Ministry of Agrarian and Spatial Planning Affairs issued the decree that PGGS’ land rights had been revoked (Appendix C). According to the decree, the government would divide the 3,720 hectares of land into two parts: one for State General Reserve Land/ Tanah Cadangan Umum Negara (TCUN). This land would then be managed by the regional government. Another part of the land was for Agrarian Reform Objects Land/Tanah Objek Reforma Agraria (TORA). TORA or land redistribution program was aimed at redistributing the land equity to all of the landless (tuna kisma).

Table 12. Land allocation for local community

No	Villages	Sub-district (Kecamatan)	Unit	Registered land	HGU for TORA
1	Tanah Merah	Central Kupang	219	80.62	139.00
2	Oebelo	Central Kupang	637	21.69	419.48
3	Merdeka	East Kupang	898	709.74	183.00
4	Nunkurus	East Kupang	326	188.19	338.46
5	Babau	East Kupang	261	N/A	N/A
6	Bipolo	Sulamu	425	320.47	108.46

Source: Based on interviews with National Land Agency officer during fieldwork in Kupang (2019)

From the total, 3,720 ha of land, the distribution of TORA land and TCUN land are approximately $\pm 1,488$ ha (40%) and $\pm 2,232$ ha (60%), respectively. However, the disagreement has arisen, and the 7th clan members are arguing that all those lands should be returned to the community through a discussion with the customary elders in Nunkurus. Unfortunately, the village government has given away those lands to a new landowner, TLL.

*“This is our ancestors’ land. The land was returned to people since it was passed down from them. We will preserve the land and will not give it to anyone. If we should hand it over, we will fight for it until our last breath.”*⁴²

Observing the dynamics of the 7 clan communities, they aimed to report this matter to the president and threatened them to cancel their presidential visit to TLL.

⁴² Interview with YSK on July 18th, 2019

“we have sent 5 people as representative on Tuesday, July 23rd, 2019 to meet the president and report this matter. And if he has not heard our report and given more trust on the prompter, we will do a demonstration to cancel his visit to Nunkurus”⁴³

Despite protest from a group of people opposed the salt project, particularly TLL, the president did not budge. On August 21st, 2019, President Jokowi visited the operation of TLL salt ponds in Nunkurus, East Kupang District, NTT Province. During the visit, President Joko Widodo was accompanied by Indonesian Industry Minister, Transportation Minister, and the Governor of NTT. President Jokowi said that he wanted to ensure that the development of the salt pond production in the area had been running at the same time seeing the potential it had.

“I'm just here to make sure that the program for salt business has started. Because we know that our salt imports are 3.7 million (metric) tons, which can only be produced domestically at 1.1 million tons. Next year will be completed 596 hectares, pond farmers will also be included. Working as well as participating (owning) like shares, so that later the people's income here can be better,”
President Joko Widodo (21 August 2019, Nunkurus).

Nevertheless, this presidential visit got a negative response from all the 7 clan members. They argue that the presidential visit has been employed as a legitimization of TLL action of occupying customary land in Nunkurus.

⁴³ Interview with JRC, a Coordinator for Joint Secretariat of Jokowi volunteer group in NTT Province July 16th, 2019. JRC is influential person for political campaign in Kupang. He was part of Jokowi campaign team in NTT province

5.6. Discussions and concluding remark

The empirical section above demonstrates that salt self-sufficiency discourses successfully mobilized various levels of state institutions, corporate actors, and district governments to release large tracts of land for large scale-salt investment in the name of salt self-sufficiency, enabling a new circuit of accumulation. Companies make use of the discourse of salt self-sufficiency to ‘wedge’ their way in. The state, particularly government officials, plays an important role in facilitating this. This makes the process in which salt companies create access to and control over land is not simply a linear process in which ‘predatory’ companies steal the land from ‘vulnerable’ rural communities. As de Vos et al. (2018) noted, land acquisition is a complex of various practices involving many different actors, is fragmented over different times and places, and includes a sequence of fragmented incursions on the targeted land and the people who perceive the attachment to it.

To divorce peasants from their land requires something that investors are unable to provide independently: the full intervention of state force, power, legitimacy, and an appropriate administrative mechanism. Investors do not dispossess villagers of their land; the state does by transforming the status of land into state land and then allocating it to investors for long-term use. Despite the failure of large land schemes as seen in the PGGS case, the government still continues to legitimize large-scale land acquisitions in the same landscapes in the name of salt self-sufficiency. Indonesian governments have always supported transformative processes in landscapes (McCarthy et. al., 2012).

Since decentralization began in 2001, regional governments have assumed a more formal role in the allocation of land use permits. These dynamics make it

more difficult to locate a ‘land grabbing’ process that corresponds to a single, coherent, or intelligible process of agrarian transition ‘that assumes a linear pathway, and a predictable set of connections’ (Li, 2012).

Chapter 6. Actor's Involvement

6.1.Introduction

This chapter examines the actors promoting or opposing the large-scale land acquisition for salt in Kupang and uses primary and secondary data. For primary data collection, interviews were conducted with all people at all levels (from local to national level). Unfortunately, I was unable to obtain detailed information from the salt company. To fulfil the information gap, I collected their statement from newspapers, magazines, official reports, websites, or other print and electronic media.

I adopted actor-oriented approaches from Bryant and Bailey (1997) to examine the nature of state, corporate, and civil society actors on agrarian change across a variety of scales of analysis. To critically examine the roles of each actor in land deals, I also use four key questions in agrarian political economy outlined by Bernstein (2010): “*who owns what*”, “*who does what*”, “*who gets what*”, and “*what do they do with it?*”. I started by identifying all possible actors by reviewing the existing information including FGD results, stakeholder consultations, and mass media. Then, I analyzed the power relations among them.

6.2. Identifying Key Actors

The main criteria for identifying key actors were proximity to land, legal rights,

traditional or cultural rights, and interest to land. This study shows that the identified number of actors varies from powerless actors up to powerful actors. These actors sometimes competing and at the other times cooperating with one another. The actors are mapped as follows: private actor, state actor, and grassroots actors.

Table 13. List of actors, interests, and roles in salt's industrial development

Actors	Interests	Roles in salt industrial development
Private actors		
Salt company	• Investment on lands and salt industries • Incentive from government to establish salt industrial estate • Facilities and subsidies in gaining lands for salt industrial development	• Participate in salt industrial development
Central government		
Ministry of Industry	• Enhancing various industry needs and national salt consumption • Enhancing the domestic salt quality • Enhancing human resources on salt industrial sector	• Establishment of salt industrial cluster • Improving technology for industrial salt production
Ministry of Marine and Fisheries Affairs	• Enhancing salt production by small-scale salt producers (garam rakyat) • Improving the domestic salt quality from small-scale salt producers • National salt self-sufficiency	• Providing technical trainings related to salt production (PUGAR) • Providing subsidies for salt production • Conducting research to improve salt production
Ministry of Trade	• Salt importation policy	• Ensuring supply-demand of salt • Stabilizing salt price

Actors	Interests	Roles in salt industrial development
Coordinating Ministry of Maritime Affairs	• Accelerating national salt self-sufficiency • Accelerating the salt land investment in eastern part of Indonesia	• Coordinating, formulating, and synchronizing policy for salt development • Providing and facilitating land acquisition for the establishment of salt industrial estate
Ministry of Agrarian / NLA	• Land registration	• Facilitating land licensing and land acquisition for salt industrial development
Local government		
Provincial government	• Promote economic growth – form coalitions • Provide local welfare – generate local public revenue • Employment generated by salt production & salt industry • Poverty alleviation for rural areas • Extension of infrastructure and new settlements	• Promoting salt investment in their province • Facilitating land licensing in their jurisdiction areas
District government	• Promote economic growth – form coalitions • Provide local welfare – generate local public revenue • Employment generated by salt production & salt industry • Poverty alleviation for rural areas • Extension of infrastructure & new settlements	• Promoting salt investment in their districts • Facilitating land licensing in their jurisdiction areas
Grassroots actors		
FMSO Cooperative	• Secure access to the ancestor's land • Maximize profit sharing	• Participate in the development of salt industry in Kupang

Actors	Interests	Roles in salt industrial development
Head of Nunkurus	• Maintain respect to Bupati or Governor (provincial or district government) • Provide favours to relatives, voters and friends	• Participate in the development of salt industry in Kupang • Facilitating salt company to engage the villagers
Local farmers	• Secure future livelihood	

Source: Author (2019)

6.1.1. Private Actors

In many parts of the world, private actors always play an important role in land grabbing (White et al., 2012; Borras et. al., 2011). They engage in both formal and informal land market processes as landholders, developers, or even financiers (Nuhu, 2019). In Kupang, at least, three private actors are involved (Fig. 23): (1) PGGS; (2) PKGD; and (3) TLL.

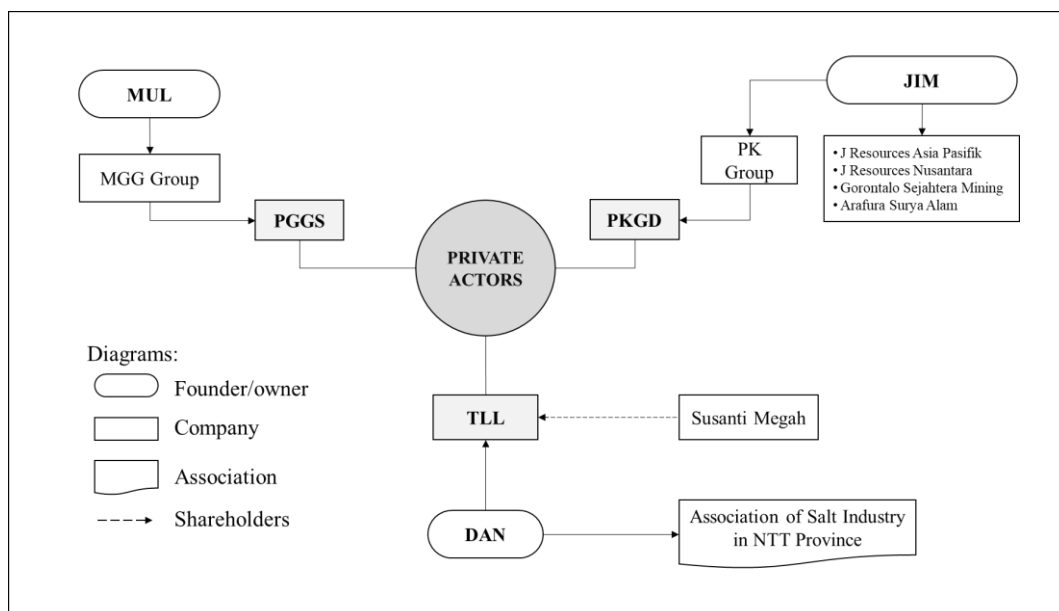


Figure 23. Map of private actors

PGGS

PGGS is one of subsidiaries of the MGGS Group (also known as Mega Guna Group). It was established on October 3rd, 1983. MGGS Group is one of Indonesia's companies in the fields of industry, trade, maritime business, aquaculture, information technology and property development, manufacturing and distribution, and shipping. The group employs more than 430 staff members in the trade, management, and technical fields.

MGGS and PGGS were founded by MUL. He has strong ties to the central government and has a very solid relationship with different levels of Indonesia government and many major state-owned entities since the New Order regime. Because of his close relations with these officials, he easily obtained HGU No.6 / Kupang with an area of 3,720 ha of land in Kupang. The group has also been involved in many government-to-government infrastructure projects through its subsidiaries (Tempo.co, 2012). For example, in 2014, together with China Railways Group Limited Consortium, it has won a \$50 trillion mega project from the government for the construction of a public railroad Puruk Cahu - Batanjuan, Central Kalimantan.

However, his relationship with the Indonesian Government is not always good. MUL, also known for his close relationship with JUG (former special staff of SBY⁴⁴), has been involved in the case of procurement of 15 aircrafts MA60 from China's Xian Aircraft Industry in 2005–2012. According to the Audit Board of Indonesia (BPK), Mega Group, which was an intermediary between Xian Aircraft, and stated owned airlines, Merpati Nusantara, had been stated would have

⁴⁴ SBY is an Indonesian politician and retired Army general who was the President of Indonesia from 2004 to 2014.

potentially made a huge loss for approximately 56 billion rupiahs. Even so, until recently, there is no clear explanation about how these cases were handled.⁴⁵

In Kupang, Mega Group subsidiaries, PGGS, had got an HGU from the government for 3,720 ha of land since 1992. Moreover, not only HGU, PGGS also got an HGB (right to build) in Merdeka village, Central Kupang. Unfortunately, not so many people know where PGGS' operational site is. Its operational office in Kupang was also found to be empty. This is because ever since it got HGU in 1992, PGGS abandoned the land until now. As mentioned by the Governor of East Nusa Tenggara Province 2008–2018, FLR (21/3/2011): *'No information at all regarding that company (PGGS), including its existence'* (Wadrianto, 2011).

In relation to the salt business, PGGS's name has never been heard as the salt company. Similar with MGGS, it works in the field of trade and maritime business. PGGS's name has come to the surface again, after the government set a goal for salt sufficiency for 2020, utilizing the HGU land in Kupang District that belongs to PGGS. However, when the Coordinator Ministry of Maritime Affairs hold the coordination meeting in Jakarta (6 March 2018), PGGS explained that the company has been acquired by PT. Puncak Keemasan Garam Dunia (PKGD) since 2017. It is unclear how the acquisition process happened and how the PGGS land status before the ownership changed.

⁴⁵ Another source reveals that Mega Guna also was mentioned in suspected corruption cases for the procurement of electronic National ID card (KTP elektronik/e-KTP) which was carried by Indonesia's Corruption Eradication Commission (KPK). Tuesday (25/11/2015). KPK called MUL, the Mega Guna company director, as a witness in this case which is worth 6 trillion rupiahs. It is because this company became one of the project auction participants for e-KTP, but then it lost.

PKGD

PKGD is subsidiary of Puncak Keemasan Group which was founded by JIM. JIM is an Indonesian businessperson who has been at the head of 5 different companies and is President Director & Chief Executive Officer at PT J Resources Asia Pasifik Co., Ltd. and President Director at PT J Resources Nusantara (a subsidiary of PT J Resources Asia Pasifik Tbk), President Commissioner of PT Gorontalo Sejahtera Mining and President Director at PT Arafura Surya Alam. He was also formerly President Director of PT Bukit Makmur Istindo Nikeltama (2010-2013), Director of PT Bukit Makmur Widya (2009-2012), Vice President Director of PT Bukit Makmur Mandiri Utama (2004-2007), Hydrocarbon Management Project Leader (2005-2007), Business Process Management Team Project Sponsor and Leader (2003- 2007), and Deputy General Manager of Strategic Framework Development Leader (2005-2006). JIM's name appeared in the Panama Papers, leaked documents from a Panama law firm that shook the world over alleged widespread tax evasion and money laundering by politicians and international figures⁴⁶.

Puncak Keemasan Group is one of Indonesia's companies in the fields of product and service management: cosmetics and beauty products, consumer goods (food & beverage), traditional clothing, graphic design and entertainment, tourism-theme parks, agribusiness, and education. The company has acquired 3,720 hectares of land from PGGS in the district to be converted into salt farm.

Having acquired PGGS, PKGD introduced its corporate production and business practices. PKGD Director, ZIW, said that PKGD will invest around Rp1.8

⁴⁶ The International Consortium of Investigative Journalists has published the names of thousands of offshore companies at the heart of the Panama Papers, available here: <https://offshoreleaks.icij.org/>

trillion to build thousands of hectares of salt ponds in the district of Kupang, East Nusa Tenggara. PKGD plans to build salt processing plant with an annual capacity of 310.900 tons. The company also plans to build a power generating plant and a desalination facility to process the sea water into fresh water needed in the salt washing process.

TLL

TLL is new salt company in Indonesia which was founded by DAN. DAN is a businessperson and local politician who has been at the head of the Regional Leadership Council (Dewan Pimpinan Daerah/DPD) of National Democratic Party (Partai Nasdem) in Kupang municipality. DAN have also been appointed as a Chairman of The Provincial Salt Manufacturer Association (Asosiasi Garam Industri Provinsi NTT), which aims to promote salt investment in East Nusa Tenggara Province. His company, TLL, also get full support from the major Indonesian iodized salt production, and most of its shares are owned by Susanti Megah. Susanti Megah Co. Ltd was founded in 1978 in Surabaya by HAL. The Company's line of business includes the manufacturing of chemical preparations such as salt, plastic mat fabrication, vacuum chrome metallizing products, warehousing, transportation and general trading.

DAN has strong ties to the provincial and district government. His colleague in the Nasdem Party was appointed as the new governor of East Nusa Tenggara Province (2018-2023). Because of his close relations with these local government officials, he easily received full support from local government to operate their business in the area of 596 ha of land.

Director of TLL, STE, said that he thanks to the governor of East Nusa

Tenggara for the policy ‘*work first then obtain an official permit.*’ As said by STE on 3 April 2019 in Nunkurus: “*Honestly, if the NTT governor is not Governor VBL, we will voluntarily give up. Because the administrative documents (requirements) regarding this project permit are very difficult to obtain. Fortunately, Mr. VBL came and said to us to keep on working, the permit will be proceeded later.*”⁴⁷

6.1.2. Government / State Actors

Apart from these actors described above, there are also government or state actors, whose presence greatly influenced the formation of the agrarian relation in the rural Kupang. The power of the state derives largely from this actor’s unique remit to act in the ‘national interest’ (Bryant & Biley, 1997). State actors in the process of land dispossession in Kupang can be divided into two main actors; central government and local government (provincial and district government). Actors in central government consist of the Coordinating Ministry of Maritime Affairs, Ministry of Agrarian and Spatial Planning/National Land Agency (NLA), and the others state agency, such as Ministry of Marine and Fisheries Affairs, Ministry of Industry, and Ministry of Trade.

⁴⁷ Kupang Post (2019). *Gubernur NTT Pantau Proyek Garam di Nunkurus*.
<https://kupang.tribunnews.com/2019/04/04/gubernur-ntt-pantau-proyek-garam-di-nunkurus?page=2>

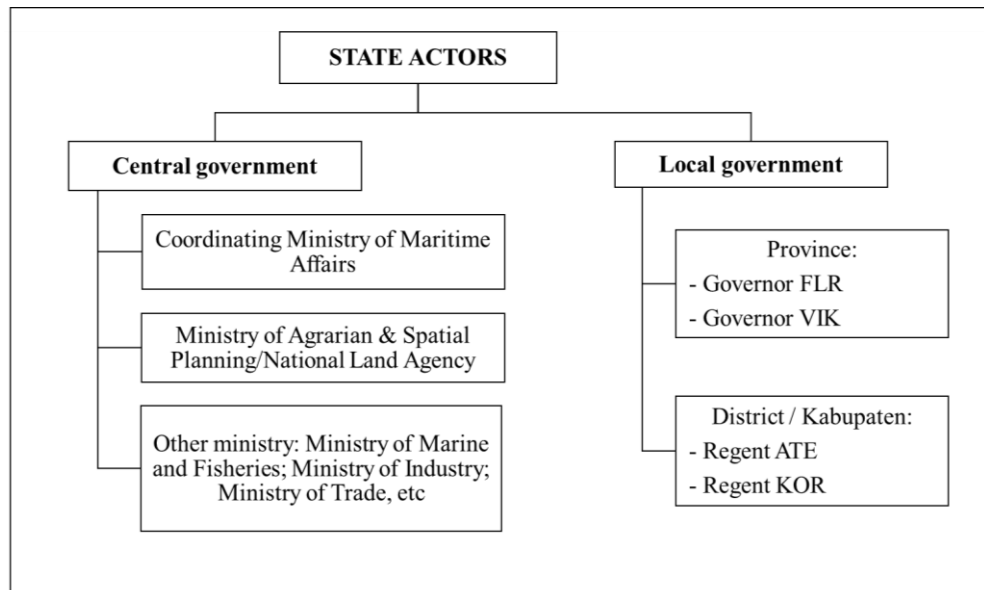


Figure 24. State actors who are involved in salt-land acquisition

6.1.2.1. National level/central government

In the national level, at least, there are two main actors who are involved in this land acquisition: (i) Coordinating Ministry of Maritime Affairs (Kementerian Koordinator Kemaritiman) and (ii) Ministry of Agrarian and Spatial Planning/National Land Agency (Kementerian Agrarian dan Tata Ruang/Badan Pertanahan Nasional).

Coordinating Ministry of Maritime Affairs (CMMA)

CMMA is the Indonesian Government ministry that is in charge of planning and policy co-ordination, as well as synchronization of policies in the maritime affairs, including salt. According to Presidential Regulation (Peraturan Presiden/Perpres) No. 10/2015, CMMA has functions to

- 1) coordinate and synchronize formulation, establishment, and implementation of ministries policies in maritime affairs;

- 2) control ministries' policies implementation in maritime affairs;
- 3) coordinate the implementation of the task and development and providing administrative support to all the elements of the organization within the CMMA;
- 4) coordinate and synchronize maritime state resilience development and maritime resources management;
- 5) coordinate maritime infrastructure building policies;
- 6) manage state wealth in the responsibility of the CMMA;
- 7) supervise the execution of duties in the CMMA; and
- 8) execute certain tasks given by the president.

In relation to salt, the CMMA is responsible for the coordination of the national achievement of the salt self-sufficiency and fixing the broken salt trade system (tata niaga garam). To do so, the minister of CMMA has been appointed as coordinator for the working team for the Acceleration of National Salt Development (Tim Kerja Percepatan Pembangunan dan Pengembangan Komoditas Pergaraman Nasional). This team consists of several ministers, such as Ministry of Marine and Fisheries Affairs, Ministry of Industry, Ministry of Trade, Ministry of State-Owned Enterprises, Ministry of National Development Planning Indonesia (National Development Planning Agency/BAPPENAS), Ministry of Agrarian and Spatial Planning (National Land Agency/BPN), Ministry of Public Works and Public Housing, Ministry of Villages, Disadvantaged Regions and Transmigration, Ministry of Cooperatives and Small Medium Enterprises, Ministry of Home Affairs, Ministry of Finance, and several state agencies.

The team has the task to coordinate and synergize the effort between

ministries/state agency and other relevant stakeholders to develop the national salt partnership (see Coordinating Minister for Maritime Affairs Decree No. 11/2018). The team was divided into several sections, such as the division of land management, division of stock guarantee system, division of development of salt industry, and division of regulation and supervision.

The role of CMMA for this salt expansion in NTT is very crucial. On 17 September 2017, CMMA released a letter No. S-72-001/02/Menko/Maritim/IX/2017 that stated an agreement for the land management of HGU land collaborated with PKGD and instructed the Ministry of Agrarian Affairs to fix the status of the land right of PGGs based on the Indonesian act/law⁴⁸.

Ministry of Agrarian and Spatial Planning/National Land Agency (NLA)

According to Presidential Regulation No. 17/2015, the Ministry of Agrarian and Spatial Planning/National Land Agency (NLA) has the task of organizing government affairs in the field of agrarian/land and spatial planning to assist the president in carrying out state governance. NLA has the following functions:

- 1) formulation, stipulation, and implementation of policies in spatial planning, diagrammatic/land infrastructure, administrative/land law relations, agrarian/land management, land acquisition, control of spatial use and land tenure, and handling agrarian/land issues, land use, and land;
- 2) coordinating the implementation of tasks, fostering and providing administrative support to all organizational elements within the Ministry of

⁴⁸ After this letter was released, Ministry of Agrarian and Spatial Planning followed up with releasing the letter No. 3454/35.2.700/IX/2017 that stated the PGGs HGU lands were excluded from a database of abandoned lands list.

Agrarian Affairs and Spatial Planning;

- 3) management of state property/wealth, which is the responsibility of the Ministry of Agrarian Affairs and Spatial Planning;
- 4) supervision of the implementation of duties within the Ministry of Agrarian Affairs and Spatial Planning;
- 5) implementation of technical guidance and supervision of the implementation of affairs of the Ministry of Agrarian Affairs and Spatial Planning in the regions; and
- 6) implementation of substantive support to all the organizational elements within the Ministry of Agrarian Affairs and Spatial Planning.

NLA has played a central role in the nation's land policy. In Kupang, it has two major roles. First, through the certificate No. 6/1992, they granted the HGU for 3,720 hectares of land to PGGS for a period of 35 years (from July 23, 1992, until December 31, 2027). Second, through official letter No. 3454/35.2.700/IX/2017, it explained that PGGS HGU land was excluded from abandoned land list. Third, through Ministry of Agrarian and Spatial Planning Decree No. 6/PTT-HGU/KEM-ATR/BPN/V/2019, the minister revokes the HGU certificate No. 6/1992 in Kupang.

These three regulations certainly have serious implications for agrarian relation in Kupang. The first action in 1992, in which the NLA granted the HGU to PGGS, obviously affected the farmers livelihood in that they are no longer able to cultivate their land. This is because the land that was previously held in customary tenure was transferred to private companies for establishing salt evaporation field and salt miller.

Second, the policy for revoking PGGS HGU from the National Database

of Abandoned Land (Database Tanah Terindikasi Terlantar), has risen people's anxiety and created a turmoil in Kupang's community. But the land will revert back to the state rather than local villagers has given a positive effect to community with land shared system.

6.1.2.2. Local government

The granting land-use permit (HGU) process begun since Governor HEN (1988–1993) era and Regent Colonel PLR (1989–1999). At the local government level, at least, there were 5 governor turnovers and 4 regent changes. However, this study only focusses on two main actors in the provincial level (Governor FLR and Governor VIK) and two main actors in the regent level (ATE and KOR).

Provincial level

After Indonesian independence in 1945, there were 8 NTT governor turnovers (see Table 14). At that time, it was the first time a discourse regarding the salt land expansion began, the NTT governor was Governor FLR (2008–2018). FLR was appointed as a governor in 2008 from the Indonesian Democratic Party of Struggle (PDI-Perjuangan Party). In 2013, the people of East Nusa Tenggara elected him for a second term. The governor came to power with an economic development agenda called Anggur Merah (Anggaran untuk Rakyat Menuju Sejahtera), literally meaning the budget for the people toward prosperity. In 2017, he declared East Nusa Tenggara to be an Indonesian 'Salt Province'.

Table 14. List of Governor of East Nusa Tenggara Province, from 1988 onwards

No	Governor	Term in office
1	W. J. Lalamentik	1958–1966
2	El Tari	1966–1978
3	Ben Mboi	1978–1988
4	Hendrik Fernandez	1988–1993
5	Herman Musakabe	1993–1998
6	Piet Alexander Tallo	1998–2008
7	Frans Lebu Raya	2008–2018
8	Viktor Laiskodat	2018–incumbent

Source: NTT Province (2019)

FLR explained that the target, 20,000 ha of lands for salt millers, set by the central government could be fulfilled inside the NTT province because NTT has extensive lands as their potency, more than those central government target (Suara Flobamora, 2019): “We have potential lands in Malaka district about 30,000 hectares, Kupang District about 8,000 hectares, in East Sumba about 10,000 hectares, in Reo, West Manggarai about 5,000 hectares. Also, in Rote Ndao district, Nagekeo Ende, TTU, each of them 1,000 hectares. Furthermore, in other districts about 500-1,000 hectares.”

FLR opened a broad gate for the salt investment opportunity in NTT (Bere, 2017): “*The investment for producing salt in NTT is opened widely and is very potential to work on and to develop. Because the dry seasons in NTT is 8 to 9 months for a year.*”

In 2011, FLR ever pushed the BPN of Kupang Province to solve this PGGS HGU lands problem (Suara Flobamora, 2011): “*...all these times, salt lands were*

acquired by PGGG, which could be said in a dormant state. Being abandoned. Therefore, we have suggested to revoke the HGU. Its aim is so that land could be used for salt development (by other companies) ...”

Hence, in 2016, he gave the permission to GAR (a stated-owned company) to manage the salt land in Bipolo. When he became a governor, the high rank officials from central government visited him many times and harvested salt there (in Bipolo). During the recent harvesting period, August 15th, 2018, the Indonesian Minister of state-owned enterprises carried out his first salt harvest (panen perdana) in Kupang. The first salt harvest in Kupang was symbolic in several respects. First, it was the first time the salt harvested had been held in a frontier region like Kupang. Before 2016, the ceremonies were held in the conventional salt-producing region, such as Madura or East Coast Java Island. The first salt harvest also occurs when salt production in other places decreases. Third and most importantly, during this ceremony, the concept of a ‘salt province’ was declared publicly for the first time, introducing industrial salt production that was operated by large corporations.

On September 5th, 2018, FLR was changed by his successor, Governor VBL. He ran for governorship of East Nusa Tenggara Province in the 2018 election supported by Nasdem Party, Golkar, Hanura, and dan PPP. Paired with JOS as his running mate, he won the four-candidate race with 838.213 votes (35,60%) (KPU NTT, 2019). Before he became the governor, he was elected to the People’s Representative Council (Dewan Perwakilan Rakyat/DPR RI) as a member of Nasdem Party and won a seat after securing 77,555 votes—third place out of a quota of seven. In the parliament, he was also the speaker of Nasdem’s faction. During the 2014 presidential election, he was a part of Joko Widodo’s campaign team.

Shortly after he became a governor, VBL stated his intention was to

achieve the regional own source revenue (PAD) for approximately 10 trillion in 5 years, through 2 plans, salt and meat (Alex, 2018): *“For me, achieving the regional revenue (PAD) for 10 trillion in 5 years is very easy. (The way is) in 2019 we can supply the half of national salt demand, hopefully. In my dream, we can also export the salt.”* said Governor of NTT, VBL, when visiting Malaka district on Friday (14/9/2018).

VBL also stated his intent to produce more salt in this province to fulfil the national salt demand (Bere, 2019). *“During my government period (2018-2023), NTT should be able to supply, 1 million metric tons of salt to fulfil the national salt demand,”* (VBL, 27 March 2019). To realize his wish, he pushed the president to immediately revoke PGGS HGU land and gave it to other company (to immediately begin the salt production). As revealed by President Jokowi in his visit to Rotiklot Dam,

Here, there are extensive lands for producing salt, but it has been decades these lands were never been seriously managed. As told by Mr. Governor during my latest visit in this province. After I received the information from Governor, I made a call directly to the Ministry of ATR/BPN to give back the land to community (new company). (Jokowi, May 20, 2019, in the inauguration of the Rotiklot Dam in Belu District, NTT Province)

Apart from his close relationships with the central government, VBL also shared a close relationship with TLL Commissaries appointed as the leader of the Salt Industry Association in NTT, DC. Both of are the members of the Nasdem Party.

During this recent study period (2018–2019), VBL visited Nunkurus at least three times to directly check the progress of TLL salt land development (4/4/2019, 7/7/2019, and 21/8/2019) (Kupang Post, 2019).

District level

In the district level, since 1992 till date, the regent has changed positions 4 times (Table 15). When HGU was granted to PGGS, Kupang regent was Colonel PLR. He is a senior military officer who had a strong and pervasive political role in Kupang during the New Order ‘Suharto’ Regime. Shortly, after the fall of the Suharto regime, he was substituted by IAM, who is now as a member of People’s Representative Council (DPR RI).

Table 15. List of Regent of Kupang, from 1989 onward

No	Bupati	Term in Office
1	W. C. H. Oematan	1958–1972
2	A. Adi	1973–1983
3	Y. K. Moninka	1984–1989
4	Col. Paul Lawa Rihi	1989–1999
5	Drs. Ibrahim Agustinus Medah	1999–2009
6	Drs. Ayub Titu Eki, MS, PhD	2009–2018
7	Drs. Korinus Masneno	2018–incumbent

Source: NTT Province (2019)

During 2017–2018, when the issues about salt in Kupang rose, the regent at that time was ATE. He is a demographer lecturer in one of the state university in Kupang. ATE ran in the regent race in Kupang in 2009 with VJT as running mate, with the support of Golkar Party. In 2014, he was re-elected for a second term,

running with KOM as the running mate. He was appointed as a regent for 2 elections.

In his governmental period, Regent ATE refused PGGS' existence in Kupang. As written on Kompas (11/7/2011), Regent ATE explained that

"I have refused the existence of PGGS company to continue their salt business in Kupang. I also will be stricter, if PGGS still forces, especially if they plan to involve the military team in salt lands. Kupang government has given verbal and written warning to PGGS company. However, all these times, they never give attention to it and the HGU lands are still being abandoned. For those reasons, all of us refuse PGGS company and open the new investment to other company."

This refusal continued until 2018, when he and the representative of customary elder alliance who refuse HGU visited KOMNAS HAM office in Jakarta on August 28th, 2018 to reveal their refusal toward PGGS HGU. At the same time, he invited other companies to develop the salt investment in Kupang, one of them was TLL. On June 23rd, 2018, Regent ATE attended the official groundbreaking for the first phase of the TLL salt project in Nunkurus, Kupang. For their actions, he then was sued by PGGS in Kupang District court.

Immediately, after he inaugurated the TLL ground-breaking, he resigned as regent and run the parliamentary election. His successor, KOM continues his position as Kupang regent in 2019-2024. He was previously the Deputy Regent of Kupang from 2014-2018.

6.1.3. Grassroot actors

Access to land for the rural poor is essential for food security and their livelihood. In Kupang, for about 3,720 ha lands are the agricultural area and as source of

livelihood. This community's dependency on lands and crops leads to people strong reaction when PGGS claimed the ownership of this land or when TLL came and did its salt production activities in this land.

The Nunkurus consist of 4 hamlets named Padang Beringin, Uel, Laus dan Kakabai. Salt land are located in two hamlets, Padang Beringin and Uel hamlet. As I mentioned in chapter 3, there are 12 major clans exists in Padang Beringin hamlet, Nunkurus, namely: Nalle, Polin, Seik, Patola, Takubak, Tanone, Benyamin, Koroh, Foes, Inggunau, Laisnima, Berry. These clans are not homogeneous or static but are multiple and moving.

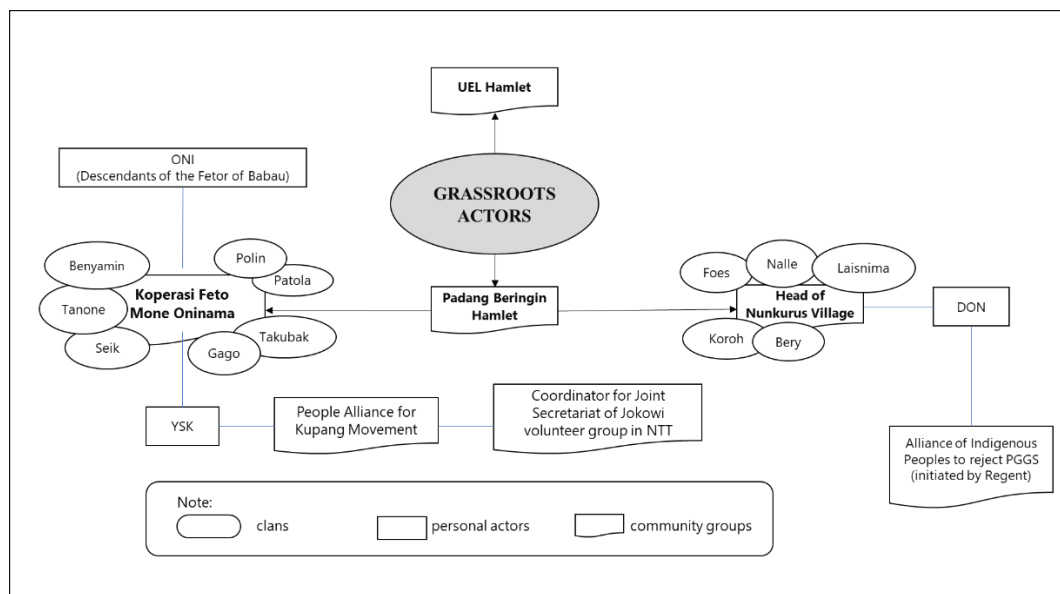


Figure 25. Map of grassroot actors in Nunkurus, Kupang

Since 1992, when the central government granted HGU to PGGS, all of them attempted to resist the government's decision. The government decision to give a long-term land concession to PGGS has led to the surge of rejections from each element in the community of Kupang, particularly from clan members in Nunkurus. Ones came from People's Alliance for Kupang Movement (Aliansi

Rakyat Kabupaten Kupang Menggugat). This alliance was led by YSK, a prominent figure in Nunkurus and former village head of Nunkurus. It was also supported by Coordinator of Joint Secretariat of Jokowi volunteer group in NTT (Koordinator Sekretariat Bersama Relawan Jokowi Provinsi NTT), which was led by JRC. This alliance has been carried by many demonstrations in Kupang. On September 13th, 2018, hundreds of protesters from the alliance came to DPRD NTT Office to place the pressure on state officials to revoke the PGGS HGU certificate (Adoe, 2018).

“We, the members of People’s Alliance for Kupang Movement, with the statement of fact: (1) We reject the HGU granted by the government to PGGS and PKGD; (2) We ask the government to revoke the PGGS HGU rights and return the land rights to the community and return to the rights of customary tenure based on our historical evidence; (3) stop land grabbing in our land in the name of development, because it destroyed the constitution of the Unitary Republic of Indonesia.

Apart from this alliance, there was a forum that initiated by Kupang regent, namely Alliance of Indigenous People to reject PGGS (Aliansi Masyarakat Adat Penolak HGU). On August 28th, 2018, they came to Indonesian ombudsman office in Jakarta to express their opinion on refusing PGGS. This forum included the representatives of several community groups from 5 villages which got an effect from HGU. In this forum, the community representative from Nunkurus was DON, who then became the spokesperson in order to negotiate with TLL company.

During 2017-2018, all of these community alliances gathered to press the

central government for revoking or cancelling the PGGS HGU. However, in the middle of 2018, when regent of Kupang gave the industrial operation permit to TLL, social relation among the community members might be more complicated. It does not only involve villagers and central government in a vis a vis contestation, but also companies, traditional landowners, clan leaders, and the farmers as well.

After Kupang government gave the permit to TLL in Nunkurus, about 7 clans responded with the establishment of FMSO Cooperative (Feto Mone Sonaf Oninama Co-op). In the contrary, the other 5 clans agreed to cooperate with TLL. The cooperatives got the full support and was funded by ONI, who is the legacy from Fettor Baubau (see Chapter 3). This cooperative has 7 clan members: Benyamin, Seik, Patola, Takubak, Tanone, Gago, Polin. They established the cooperative which operated in 296 ha lands (Fig. 25).

Aside those two groups, within the villages, there was also a group from Uel hamlet. The community group in Uel Hamlet did not agree if those lands were used as salt ponds. Because it will influence their agricultural crops (as explained in Chapter 8). As Blaikie and Brookfield (1987) noted that the loss of control over homelands through resource enclosure typically leads to the disintegration of indigenous management systems that may have been an effective means of long-term resource use. Indigenous actors may even be forced into a situation in which they must join in the salt investment on the principle that 'if you can't beat them, join them'.

6.2. Power relation among actors

Power has been defined by many scholars long time ago. From the Weberian perspectives, power can be defined as 'the capacity of some actors to affect the

practices and ideas of others' (Ribot & Peluso, 2009). In addition, Foucault (1979), a philosopher, defined it as something which exists everywhere and belongs to everyone. According to him, power works through knowledge, language, and other systems. Based on the two notions above, power relation can be described as certain forms of symbolic manner which exist everywhere and hold by everyone, and expressed through relation among people.

In Kupang, particularly in Nunkurus, since the central government granted HGU to PGGS in 1992, the constellation of power relations among actors was 'bipolar', entailing the local community against PGGS and the central government that were viewed as participating as a single entity in the HGU land (see Fig. 26). However, the power relation might be more complicated since the local government of Kupang release 596 ha of land to TLL in 2018, which were previously seen as being bipolar, toward a *more multi-polar contestation* with salt company on one side, the local government, and the local community on another (see Fig. 27).

The government effort for allocating 596 ha of land to TLL have created a growing rift between supposed "opponents" and "supporters". Villagers opposed the TLL are from 7 clan members. Meanwhile, villagers welcomed the idea of saltern project are from 5 clan members, including Head of Nunkurus.

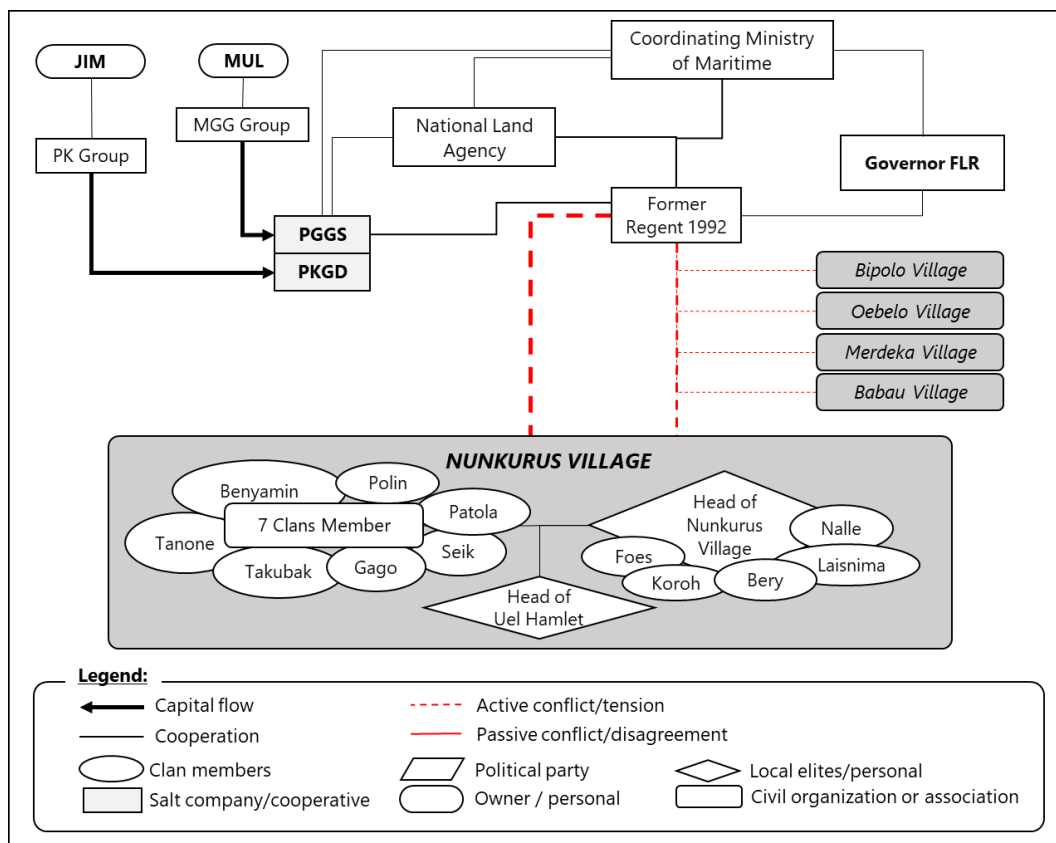


Figure 26. The power relations since the government granted a customary land to PGGS

6.2.1. Local elites and community: between cooperation and conflicts

The 7 clan members who refused the existence of TLL, established FMSO Cooperative. This was led by ONI, the descendent of Fetor Baubau, who claimed as the owner some customary lands in Nunkurus. Even though he is as a descendent of Fetor, ONI is also a businessman and politician from Berkarya Party, who then run for local parliamentary election in 2019.

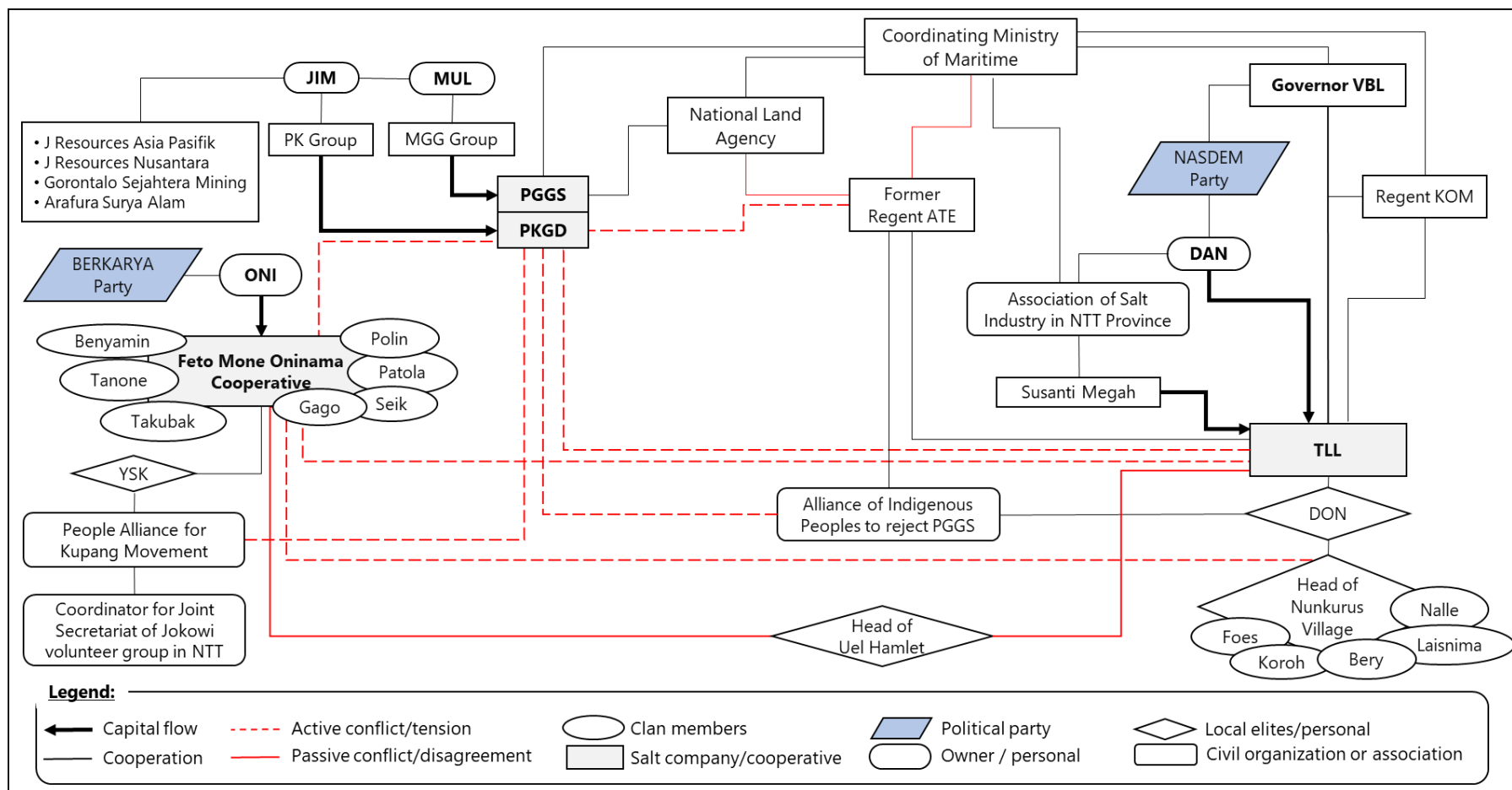


Figure 27. Power relations among actors since Kupang regional government granted land for TLL

ONI delegated YSK as the leader of FMSO cooperative in Nunkurus. YSK was a former village head in Nunkurus from 1983–1993. He was a village head in Nunkurus when the central government gave the HGU to PGGS. YSK was also a leader of People Alliance for Kupang Movement, who strongly refused HGU of PGGS in Nunkurus. Moreover, he has also received the political support from Coordinator for Joint Secretariat of Jokowi volunteer group in NTT Province.

At the village level, the coordinator for joint secretariat collaborated with FMSO Cooperative and supported its establishment which was funded by ONI. This alliance helped the 7 clan members, which was led by YSK, refuse the existence of TLL. Some reasons for their refusal toward TLL are as follows:

1) Land allocation and land size

As I mentioned in Section 5.5.2 (Chapter 5), it was recorded 186 members of Nunkurus were those who lived in Padang Beringin hamlet and were granted land allocation. However, the members of FMSO Cooperative disagreed if the land was transferred to all 186 villagers. They argued that among 186 villagers, some did not have the right for owning the land. In fact, some of them were ‘newcomer’. FMSO Cooperative argued that it should be transferred to the 7 clans because they were the ancestors of the village and the previous owners of the land (before the central government granted HGU to PGGS).

2) Agreement between TLL and Nunkurus

FMSO Cooperative argue that the land cleared by TLL should not be in the current land (596 ha) but on the 300 ha of land and near the shoreline, as shown in Fig. 28. Through the Association of Salt Industry in NTT, TLL and FMSO

Cooperative have agreed to split 596 ha of land in Nunkurus into two parts. About 300 ha of land was utilized by TLL and the rest by (296 ha) Cooperative.

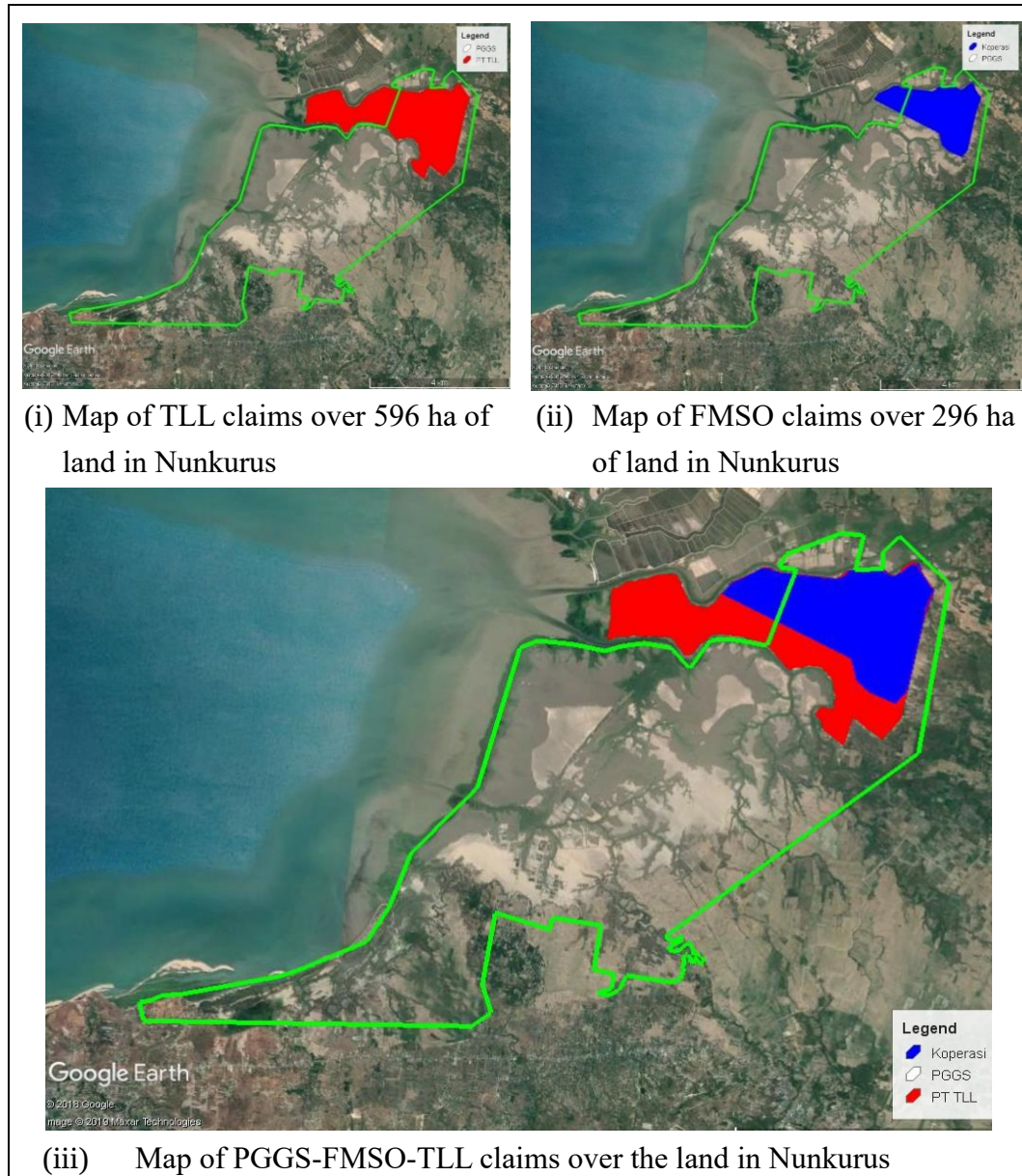


Figure 28 Conflicting claims over the salt land between TLL and FMSO

Nevertheless, since there was a lawsuit from PGGS toward TLL and FMSO on land occupation issue of HGU land, which belonged to PGGS, the regent decided to give all those lands (296 ha) to TLL as a solution. Kupang regent argued that

PGGS has a huge power; thus, it is better if both the companies (PGGS vs TLL) deal with the lawsuit process. As explained by DON,

“... PGGS has reported us (FMSO and TLL) to the court. If we, who own no money, has to deal with someone with power and wealth (PGGS), we will then die as we lost. Moreover, we look it is as an opportunity, without them, it may be harder for us and if there is no more investor. Then we went to see the regent to talk to him. He said to give all those land to TLL for now. Firstly, we handed offer the 300 ha lands, then 296 ha lands. Therefore, on October 2018, we had given all 596 ha lands to TLL.”⁴⁹

Unfortunately, this agreement among the regent, DON, and TLL did not involve FMSO cooperative. As a result, it created conflicts between FMSO members (including the 7 clan members) and TLL (including Head of Village and DON, as the coordinator).

3) Percentage of profit sharing

Lastly, the reason for a refusal from FMSO toward TLL is related to the proportion of profit sharing. In FMSO’s point of view, the profit shared between TLL and villagers is quite small. It is written in the contract that the profit sharing should be as follows: 5.5% for 186 community members, 1.5% for Adat secretariat, 1.5% for GMIT Synod, and 1.5% for the Local Government of Kupang. Therefore, when they established FMSO, the proportion of profit sharing was relatively higher than that for TLL. As mentioned by YSK, “If we operate the FMSO cooperative, the proportion of profit sharing for and owner

⁴⁹ Interview with DON on July 2nd, 2019 in Padang Beringin Hamlet, Nunkurus

is 30%, for FMSO itself is 60% and the rest of 10% is for other costs.”⁵⁰

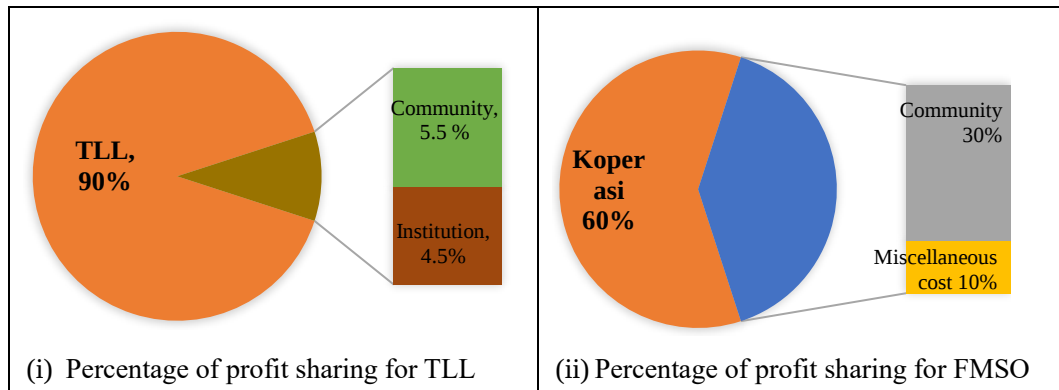


Figure 29. Percentage of profit sharing in TLL and FMSO

Source: Fieldwork (2019)

Generally, the villagers opposed TLL, which they saw as a threat to their livelihoods and lifestyles, losing diversified and flexible agricultural production, making them vulnerable to volatile markets and dependent on companies and their autonomous lifestyles as farmers to become company laborers on their own land.

*We do not want to be wage labor and dependent on salt company. Because as a wage labor, we must work for company and wait the salary to buy rice.*⁵¹

Apart from the groups that refused TLL (7 clan members), some groups supported TLL, which include 5 clan members (Nalle, Foes, Koroh, Berry, and Laisnima), the village officer (Head of Nunkurus, Head of Padang Beringin Hamlet, and Head of BPD). They supported TLL, which they believed could bring development (such as roads) and provide a new source of cash income;

⁵⁰ Interview with YSK on June 24th, 2019 in Padang Beringin Hamlet, Nunkurus

⁵¹ Focus Group Discussion in Nunkurus on June 21th, 2019

*We want to collaborate with salt company. Because it would develop our village. They also provide jobs opportunities. It is good for our children and young people in Nunkurus. Instead of migrating for looking a job, they (children and young people) can work in our land, our village.”*⁵²

Apart from the two groups mentioned above, there are community members in Uel Hamlet who oppose them. They totally disagree with them in Padang Beringin hamlet for both who support TLL and who establish the FMSO. In their opinion, they refused their farmlands were utilized as salt pond in the name of an individual or a company.

*We, (Uel Hamlet community), obviously refuse to accommodate salt investors in our land, both individual investor and company or corporations.*⁵³

People’s reasons to support or oppose the salt projects cannot be explained by the difference in the economic status or access to land. Rather, people’s positions are influenced by the relations with local authorities and clan relationship.

6.2.2. Local government and TLL: money and political power

In the regional level, the close relationship between TLL and the local government (regent and governor) has smoothened the acquisition process for salt lands in Kupang, particularly in Nunkurus. For the regional government, the decision on inviting TLL to invest in Nunkurus was intended to increase the region’s own source revenue (PAD)⁵⁴. To do so, the local government implemented incentive

⁵² Focus Group Discussion in Nunkurus on July 14th, 2019

⁵³ Focus Group Discussion in Uel Hamlet on June 22nd, 2019

⁵⁴ In 2017, the revenue of the Kupang regency was just over 67 billion Indonesian rupiahs (BPS

policy to attract salt investment in this region, such as granted land concessions or exemptions from regulations and standards.

TLL, at the same time, has abundant resources to realize the regent and governor's will. TLL got full financial support from Susanti Megah as the main business actors of salt industry in Indonesia. Until 2019, Susanti Megah has had 7 trademarks of salt, 3 trademarks for the industrial grade and 4 trademarks for the consumption grade.

As shown in Fig. 26, TLL also had a political support from the governor. As explained in the previous section, governor and DAN (president of TLL) belongs to the same political party (Nasdem Party).

“As a governor, I feel really grateful toward PT. Timor Livestock Lestari that wants to make an infestation in this area, for increasing people well-being and dignity with developing salt industry. When Indonesia still imports salt from other countries, NTT will continuously try to supply, minimum, half of the national salt demands. One of supplier will be from this location.”⁵⁵

The president director of TLL, who is also a Chairman of the Provincial Salt Manufacturer Association (Assosiasi Garam Industri Provinsi NTT), has a role on ‘sharing’ the salt lands in NTT to the investors or salt companies who are interested on opening salt lands in NTT. This association has a coordinate line to

Kupang, 2018), a level far behind that of the neighbouring region of Kupang Municipality, with revenue of 165 billion rupiahs. Meanwhile, the regional own source revenue of the NTT province in 2017 was just over 1 trillion Indonesian rupiahs (BPS NTT, 2018). As mentioned in the previous section (6.2.2.2), Governor VBL has intended to increase the regions revenue to 10 trillion within 5 years through the increasing salt investment in NTT (Alex, 2018).

⁵⁵ Interview with Governor VBL during his visit in salt field of TLL in Nunkurus, on July 7th, 2019

CMMA and becomes the government supporting agent to realize the salt investment development in NTT.

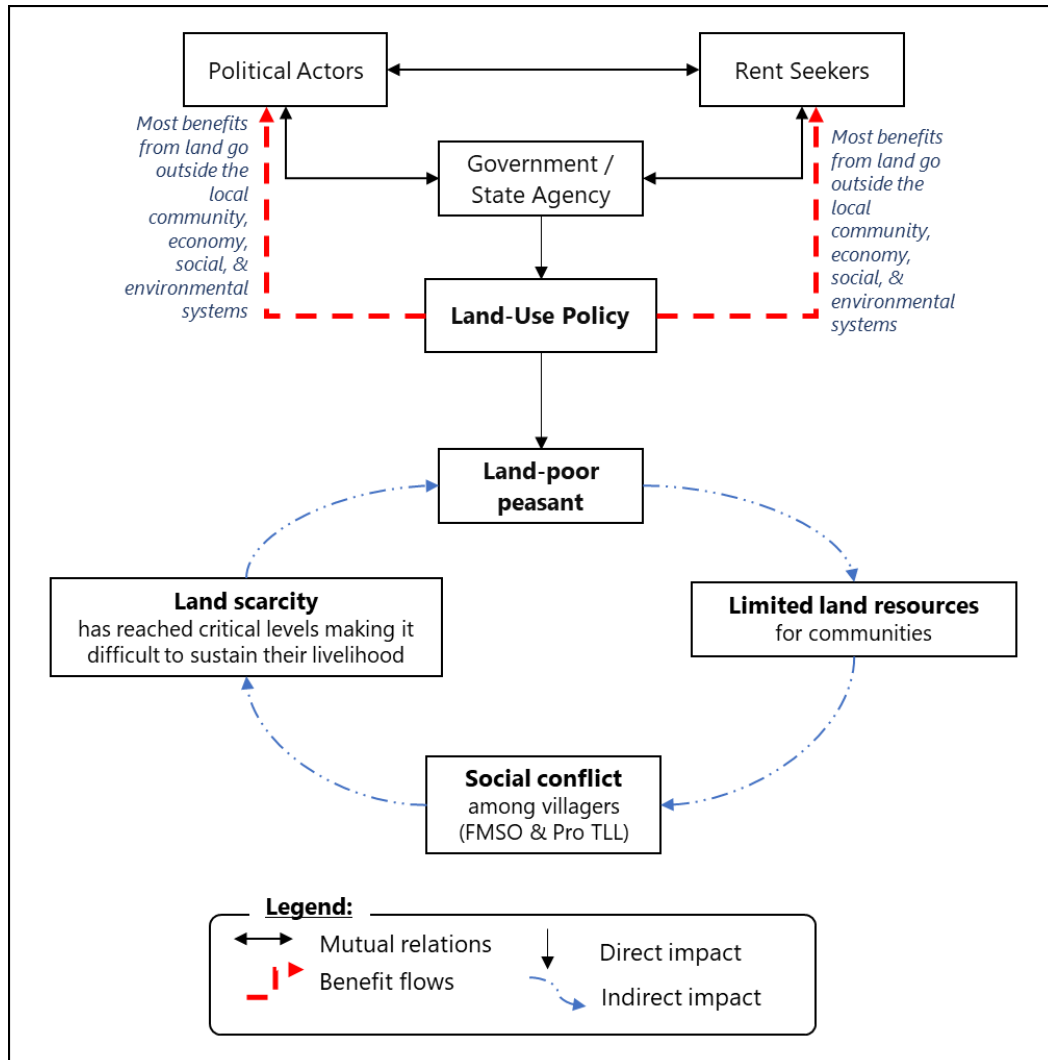


Figure 30. Mutual relations between political actors and rent seekers

6.2.3. PGGS and PKGD: from powerful to powerless

PGGS and PKGD do not have any place in Kupang people's heart at all, after abandoning the lands for a long period and unfinished compensation payment. Meanwhile, PKGD and PGGS has a special relationship with Central Government. Central government, through CMMA and NLA has released a weak policy to PGGS

and PKGD. It was reflected by the slow penalty distribution after they abandoned lands for a long period. A testimony about the close relationship between PGGS/PKGD with central government was revealed by one of informants NLA, who stated that if PGGS operate its business in Kupang, they will receive a profit/share.

6.3. Discussions and concluding remarks

This chapter examine who are the actors promoting or opposing the large-scale land acquisition for salt in Kupang, particularly in Nunkurus. We specifically focus on three sets of actors and institutions: state actors (national and local government), market actors (PGGS, PKGD, and TLL) and grassroot actors(villagers, village cooperatives, and local elites).

Overall, the key actors involved in land acquisition for salt in rural Kupang have a vested interest in salt expansion or salt investment. This has led to be a land grab competition among the state, market and local elites' actors within Nunkurus. The central government want to make the country self-sufficient for salt; local government want to generate more revenue for their region; market actors want to make profit through land holding and salt development project; and local elites' actors through FMSO want to obtain higher profit sharing for their land. Those who are supposed to stay neutral and oppose the salt project is the community member from Uel hamlet. They just want the land as agricultural land, not salt evaporation land.

The picture of power relation over salt land has existed since 1992, when the government granted PGGS long-term land use concession in 3,720 ha of land in Kupang. However, in Nunkurus, the power relation might be more complicated

since the local government of Kupang release 596 ha of land to TLL. This situation changed the constellation of power relations, which were previously seen as being bipolar entailing PGGS and central government against the local community who were viewed as participating as a single entity in the land enclosure, toward a more multi-polar contestation with salt company on one side, the local government, and the local community on another.

Since decentralization era, which began in 2001, enables local government to manage their own resources in order to fulfil their own needs. In terms of authority over land and agricultural affairs that previously monopolized by central government, today, the lands are managed by the local government. This is based on Presidential Decision 34 / 2003, which states that part of the authority of government over land affairs is to be undertaken by districts and municipal governments, including authority over location permits for development (izin lokasi), granting permission to clear land, arranging the "release" (pengadaan) of land for development, resolving compensation disputes relating to that release, resolving disputes over vacant land, undertaking land reform and ascertaining and resolving disputes over hak ulayat land. As a result, this is enabling many actors in local level to get involved in the land development processes. The actors are not only central or local government, but also political parties, private companies, and local elites' actors.

As seen in the MASP & CMMA action, the government use their power to make regulations or decree, i.e. Ministerial Decree No. 6/1992 (licence of land-use rightfor PGGS); CMMA letter No. S-72-001/02/Menko/Maritim/IX/2017 which stated an agreement for land management of HGU land collaborated with PKGD. According to Hall et al. (2011), regulation has four main components with regard

to land. First, regulations determine the *boundaries* between pieces of land. Second, they prescribe the kinds of *land use* that are and are not acceptable within those boundaries. Third, regulations seek to determine the kinds of *ownership* and *usufruct* claims that may be made with respect to different areas of land. Forth, and finally, regulations make claims about which individuals, households, groups or state agencies have rule-backed claims to any particular piece of land.

For grassroot actors living in these areas, people reasons to support or oppose the salt projects cannot be explained by difference in economic status or access to land. Rather, people's positions are influenced by the relations with local authorities and clan relationship.

Chapter 7. Community perceptions of TLL activities in two hamlets groups in Nunkurus

7.1.Introduction

In this chapter, I attempt to explore how local community in two hamlet groups in Nunkurus perceived the impact of salt-land acquisitions of TLL. I do not apply an empirical measurement of the actual impact of TLL in the field, but I instead focus on the *perceptions* of two community hamlet groups in Nunkurus, Kupang. I consider perception important because they significantly determine community' acceptance or satisfactory (Marks, 2004; Mankad & Tapsuwan, 2011), which influence whether they continue participating in benefit sharing or not. I also believe that the perception of local community may significantly influence the way peasants view their participation in salt company activities (Colonists, 2001).

Respondents were asked to rate, on a number of variables, ranging from 'very positive' to 'very negative', their opinion about how salt development has impacted on life, i.e. impact on economic, jobs opportunity, physical infrastructure, environment, and social relationships.

The choices of local community perception were surveyed based on the data from focus group discussion (FGD) in village level. I asked two hamlets groups in Nunkurus who attended FGD about how salt project has impacted on their local communities. During the FGD, in Uel hamlet, the attendees explained that, in their

view, they are worried about the impacts of salt company on their agricultural production. FGD attendee states that the salt company will generate significant “externalities”, e.g. water pollution (salinity), that can have a direct impact on their agricultural production.

*We are worried that this salt ponds might affect our agricultural lands. When the soil becomes truly saline, it is not suitable for growing crops. Crop production is hit hard on these lands.*⁵⁶

However, the other FGD in Padang Beringin hamlet, there are various point of views regarding the impact of salt company to the community. Some people, in Padang Beringin, support the company because they (TLL) offering profit sharing with the community.

*I support the company's efforts to operate their business in our village. Because they are agreeing to share their profit, 5,5% for the villagers. It will bring prosperity for the villagers.*⁵⁷

In contrast, the others community members in Padang Beringin hamlet oppose the project because they worry the impact of salt operation to their agricultural land, as mentioned by SAM:

They made the embankment so high, close to my agricultural lands without informing us, the landowners. The embankment up to 7 meters. In the rainy season, our rice fields may be submerged. That's why I want the company and community to discuss together

⁵⁶ Interview with YUT in Uel Hamleton June 27th, 2019

⁵⁷ Interview with SOS in Padang Beringin hamlet on June 6th, 2019

*any matters arising from the company's work. So that they know the real problems we are facing. So, I was emotional, sir!*⁵⁸

The empirical results of FGD above were verified and validated with the household survey in two hamlet groups in Nunkurus. Questions related to perception of company and its impacts; for instance, questions on whether there had been an increase, a decrease, or no change in their personal income or jobs opportunity. Community perception of salt company, such as: economic impacts, jobs opportunity, physical infrastructure resulting from salt investment, environmental sustainability, and social impact (i.e. social relationships, network, etc.) were surveyed.

Economic impacts can be viewed as the improvement in the economic well-being. Economic impacts refer to the effects of salt project construction and subsequent operating activities on the local economies, included personal (respondent) income, as well as demands for services and local resources. Job opportunity can be viewed by demands for labor in the villages level. Physical infrastructure can be viewed as the contraction of a village infrastructure resulting from salt company expansion (i.e. building public road, school, health facilities etc.). Environmental impact refers to the community feelings about the environmental condition based on individual's past experiences and current value orientations. Social relations can be viewed by the question: does the salt project promote social cohesion and community integration or spreading the conflict?

⁵⁸ Interview with SAM in Padang Beringin hamlet on June 5th, 2019

7.2.Characteristics of respondents

The household were selected based on a multi-stage sampling method. Within Nunkurus, two hamlets were randomly selected because they are the targeted location of the salt project. Households respondents were selected randomly within hamlets, based on representative of clans.

Table 16. Sample size and demographics

Respondent	Male	Hamlets (%)		Age	Occupation	Experiences
		Padang Beringin	Uel	Mode	Farmers	> 20 years
51 (100%)	92%	30 (59%)	21 (41%)	54.42	92%	100%

Source: Fieldwork (2019)

The total number of households in the sample is 51, consist of 21 respondents from Uel Hamlet and 30 respondents from Padang Beringin hamlet. The prime respondent in the household survey is the head of household who was also main farmer in respective household. This respondent can be male or female. However, during administering the questionnaire, other household's member responses were also considered.

7.3. Result at the village level

The result shows that perceptions about salt investment differ considerably among two community groups in Nunkurus. A total of 37.20 % of respondents in Nunkurus though the impacts on local economy would be positive. Nevertheless, a majority of respondents thought the impact on environment (51.16%) and social relations (58.14%) was very negative.

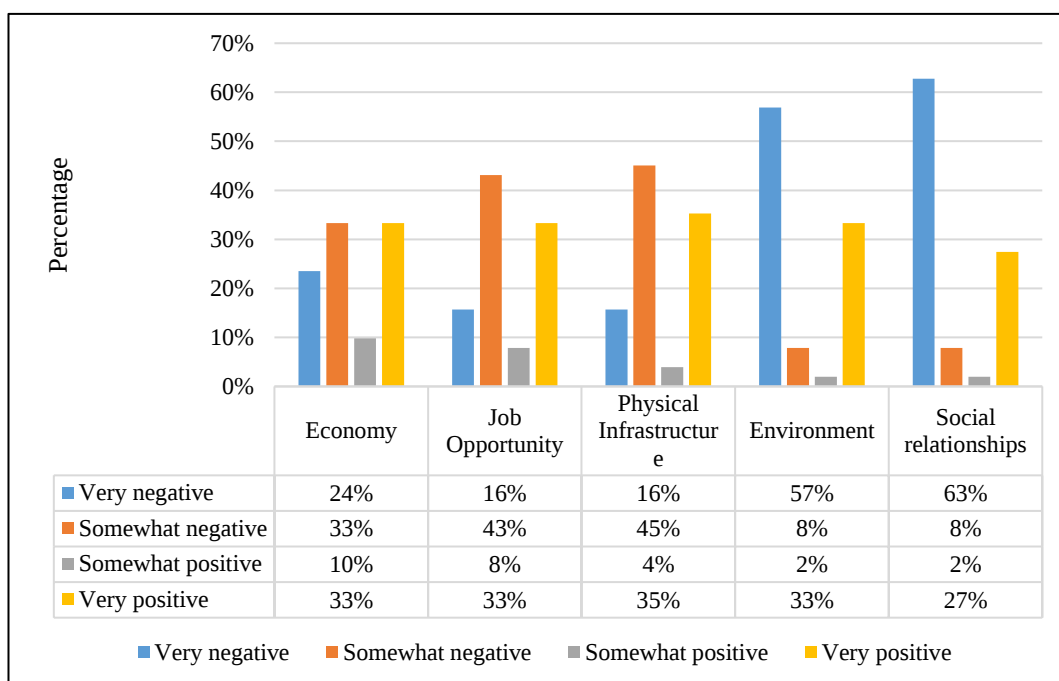


Figure 31. Local perceptions about how salt development has impacted on their local communities (n=51)

Source: Fieldwork (2019)

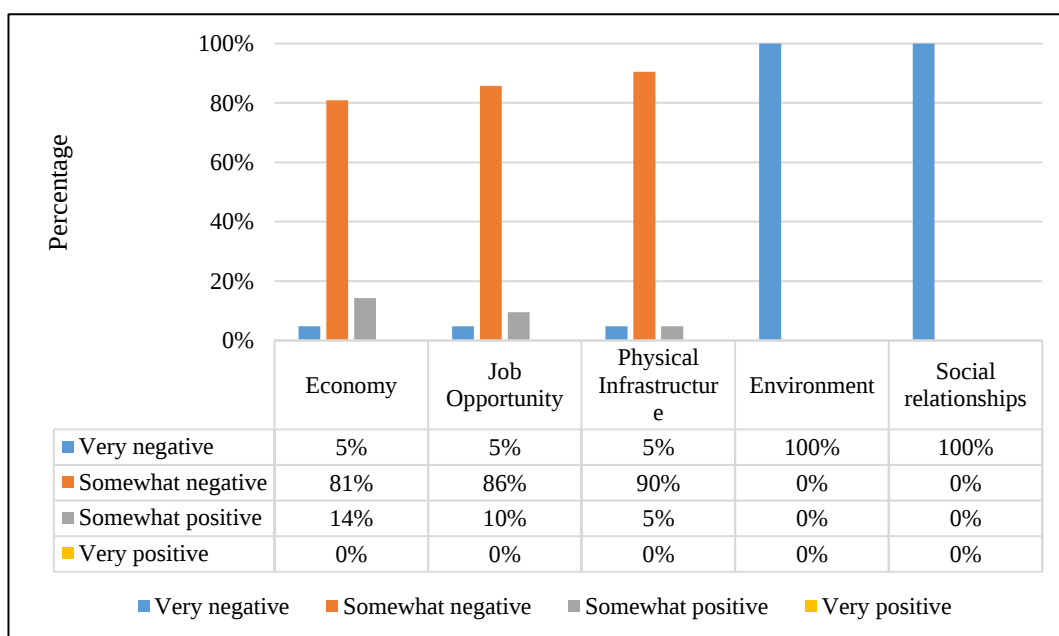


Figure 32. Local perceptions about how salt development has impacted on their local communities in Uel Hamlet (n = 21)

Source: Fieldwork (2019)

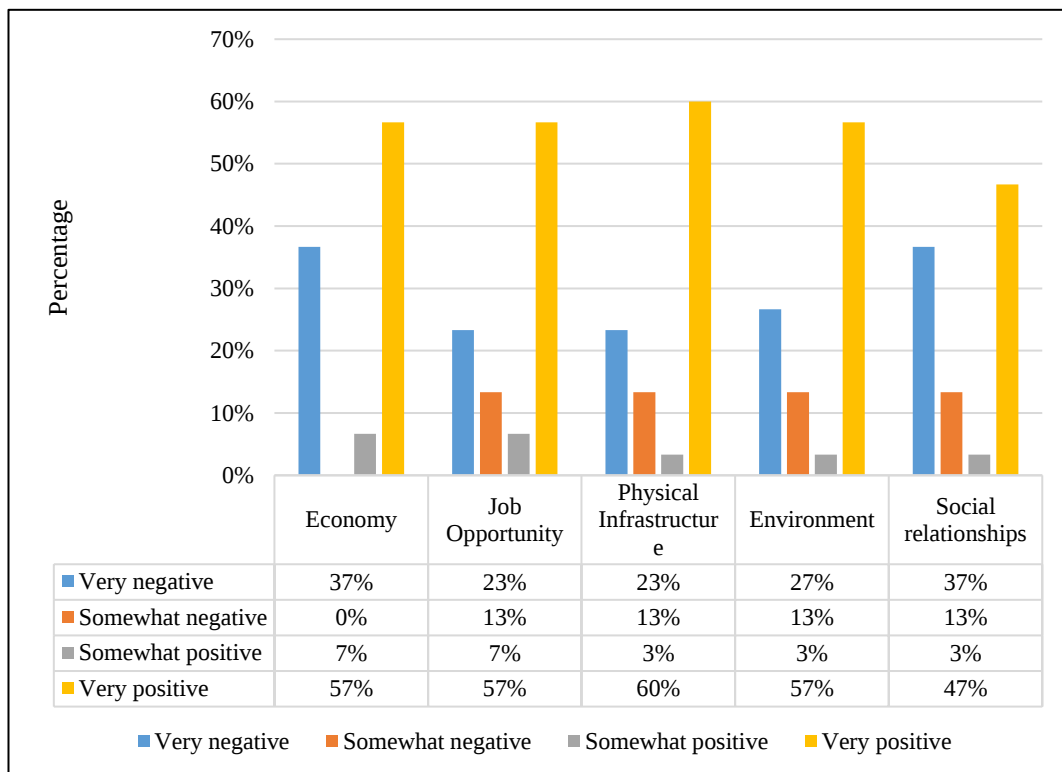


Figure 33. Local perceptions about how salt development has impacted on their local communities in Padang Beringin hamlet (n = 30)

Source: Fieldwork (2019)

Data from figure 30, 31, and 32 shows that community groups or respondents in Uel and Padang Beringin have different perception about the company. Respondents in Uel tend to have negative perception about the salt company. However, respondents Padang Beringin tend to somewhat positive perceptions to the salt company, as explained in the following sub-chapter.

Table 17. The advantages and disadvantages of each practices

Impacts	Benefits	Adverse effects
Economics	• Profit sharing • Development of the village and bring prosperity	• Unequal distribution of wealth within the villagers • Loss of crops productivity
Job opportunities	• Prevent the villagers looking for jobs in foreign country (migrant workers) • Labor training	• Inequitable distribution of job offers for both hamlets
Physical infrastructure	• Infrastructure improvement, such as road and port	• Infrastructure damage due to heavy equipment operation in public road
Environment	-	• Mangrove destruction and coastal abrasion • Water salinity • Possibility for crocodile for encroaching the village settlement
Social relationships	-	• Tension between traditional and elected authorities (village officer) • Divided communities, between FMSO and village officers' group

Source: FGD in Padang Beringin (July 14th, 2019) and Uel Hamlet (June 21th, 2019)

7.4.Economic impact

Uel Hamlet has developed a negative perception toward the existence of salt company on their economic situation. Refers to Table 18, around 86% answered feeling somewhat negative up to very negative (81% somewhat negative and 5% very negative, respectively). This result was the opposite from Padang Beringin

hamlet which showed more diverse perception about it. It is shown that even though 37% of respondents gave very negative perceptions, 64% were positive (7% somewhat positive and 57% positive, respectively).

Table 18. Community perception among two community groups related to economic impacts

Category	Very negative	Somewhat negative	Somewhat positive	Very positive	Total
Community groups					
Farmers	0 0.0%	17 33.3%	3 5.9%	0 0.0%	20 39.2%
FMSO Members	12 23.5%	0 0.0%	1 2.0%	0 0.0%	13 25.5%
TLL Supporters	0 0.0%	0 0.0%	1 2.0%	17 33.3%	18 35.3%
Hamlets					
Uel	1 2.0%	17 33.3%	3 5.9%	0 0.0%	21 41.2%
Padang Beringin	11 21.6%	0 0.0%	2 3.9%	17 33.3%	30 58.8%
Total	12 23.5%	17 33.3%	5 9.8%	17 33.3%	51 100.0%

Source: Fieldwork (2019)

As a representative from Uel Hamlet explained the reason why most of their people felt negative, MLK mentioned that: *“I worry that my crops (paddy field) will die, so that the production will decrease due to salt company activities. Further, its contribution for this village is still unclear, since the activity was just started. But, in the neighbor village, Bipolo, the impact is obvious.”*⁵⁹

⁵⁹ Interview with MLK on June 21st, 2019

Showing different point of view, DNL from Padang Beringin hamlet explained on the positive perspective of salt company in the village that: *“If the salt company succeed to acquire the lands, I believe it will bring the prosperity for our people.”*⁶⁰

In the agreement was written that TLL offered to give 5.5 % of the company revenue (as mentioned in chapter 5). The TLL company are also offering words of prosperity, per capita income, ‘community members can own cars’ and soon. Thus, Padang Beringin hamlet who had high expectation, accepted its investment.

However, not everyone had agreed to his perspective and thought that was only a pseudo-prosperity. As mentioned by YES, also from Padang Beringin hamlet: *“If the salt lands are owned by the company, so that, what benefits will be received by the people of our community? It will only bring profits and prosperity for the investor not for the people, yet they become more miserable.”*⁶¹

For those who opposed the TLL, they tried to compare the CSR program between the two companies (TLL and PGGS), as was said by TOP: *“TLL works really slowly. As a comparison, seems they wants to run like a motorcycle but in fact, they just walk like a turtle. The CSR program from TLL is only as a lip service. In the other hand, PKGD-PGGS has certain programs such as education, health and economic. Then it gave a proportional profit for people who work on the salt pond approximately 65 thousand rupiahs x 24 days for a month.”*⁶²

Though they all have different perception, it should be underlined that almost all Nunkurus people are farmers. Their anxiety due to land transfer for salt production is normal, since they only depend on farming activities as their

⁶⁰ Interview with DNL on July 2nd, 2019

⁶¹ Interview with YES on July 9th, 2019

⁶² Interview with TOP on June 30th, 2019

livelihood even before the company enter the village. The ones which agreed to salt company activities, may be trying to believe that it will develop their village and bring prosperity for community.

7.5.Job opportunities

According to an informant from TLL, the company already provided skill transfer for more than 50 workers which belong to Nunkurus community and provided income to more than a hundred villagers in Nunkurus. As also mentioned by the Executive Director of TLL (March 4th, 2019): *“this number will increase significantly when the ongoing land acquisition processes for 596 hectares are completed.”*⁶³

Table 19. Community perception among two community groups related to jobs opportunity

Category	Very negative	Somewhat negative	Somewhat positive	Very positive	Total
Community groups					
Farmers	0 0.0%	18 35.3%	2 3.9%	0 0.0%	20 39.2%
FMSO Members	8 15.7%	4 7.8%	1 2.0%	0 0.0%	13 25.5%
TLL Supporters	0 0.0%	0 0.0%	1 2.0%	17 33.3%	18 35.3%
Hamlets					
Uel	1 2.0%	18 35.3%	2 3.9%	0 0.0%	21 41.2%
Padang Beringin	7 13.7%	4 7.8%	2 3.9%	17 33.3%	30 58.8%
Total	8 15.7%	22 43.1%	4 7.8%	17 33.3%	51 100.0%

Source: Fieldwork (2019)

⁶³ Interview with Executive Director of TLL on March 4th, 2019 in Nunkurus

However, again data showed, people perceptions on job opportunities offered by TLL gave the different perception among hamlets. As can be seen at Table 19, that most people from Uel Hamlet tend to have the negative perceptions while Padang Beringin hamlet showed positive attitude. It might be due to unbalance job offers from company for both hamlets. Uel Hamlet thought that those jobs mostly had been currently occupied by people of Padang Beringin hamlet, rather than Uel Hamlet people.

As Padang Beringin hamlets who supported the salt company activities, DON relayed that: *“For the employment, I am optimistic that it will create more job opportunities. Since it may be difficult for farmers to buy a fertilizer and pesticide. In contrast, if they work as salt worker, they can earn more than 1 million rupiahs per month.”*⁶⁴

Further, this job opportunities would bring benefits, especially the young people. It prevents them from being a migrant labor, instead, they would work for their hometown. As stated by KN from Padang Beringin hamlet: *“It is better if our children and young people in Nunkurus could manage the village and cultivate the natural resource, despite migrating and working in the foreign country.”*⁶⁵

Consistent with this finding, data from Migrant Workers Placement, Protection and Monitoring Agency (BP3TKI) office in Kupang, the number of young people who looked for job vacancies abroad is increasing. Nevertheless, the protection for them is still relatively low. BP3TKI in Kupang (2019) recorded 32 deaths abroad of migrant workers from East Nusa Tenggara in the first five months

⁶⁴ Interview with DON in Padang Beringin on July 2nd, 2019.

⁶⁵ Interview with KRN in Padang Beringin hamlet, June 9th, 2019.

of this year, 31 of whom died in Malaysia and one who died in South Africa. So that the presence of company in their village create a new hope to create more employment opportunities for young people. However, salt employee is relative to the seasonal activity, in which only occur in dry season. It means, jobs are only open in the summer season while during the rainy season, they must have a side job to survive, as shown in Table 20.

Table 20. Seasonal calendar of livelihood activities

No	Livelihood activities	Gender (%)		Months											
		F	M	1	2	3	4	5	6	7	8	9	10	11	12
1	Rice fields	50	50												
	- Land preparation	20	80									•	••	••	•
	- Nursery	60	40	••											•
	- Planting	50	50	••	••	••									•
	- Nunggal	30	70	•	••	••	••								
	- Fertilization & spraying	70	30		•	••	•								
	- Harvesting	50	50				•	••	••						
2	Dry land	50	50												
	- Maize	50	50						•	••	••				
	- Vegetable	50	50						••	••	••				
	- Bean	50	50						••	••	••				
3	Salt production		100							•	••	••	••	••	•

Source: Fieldwork (2019)

7.6. Physical infrastructure

Development of physical infrastructure at village level is prerequisite for the overall development of the region as well as nation (Jain, Roy, & Singh, 2006). Unfortunately, the overall condition of available physical infrastructure in the

Nunkurus is quite poor and limited (see Fig.33). Village road in Nunkurus, a connecting road from village to main road, are earth surface and often non-all-weather road. This situation by more or less reduces rural farming productivity and opportunity to access to a stable income and that poverty.

A total of 90.5% of respondents from Uel Hamlet indicated that they felt the impact on local infrastructure was somewhat negative. They were pessimistic that the salt company will develop a physical infrastructure, such as road, bridge, etc. In contrast, a total of 60% of the respondents in the Padang Beringin hamlet group, though the impact of salt project on local infrastructure, were very positive.

Table 21. Community perception among two community groups related to physical infrastructure

Category	Very negative	Somewhat negative	Somewhat positive	Very positive	Total
Community groups					
Farmers	0 0.0%	19 37.3%	1 2.0%	0 0.0%	20 39.2%
FMSO Members	8 15.7%	4 7.8%	0 0.0%	1 2.0%	13 25.5%
TLL Supporters	0 0.0%	0 0.0%	1 2.0%	17 33.3%	18 35.3%
Hamlets					
Uel	1 2.0%	19 37.3%	1 2.0%	0 0.0%	21 41.2%
Padang Beringin	7 13.7%	4 7.8%	1 2.0%	18 35.3%	30 58.8%
Total	8 15.7%	23 45.1%	2 3.9%	18 35.3%	51 100.0%

Source: Fieldwork (2019)



Figure 34. Poor road infrastructure in Nunkurus

Source: Fieldwork (2019)

With the presence of salt company, the villager hopes the company will contribute to build and/or maintain the physical infrastructure in the village, like the construction and repair of village roads, installation of street lighting, etc. As mentioned by TOM: *“I am sure that access to roads and ports is provided by TLL.”*⁶⁶

However, according to the information from village officer, all roads in Nunkurus, especially the road to the location of the salt company, were built using village funds (Dana Desa)⁶⁷. In 2018, Nunkurus received an allocation of village

⁶⁶ Interview with TOM on June 30th, 2019

⁶⁷ Village fund (Dana Desa) is the budget for the villages, transferred via the local budget (APBD) to fund the governance, development, community empowerment, and social activities in the village. Village funds are allocated after legalized of Village Law No. 6 of 2014 which the government mandates to allocate funds to every village in Indonesia. Since then all villages in Indonesia have been granted an average of 800 million rupiahs per village to be managed independently by each village every year.

funds of 1.2 billion rupiah, the majority of which was allocated for the construction of a road to a salt pond in Padang Beringin.

Table 22. Public infrastructure in Nunkurus

No	Public infrastructure	Total
1	Education (Schools)	
	• Kindergarten	0
	• Elementary	2
	• Junior High School	1
	• Senior High School	0
2	Health (Community Health Sub-centre)	1
3	Religion (Church)	9

Source: Fieldwork (2019)

Since the president visits the village on 21 August 2019, several roads in the village has been repaired. It means that the TLL has an indirectly impact for such infrastructure development in the village. However, it should be noted that the roads which was built from public fund has been allocated to support the company operations in the village.

7.7.Environmental impacts

The overwhelming response in Uel Hamlet group to the impact on local environment was very negative. In contrast, people in Padang Beringin have different opinion. Around 56.7% of respondents in Padang Beringin though the impact on local environmental condition was positive, as shown in Table 23.

Table 23. Community perception among two community groups related to environmental impacts

Category	Very negative	Somewhat negative	Somewhat positive	Very positive	Total
Community groups					
Farmers	20	0	0	0	20
	39.2%	0.0%	0.0%	0.0%	39.2%
FMSO Members	9	4	0	0	13
	17.6%	7.8%	0.0%	0.0%	25.5%
TLL Supporters	0	0	1	17	18
	0.0%	0.0%	2.0%	33.3%	35.3%
Hamlets					
Uel	21	0	0	0	21
	41.2%	0.0%	0.0%	0.0%	41.2%
Padang Beringin	8	4	1	17	30
	15.7%	7.8%	2.0%	33.3%	58.8%
Total	29	4	1	17	51
	56.9%	7.8%	2.0%	33.3%	100.0%

Source: Fieldwork (2019)

By the establishment of salt ponds, some people in Uel worry that the source of irrigation water for their paddy fields will be disrupted. Water becomes salty. In addition, residents are also worried about tidal floods during the rainy season. Some of the company's dikes are higher than the farmers' paddy fields, they are worried that they will be affected if the dykes burst into their fields.

Apart from the effect of salt construction, there is an impact for coastal environment, as mentioned by FIK: *“I’m worry about the environmental impact, because many mangroves have already been destroyed by the company. This situation causes coastal abrasion, then it leads to surface-level destruction over*

time.”⁶⁸



Figure 35. Mangrove destruction along the salt land

Source: Fieldwork (2019)

Further, some people whose house or rice field are located along the salt land concern about the crocodile. They are worried about their safety since the waters have overflowed into their compounds due to heavy rain. If the mangrove forest has been destroyed, they fear it will be easier for crocodile attack to them. As mentioned by some participant during the FGD in Nunkurus 24 April 2018: *“During the rainy season, ponds must be flooded, sea water have overflowed. I am worried, if there is a salt pond in our village, it will increase the possibility for crocodile for encroaching the village settlement area. Here is a crocodile habitat. We are worried, the crocodiles will eat us.”*

⁶⁸ Interview with FIK on July 1st, 2019



Figure 36. Warning sign of attention crocodile in Nunkurus, Kupang
Source: Fieldwork (2019)

Moreover, at the time the survey was conducted, the company had not yet obtained an environmental impact assessment (AMDAL), both from the central government and regional government. Currently, TLL only has an industrial business permit (Izin Usaha Industri/IUI) from the Kupang government without an environmental impact assessment (EIA)⁶⁹.

According to the Minister of Environment Regulation No. 5/2012 which list out the types of investment activities (sector specific thresholds) which require a preparation of Environmental Impact Assessment, the environmental impacts of salt pond is not specifically regulated. However, it should be noted that salt ponds'

⁶⁹ Obtaining an environmental impact assessment, known as an AMDAL, is part of the lengthy permitting process for development projects in Indonesia, and gives the general public a chance to weigh in. The assessments are mandatory for any project with the potential to cause disruption, from environmental degradation to posing a national security risk.

construction requires land dredging, and sea water utilization. This means that the activity must have an environmental permit (izin lingkungan/EIA) from the state authority.

7.8. Social relationship

There are many important social issues associated with salt land acquisition in Nunkurus that have significant impacts on the well-being of rural communities, e.g., increases social conflicts, pressure on customary law, etc. These impacts will not show up in the commercial statistics on jobs and income that are typically used to document the benefits of expanded salt land expansion. However, these social changes can have substantial impacts on villager's well-being.

Table 24. Community perception among two community groups related to social relationships

Category	Very negative	Somewhat negative	Somewhat positive	Very positive	Total
Community groups					
Farmers	20 39.2%	0 0.0%	0 0.0%	0 0.0%	20 39.2%
FMSO Members	12 23.5%	0 0.0%	0 0.0%	1 2.0%	13 25.5%
TLL Supporters	0 0.0%	4 7.8%	1 2.0%	13 25.5%	18 35.3%
Hamlets					
Uel	21 41.2%	0 0.0%	0 0.0%	0 0.0%	21 41.2%
Padang Beringin	11 21.6%	4 7.8%	1 2.0%	14 27.5%	30 58.8%
Total	32 62.7%	4 7.8%	1 2.0%	14 27.5%	51 100.0%

Source: Fieldwork (2019)

A total of 100% of respondents from Uel Hamlet thought the impacts on social relationships would be negative, as mentioned by SM and RG: *The establishment of company create prolonged conflicts between communities. No longer peaceful like before.*⁷⁰

Meanwhile, respondent in Padang Beringin hamlet group have a different opinion. Some people (46.7%) thought the impact was very positive and the others (36.7%) thought the impact on social relation was very negative. FK, one of village elites, said that *“the community is getting harmonious after the village government giving them the lands. While there are some people who do not agree.”*

7.9. Discussions and concluding remark

This chapter assesses community perception in two hamlet groups in Nunkurus on how they perceived the impact of salt-land acquisitions. Even if the impact is not obvious, the result shows that the perceptions about salt project differ considerably among the two hamlet groups. Majority of respondents had lived in Nunkurus before the start of salt project in the district, had experienced how life in the community was before salt project began and could express their views on the “before and after” assessment of the TLL operations (salt project) in the community.

The majority of respondents in the Uel hamlet had a negative view about the TLL. They perceived ‘somewhat negative’ with the economic and job opportunity impact of TLL. They felt marginalized and discriminated against when it came to employment. The reason is that the employment opportunity opened only for Padang Beringin hamlet groups.

⁷⁰ Interview with SM and RG on 5 July 2019

In Padang Beringin hamlet groups, however, there is polarization of community's perceptions. Some people perceived *very positive* economic impact (57%) and social impact (47%). In contrast, the others perceived *very negative* economic impact (37%) and social impact (37%). The polarization of community's perception caused by greater representation of formerly unheard voices. People who perceived very negative impact were the member of FMSO Cooperative, in which they did not sign an agreement with TLL.

As seen in TLL interaction with the villager, during the operation of the solar salt production, there should be clear-cut channels of communication that allow the people in the communities to express their frustrations and anger at the operations when need be. As noted by Lawson & Bentil (2014), voice and the means of expressing it are central in bringing about understanding, consensus, or cooperation and recognition of the interest of all stakeholders including the non-dominant ones. This will help prevent future escalation of conflicts.

Further, the results indicate that the local community perceptions are influenced by both their history as well as the multiple functions driven by their local agricultural system. As mentioned by van der Plank, Walsh, & Behrens (2016) the history was a very important factor in the development of community perception. Community in Nunkurus has had a historical conflict with PGGS when they totally opposed the idea of salt project. Generally, this historical background shapes the people's perception to the TLL.

The study has focused on two communities impacted by the activities of a salt company. Other communities in other regions may face different impacts and have different perceptions toward the salt company and their activity. In addition, because it is a case study, its findings cannot be generalized. Despite these

limitations, the study has practical implications. It promotes communication and dialogue before the project begins and during the operation of the salt production, to increase awareness among community members. Finally, the conclusions drawn from this research offer further insight into how to package salt project information for communities.

Chapter 8. Conclusions & Policy implications

8.1. Conclusions

This dissertation examined the phenomena of large-scale land acquisition in rural Kupang that had taken place over the last two decades and is taking place now, with the aim of achieving the government goals to be self-sufficient for salt in Indonesia. The research and writing process of the dissertation employed a political ecology approach, which highlighted the complex relations between political economy and patterns of resource use to examine the process of large-scale land acquisition in the name of salt self-sufficiency. Further, political ecology and political economy, with their focus on land, labor and capital, made important contributions to our understanding of agrarian change.

The results revealed that, *first*, the large-scale land acquisition process for achieving salt self-sufficiency in Indonesia represents an assemblage of actors, historical events, as well as political, socio-cultural, and economic structures that work at sub-national, national, and international levels across different periods of time. As shown in Chapter 4, during the authoritarian New Order regime, the government provided the main contribution to the process of land dispossession in rural Kupang. Granting the land to PGGS with violent threat by authoritarian regime and without proper compensation shaped the land as an arena of contestation,

which involves the government, military officers, and salt business (PGGS) in one side and local community in another side.

Second, the process in which salt companies gain access to and control over land in Kupang is *not simply a linear process* in which ‘predatory’ companies steal land from ‘vulnerable’ rural communities. Investors do not dispossess villagers of their land; the state does this by transforming the status of land into ‘state land’ and then allocating it to investors for long-term use. Companies make use of the discourse of salt self-sufficiency to ‘wedge’ their way in. The state, particularly government officials, plays an important role in facilitating this. Despite the failure of large land schemes, as seen in the PGGS case, the government still continues to legitimize large-scale land acquisitions in the same landscapes in the name of salt self-sufficiency by granting the salt-land to TLL.

Third, each actor involved in land acquisition for salt showed interest in salt expansion. This has led to be a *land grab competition* among the state, corporate actors, and local elites’ actors within Nunkurus. The central government wanted to make the country self-sufficient for salt; the local government wanted to generate more revenue for their region; corporate actors wanted to make profit through land holding and salt development project; and local elites’ actors through cooperative (co-op) wanted to obtain higher profit sharing for their land. Since the central government granted HGU to PGGS in 1992, the constellation of power relations among actors was ‘bipolar’, entailing the local community against PGGS and central government who were viewed as participating as a single entity in the HGU land. However, the power relation might be more complicated since the local government of Kupang release 596 ha of land to TLL in 2018, which were

previously seen as being bipolar, toward *a more multi-polar contestation* with salt company on one side, the local government, and the local community on another.

Fourth, land acquisition in Nunkurus created *benefits and adverse effects* at the local level. A majority of respondents from Uel hamlets concern with negative impacts on environmental and social relationships aspect after the government granted land-use right to TLL. However, in Padang Beringin hamlet there is a polarization of community's perceptions toward the company. Some people perceived *very positive* economic impact and social impact. In contrast, the others perceived *very negative* economic impact and social impact. The polarization of community's perception caused by greater representation of formerly unheard voices. People who perceived very negative impact were the member of FMSO, in which they disagree with the existence of TLL.

As I have shown, despite the high-modernist vision of salt self-sufficiency through large-scale corporate investment, the salt project faces formidable challenges within the government and from society; it has a long way to go before it realizes the scale of development. Contrary to the government's scheme, land developments associated with the salt project have not made much progress.

8.2. Policy implications

There are several policy implications that needed to be addressed to secure tenure rights of Kupang people to the land. These include:

1. Government have to recognize and formalize customary community land rights, including clearly established rights to 'salt land' in current use and

verification of community-led rights-confirming demarcation of external boundaries around ethnic areas;

2. Applying free, prior, and informed consent (FPIC)⁷¹; and prioritize the resolution of acute, existing land disputes involving customary land rights;
3. Creation of a comprehensive village or adat community land database with clear planning regarding the community's future. This should not only address the social aspects, but also economically viable and environmentally sound planning.
4. Government should develop guidelines for the long-term objectives of the salt self-sufficiency policies, and plan and implement measures to achieve the objectives set for each of the tasks, including the policies on salt-land extensification programs.
5. The government should empower existing small-scale salt producers instead of involving large-scale salt company to achieve salt self-sufficiency.

8.3. Limitation of the study and future work

The study has some limitations. Doing research in villages with a recent history of conflict with a salt company was a challenge. Tensions were still high, and there was considerable mistrust toward people who allegedly supported the company, even when it had already left the area. In this context, it was difficult to explicitly

⁷¹ Free, Prior and Informed Consent (FPIC) is a rights-based principle representing a particular expression of the right to self-determination, related rights to lands, territories and natural resources, the right to culture, and the right to be free from racial discrimination. FPIC applies to key decision points for actions that have the potential to impact the lands, territories, and resources upon which rights holders depend for their cultural, spiritual and physical sustenance, well-being and survival.

look for “pro-salt company” informants. More specifically, in conflict cases like these, there are no clear boundaries between “supporters” and “opponents,” as people often have ambiguous perceptions regarding the salt project and the company and may change their position through time. Further, because it is a case study, its findings cannot be generalized for broader communities, however, it can be taken into consideration in similar geographical settings for wider discussions of ‘agrarian dynamic’. Finally, further work is needed to investigate the relationship between social heterogeneity, tenure complexity, and the progress of large-scale land deals.

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List of Appendixes

Appendix A: List of Interviewees

No	Name	Location	M / F	Remark
1	A1	Jakarta	M	Coordinating Ministry of Maritime Affairs
2	A2	Jakarta	M	Coordinating Ministry of Maritime Affairs
3	A3	Jakarta	M	Coordinating Ministry of Maritime Affairs
4	A4	Jakarta	M	Ministry of Marine and Maritime Affairs
5	A5	Jakarta	M	Ministry of Marine and Maritime Affairs
6	A6	Jakarta	M	Ministry of Marine and Maritime Affairs
7	A7	Kupang	M	Regent of Kupang
8	A8	Kupang	M	Ombudsman Kupang
9	A9	Kupang	F	Regional Body for Planning & Development, NTT
10	A10	Kupang	M	Former Head of National Land Agency of Kupang
11	A11	Kupang	M	Officer at National Land Agency of Kupang
12	A12	Kupang	M	Regional Office for Investment and One Stop Service, NTT
13	A13	Kupang	F	Regional Office for Investment and One Stop Service, NTT
14	A14	Kupang	M	Former Head of Kupang Office for Investment and One Stop Service (PMPTSP)
15	A15	Kupang	M	Head of Kupang Office for Investment and One Stop Service (PMPTSP)
16	A16	Kupang	M	Office of Industry and Trade Affairs, Kupang
17	A17	Kupang	M	Office for Marine & Fisheries Affairs, Kupang
18	A18	Kupang	M	Office for Marine & Fisheries Affairs, Kupang
19	B1	Kupang	M	Director of PT. Timor Livestock Lestari
20	B2	Kupang	M	Staff at PT. Timor Livestock Lestari
21	B3	Kupang	M	Staff at PT. Timor Livestock Lestari
22	B4	Jakarta	M	Director of PGGS/PKGD
23	B5	Bipolo	M	Branch Manager of PT Garam Bipolo
24	B6	Bipolo	M	Staff at PT Garam Bipolo
25	B7	Jakarta	M	Feto Mone Sonaf Oninama (FMSO) cooperative
26	C1	Kupang	M	Pikul Foundation
27	C2	Kupang	M	Pikul Foundation
28	C3	Kupang	M	Pikul Foundation

No	Name	Location	M / F	Remark
29	C4	Kupang	M	WALHI NTT
30	C5	Kupang	M	WALHI NTT
31	D1	Pariti	M	Village officer, Pariti Village
32	D2	Oeteta	M	Salt Farmers in Oeteta, Kupang
33	D3	Oeteta	M	Head of Oeteta Village
34	D4	Oebelo	M	Head of Oebelo Village
35	D5	Oebelo	M	Artisanal salt producers in Oebelo
36	D6	Oebelo	F	Artisanal salt producers in Oebelo
37	D7	Oebelo	F	Artisanal salt producers in Oebelo
38	D8	Oebelo	F	Artisanal salt producers in Oebelo
39	D9	Oebelo	F	Artisanal salt producers in Oebelo
40	D10	Oebelo	M	Artisanal salt producers in Oebelo
41	D11	Oebelo	M	Artisanal salt producers in Oebelo
42	D12	Oebelo	M	Artisanal salt producers in Oebelo
43	D13	Bipolo	M	Traditional leader in Bipolo village
44	D14	Bipolo	M	Traditional leader in Bipolo village
45	D15	Merdeka	M	Village officer, Merdeka Village
46	D16	Merdeka	M	Artisanal salt producers in Merdeka village
47	D17	Merdeka	M	Artisanal salt producers in Merdeka village
48	D18	Merdeka	M	Traditional leader in Merdeka village
49	D19	Babau	M	Head of Babau village, Kupang Timur
50	D20	Babau	M	Traditional leader of Babau village, Kupang
51	E1	Nunkurus	M	Feto Mone Sonaf Oninama (FMSO) cooperative
52	E2	Nunkurus	M	Head of Nunkurus
53	E3	Nunkurus	M	Uel
54	E4	Nunkurus	M	Uel
55	E5	Nunkurus	F	Uel
56	E6	Nunkurus	M	Uel
57	E7	Nunkurus	M	Uel
58	E8	Nunkurus	M	Uel
59	E9	Nunkurus	M	Uel
60	E10	Nunkurus	M	Uel
61	E11	Nunkurus	M	Uel
62	E12	Nunkurus	M	Uel

No	Name	Location	M / F	Remark
63	E13	Nunkurus	M	Uel
64	E14	Nunkurus	M	Uel
65	E15	Nunkurus	M	Uel
66	E16	Nunkurus	M	Uel
67	E17	Nunkurus	M	Uel
68	E18	Nunkurus	M	Uel
69	E19	Nunkurus	M	Uel
70	E20	Nunkurus	M	Uel
71	E21	Nunkurus	M	Uel
72	E22	Nunkurus	M	Uel
73	E23	Nunkurus	M	Padang Beringin
74	E24	Nunkurus	M	Padang Beringin
75	E25	Nunkurus	M	Padang Beringin
76	E26	Nunkurus	M	Padang Beringin
77	E27	Nunkurus	M	Padang Beringin
78	E28	Nunkurus	M	Padang Beringin
79	E29	Nunkurus	M	Padang Beringin
80	E30	Nunkurus	M	Padang Beringin
81	E31	Nunkurus	M	Padang Beringin
82	E32	Nunkurus	M	Padang Beringin
83	E33	Nunkurus	M	Padang Beringin
84	E34	Nunkurus	M	Padang Beringin
85	E35	Nunkurus	M	Padang Beringin
86	E36	Nunkurus	M	Padang Beringin
87	E37	Nunkurus	M	Padang Beringin
88	E38	Nunkurus	M	Padang Beringin
89	E39	Nunkurus	M	Padang Beringin
90	E40	Nunkurus	M	Padang Beringin
91	E41	Nunkurus	M	Padang Beringin
92	E42	Nunkurus	M	Padang Beringin
93	E43	Nunkurus	F	Padang Beringin
94	E44	Nunkurus	M	Padang Beringin
95	E45	Nunkurus	F	Padang Beringin
96	E46	Nunkurus	M	Padang Beringin

No	Name	Location	M / F	Remark
97	E47	Nunkurus	M	Padang Beringin
98	E48	Nunkurus	M	Padang Beringin
99	E49	Nunkurus	M	Padang Beringin
100	E50	Nunkurus	F	Padang Beringin
101	E51	Nunkurus	M	Padang Beringin

Appendix B: Coordinating Minister for Maritime Affairs Decree



MENTERI KOORDINATOR BIDANG KEMARITIMAN REPUBLIK INDONESIA

KEPUTUSAN MENTERI KOORDINATOR BIDANG KEMARITIMAN

Nomor: 11 Tahun 2018

TENTANG

TIM KERJA PERCEPATAN PEMBANGUNAN DAN PENGEMBANGAN KOMODITAS PERGARAMAN NASIONAL

DENGAN RAHMAT TUHAN YANG MAHA ESA MENTERI KORDINATOR BIDANG KEMARITIMAN

- Menimbang : a. bahwa dalam rangka percepatan pembangunan dan pengembangan komoditas pergaraman nasional, perlu dilakukan upaya-upaya dan langkah-langkah secara terkoordinasi, terpadu, dan komprehensif antar Kementerian/Lembaga terkait;
- b. bahwa berdasarkan pertimbangan sebagaimana huruf a, dipandang perlu menetapkan Keputusan Menteri Koordinator Bidang Kemaritiman tentang Tim Kerja Percepatan Pembangunan dan Pengembangan Komoditas Pergaraman Nasional.
- Mengingat : 1. Undang-Undang Nomor 3 Tahun 2014 tentang Perindustrian (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 4, Tambahan Lembaran Negara Republik Indonesia Nomor 5492);
2. Undang-Undang Nomor 7 Tahun 2014 tentang Perdagangan (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 45, Tambahan Lembaran Negara Republik Indonesia Nomor 5512);
3. Undang-Undang Nomor 7 Tahun 2016 tentang Perlindungan dan Pemberdayaan Nelayan, Pembudi Daya Ikan dan Petambak Garam (Lembaran Negara Republik Indonesia Tahun 2016 Nomor 68, Tambahan Lembaran Negara Republik Indonesia Nomor 5870);
4. Peraturan Presiden Nomor 10 Tahun 2015 tentang Kementerian Koordinator Bidang Kemaritiman (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 11)
5. Peraturan Menteri Koordinator Bidang Kemaritiman Nomor 1 Tahun 2015 tentang Organisasi dan Tata Kerja Kementerian Koordinator Bidang Kemaritiman (Berita Negara Republik Indonesia Tahun 2015 Nomor 394)

MEMUTUSKAN

- Menetapkan : **KEPUTUSAN MENTERI KOORDINATOR BIDANG KEMARITIMAN TENTANG TIM KERJA PERCEPATAN PEMBANGUNAN DAN PENGEMBANGAN KOMODITAS PERGARAMAN NASIONAL.**
- KESATU : Menunjuk dan menetapkan nama-nama yang tercantum dalam Lampiran Keputusan ini sebagai Tim Kerja Percepatan Pembangunan dan Pengembangan Komoditas Pergaraman Nasional, yang merupakan kesatuan yang tidak terpisahkan dengan Keputusan Menteri Koordinator ini.

- KEDUA : Tim Kerja Percepatan Pembangunan dan Pengembangan Komoditas Pergaraman Nasional sebagaimana dimaksud pada Diktum KESATU mempunyai tugas melakukan koordinasi upaya-upaya yang sinergi, terarah dan terpadu antar Kementerian/Lembaga serta pemangku kepentingan terkait lainnya dalam rangka pembangunan dan pengembangan komoditas pergaraman nasional.
- KETIGA : Dalam melaksanakan tugasnya, Tim Pelaksana dengan dukungan Kesekretariatan melaksanakan pertemuan rutin paling sedikit satu kali dalam satu bulan dan menyampaikan hasilnya pada Tim IPengarah.
- KEEMPAT : Dalam melaksanakan tugasnya, Tim Kerja Percepatan Pembangunan dan Pengembangan Komoditas Pergaraman Nasional bertanggung jawab dan menyampaikan laporannya kepada Menteri Koordinator Bidang Kemaritiman.
- KELIMA : Segala biaya yang timbul akibat ditetapkannya keputusan ini dibebankan kepada Anggaran Pendapatan Belanja Negara Kementerian/Lembaga terkait Tahun 2018.
- KEENAM : Keputusan ini mulai berlaku sejak tanggal ditetapkan sampai dengan tanggal 31 Desember 2018.

Ditetapkan di : Jakarta
pada tanggal : 6 Februari 2018



Lampiran Keputusan Menteri Koordinator Bidang Kemaritiman
Nomor : 11 Tahun 2018
Tanggal : 6 Februari 2018

**SUSUNAN TIM KERJA PERCEPATAN PEMBANGUNAN
DAN PENGEMBANGAN KOMODITAS PERGARAMAN NASIONAL**

I. PENGARAH

- Ketua : Menteri Koordinator Bidang Kemaritiman
- Anggota :
 1. Menteri Kelautan dan Perikanan
 2. Menteri Perindustrian
 3. Menteri Perdagangan
 4. Menteri Badan Usaha Milik Negara
 5. Menteri Perencanaan Pembangunan Nasional/Kepala Bappenas
 6. Menteri Agraria dan Tata Ruang/Kepala BPN
 7. Menteri Pekerjaan Umum dan Perumahan Rakyat
 8. Menteri Desa, PDT dan Transmigrasi
 9. Menteri Koperasi dan Usaha Kecil Menengah
 10. Menteri Dalam Negeri
 11. Menteri Keuangan
 12. Kepala Kepolisian Republik Indonesia
 13. Kepala Badan Pengawas Obat dan Makanan
 14. Kepala Badan Pengkajian dan Penerapan Teknologi
 15. Kepala Badan Koordinasi Penanaman Modal
 16. Kepala Badan Pusat Statistik

II. TIM PELAKSANA

- Ketua : Deputi Bidang Koordinasi Sumber Daya Alam dan Jasa,
Kementerian Koordinator Bidang Kemaritiman

A. Manajemen Lahan :

- Koordinator : Direktur Jenderal Pengendalian Pemanfaatan Ruang dan
Penguasaan Tanah, Kementerian Agraria dan Tata Ruang/
Badan Pertanahan Nasional
- Anggota :
 1. Direktur Jenderal Sumber Daya Air, Kementerian Pekerjaan
Umum dan Perumahan Rakyat
 2. Direktur Jenderal Pengembangan Daerah Tertentu,
Kementerian Desa, Pembangunan Daerah Tertinggal
dan Transmigrasi
 3. Deputi Bidang Kemaritiman dan Sumber Daya Alam,
Kementerian PPN/Kepala Bappenas
 4. Staf Ahli Menteri Bidang Ekonomi Maritim, Kementerian
Koordinator Bidang Kemaritiman
 5. Staf Ahli Menteri Bidang Sosio-Antropologi, Kementerian
Koordinator Bidang Kemaritiman
 6. Direktur Penertiban dan Pendayagunaan Tanah Terlantar,
Kementerian Agraria dan Tata Ruang/Badan Pertanahan
Nasional

7. Direktur Pengembangan Daerah Pulau Kecil dan Terluar, Kementerian Desa, PDT dan Transmigrasi
8. Direktur Bina Penatagunaan Sumber Daya Air, Kementerian Pekerjaan Umum dan Perumahan Rakyat
9. Asisten Deputi Permodalan, Kementerian Koperasi dan UKM
10. Direktur Operasional PT. Garam (Persero)

B. Sistem Jaminan Stock :

- Koordinator : Direktur Jenderal Pengelolaan Ruang Laut, Kementerian Kelautan dan Perikanan
- Anggota :
 1. Kepala Badan Pengawas Perdagangan Berjangka Komoditi, Kementerian Perdagangan
 2. Sekretaris Kementerian Koordinator Bidang Kemaritiman
 3. Deputi Bidang Produksi dan Pemasaran, Kementerian Koperasi dan UKM
 4. Direktur Jasa Kelautan, Kementerian Kelautan dan Perikanan
 5. Biro Pembinaan dan Pengawasan Sistem Resi Gudang dan Pasar Lelang Komoditas, Kementerian Perdagangan
 6. Direktur Impor, Kementerian Perdagangan
 7. Direktur Kerjasama dan Pemberdayaan, Kementerian Pekerjaan Umum dan Perumahan Rakyat
 8. Direktur Pembangunan Ekonomi Kawasan Pedesaan, Kementerian Desa, PDT dan Transmigrasi
 9. Direktur Statistik Produksi, Badan Pusat Statistik
 10. Direktur Utama PT. Garam (Persero)

C. Pembangunan Industri Pengolahan Garam :

- Koordinator : Deputi Bidang Teknologi Agroindustri dan Bioteknologi, Badan Pengkajian dan Penerapan Teknologi
- Anggota :
 1. Direktur Jenderal Industri Kimia, Tekstil dan Aneka, Kementerian Perindustrian
 2. Deputi Bidang Perencanaan Penanaman Modal, Badan Koordinasi Penanaman Modal
 3. Deputi Bidang Pembiayaan, Kementerian Koperasi dan UKM
 4. Asisten Deputi Bidang Usaha Industri Agro dan Farmasi, Kementerian Badan Usaha Milik Negara
 5. Direktur Industri Kimia Hulu, Kementerian Perindustrian
 6. Direktur IKM Pangan, Barang dari Kayu dan Furniture, Kementerian Perindustrian
 7. Direktur Pusat Teknologi Farmasi dan Medika, Badan Pengkajian dan Penerapan Teknologi
 8. Direktur Keuangan PT. Garam (Persero)
 9. Direktur Pengembangan PT. Garam (Persero)
 10. Direktur Statistik Industri, Badan Pusat Statistik
 11. Tenaga Ahli Menteri Bidang Ekonomi, Kementerian Koordinator Bidang Kemaritiman

D. Regulasi dan Pengawasan :

- Koordinator : Staf Khusus Menteri Bidang Hukum dan Perundang-undangan, Kementerian Koordinator Bidang Kemaritiman
- Anggota :
 1. Kepala Badan Reserse Kriminal, Kepolisian Negara Republik Indonesia
 2. Direktur Jendral Bea dan Cukai, Kementerian Keuangan
 3. Direktur Jenderal Perdagangan Luar Negeri, Kementerian Perdagangan
 4. Deputi Bidang Kemaritiman, Sekretariat Kabinet
 5. Deputi Bidang Pengawasan Keamanan Pangan dan Bahan Berbahaya, Badan Pengawas Obat dan Makanan
 6. Kepala Biro Informasi dan Hukum, Kementerian Koordinator Bidang Kemaritiman
 7. Kepala Biro Hukum dan Organisasi, Kementerian Kelautan dan Perikanan
 8. Kepala Biro Hukum dan Organisasi, Kementerian Perindustrian
 9. Kepala Biro Hukum, Kementerian Perdagangan
 10. Direktur Standardisasi dan Pengawasan Mutu, Kementerian Perdagangan
 11. Direktur Teknis Kepabeanaan, Kementerian Keuangan
 12. Kepala Pusat Kebijakan Pendapatan Negara, Kementerian Keuangan
 13. Direktur Penilaian Keamanan Pangan, Badan Pengawas Obat dan Makanan
 14. Direktur Tindak Pidana Ekonomi Khusus, Bareskrim Polri

III. KESEKRETARIATAN

- Koordinator : Asisten Deputi Sumber Daya Mineral, Energi dan Nonkonvensional, Deputi Bidang Koordinasi Sumber Daya Alam dan Jasa, Kementerian Koordinator Bidang Kemaritiman
- Anggota :
 1. Kepala Bidang Pengelolaan Sumber Daya Mineral, Kementerian Koordinator Bidang Kemaritiman
 2. Kepala Bidang Pengelolaan Sumber Daya Nonkonvensional, Kementerian Koordinator Bidang Kemaritiman
 3. Kepala Bagian Program, Deputi Bidang Koordinasi Sumber Daya Alam dan Jasa, Kementerian Koordinator Bidang Kemaritiman
 4. Kasubdit Pemanfaatan Air Laut dan Biofarmakologi, Kementerian Kelautan dan Perikanan
 5. Kasubdit Perencanaan dan Pedoman, Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional
 6. Kasubdit Kimia Hulu Lainnya, Kementerian Perindustrian
 7. Kasubdit Barang Konsumsi, Kementerian Perdagangan
 8. Kasubdit Pengembangan Fasilitas Usaha dan Pemasaran, Kementerian Desa, PDT dan Transmigrasi
 9. Kepala Bidang Kredit Program, Kementerian Koperasi dan Usaha Kecil dan Menengah

10. Kasubdit Pemanfaatan Sumber Daya Air, Kementerian Pekerjaan Umum dan Perumahan Rakyat
11. Kasubdit Laut, Pesisir dan Pulau-Pulau Kecil, Kementerian Perencanaan Pembangunan Nasional/Bappenas
12. Corporate Secretary PT. Garam (Persero)
13. Staf Lingkup Asisten Deputi Sumber Daya Mineral, Energi dan Nonkonvensional, Deputi Bidang Koordinasi Sumber Daya Alam dan Jasa, Kementerian Koordinator Bidang Kemaritiman
14. Staf pada Tenaga Ahli Menteri Bidang Ekonomi, Kementerian Koordinator Bidang Kemaritiman





**MENTERI AGRARIA DAN TATA RUANG/
KEPALA BADAN PERTANAHAN NASIONAL**

KEPUTUSAN MENTERI AGRARIA DAN TATA RUANG/
KEPALA BADAN PERTANAHAN NASIONAL

NOMOR 6/PIT-HGU/KEM-ATR/BPN/V/2019
TENTANG

PENETAPAN TANAH TERLANTAR YANG BERASAL DARI HAK GUNA USAHA
NOMOR 6/KUPANG ATAS NAMA PT. PANGGUNG GUNA GANDA SEMESTA
TERLETAK DI DESA OEBELO, HIPOLO, NUNKURUS, BABAU, DAN MERDEKA,
KECAMATAN KUPANG TENGAH DAN KUPANG TIMUR, KABUPATEN KUPANG,
PROVINSI NUSA TENGGARA TIMUR

- Membaca : a. Surat Kepala Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur Nomor 481/024-53.500/XI/2011 tanggal 24 November 2011 perihal Usulan Penetapan Tanah Terlantar;
- b. Surat Kepala Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur Nomor 81/024-53.500/II/2015 tanggal 25 Februari 2015 perihal Susulan I Usul Penetapan Tanah Terlantar.

- Menimbang : a. bahwa PT Panggung Guna Ganda Semesta adalah badan hukum yang berkedudukan di Kupang sebagai pemegang Hak Guna Usaha Nomor 6/Kupang seluas 3.720 Ha terletak di Desa Oebele, Hipolo, Nunkurus, Babau, dan Merdeka, Kecamatan Kupang Tengah dan Kupang Timur, Kabupaten Kupang, Provinsi Nusa Tenggara Timur, sesuai dengan hasil pemantauan dan evaluasi pada akhir peringatan III masih menelantarkan tanah seluas ± 3.720 Ha;
- b. bahwa berdasarkan Peraturan Pemerintah Nomor 11 Tahun 2010 tentang Penertiban dan Pendayagunaan Tanah Terlantar, terhadap tanah sebagaimana dimaksud pada huruf a, Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur telah melaksanakan identifikasi dan penelitian yang ditindaklanjuti dengan identifikasi dan penelitian oleh Panitia C Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur dan hasilnya dituangkan dalam Berita Acara Sidang Panitia C Terhadap Tanah Hak Guna Usaha Nomor 6/Kupang/1992 Atas Nama PT Panggung Guna Ganda Semesta Yang Terindikasi Terlantar Nomor 19/BA/P3M/VI/2011 tanggal 30 Juni 2011, ditindaklanjuti dengan Peringatan I Nomor 237/024-53.500/VI/2011 tanggal 30 Juni 2011, Peringatan II Nomor 294/024-53.500/VIII/2011 tanggal 5 Agustus 2011, Peringatan III Nomor 356/024-53.500/IX/2011 tanggal 12 September 2011 serta berdasarkan pemantauan dan evaluasi oleh Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur pada akhir Peringatan III, pemegang hak masih menelantarkan tanah Hak Guna Usahnya;
- c. bahwa sehubungan dengan hal tersebut, Kepala Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur dengan surat Nomor 481/024-53.500/XI/2011 tanggal 24 November 2011 mengusulkan kepada Kepala Badan Pertanahan Nasional Republik Indonesia untuk menetapkan tanah sebagaimana dimaksud pada huruf a sebagai tanah terlantar;

d. bahwa...

- d. bahwa berdasarkan surat Direktur Jenderal Pengendalian Pemanfaatan Ruang dan Penguasaan Tanah atas nama Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 3494/35.2-700/LX/2017 tanggal 20 September 2019, perihal tindak lanjut penertiban tanah terindikasi terlantar Hak Guna Usaha Nomor 6/Kupang seluas 3.720 Ha atas nama PT Panggung Guna Ganda Semesta, terhadap tanah Hak Guna Usaha Nomor 6/Kupang seluas 3.720 Ha terletak di Desa Oebelo, Bipolo, Nunkurus, Babau, dan Merdeka, Kecamatan Kupang Tengah dan Kupang Timur, Kabupaten Kupang, Provinsi Nusa Tenggara Timur dikeluarkan dari *database* tanah terindikasi terlantar dengan ketentuan :
1. PT Panggung Guna Ganda Semesta menyediakan tanah Hak Guna Usaha Nomor 6/Kupang untuk menjadi lokasi pembangunan industri pergaraman bekerja sama dengan PT Puncak Keemasan Garam Dunia;
 2. PT Puncak Keemasan Garam Dunia segera melaksanakan pembangunan fisik dan operasional pergaraman pada lokasi yang sudah *clear and clean*, serta selanjutnya secara bertahap menyelesaikan permasalahan yang ada pada lokasi yang digarap oleh masyarakat dengan cara merelokasi atau memberikan kompensasi;
 3. PT Puncak Keemasan Garam Dunia bersedia mengakomodir para penggarap sebagaimana dimaksud pada angka 2 agar meningkatkan perekonomian mereka dengan melibatkan dalam pembangunan fisik dan operasional industri pergaraman, serta membuka peluang tenaga kerja dari masyarakat sekitarnya;
 4. PT Panggung Guna Ganda Semesta bersedia memberikan kontribusi dan bekerja sama apabila diperlukan penyediaan tanah untuk mendukung program strategis Pemerintah lainnya, selama tidak mengganggu produksi pergaraman;
 5. Apabila dalam jangka waktu 12 (dua belas) bulan PT Panggung Guna Ganda Semesta dan PT Puncak Keemasan Garam Dunia tidak melaksanakan ketentuan angka 1, 2 dan 3 di atas, serta tidak melaksanakan ketentuan yang telah menjadi komitmen pemegang hak sesuai Surat Pernyataan yang telah dibuat, maka obyek tersebut wajib diserahkan/dilepaskan kepada Negara tanpa syarat;
- e. bahwa setelah berakhirnya jangka waktu 12 (dua belas) bulan PT Panggung Guna Ganda Semesta dan PT Puncak Keemasan Garam Dunia ternyata tidak melaksanakan ketentuan sebagaimana huruf d angka 1, 2 dan 3 di atas;
- f. bahwa berdasarkan pertimbangan sebagaimana huruf a, b, c, d, dan e tersebut diatas, perlu ditetapkan Keputusan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional tentang Penetapan Tanah Terlantar atas tanah Hak Guna Usaha Nomor 6/Kupang seluas 3.720 Ha terletak di Desa Oebelo, Bipolo, Nunkurus, Babau, dan Merdeka, Kecamatan Kupang Tengah dan Kupang Timur, Kabupaten Kupang, Provinsi Nusa Tenggara Timur.

- Mengingat :
1. Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria (Lembaran Negara Republik Indonesia Tahun 1960 Nomor 104, Tambahan Lembaran Negara Republik Indonesia Nomor 2043);
 2. Peraturan Pemerintah Nomor 40 Tahun 1996 tentang Hak Guna Usaha, Hak Guna Bangunan dan Hak Pakai Atas Tanah (Lembaran Negara Republik Indonesia Tahun 1996 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Tahun 1996 Nomor 3643);
 3. Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah (Lembaran Negara Republik Indonesia Tahun 1997 Nomor 59, Tambahan Lembaran Negara Republik Indonesia Tahun 1997 Nomor 3696);
 4. Peraturan Pemerintah Nomor 11 Tahun 2010 tentang Penertiban dan Pendayagunaan Tanah Terlantar (Lembaran Negara Republik Indonesia Tahun 2010 Nomor 16, Tambahan Lembaran Negara Republik Indonesia Tahun 2010 Nomor 5100);
 5. Peraturan Presiden Republik Indonesia Nomor 17 Tahun 2015 tentang Kementerian Agraria dan Tata Ruang (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 18);
 6. Peraturan Presiden Republik Indonesia Nomor 20 Tahun 2015 tentang Badan Pertanahan Nasional (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 21);
 7. Keputusan Presiden Republik Indonesia Nomor 121/P/2014 tentang Pembentukan Kementerian dan Pembentukan Kabinet Kerja 2014-2019;
 8. Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 1997 tentang Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah sebagaimana diubah dengan Peraturan Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 8 Tahun 2012 tentang Perubahan Atas Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 3 Tahun 1997 tentang Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah;
 9. Peraturan Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 4 Tahun 2010 tentang Tata Cara Penertiban Tanah Terlantar sebagaimana diubah dengan Peraturan Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 9 Tahun 2011 tentang Perubahan Atas Peraturan Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 4 Tahun 2010 tentang Tata Cara Penertiban Tanah Terlantar;
 10. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 8 Tahun 2015 tentang Organisasi dan Tata Kerja Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional (Berita Negara Republik Indonesia Tahun 2015 Nomor 694) jo Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 1 Tahun 2019 tentang Perubahan Atas Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 8 Tahun 2015 tentang Organisasi dan Tata Kerja Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional (Berita Negara Republik Indonesia Tahun 2019 Nomor 191);

11. Peraturan...

11. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 38 Tahun 2016 tentang Organisasi dan Tata Kerja Kantor Wilayah Badan Pertanahan Nasional dan Kantor Pertanahan (Berita Negara Republik Indonesia Tahun 2016 Nomor 1874) sebagaimana telah diubah dengan Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 4 Tahun 2018 tentang Perubahan Atas Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 38 Tahun 2016 tentang Organisasi dan Tata Kerja Kantor Wilayah Badan Pertanahan Nasional dan Kantor Pertanahan (Berita Negara Republik Indonesia Tahun 2018 Nomor 500);

MEMUTUSKAN :

- Menetapkan : KEPUTUSAN MENTERI AGRARIA DAN TATA RUANG/KEPALA BADAN PERTANAHAN NASIONAL TENTANG PENETAPAN TANAH TERLANTAR YANG BERASAL DARI HAK GUNA USAHA NOMOR 6/KUPANG ATAS NAMA PT. PANGGUNG GUNA GANDA SEMESTA TERLETAK DI DESA OEVELO, BIPOLO, NUNKURUS, BABAU, DAN MERDEKA, KECAMATAN KUPANG TENGAH DAN KUPANG TIMUR, KABUPATEN KUPANG, PROVINSI NUSA TENGGARA TIMUR.
- KESATU : Menetapkan tanah Hak Guna Usaha Nomor 6/Kupang seluas 3.720 Ha (tiga ribu tujuh ratus dua puluh hektar) atas nama PT Panggung Guna Ganda Semesta terletak di Desa Oebelo, Bipolo, Nunkurus, Babau, dan Merdeka, Kecamatan Kupang Tengah dan Kupang Timur, Kabupaten Kupang, Provinsi Nusa Tenggara Timur sebagai tanah terlantar.
- KEDUA : Keputusan penetapan tanah terlantar sebagaimana dimaksud pada Diktum KESATU sekaligus menetapkan hapusnya hak atas tanah, memutuskan hubungan hukum, dan tanah dimaksud dikuasai langsung oleh Negara.
- KETIGA : Memerintahkan kepada Kepala Kantor Pertanahan Kabupaten Kupang untuk :
1. Menarik dan mencoret Sertipikat Hak Guna Usaha Nomor 6/Kupang seluas 3.720 Ha (tiga ribu tujuh ratus dua puluh hektar) atas nama PT Panggung Guna Ganda Semesta terletak di Desa Oebelo, Bipolo, Nunkurus, Babau, dan Merdeka, Kecamatan Kupang Tengah dan Kupang Timur, Kabupaten Kupang, Provinsi Nusa Tenggara Timur sebagaimana dimaksud pada Diktum KESATU serta mencoret dalam daftar umum dan daftar isian lainnya dalam tata usaha pendaftaran tanah.
 2. Dalam hal Kepala Kantor Pertanahan Kabupaten Kupang tidak dapat menarik, mencoret Sertipikat Hak Guna Usaha Nomor 6/Kupang seluas 3.720 Ha (tiga ribu tujuh ratus dua puluh hektar) atas nama PT Panggung Guna Ganda Semesta terletak di Desa Oebelo, Bipolo, Nunkurus, Babau, dan Merdeka, Kecamatan Kupang Tengah dan Kupang Timur, Kabupaten Kupang, Provinsi Nusa Tenggara Timur, harus mengumumkan di surat kabar harian setempat 1 (satu) kali dalam waktu 1 (satu) bulan atau memasang papan pengumuman di lokasi setelah dikeluarkannya Keputusan ini yang menyatakan bahwa Sertipikat tersebut tidak berlaku.

KEEMPAT...

- KEEMPAT : 1. Benda-benda di atas tanah terlantar dalam waktu paling lama 1 (satu) bulan sejak diterbitkannya Keputusan ini wajib dikosongkan oleh bekas pemegang hak dengan biaya dibebankan kepada yang bersangkutan.
2. Apabila bekas pemegang hak tidak melaksanakan pengosongan atas benda-benda sebagaimana dimaksud pada angka 1 di atas, bekas pemegang hak telah melepaskan hak atas benda-benda di atas tanah tersebut kepada Negara, dan selanjutnya dikuasai langsung oleh Negara.
- KEENAM : Apabila di kemudian hari terdapat kekeliruan/kesalahan dalam penetapannya, maka Keputusan ini akan ditinjau kembali sebagaimana mestinya.
- KETUJUH : Keputusan ini mulai berlaku sejak tanggal ditetapkan.

Ditetapkan di Jakarta
pada tanggal 27 Mei 2019

MENTERI AGRARIA DAN TATA RUANG/
KEPALA BADAN PERTANAHAN NASIONAL,



IRANSOKYAN A. DJALIL

Kepada Yth:
Direktur PT. Pangung Guna Ganda Semesta
Jalan Hati Suci No. 43 Kupang, Provinsi Nusa Tenggara Timur.

Tembusan :

1. Presiden Republik Indonesia di Jakarta;
2. Gubernur Nusa Tenggara Timur, di Kupang;
3. Direktur Jenderal Tata Ruang, Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, di Jakarta;
4. Direktur Jenderal Hubungan Hukum Kegrarian, Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, di Jakarta;
5. Direktur Jenderal Penataan Agraria, Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, di Jakarta;
6. Direktur Jenderal Pengendalian Pemanfaatan Ruang dan Penguasaan Tanah, Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, di Jakarta;
7. Direktur Jenderal Penanganan Masalah Agraria, Pemanfaatan Ruang dan Tanah, Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, di Jakarta;
8. Kepala Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur, di Kupang;
9. Bupati Kupang, di Kupang;
10. Kepala Kantor Pertanahan Kabupaten Kupang, di Kupang.

Appendix D: Declaration of Nunkurus Villagers to release the land to TLL

SURAT PERNYATAAN PENYERAHAN TANAH UNTUK KEPERLUAN INDUSTRI GARAM

Pada hari ini Jumat, tanggal Dua puluh tiga, bulan Maret, tahun 2018, kami pemilik tanah hak ulayat/ tanah milik pribadi/ Keluarga bersedia menyerahkan tanah kami dengan sukarela untuk dimanfaatkan oleh pihak ketiga untuk pengolahan garam yang akan ditetapkan melalui perjanjian kerjasama pemanfaatan lahan yang dimediasi oleh Pemerintah Kabupaten Kupang. Tanah yang kami serahkan terletak di Dusun II, Padang Beringin, Desa Nunkurus, Kecamatan Kupang Timur, Kabupaten Kupang, dan lazim dikenal dengan sebutan nama lokasi Tanah Rata dengan luas total areal ± 595 Ha. Rincian data kepemilikan lahan dimaksud sebagai berikut :

NO	NAMA	LUAS LAHAN	STATUS KEPEMILIKAN LAHAN	KETERANGAN (Domisili) RT/RW/Desa
1	Yohana Gago	15 HA	Tanah Ulayat	Dusun II / Nunkurus
2	Dance Logo	1 HA	Tanah Ulayat	Dusun II / Nunkurus
3	Simon Anin	1 HA	Tanah Ulayat	Dusun II / Nunkurus
4	Salmon Maakh	10 HA	Tanah Ulayat	Dusun II / Nunkurus
5	Frit Maakh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
6	Maxi Maakh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
7	Amolus Maakh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
8	Angga Maakh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
9	Arthus Maakh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
10	Petrus Polin	35 HA	Tanah Ulayat	Dusun II / Nunkurus
11	Thomas Polin	1 HA	Tanah Ulayat	Dusun II / Nunkurus
12	Viktor Polin	1 HA	Tanah Ulayat	Dusun II / Nunkurus
13	Karel Foes	30 HA	Tanah Ulayat	Dusun II / Nunkurus
14	Marthen Foes	1 HA	Tanah Ulayat	Dusun II / Nunkurus
15	Lexi Foes	1 HA	Tanah Ulayat	Dusun II / Nunkurus
16	Sarah Foes	1 HA	Tanah Ulayat	Dusun II / Nunkurus
17	Ardi Foes	1 HA	Tanah Ulayat	Dusun II / Nunkurus
18	Ismael Foes	1 HA	Tanah Ulayat	Dusun II / Nunkurus
19	Kristiana Annahas	1 HA	Tanah Ulayat	Dusun II / Nunkurus
20	Efa Annahas	1 HA	Tanah Ulayat	Dusun II / Nunkurus
21	Marthinus Tenis	1 HA	Tanah Ulayat	Dusun II / Nunkurus
22	Yovita Helda Tenis	1 HA	Tanah Ulayat	Dusun II / Nunkurus
23	Yusuf Taek	1 HA	Tanah Ulayat	Dusun II / Nunkurus
24	Yakmat Taek	1 HA	Tanah Ulayat	Dusun II / Nunkurus
25	Yondri Taek	1 HA	Tanah Ulayat	Dusun II / Nunkurus
26	Apli Taek Mausali	1 HA	Tanah Ulayat	Dusun II / Nunkurus
27	James Ndak	1 HA	Tanah Ulayat	Dusun II / Nunkurus
28	Soleman Patola	15 HA	Tanah Ulayat	Dusun II / Nunkurus
29	Caesee Patola	1 HA	Tanah Ulayat	Dusun II / Nunkurus
30	Boas Tameno	1 HA	Tanah Ulayat	Dusun II / Nunkurus
31	Maxi Metkono	1 HA	Tanah Ulayat	Dusun II / Nunkurus
32	Siprianus Sikas	1 HA	Tanah Ulayat	Dusun II / Nunkurus
33	Koenalia Patola	1 HA	Tanah Ulayat	Dusun II / Nunkurus
34	Amrbam Patola	15 HA	Tanah Ulayat	Dusun II / Nunkurus
35	Yermias Patola	1 HA	Tanah Ulayat	Dusun II / Nunkurus
36	Matheos Patola	1 HA	Tanah Ulayat	Dusun II / Nunkurus
37	Melkisedek Taneo	1 HA	Tanah Ulayat	Dusun II / Nunkurus
38	Deki Un	1 HA	Tanah Ulayat	Dusun II / Nunkurus
39	Bernadus Saketu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
40	Mesak Humau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
41	Soleman Seik	15 HA	Tanah Ulayat	Dusun II / Nunkurus

42	Peres Seik	1 HA	Tanah Ulayat	Dusun II / Nunkurus
43	Daud Seik II	1 HA	Tanah Ulayat	Dusun II / Nunkurus
44	Yerimat Seik	1 HA	Tanah Ulayat	Dusun II / Nunkurus
45	Karpinus Seik	1 HA	Tanah Ulayat	Dusun II / Nunkurus
46	Daud Seik I	1 HA	Tanah Ulayat	Dusun II / Nunkurus
47	Megawati Seik	1 HA	Tanah Ulayat	Dusun II / Nunkurus
48	Yeskial Seik	15 HA	Tanah Ulayat	Dusun II / Nunkurus
49	Yeci Seik	1 HA	Tanah Ulayat	Dusun II / Nunkurus
50	Yohanis Seik	1 HA	Tanah Ulayat	Dusun II / Nunkurus
51	Musa Seik	1 HA	Tanah Ulayat	Dusun II / Nunkurus
52	Ferdinan Lassa	1 HA	Tanah Ulayat	Dusun II / Nunkurus
53	Urias Lassa	1 HA	Tanah Ulayat	Dusun II / Nunkurus
54	Semi Mada	1 HA	Tanah Ulayat	Dusun II / Nunkurus
55	Penikas Polin	1 HA	Tanah Ulayat	Dusun II / Nunkurus
56	Alfred Polin	1 HA	Tanah Ulayat	Dusun II / Nunkurus
57	Jeffri Ingunau	10 HA	Tanah Ulayat	Dusun II / Nunkurus
58	Lesri Ingunau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
59	Fedi Ingunau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
60	Beci Ingunau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
61	Toni Ingunau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
62	Elifas Nisipeni	1 HA	Tanah Ulayat	Dusun II / Nunkurus
63	Somda Sally	1 HA	Tanah Ulayat	Dusun II / Nunkurus
64	Darius Lau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
65	Yeri Kelgawing	1 HA	Tanah Ulayat	Dusun II / Nunkurus
66	Anel Lau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
67	Bernadus Mella	5 HA	Tanah Ulayat	Dusun II / Nunkurus
68	Frans Takuba	10 HA	Tanah Ulayat	Dusun II / Nunkurus
69	Ignatius Waang	1 HA	Tanah Ulayat	Dusun II / Nunkurus
70	Yandri Waang	1 HA	Tanah Ulayat	Dusun II / Nunkurus
71	Anaci Huan	1 HA	Tanah Ulayat	Dusun II / Nunkurus
72	Ofry Huan	2 HA	Tanah Ulayat	Dusun II / Nunkurus
73	Jibrael Lubalu	2 HA	Tanah Ulayat	Dusun II / Nunkurus
74	Tobrito Lubalu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
75	Ion Lubalu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
76	Klemens Lubalu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
77	Yoksan Lubalu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
78	Palti Tefa	1 HA	Tanah Ulayat	Dusun II / Nunkurus
79	Thimotius Tabelak	1 HA	Tanah Ulayat	Dusun II / Nunkurus
80	Sor E. Tabelak	1 HA	Tanah Ulayat	Dusun II / Nunkurus
81	Thobias Tabelak	1 HA	Tanah Ulayat	Dusun II / Nunkurus
82	Yan Kris Tabelak	1 HA	Tanah Ulayat	Dusun II / Nunkurus
83	Bernadus Lasnima	1 HA	Tanah Ulayat	Dusun II / Nunkurus
84	Luisa Lasnima Tanone	1 HA	Tanah Ulayat	Dusun II / Nunkurus
85	Luisa Lasnima Lassa	1 HA	Tanah Ulayat	Dusun II / Nunkurus
86	Batceba Lasnima	1 HA	Tanah Ulayat	Dusun II / Nunkurus
87	Asnat Bari	1 HA	Tanah Ulayat	Dusun II / Nunkurus
88	Yafet Lasnima	1 HA	Tanah Ulayat	Dusun II / Nunkurus
89	Hoclif Lasnima	1 HA	Tanah Ulayat	Dusun II / Nunkurus
90	Yoki Lasnima	1 HA	Tanah Ulayat	Dusun II / Nunkurus
91	Per. T. Lasnima	1 HA	Tanah Ulayat	Dusun II / Nunkurus
92	Donikson Lasnima	30 HA	Tanah Ulayat	Dusun II / Nunkurus
93	Yonatan Nenoliu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
94	Lorince Tabelak	1 HA	Tanah Ulayat	Dusun II / Nunkurus
95	Yakobus Lakapu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
96	Efradus Benu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
97	Yopi Benu	1 HA	Tanah Ulayat	Dusun II / Nunkurus

98	Yakob Malafu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
99	Stef Malafu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
100	Rikjems Malafu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
101	Ishak Bani	1 HA	Tanah Ulayat	Dusun II / Nunkurus
102	Felipus Manu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
103	Antoneta Tabana	1 HA	Tanah Ulayat	Dusun II / Nunkurus
104	Antonia Olla	1 HA	Tanah Ulayat	Dusun II / Nunkurus
105	Komalius Dobo	1 HA	Tanah Ulayat	Dusun II / Nunkurus
106	Yufenci Dobo	1 HA	Tanah Ulayat	Dusun II / Nunkurus
107	Englon Dobo	1 HA	Tanah Ulayat	Dusun II / Nunkurus
108	Yan Tanone	1 HA	Tanah Ulayat	Dusun II / Nunkurus
109	Terianus Tanone	1 HA	Tanah Ulayat	Dusun II / Nunkurus
110	Salmon Tanone	15 HA	Tanah Ulayat	Dusun II / Nunkurus
111	Yordi Tanone	1 HA	Tanah Ulayat	Dusun II / Nunkurus
112	Joni Tanone	1 HA	Tanah Ulayat	Dusun II / Nunkurus
113	Yonatan Sina	1 HA	Tanah Ulayat	Dusun II / Nunkurus
114	Osiias Sina	1 HA	Tanah Ulayat	Dusun II / Nunkurus
115	Nikodemus Sina	1 HA	Tanah Ulayat	Dusun II / Nunkurus
116	Samuel Sina	1 HA	Tanah Ulayat	Dusun II / Nunkurus
117	Junias Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
118	Melkias Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
119	Yohanne Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
120	Immanuel Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
121	Ibrahim Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
122	Frits Koroh	15 HA	Tanah Ulayat	Dusun II / Nunkurus
123	Adrian Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
124	Lexi Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
125	Karolina Bani- Koroh	1 HA	Tanah Ulayat	Dusun II / Nunkurus
126	Eben Dang Waang	1 HA	Tanah Ulayat	Dusun II / Nunkurus
127	Rian Mona	1 HA	Tanah Ulayat	Dusun II / Nunkurus
128	Mariana Feo	1 HA	Tanah Ulayat	Dusun II / Nunkurus
129	Roslin Madara	1 HA	Tanah Ulayat	Dusun II / Nunkurus
130	Bernat Madara	1 HA	Tanah Ulayat	Dusun II / Nunkurus
131	Rama Madara	1 HA	Tanah Ulayat	Dusun II / Nunkurus
132	Yermias Nalle	35 HA	Tanah Ulayat	Dusun II / Nunkurus
133	Yorim Nalle	1 HA	Tanah Ulayat	Dusun II / Nunkurus
134	Sepri Nalle	1 HA	Tanah Ulayat	Dusun II / Nunkurus
135	Mau Nalle	1 HA	Tanah Ulayat	Dusun II / Nunkurus
136	Nikodemus Lakona	1 HA	Tanah Ulayat	Dusun II / Nunkurus
137	Felipus Ado Resing	1 HA	Tanah Ulayat	Dusun II / Nunkurus
138	Arli Resing	1 HA	Tanah Ulayat	Dusun II / Nunkurus
139	Seprianus Missa	1 HA	Tanah Ulayat	Dusun II / Nunkurus
140	Marthen Missa	1 HA	Tanah Ulayat	Dusun II / Nunkurus
141	Nino Missa	1 HA	Tanah Ulayat	Dusun II / Nunkurus
142	Feri Lau	1 HA	Tanah Ulayat	Dusun II / Nunkurus
143	Yanto Utan	1 HA	Tanah Ulayat	Dusun II / Nunkurus
144	Yusak Maumalay	1 HA	Tanah Ulayat	Dusun II / Nunkurus
145	Bertus Naitili	1 HA	Tanah Ulayat	Dusun II / Nunkurus
146	Susana Fallo	1 HA	Tanah Ulayat	Dusun II / Nunkurus
147	Duki Fanggidae	1 HA	Tanah Ulayat	Dusun II / Nunkurus
148	Felipus Tampani	1 HA	Tanah Ulayat	Dusun II / Nunkurus
149	Maxi Pello	1 HA	Tanah Ulayat	Dusun II / Nunkurus
150	Nikolas Seran	1 HA	Tanah Ulayat	Dusun II / Nunkurus
151	Paulus Huler	1 HA	Tanah Ulayat	Dusun II / Nunkurus
152	Charles Karpada	1 HA	Tanah Ulayat	Dusun II / Nunkurus
153	Lebrina Karpada	1 HA	Tanah Ulayat	Dusun II / Nunkurus

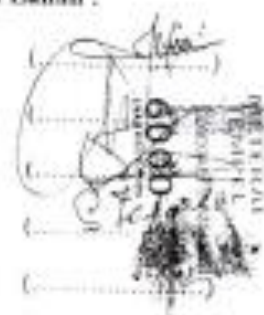
154	Ferdi Karpada	1 HA	Tanah Ulayat	Dusun II / Nunkurus
155	Yoksan E. Kalaping	1 HA	Tanah Ulayat	Dusun II / Nunkurus
156	Bernadas Kala Asang	1 HA	Tanah Ulayat	Dusun II / Nunkurus
157	Miqjeni Sir	10 HA	Tanah Ulayat	Dusun II / Nunkurus
158	Nomensen Sir	1 HA	Tanah Ulayat	Dusun II / Nunkurus
159	Juliana Oemotan	1 HA	Tanah Ulayat	Dusun III / Nunkurus
160	Eliasar Sunbanu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
161	Sem Lake	1 HA	Tanah Ulayat	Dusun II / Nunkurus
162	Dominggus Sing	1 HA	Tanah Ulayat	Dusun II / Nunkurus
163	Yabes Gago	10 HA	Tanah Ulayat	Dusun II / Nunkurus
164	Angki Gago	1 HA	Tanah Ulayat	Dusun II / Nunkurus
165	Aplonia Gago	1 HA	Tanah Ulayat	Dusun II / Nunkurus
166	Maxi Gago	1 HA	Tanah Ulayat	Dusun II / Nunkurus
167	Yan O. Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
168	Kornelis Beri	30 HA	Tanah Ulayat	Dusun II / Nunkurus
169	Deniard Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
170	Marthen Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
171	Mikdon Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
172	Yafet Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
173	Esra M. Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
174	Randi Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
175	Rongki Beri	1 HA	Tanah Ulayat	Dusun II / Nunkurus
176	Aminadap Polin	10 HA	Tanah Ulayat	Dusun II / Nunkurus
177	Danial Polin	1 HA	Tanah Ulayat	Dusun II / Nunkurus
178	Agustina Manafe	10 HA	Tanah Ulayat	Dusun II / Nunkurus
179	Rony Manafe	1 HA	Tanah Ulayat	Dusun II / Nunkurus
180	Felipus Tse	1 HA	Tanah Ulayat	Dusun II / Nunkurus
181	Marthen Seu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
182	Musa Benu	1 HA	Tanah Ulayat	Dusun II / Nunkurus
183	Aset desa	72 HA	Tanah Ulayat	Dusun II / Nunkurus
184	Aset GMT Lahairoi Nunkurus	10 HA	Tanah Ulayat	Dusun II / Nunkurus
185	Aset GKIN Revival Nunkurus	5 HA	Tanah Ulayat	Dusun II / Nunkurus
186	Aset GBI Eksusia Nunkurus	5 HA	Tanah Ulayat	Dusun II / Nunkurus

Untuk kemudahan pembuatan perjanjian kerjasama pemanfaatan lahan tersebut diatas dengan pihak ketiga, maka kami para pemilik lahan tersebut sepakat menunjuk saudara **Donikson Laisnima** menjadi koordinator kelompok dan menandatangani perjanjian kerjasama atas nama kami para pemilik. Dengan surat pernyataan penyerahan tanah ini, maka kami mengharapkan Pemerintah Daerah Kabupaten Kupang segera memfasilitasi pertemuan kami dengan pihak ketiga yang dapat dipercaya sebagai pengelola lahan tersebut. Dengan ini kami menyatakan bersedia untuk memberikan jaminan keamanan bagi pihak ketiga yang bersedia memanfaatkan lahan kami sesuai hasil kesepakatan bersama.

Demikian pernyataan ini kami buat berdasarkan kerelaan sendiri tanpa unsur paksaan pihak manapun untuk dimanfaatkan sebagaimana mestinya.

Para Pemilik Lahan :

1. Yermias Naile
2. Kornelis Bery
3. Salmun Maikh
4. Soleman Patola
5. Agustina Manafe



Appendix E: Agreement between TLL and Villagers

PERJANJIAN KERJA SAMA
ANTARA

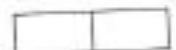
DENGAN
MASYARAKAT PEMILIK LAHAN _____
DESA _____ KECAMATAN _____ KABUPATEN KUPANG
TENTANG
PEMANFAATAN LAHAN UNTUK INDUSTRI
PENGELOLAAN DAN PENGOLAHAN GARAM

NOMOR :
NOMOR :

Pada hari ini _____ tanggal _____ bulan _____ Tahun Dua Ribu
Delapan Belas, bertempat di _____, yang bertanda tangan di
bawah ini :

I. _____ : Warga Negara Indonesia, NIK. _____
beralamat di RT _____ RW _____
Kelurahan _____ Kecamatan _____
Kabupaten _____, Provinsi _____
Direktur PT. _____
sebagaimana Keputusan _____
Nomor : _____ tanggal _____
dalam hal ini bertindak untuk
dan atas nama PT. _____
selanjutnya disebut **PIHAK PERTAMA.**

II. _____ : Warga Negara Indonesia, NIK. _____
beralamat di RT _____ RW _____
Desa _____, Kecamatan _____
Kabupaten Kupang, dalam
hal ini bertindak untuk dan atas nama
Masyarakat Pemilik Lahan _____
Desa _____, Kecamatan _____
Kabupaten Kupang,
berdasarkan Surat Pernyataan Penyerahan
Tanah Untuk Keperluan Industri Garam
tanggal _____, selanjutnya disebut
PIHAK KEDUA.



PIHAK PERTAMA dan PIHAK KEDUA yang selanjutnya disebut PARA PIHAK, secara bersama-sama terlebih dahulu menerangkan sebagai berikut :

- a. Bahwa, PIHAK PERTAMA sebagai Perseroan Terbatas di bidang industri, bermaksud untuk memperluas kegiatan usaha Pengelolaan dan Pengolahan Industri Garam di Wilayah Kabupaten Kupang,;
- b. Bahwa PIHAK KEDUA, sebagai Pemilik Lahan yang memiliki potensi bahan baku industri garam di Kabupaten Kupang, bermaksud untuk menyerahkan lahannya kepada PIHAK PERTAMA untuk dimanfaatkan sebagai Lahan Industri Pengelolaan dan Pengolahan Garam, guna memenuhi kebutuhan Garam Nasional, mendorong percepatan pertumbuhan ekonomi daerah dan perluasan kesempatan kerja;

Berdasarkan hal-hal tersebut diatas, PIHAK PERTAMA dan PIHAK KEDUA yang secara bersama-sama disebut PARA PIHAK, sepakat mengikatkan diri dalam Perjanjian Kerja Sama, yang selanjutnya disebut Perjanjian, dengan ketentuan sebagai berikut :

Pasal 1

MAKSUD DAN TUJUAN

- (1) Maksud Perjanjian ini adalah, sebagai landasan bagi PARA PIHAK dalam melaksanakan Pemanfaatan Lahan untuk Industri Pengelolaan dan Pengolahan Garam.
- (2) Perjanjian ini bertujuan untuk, membangun Industri Pengelolaan dan Pengolahan Garam di Kabupaten Kupang, dengan prinsip kemitraan dan saling menguntungkan yang diarahkan untuk meningkatkan mutu dan hasil produksi, memenuhi kebutuhan garam nasional, meningkatkan pendapatan daerah dan masyarakat, memperluas lapangan kerja serta memberikan kesempatan berusaha bagi masyarakat.

Pasal 2

OBJEK DAN RUANG LINGKUP

- (1) Objek kerjasama dalam Perjanjian ini adalah Pemanfaatan Lahan Masyarakat Untuk Industri Pengelolaan dan Pengolahan Garam;
- (2) Lahan sebagaimana dimaksud pada Ayat (1) berlokasi di _____, Desa _____, Kecamatan _____, Kabupaten Kupang, Provinsi Nusa Tenggara Timur, dengan Luas _____ Ha (_____ hektare);
- (3) Lokasi dan Luas Lahan sebagaimana dimaksud pada Ayat (2), adalah sebagaimana yang tercantum dalam Lampiran Perjanjian ini;
- (4) Ruang Lingkup Perjanjian ini, meliputi :
 - a. Sosialisasi Objek dan Ruang Lingkup Kerja Sama kepada masyarakat;
 - b. Pelaksanaan Pemanfaatan Lahan Industri Pengelolaan dan Pengolahan Garam;
 - c. Pembinaan dan Pemberdayaan Masyarakat
 - d. Pembagian Hasil Produksi;
 - e. Monitoring dan Evaluasi.

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Pasal 3
HAK DAN KEWAJIBAN PIHAK PERTAMA

(1) PIHAK PERTAMA berhak untuk :

- a. menerima Objek Kerja Sama sebagaimana dimaksud pada Pasal 2 Ayat (2) dan Ayat (3) dari PIHAK KEDUA, untuk dimanfaatkan sebagai Lahan Industri Pengelolaan dan Pengolahan Garam;
- b. melakukan aktifitas Industri Pengelolaan dan Pengolahan Garam di atas lahan yang diserahkan PIHAK KEDUA;
- c. memperoleh jaminan perlindungan terhadap pelaksanaan Perjanjian ini dari Pemilik Lahan, Tokoh Adat, Tokoh Agama dan Pemerintah Daerah;
- d. memperoleh Surat Penetapan Pajak/ Retribusi Tahunan dari Pemerintah Kabupaten Kupang.

(2) PIHAK PERTAMA berkewajiban untuk :

- a. bersama PIHAK KEDUA melaksanakan sosialisasi kepada masyarakat sekitar tentang pemanfaatan Objek Kerja Sama sebagaimana dimaksud pada Pasal 2 Ayat (2) dan Ayat (3), sebagai Lahan Industri Pengelolaan dan Pengolahan Garam;
- b. memprioritaskan perekrutan Tenaga Kerja Lokal untuk dibina dan dimanfaatkan tenaganya dalam kegiatan Industri Pengelolaan dan Pengolahan Garam;
- c. memberikan Perlindungan Jaminan Kesehatan dan Jaminan Kecelakaan Kerja kepada Tenaga Kerja Lokal yang diberdayakan, sesuai ketentuan perundang-undangan yang berlaku;
- d. menyelesaikan pengurusan Izin Operasi dan Izin Lingkungan, sebelum melaksanakan aktivitas Industri Pengelolaan dan Pengolahan Garam di atas Objek Kerja Sama;
- e. memperhatikan dampak lingkungan sekitar, khususnya pertanian masyarakat, dalam melaksanakan kegiatan Industri Pengelolaan dan Pengolahan Garam;
- f. melaksanakan pembangunan Sarana, Prasarana dan Infrastruktur pendukung, baik di dalam maupun sekitar Objek Kerja Sama;
- g. bersama PIHAK KEDUA menunjuk Akuntan Publik, untuk melakukan Audit Hasil Produksi yang diperoleh pada setiap tahunnya, selama Jangka Waktu Perjanjian ini;
- h. membiayai Jasa Audit Akuntan Publik;
- i. memberikan pembagian keuntungan sebesar 5,5% (lima koma lima persen) kepada PIHAK KEDUA, dari Total Hasil Produksi yang diperoleh dari pemanfaatan Objek Kerja Sama pada setiap tahunnya, yang dinyatakan dari Hasil Audit Akuntan Publik, paling lambat 15 (Lima Belas) Hari Kerja sejak di kehuarkannya Hasil Audit Akuntan Publik;



- j. memberikan kontribusi dalam rangka pertumbuhan ekonomi daerah sebesar 4,5% (empat koma lima persen) dari Total Hasil Produksi pada setiap tahunnya, dengan pembagian masing-masing 1,5% (satu koma lima persen) antara lain kepada, Sekretariat Lembaga Pemangku Adat, Sinode GMIT (Pendidikan GMIT) dan Pemerintah Kabupaten Kupang;
- k. melaksanakan tahapan pemanfaatan Objek Kerja Sama sebagaimana Maksud dan Tujuan Perjanjian ini, paling lama 45 (empat puluh lima) Hari Kerja terhitung sejak ditandatanganinya Perjanjian ini;
- l. menyerahkan kembali Objek Kerja Sama kepada PIHAK KEDUA, tepat pada waktu berakhirnya Perjanjian ini, yang dituangkan dalam Berita Acara Penyerahan Kembali Lahan;

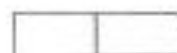
Pasal 4 **HAK DAN KEWAJIBAN PIHAK KEDUA**

(1) PIHAK KEDUA, berhak untuk :

- a. memperoleh informasi secara transparan dari PIHAK PERTAMA tentang pemanfaatan Objek Kerja Sama sebagai Lahan Industri Pengelolaan dan Pengolahan Garam, serta Hasil Produksi yang diperoleh dari lahan yang dimanfaatkan;
- b. memperoleh jaminan dalam bentuk Surat Pernyataan dari PIHAK PERTAMA bahwa, Objek Kerja Sama sebagaimana dimaksud pada Pasal 2 Ayat (2) dan Ayat (3), dimanfaatkan sesuai Tujuan Perjanjian sebagaimana dimaksud pada Pasal 1 Ayat (1) dan Ayat (2).
- c. memperoleh pembagian keuntungan dari PIHAK PERTAMA sebesar 5,5% (lima koma lima persen), dari Total Hasil Produksi yang diperoleh dari pemanfaatan Objek Kerja Sama pada setiap tahunnya, yang dinyatakan dari Hasil Audit Akuntan Publik, paling lambat 15 (Lima Belas) Hari Kerja sejak di keluarkannya Hasil Audit Akuntan Publik;
- d. memperoleh kembali Objek Kerja Sama dari PIHAK PERTAMA, tepat pada waktu berakhirnya Perjanjian ini, yang dituangkan dalam Berita Acara Penyerahan Kembali Lahan.

(2) PIHAK KEDUA berkewajiban untuk :

- a. menyerahkan Objek Kerja Sama sebagaimana dimaksud pada Pasal 2 Ayat (2), kepada PIHAK PERTAMA melalui Upacara Adat dan Keagamaan untuk dimanfaatkan sebagai Lahan Industri Pengelolaan dan Pengolahan Garam;
- b. memberikan jaminan kepada PIHAK PERTAMA bahwa, Objek Kerja Sama yang diserahkan untuk dimanfaatkan sebagai Lahan Industri Pengelolaan dan Pengolahan Garam, bebas dari masalah dan gugatan dari pihak manapun;
- c. bersama PIHAK PERTAMA melaksanakan sosialisasi kepada masyarakat sekitar tentang Pemanfaatan Objek Kerja Sama sebagai Lahan Industri Pengelolaan dan Pengolahan Garam;



- d. bersama PIHAK PERTAMA menunjuk Akuntan Publik, untuk melakukan Audit Hasil Produksi yang diperoleh PIHAK PERTAMA, pada setiap tahunnya, selama Jangka Waktu Perjanjian ini;
- e. menetapkan 1 (satu) Nomor Rekening Bersama yang disepakati antar Pemilik Lahan, untuk kelancaran pelaksanaan kewajiban PIHAK PERTAMA, sebagaimana dimaksud pada Pasal 3 Ayat (2) Huruf i;

Pasal 5
PEMBINAAN DAN PEMBERDAYAAN
TENAGA KERJA LOKAL

- (1) Tenaga Kerja Lokal yang dibina dan diberdayakan, untuk dipekerjakan sebagai Pekerja Harian/ Buruh, ditentukan bersama oleh PARA PIHAK.
- (2) Persyaratan untuk menjadi Pekerja Harian/ Buruh, disesuaikan dengan kebutuhan dan ketentuan peraturan perundang-undangan yang berlaku.

Pasal 6
SANKSI

- (1) Apabila PIHAK PERTAMA dalam melaksanakan kewajibannya, tidak sesuai ketentuan yang telah ditetapkan dalam Perjanjian ini, yang mengakibatkan kerugian terhadap PIHAK KEDUA, maka PIHAK KEDUA berhak untuk :
 - a. menegur PIHAK PERTAMA secara lisan;
 - b. apabila setelah teguran lisan, PIHAK PERTAMA tetap tidak melaksanakan kewajibannya, maka PIHAK KEDUA berhak memberikan peringatan secara tertulis kepada PIHAK PERTAMA sebanyak 2 (dua) kali dengan jangka waktu masing-masing peringatan adalah 10 (sepuluh) hari kerja; dan
 - c. apabila PIHAK PERTAMA tidak mengindahkan peringatan sebagaimana dimaksud pada huruf a dan huruf b di atas, maka PIHAK KEDUA dapat menanggukkan pelaksanaan kewajibannya berdasarkan Perjanjian ini.
- (2) Apabila PIHAK KEDUA dalam melaksanakan kewajibannya tidak sesuai ketentuan yang telah ditetapkan dalam Perjanjian ini yang mengakibatkan kerugian terhadap PIHAK PERTAMA, maka PIHAK PERTAMA berhak untuk :
 - a. menegur PIHAK KEDUA secara lisan;
 - b. apabila setelah teguran lisan, PIHAK KEDUA tetap tidak melaksanakan kewajibannya, maka PIHAK PERTAMA berhak memberikan peringatan secara tertulis kepada PIHAK KEDUA sebanyak 2 (dua) kali dengan jangka waktu masing-masing peringatan adalah 10 (sepuluh) hari kerja; dan
 - c. apabila PIHAK KEDUA tidak mengindahkan peringatan sebagaimana tersebut pada huruf a dan b di atas, maka PIHAK PERTAMA dapat menanggukkan pelaksanaan kewajibannya berdasarkan Perjanjian ini



Pasal 7
JANGKA WAKTU

- (1) Perjanjian ini berlaku untuk Jangka Waktu _____ (_____) Tahun, terhitung sejak tanggal _____ sampai dengan _____;
- (2) Perjanjian ini dapat diperpanjang, berdasarkan kesepakatan PARA PIHAK dalam waktu selambat-lambatnya 1 (satu) bulan sebelum berakhirnya Perjanjian ini atau dalam waktu yang disepakati PARA PIHAK;
- (3) Apabila PARA PIHAK sepakat untuk memperpanjang Jangka Waktu Perjanjian ini, maka PARA PIHAK menetapkan dalam suatu Amandemen atau Addendum yang menjadi bagian tidak terpisahkan dari Perjanjian ini;
- (4) Dalam hal Perjanjian ini tidak diperpanjang, hak dan kewajiban PARA PIHAK yang harus diperoleh, wajib dilaksanakan terlebih dahulu sebelum berakhirnya Perjanjian ini tetap berlaku.

Pasal 8
PENGAKHIRAN PERJANJIAN

- (1) Perjanjian ini berakhir apabila:
 - a. terdapat kesepakatan PARA PIHAK melalui prosedur yang ditetapkan dalam Perjanjian ini;
 - b. terjadi perubahan mendasar yang mengakibatkan Perjanjian ini tidak dapat dilaksanakan;
 - c. salah satu pihak tidak melaksanakan atau melanggar ketentuan yang diatur dalam Perjanjian ini;
 - d. dibuat perjanjian baru yang menggantikan Perjanjian ini;
 - e. muncul norma baru dalam peraturan perundang-undangan;
 - f. terdapat hal-hal yang merugikan kepentingan nasional;
 - g. jangka waktu Perjanjian berakhir; atau
 - h. pengakhiran perjanjian oleh salah satu pihak sebelum jangka waktunya berakhir.
- (2) Pengakhiran Perjanjian sebagaimana dimaksud pada ayat (1) huruf h, hanya dapat dilakukan berdasarkan permintaan salah satu pihak dengan ketentuan:
 - a. menyampaikan secara tertulis sebab pengakhiran perjanjian kepada pihak lain;
 - b. inisiatif pengakhiran perjanjian oleh pihak lain terlebih dahulu dibahas bersama untuk memperoleh kesepakatan oleh PARA PIHAK;
 - c. pihak yang mempunyai inisiatif menanggung resiko baik finansial maupun resiko lainnya yang timbul akibat pengakhiran Perjanjian ini.



- (3) Tenggang waktu, penyampaian sebagaimana dimaksud pada ayat (2) huruf a, paling kurang 14 (empat belas) hari kalender disampaikan oleh salah satu pihak sebelum dilakukan pembahasan pengakhiran perjanjian.
- (4) Perjanjian ini tidak berakhir oleh karena adanya pergantian pimpinan instansi PARA PIHAK.
- (5) Berakhirnya Perjanjian ini tidak menghapus kewajiban yang belum selesai atau sementara dilaksanakan oleh salah satu pihak terhadap pihak lainnya, sehingga syarat-syarat dan ketentuan-ketentuan di dalam Perjanjian ini tetap berlaku untuk penyelesaian kewajiban oleh pihak yang belum selesai atau sementara melaksanakan kewajibannya.

Pasal 9

PENYELESAIAN PERSELISIHAN DAN DOMISILI

- (1) Dalam hal terjadi perselisihan dalam menafsirkan dan atau dalam melaksanakan isi Perjanjian ini, maka PARA PIHAK sepakat untuk sedapat mungkin menyelesaikan secara musyawarah untuk mufakat dengan melibatkan Lembaga Pemangku Adat, Sinode GMT (Pembinaan Pendidikan GMT) dan Pemerintah Daerah Kabupaten Kupang sebagai mediator;
- (2) Apabila musyawarah sebagaimana dimaksud bila Ayat (1) tidak mencapai mufakat maka dapat di selesaikan secara hukum sesuai ketentuan perundang-undangan yang berlaku melalui Pengadilan Negeri Oelamasi.

Pasal 10

KEADAAN MEMAKSA/ *FORCE MAJEURE*

- (1) Keadaan memaksa/*Force Majeure* dalam Perjanjian ini adalah peristiwa-peristiwa yang berada di luar kemampuan PARA PIHAK yang berakibat tidak dapat dipenuhinya kewajiban-kewajiban PARA PIHAK, seperti gempa bumi besar, angin ribut, angin topan, banjir besar, kebakaran besar, tanah longsor, wabah penyakit, pemogokan umum, huru-hara, sabotase, perang, dan pemberontakan, sehingga tidak dapat dilaksanakannya Perjanjian ini.
- (2) Dalam hal terjadinya peristiwa *Force Majeure*, maka pihak yang terhalang untuk melaksanakan kewajibannya tidak dapat dituntut oleh pihak lainnya.
- (3) Pihak yang terkena dampak *Force Majeure* wajib memberitahukan adanya peristiwa tersebut kepada pihak yang lain secara tertulis paling lambat 7 (tujuh) hari kalender sejak saat terjadinya peristiwa tersebut, yang dikuatkan oleh surat keterangan dari pejabat berwenang yang menerangkan adanya peristiwa *Force Majeure*. Pihak yang terkena *Force Majeure* wajib mengupayakan secara maksimal untuk tetap melaksanakan kewajibannya sebagaimana diatur dalam Perjanjian ini segera setelah peristiwa *Force Majeure* berakhir.



- (4) Apabila peristiwa *Force Majeure* tersebut berlangsung terus hingga melebihi atau diduga oleh pihak yang mengalami *Force Majeure* akan melebihi jangka waktu 30 (tiga puluh) hari kalender, maka PARA PIHAK sepakat untuk meninjau kembali jangka waktu Perjanjian ini.
- (5) Semua kerugian dan biaya yang diderita oleh salah satu pihak sebagai akibat terjadinya peristiwa *Force Majeure* merupakan tanggung jawab masing-masing pihak.

Pasal 11 LARANGAN PENGALIHAN

Hak dan kewajiban PARA PIHAK berdasarkan Perjanjian ini tidak boleh dialihkan, baik sebagian maupun seluruhnya kepada pihak lain, tanpa persetujuan tertulis dari PARA PIHAK.

Pasal 12 KORESPONDENSI

- (1) Setiap dokumen dan/atau pemberitahuan yang berhubungan dengan Perjanjian ini harus dibuat secara tertulis dan disampaikan secara langsung atau melalui pos tercatat serta surat elektronik (*e-mail*).
- (2) Dokumen dan/atau pemberitahuan yang diserahkan secara langsung dianggap telah diterima pada hari penyerahan dengan bukti tanda tangan penerimaan pada buku ekspedisi atau buku tanda terima pengiriman, sedangkan pengiriman melalui telex atau faksimile dianggap telah diterima pada saat telah diterima kode jawabannya (*answerback*) pada pengiriman telex dan konfirmasi faksimile pada pengiriman faksimile.
- (3) Alamat PARA PIHAK yang akan dipakai untuk komunikasi guna keperluan sebagaimana dimaksud pada ayat (1) dan Ayat (2) yaitu :

PIHAK PERTAMA :	
	HP :
	Fax :
	Email :
PIHAK KEDUA :	
	HP :
	Fax :
	Email :

Pasal 13 ADDENDUM/AMANDEMEN

- (1) Perjanjian ini tidak dapat diubah atau ditambah, kecuali dibuat dengan suatu perjanjian perubahan atau tambahan (*addendum/amandemen*) yang ditandatangani oleh PARA PIHAK.
- (2) Perubahan atau penambahan (*addendum/amandemen*) terhadap Perjanjian ini dapat dilakukan atas dasar persetujuan PARA PIHAK.



Pasal 14
KETENTUAN PENUTUP

Perjanjian ini mengikat untuk PARA PIHAK sejak ditandatangani dan dibuat oleh PARA PIHAK dengan sebenar-benarnya dan ditandatangani pada hari, tanggal, bulan, dan tahun sebagaimana tersebut di atas, dibuat dalam rangkap tiga, dua diantaranya bermaterai cukup dan satu diantaranya tanpa meterai dan mempunyai kekuatan hukum yang sama.

Demikian Perjanjian ini dibuat dan ditandatangani oleh PARA PIHAK, masing-masing dalam keadaan sehat dilandasi itikad baik dan tidak ada unsur paksaan dari pihak manapun.

PIHAK PERTAMA,

PIHAK KEDUA,
