



Technical Assistance Consultant's Report

Project Number: 44140
Date: August 2014

TA 7566-REG: Strengthening and Use of Country Safeguard Systems

Subproject: Capacity Development for Social
Safeguard Preparation and Implementation in
Water Resource Management and Energy
(Indonesia)

TRAINING MATERIAL COMPILATION: SOCIAL SAFEGUARDS—LAND ACQUISITION FOR DEVELOPMENT IN THE PUBLIC INTEREST IN WATER RESOURCES AND ENERGY (PART 1 OF 2)

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Asian Development Bank



TRAINING MATERIAL COMPILATION

Social Safeguards

Land Acquisition for Development in the
Public Interest in Water Resources and Energy



Social Safeguard in Land Acquisition for Development in the Public Interest on Water Resources and Energy

Introduction

We praise the Almighty God who has guided us in drawing up the training materials of Social Protection in Land Acquisition for Development in the Public Interest on Water Resources and Energy. Thank you for the cooperation of all those, who have given their full support for the completion of this material.

This material covers principal and supporting material for the training. Basic / principal material includes:

1. Brief overview of Law no. 2/2012 and ADB Safeguard Policy Statement (ADBSPS).
2. Main activities, outputs and Institutions involved in the land acquisition and resettlement in accordance with Law. 2/2012 and ADB SPS
3. Experience sharing session on the principles of land acquisition and resettlement in accordance with Law no. 2/2012 and ADB SPS.

Supplementary/supporting material include:

1. Public Consultation.
2. *Inventory of Losses (IOL) – Social economic survey (SES).*
3. Asset valuation by an independent agency (Indonesian professional community of Appraisers / MAPPI).
4. Grievance Redress Mechanism (GRM)
5. Relocation dan Resettlement.
6. Cost estimates and budgeting.
7. Monitoring and Evaluation.

The training material is presented with an andragogy approach. Training participants are valued as persons who have experience; the interaction between trainer and trainees is not as the one between teacher and student, but discussion partner. Training participants are not objects but subjects of the training. Training objects are material to the topic of discussion. In this training, material will be covered through presentations, questions and answers, sharing sessions, group discussions, group work, and case studies via video and photo props. With this method, participants are expected not to get bored but are instead interested and challenged to discuss the material presented.

We hope that all participants will use this material as a reference both during and after the training is over and when performing their duties in their work place.

Jakarta, June 2014

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Abbreviations

ADB: Asian Development Bank
ADB-IRM: ADB-Indonesia Resident Mission
AP/AHS: Affected Person / Affected Households
APBN: State Budget of Revenue and expenditure
BAPPENAS: Ministry of National Development Planning
BBWS: Balai Besar Wilayah Sungai
BNBP: National Disaster Management Agency
BPBD: Regional Disaster Management Agency
BPN: National Land Agency
DCF: *Discounted Cash Flow*
DMS: Detail Measurement Survey
EA: *executing agency*
GRM: *Grievance Redress Mechanism*
ICWRMIP: *Integrated Citarum Water Resources Management Investment Program*
IOL: *Inventory of Losses*
IP: *indigenous people*
IR: *Involuntary Resettlement*
LAR: *Land Acquisition and Resettlement*
LARAP: *Land Acquisition and Resettlement Action Plan*
LRP: *Livelihood Restoration Program*
MAPPI: Indonesian Society of Appraisers
MFF: Multitranches Financing Facility
MPK: Mekanisme Penanganan Keluhan (Grievance Redress Mechanism)
OTD: Affected Person
PCM: *public consultation meeting*
PerPres: presidential Regulation
PPAT: Land Deed Official
PPTA: Project Preparatory Technical Assistance
PSDA: Water Resources Management
PU: *Public Works*
RTD: Affected Household
SES: *Social Economy Survey*
SPOPP: Standar Prosedur Operasi Pengaturan dan Pelayanan
SPS: *Safeguard Policy Statement*
TKPSDA: Water Resources Coordinating Team
UU: Law
WTC: *West Tarum Canal*
WTP: person affected by the project



Introduction

Social Safeguard Capacity Building Training in Land Acquisition for Development in the Public Interest on Water Resources and Energy Introduction

In 2012 the Government of Indonesia established Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, and its supporting regulations i.e. President Regulation No. 71 of 2012 on Land Acquisition for Development in the Public Interest, and the Head of National Land Agency (BPN) Regulation No. 5 of 2012 regarding Technical Guidelines for Land Acquisition Implementation. These laws and regulations aimed at reducing transaction costs, prepare and integrate projects and procedures for land acquisition for development in the public interest.

The Institutional Capacity Building Training is an initiation to strengthen and implement the Indonesian Social Safeguard System in accordance with ADB Safeguard Policy Statement (SPS 2009) as an integrated approach. Under the Technical Assistance (TA) No. 7566, capacity building through training on involuntary resettlement is provided by ADB in collaboration with the Directorate of Water Resources and Irrigation, Ministry of Planning / National Development Planning Agency to respond to the needs of partners in development in Indonesia. The overall impact of this TA is to improve the implementation and a better understanding of ADB policy requirements on involuntary resettlement and indigenous peoples. This training will focus on involuntary resettlement.

Purpose and Objectives The purpose of this training is to strengthen the institutional capacity, knowledge and capability of agencies involved in land acquisition, especially the executing agencies and institution / agency formulating the involuntary resettlement policy. The purpose of this training is to support the integration of policies and principles on involuntary resettlement and indigenous people to the project of ADB along with the laws and regulations of land acquisition, in accordance with the country system.

Objectives:

1. Strengthen knowledge and skills in preparing resettlement plan and its implementation, for the project proposals in the Water Resources with foreign loans funding (ADB Loan) in accordance with the procedures of the Government of Indonesia and policy requirements approved by both parties (the Government of Indonesia and ADB).

2. Improve understanding of the policy requirements and technical knowledge about land acquisition process in Indonesia and ADB policy on Involuntary Resettlement (IR) and the Indigenous People (IP) including how to resolve the gap between the policy of the Government of the Republic of Indonesia and the one of ADB. .
3. Review and provide issues and lessons learned in preparing and implementing resettlement plans and social safeguards.

Training Participants

Training participants are those who have a relevance with the land acquisition and involuntary resettlement, either at National Level (the representative from the Directorate General of Water Resources, Bappenas and Central State Electric Company), at the Provincial level and district level (elements from regional government work unit (SKPD) / agencies requiring land for public purposes, assistant of regional secretary, regional planning and development agency (Bappeda), representatives of the prosecutor and auditor / state audit board (BPK) and social services who handle social issues in the region).

Training- Workshop Material

It includes training principle material and supporting material.

Principal materials include:

1. Brief overview of Law no. 2/2012 and ADB SPS.
2. Primary activities, outputs and institutions in land acquisition and resettlement in accordance with Law. 2/2012 and ADB SPS.
3. Experience sharing sessions on the principles of land acquisition and resettlement in accordance with Law. 2/2012 and ADB SPS.

Supporting materials include:

1. Public Consultation
2. *Inventory of Losses (IOL) – Social Economic Survey (SES)*
3. Asset valuation by Public appraiser
4. Grievance Redress Mechanism (GRM)
5. Relocation and Resettlement
6. Estimated costs and budgeting
7. Monitoring and Evaluation

The training material is presented with an approach of adult education (andragogy), training participants valued as a person who already have the experience, so that the training process is not like the relationship between teacher and student, but as a discussion partner. The training participants are subjects, not valued as objects of the training. Training objects are material to the topic of discussion. In this training material will be covered through presentations and question and answer, sharing sessions, group discussions, group work, and case studies via video and photo props. By this method, participants are expected not to get bored in discussing topics that are scheduled but instead interested and challenged to discuss the material presented. Summary of the training materials framework are presented in the following figure.

Figure 1. Training Conceptual Framework Monitoring and Evaluation

Estimated costs and budgeting

Relocation & Livelihood Restoration Program (LRP)

Social Economy Survey

IOL

Grievance Redress Mechanism Disclosure

Public Consultation

1. Presentation and a question and answer, and Law 2. 2012 and ADB SPS overview
2. The main activities, outputs, institutions at each stage of Law 2, 2012
3. Panel discussion, the principle of land acquisition and resettlement (Law 2, 2012 and ADB SPS)
4. Sharing session between training participants on Law 2 2012



Please see examples of trainings schedule in Appendix 3 and the list of participants in Annex 4.



MATERIAL 1

Overview of Law and Procedures of Land for Development in the Public Interest: Law No. 2 of 2012 and its Implementation Regulations

Material 1. Overview of Law and Procedures of Land for Development in the Public Interest: Law No. 2 of 2012 and its Implementation Regulations

1.1. Understanding the provisions of Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest and its Implementation Regulations.

1.1.1. Rasional ??

Issues

It has already been proven over the years, the legal basis of land acquisition for development by the Government has encountered many difficulties, conflicts with landowners, delays in construction, and infrastructure problems led to issues in economic development.

Approach

The approach used in this document is to review in detail Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, the President Regulation No. 71 which supports Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest and Technical Assistance by Head of The National Land Agency, and Regulation No. 5 of 2012 on the Technical Guidelines for the Implementation of the Land Acquisition. In addition to those regulations there are two more regulations recently issued which enable the implementation of Law No. 2 of 2012 and the supporting regulations: The Ministry of Finance Regulation No. 13/PMK.02/2013 on Operating Costs and Implementation Costs Supporting Land Acquisition for Development in the Public Interest funded from State Budget, and Minister of Home Affairs Regulation No. 72 of 2012 concerning Operating Costs and Support Costs for Implementation of Land Acquisition for Development in the Public Interest funded from the state budget.¹

¹ Regulation of the Minister of Home Affairs Number 72 Year 2012 on Operating Costs and the Cost of Supporting Implementation of Land Acquisition for Public Interest sourced From State Budget.

As a major part in this approach, there will be gap analysis between law no. 2 of 2012 to the projects environmental and social safeguards funded by ADB.

The purpose of this approach is to determine in what extend safeguards should be included in the land acquisition process undertaken by the Government for projects that are partially or entirely using borrowed funds from development partners.

1.1.2. Purpose and Objective

The objective of this review is to analyze and prepare guidelines of Land Acquisition implementation for development in the public Interest, to provide assistance to the officials who are and / or will be involved in the land acquisition for government projects in accordance with Law. 2/2012, President Regulation No. 71 in 2012, and Head of BPN Regulation No. 5 of 2012.

The purpose of this analysis is to determine the role of Social policy, ADB Policy in the implementation of these regulations, especially projects that funded by loans which require approval, to provide advice and recommendations for the government funded development projects that require land acquisition.

This analysis complies with the framework of laws that provide general Information, as an introduction to the laws and regulations and the four stages of the land acquisition process. The process of land acquisition associated with ADB safeguards will be analyzed and will provide guidance on how an institution can meet the safeguards policies requirements in the process of land acquisition.

1.2. Specific statements in the the General Provisions

1.2.1. General Elucidation of Law No. 2 of 2012

National land law recognizes and respects the people's right to land and land-related objects, and give full authority to the state to organize, make policies, manage, and conduct surveillance as stipulated in the basic fundamentals of land acquisition as follows:

1. Government and local government ensure the availability of land and its funding in the public interest.
2. Land acquisition for public interest is conducted in accordance with:
 - A. Spatial plan;
 - B. National / regional development plan;

- C. Strategic plan; and;
 - D. Work plan of each government agency requiring land.
3. Land acquisition is organized through planning involving all stakeholders.
 4. Land Acquisition considers the balance between development interests and the interests of society.
 5. Land acquisition for public interest conducted by giving adequate and fair Compensation.

1.2.2. Key Procedures Based on Law No. 2 of 2012 and President Regulation No. 71 of 2012

In this law (Chapter I, General Provisions, Article 1):

1. Institutions are state institutions, ministries and non-ministerial government agencies, provincial, district / city governments, and state owned legal entity / state owned enterprises that gets a special assignment from Government.
2. Land acquisition is the acquisition of land by giving adequate and fair compensation to the entitled parties / persons.
3. Entitled Persons are the party that controls or owns the object of land acquisition.
4. Objects Land Acquisition is the land, the space above ground and below ground, buildings, plants, objects related to land, or any other that can be valued.
5. Land rights is the right to land as stipulated in Law No. 5 of 1960 on Agrarian Basic Regulation and other rights that will be determined by the law.
6. Public Interest is the interest of the nation, state, and people who must be realized by the government and used as much as possible for the prosperity of the people.
7. Rights of Management is the state's right to control, the authority of implementation is partially delegated to its mandated to agency / institution.
8. Public Consultation is a communication process of dialogue or consultation between stakeholders in order to reach understanding and agreement on land acquisition for development planning in the public interest.
9. Relinquishment of rights is the legal separation activities from the entitled person to the state through the Land Agency.
10. Compensation is an adequate and fair compensation to the entitled party in the land acquisition process.
11. Land Appraiser, Appraiser hereinafter referred to, is an individual who independently and professionally assess, who has obtained assessment

practice license from the Minister of Finance and has received a license from the Land Agency to compute the value / price of land acquisition object.

12. The Central Government, hereinafter called the Government, the President of the Republic of Indonesia, which holds the power of government of the Republic of Indonesia as defined in the Constitution of the Republic of Indonesia Year 1945.
13. Regional Government is the governor, regent, or mayor, and the regional government administration component.
14. Land Agency is the Indonesian National Land Agency, the government agency that carrying out government tasks in the land sector.

As stated in Article 13 of Law No. 2 of 2012, "Land Acquisition for Public Interest" implemented through the following stages.

1. Planning (Agencies requiring land : Article 14 of Law No. 2 of 2012);
2. Preparation (Agencies requiring land with provincial government: Article 16 of Law No. 2 of 2012; ;
3. Implementation (Agencies requiring land requests land acquisition to National Land Agency (BPN): Article 27 of Law No. 2 of 2012); and;
4. Delivery of result (BPN delivers the result of land acquisition to agencies requiring land: Article 48 of Law No. 2 of 2012).

1.3. Requirements to be implemented by Agencies Requiring Land for Development in the Public Interest

1.3.1. General provisions and Four Step in Land Acquisition Process

In preparing the guidelines of Land Acquisition by government agencies, in Table 1 below, the requirements of the activities are divided into four stages of land acquisition process in accordance with the general provisions in Law No. 2 of 2012 and President Regulation No. 71 of 2012.

Because the laws and President Regulations divide land acquisition process into four stages and general provisions, in Table 1 there are five columns, the first column shows the four Key General Conditions (1-4); The second column is stage one consisting of four topics (5-8); The third column is stage two which consists of six topics (9-14); the fourth column is stage three which consists of fifteen topics (15-30); and fifth columns in stage four consists of six topics (30-35). Each topic listed in Law No. 2 of 2012 as major activities to be implemented in land acquisition.

- ❑ Table 2 is a legal explanation for each topic (1-4) that listed in column one of the General Provisions.
- ❑ Table 3 is a legal explanation for each topic (5-8) that listed in column two of the Stage One (Planning)
- ❑ Table 4 is a legal explanation for each topic (9-14) listed in Stage Two (Preparation)
- ❑ Table 5 is a legal explanation for each topic (15-30) listed in Stage Three (Implementation)
- ❑ Table 6 is a legal explanation for each topic (30-35) listed in Stage Four (delivery of result).

Each topic has a legal statement, either in the law and / or President Regulation that outlines what to do at each specific stage in the process of land acquisition.

Table 1. Statement of Activity Requirements for Land Acquisition for Development in the Public Interest: Law No. 2 of 2012 and President Regulation No. 71 of 2012

General Provisions	Stage 1: Planning	Stage 2: Preparation	Stage3: Implementation	Stage 4: Delivery of Result
Conducted by	Land Requiring Agency	Lad Requiring Agency and Provincial Government	Land requiring agency requests the implemenationof the Land Acquisition to Land Agency (BPN),	Land Agency submitsresults ofland acquisition to the land requiring agency.
1.	5. Agency	9. Governor	15. Land Acquisition basically carried out by BPN	30. Chief of Land Acquisition Implementation Teamdelivers the results ofLand Acquisition to the agency requiring land completed with the Land Acquisition Data
Secured and conducted by				
2. General Provisions	6. Conducted in accordance with	10. Preparation Team	16. Head of theBPN as the Chief of LandAcquisition Implementation Team	31. Submission of the results of the Land Acquisition comes with the minutes, that shall be used by the land requiring agency for registration / certification.
3. Land for the public interest	7. Planning	11. Notification of Development plan	17. Head of Regional BPN may assign the Head of Land Agency as the Chief of Land Acquisition Implementation Team,	32. Development Implementation

General Provisions	Stage 1: Planning	Stage 2: Preparation	Stage3: Implementation	Stage 4: Delivery of Result	
4.The Land Acquisition for Public Interest Organized through the stages	8. Submitted to governor..	12. Initial Survey on Development Plan Area	18. Chief of LandAcquisition Implementation Teamprepares implementation Land Acquisition Land Acquisition.	33. Monitoring and evaluation of the implementation of the Land Acquisition for Public Interest	
	Gap Analysis on General Provisions	Gap Analysis at Stage 1	13. Public Consultation	34. Small Scale Land Acquisition	
			14. Confirmation of Project Site	35. Source of Funds for Land Acquisition	
			Gap Analysis at Stage 2	21. Map of land parcels as described in paragraph (3) is used in the process of determining the value of Compensation and registration of rights.	Gap Analysis at Stage 4
				22. Determination of the compensation value performed by Chief of LandAcquisition Implementation Teambased on the results of appraisal or assessment of public appraiser..	

23. Appraisal Service, or Public Appraisal are hired and determined by Chief of Land Acquisition Implementation Team.

24. Valuation of Compensation

25. Consensus on Determination of Compensation

26. Delivery of Compensation

27. Custody of the Compensation

28. Delivery of Land Acquisition result

29. Land Acquisition Implementing Agency is collecting, classifying, processing and storing the data of the Land Acquisition

Gap analysis at Stage 3

1.3.2. General Provisions in the Land Acquisition Implementation

The essentials in the General Provisions of land acquisition for the management of water resources and energy can be viewed on the following table.

Table 2 General Provisions

1. Secured and Conducted by	
Government and Local Government ensure the availability of land for the Public Interest and its funding.	Elucidation of Article 1 (Law no. 2/2012)
The Land Acquisition for Public Interest is conducted in accordance with: a. Spatial Planning; b. The National / Regional Development Plan; c. Strategic Plan; and d. Working Plan of each agency requiring land.	Elucidation of Article 1 (Law no. 2/2012)
2. General Provisions	
Agencies are state institutions, ministries and non-ministerial government agencies, provincial, district / city governments, and State Owned Legal Entity / State Owned Enterprises that receive a special assignment of government.	Article 1 (Law no. 2/2012)
Land Acquisition is the acquisition of land by giving adequate and fair compensation to the entitled person.	Article 1 (Law no. 2/2012)
Entitled Parties are the party that controls or owns the object Entitled person is a person who occupy or own the object of land acquisition.	Article 1 (Law no. 2/2012)
Objects Land Acquisition is the land, the space above ground and below ground, buildings, plants, objects related to land, or any other that can be valued.	Article 1 (Law no. 2/2012)
Public Interest is the interest of the nation, state, and people who must be realized by the government and used as much as possible for the prosperity of the people.	Article 1 (Law no. 2/2012)
Compensation is adequate and fair compensation to the entitled person in the land acquisition process.	Article 1 (Law no. 2/2012)
3. Land for The Public Interest	
b. Public roads, highways, tunnels, railway lines, railway station, and the train operating facilities	Article 10 (Law no. 2/2012)
c. Reservoirs, dams, weirs, irrigation, drinking water supply, drainage and sanitation, irrigation and other buildings;	Article 10 (Law no. 2/2012)
f., Transmission, substations, network, and electric power distribution;	Article 10 (Law no. 2/2012)
4. Land Acquisition for Public Interest Organized through stages	
Planning: (Agency requiring land plans land acquisition for public interest in accordance with the provisions of legislation)	Article 14 of Law no. 2/2012
Preparations: (agencies requiring land together with the provincial government, based on Land acquisition planning documents as referred to in article 15 - Article 16 of Law no. 2/2012)	
Implementation: (agencies requiring land request to the national Land Agency for implementation of and land acquisition)	Article 26 of Law no. 2/2012
Delivery of results: 1. National Land Agency delivers the result of land acquisition to the agency requiring the land; 2. agency requiring land may begin to carry out development activities after	Article 48 of Law no. 2/2012

the handover of the results of land acquisition

Gap Analysis General Provisions

There are no gaps between the social safeguard of ADB with the Law and Regulations in Indonesia

1.3.3. Stage 1: Land Acquisition Planning

At one stage of land acquisition for the development in the public interest the agency requiring and prepares planning of land acquisition for public interest with the following steps .

Table 3. Requirements Steps in Preparing Land Acquisition Plan in Water and Energy Management Sector

5. Institutions	
Agencies are state institutions, ministries and non-ministerial government agencies, provincial, district / city governments, and State Owned Legal Entity / State Owned Enterprises that receive a special assignment of Government	Article 26 of Law no. 2/2012
Land Acquisition for Public Interest conducted by the Government.	Article 6 of Law no. 2/2012
Land Acquisition for Public Interest is conducted through: a. planning; b. preparation; c. implementation; and d. delivery of results.	Article 2 of Law no. 2/2012
6. Conducted/ Implemented in accordance with	
(1) Land acquisition for the public interest is implemented in accordance with: a. Spatial Planning; b. The National / Regional Development Plan; c. Strategic Plan; and d. Working Plan of each agency requiring land.	Article 7 of Law no. 2/2012
Land for Public Interest used for the construction of: c. Reservoirs, dams, weirs, irrigation, drinking water supply, drainage and sanitation, irrigation and other buildings; f. Generator, transmission, substations, network, and electric power distribution;	Article 10 of Law no. 2/2012
Development in the public Interest shall be hosted by the Government and can cooperate with State-Owned Enterprises, regional state-owned, or privately owned companies.	Article 12 of Law no. 2/2012
7. Planning	
Agency requiring land develops a land acquisition plan for public interest in accordance with the provisions of Law.	Article 14 of Law no. 2/2012
Planning of land acquisition for public interest prepared in the form of the land acquisition planning documents, which shall contain: a. Purpose and objective of the development plan; b. Conformity with the regional spatial planning and national and regional development plans;	Article 15 of Law no. 2/2012

<ul style="list-style-type: none"> c. Location of the land; d. Land area required; e. General overview of the status of the land; f. Estimated time of implementation of the land acquisition; g. The estimated period of implementation of development; h. The estimated value of the land; and i. Budgeting plan 	
<p>Land Acquisition planning documents have been prepared on the feasibility study include:</p> <ul style="list-style-type: none"> a. Socio-economic survey; b. Feasibility of the location; c. Analysis of costs and benefits for the region and community development; d. Estimated value of the land; e. Environmental impacts and social impacts that may arise as a result of the Land Acquisition and development; and f. Additional studies required. 	<p>Article 6 of President Regulation no. 71/2012</p>
8. Submitted to Governor	
<ul style="list-style-type: none"> 1. Land acquisition planning documents established by the head of the agency requiring land or an appointed official. 2. Documents on land acquisition planning is submitted to the the governor by agency requiring land 	<p>Article 7 of President Regulation no. 71/2012</p>
Gap Analysis In Stage One	
<p>There is a slight gap between the ADB social safeguard and laws and regulations in Indonesia. ADB policy Principle 1 states: Project initial examination to identify the impact and Risk of involuntary resettlement in the past, present, and future.</p> <p>Gap: stage one does not identify impacts and risks of involuntary resettlement</p>	

1.3.4. Stage Two: Land Acquisition Preparation

In the second stage of the land acquisition process, the Governor establish a preparatory team, which will notify public about the development plan by government institutions, gathering data on anyone who will be affected, conduct a public consultation, and final confirmation of the project a

Table 4. Land Acquisition Preparation

9. Implementation by Governor	
<p>Based on Land Acquisition planning documents, government agency requiring land with the provincial government conduct:</p> <ul style="list-style-type: none"> a. Notice of the development plan; b. Initial data collection of development plans site; and c. Public Consultation on the development plan. 	<p>Article 16 (Law No. 2/2012)</p>
<p>(1) Governor implements the preparatory stages of land acquisition activities</p>	<p>Article 8 (Pres Reg. No.</p>

after the reception of land acquisition Plan Document. (2) In implementing the activities of preparatory stages, governor formed a preparation team within a maximum period 10 (ten) working days	71/2012)
10. Preparation Team	
Preparation team as referred to in Article 8 paragraph (2) shall: a. Conduct the development plans notification; b. Begin to collect data on the location of the development plan; c. Conduct public consultation on the development plans; d. Prepare the confirmation of construction site; e. Announce the confirmation of construction site for development in the public interest; and f. Perform other duties related to the preparation for the land acquisition for development in the public interest assigned by the governor.	Article 10 (Pres Reg. 71/2012)
11. Notification on the Development Plan	
Notifications on the development plans delivered to the community on the construction site plans for the public interest, either directly or indirectly.	Article 17 (Law No. 2/2016)
Direct notification including socialization, face-to-face, notification letter. Indirect notice such as through print media or electronic media.	Elucidation of article 17 (Law No. 2/2012)
(1) Notice of development plan by preparation team is submitted directly or indirectly to the public at the construction site plans. (2) Direct notification is delivered by means of: a. socialization; b. face to face; or c. notification. (3) Indirect Notification is delivered through print or electronic media..	Art. 12 (Pres Reg No. 71/2012)
12. Initial data collection on development plan site	
Initial data collection on development plan site as referred to in Article 16 letter b includes the initial data collection activities of entitled party and Land Acquisition and Object.	Art. 18 (Law 2/2012)
Initial data collection on development plan site includes the initial data collection of Entitled Persons and Land Acquisition Objects.	Art 16 (Pres Reg No. 71/2012)
(1) Entitled parties such as individuals, legal entities, charities, religious bodies, or government agency that own or occupy the land acquisition object in accordance with the law and provisions. (2) Persons Entitled Persons include: a. holders of land rights; b. concessionaires; c. nadzir for waqf land; d. landowners of land formerly customary land; e. indigenous and tribal peoples; f. persons who occupy state land in good faith; g. holder of baofsis of land tenure; and / or h. owner of the building, plant, or other objects related to land.	Art. 17 (Pres Reg No. 71/2012)
13. Public Consultation	
(1) Public Consultation on development plan is implemented to get agreement on site development plan from the Entitled Person. (2) Public Consultation conducted involving Entitled persons and affected communities, can be conducted in the development plan site or in an agreed place.	Art 19 (Law No. 2/2012)

(1) Public Consultation on development plan conducted within a maximum period of 60 (sixty) working days. (2) If within a period of up to sixty (60) working days of public consultation on the development plan there are objections about the location of the development plan, another public consultation is conducted with the objecting party within no later than 30 (thirty) working days.	Pasal 20 (UU No. 2/2012)
14. Confirmation of Development Site	
(1) In the event of an objection to the construction site plan is rejected, the governor confirms the construction site. (2) In the event of an objection to the plan of the building site is accepted, the governor inform the agency requiring land to submit construction site somewhere else.	Art.22 (Law No. 2/2012)
Confirmation of the construction site for the public Interest is given for 2 (two) years and may be extended for a maximum of 1 (one) year.	Art.24 (Law No. 2/2012)
In the case of location determination timeframe of development for the public Interest is not met, the site confirmation process on the rest of the unfinished land acquisition will be re-conducted.	Art.25 (Law No. 2/2012)
(1) Governor and the agencies requiring land announce the construction site confirmation for the public interest. (2) Notice is intended to inform the public that there will be a construction for public interest on the location.	Art.26 (Law No. 2/2012)
Gap Analysis at Stage 2	
Principle 2 ADB policy states: compile: grievance / objection filing mechanism to receive and facilitate resolution of the affected persons. ?? Gap: Law. And Presidential Decree No. 2. 71 states that the grievance / objection filing mechanism is not conducted in stage 2 but stage 3	

1.3.5. Stage Three: Land Acquisition Implementation

In Stage Three of the land acquisition process, the National Land Agency (BPN) conduct inventory and identification of persons affected by land acquisition, announce the results, prepare maps of land parcels, determine compensation, use of appraisal services to determine compensation, conduct consultation with affected persons on compensation, and delivery compensation to the entitled persons.

Table 5, Land Acquisition Implementation

15. Land Acquisition basically implemented by the Land Agency (BPN)	
(1) Based on the site confirmation of the Development for the Public Interest, agency requiring land must submit a request of the Land Acquisition to Land Agency.	Art.27 (LawNo. 2/2012)
Land acquisition is essentially implemented by the National Land Agency, which in practice may include or coordinate with provincial or district / city governments.	Elucidation of art. 27 (LawNo. 2/2012)
16. Head of the Land Agency as the Chief Executive of Land Acquisition	
(1) Land acquisition is implemented by Head of the National Land Agency. (2) Land Acquisition implemented by the Regional Office Head BPN as Chief of the Land Acquisition Implementation Team..	Art.49 (PreRegNo. 71/2012)
17. Regional Office Head of BPN may assign the Land Agency as the Chief of the Land Acquisition Implementation Team	
, Regional Office Head of BPN may assign the Land Agency head as the Chief of the Land Acquisition Implementation team, taking into account the efficiency, effectiveness, geographical conditions, and human resources	Art.50 (PresRegNo. 71/2012)
18. Chief of Land Acquisition Implementation team prepares the implementation of of the Land Acquisition	
(1) In the case of the Head of the Land Office as the Chief of the Land Acquisition Implementation Team as referred to in Article 50, he should establish Land Acquisition implementing unit..	Art.51 (PresRegNo. 71/2012)
(1) Based on Location confirmation for development in the public interest, agencies requiring land submit a request of the land acquisition implementation to the Chief of the Land Acquisition Implementation Team. (2) Request of implementation include: a. Stipulation of location confirmation; b. the Land Acquisition planning documents; and c. initial data of the Entitled persons and Land Acquisition Object. (3) Based on the request of implementation, the implementation chief will prepare the implementation of the Land Acquisition	Art52 (PresRegNo. 71/2012)
19. Chief Executive of the Land Acquisition may establish a Unit conducting an inventory and identification::	
(1) Inventory and identification of the tenure, ownership, usage, and land use activities include: a. measurement and fields mapping per parcel of land; and b. The data collection of entitled persons and Land Acquisition Objects. (2) Inventory and identification of tenure, ownership, usage, and use of land referred to in paragraph one shall be implemented within a period of 30 (thirty) working days. Article 28 (Law no. 2/2012)	Art.28 (LawNo. 2/2012)
Inventory and identification are conducted to determine entitled Persons and Acquisition land Objects. The inventory and identification contains nomination lists of the entitled persons and Land acquisition objects. Eligible persons include name, address, and work of the persons occupying / own the land. Land acquisition objects include the location, area, status, and type of land usage and utilization.	Elucidation of art. 28 (LawNo. 2/2012)
20. Announcement of Inventory and Identification of tenure, Ownership, Usage and Utilization of land	
(1) The results of the inventory and identification of tenure, ownership, use, and utilisation / exploitation of land shall be announced at the village office / village, sub-district office, and the Land Acquisition carried out within a period of 14 (fourteen) working days	Art 29 (Law No. 2/2012)

Results announcement or verification and refinement established by the Agency and subsequently become the basis for determining entitled persons in compensation granting.	Art 30 (Law No. 2/2012)
21. Map of land parcels referred to in paragraph (3) is used in the process of determining the value of compensation and registration of rights	
(1) An implementing unit in charge of the inventory and data identification of Eligible Party and Land Acquisition Object implements data collection at least:: a. Name, occupation, and address of the Entitled Person; b. Citizen Identity numbers or other identity of entitled Party ;; c. Evidence of land tenure and / or land, buildings, crops ownership and / or objects ownership related to land;; d. position of the land, areas of land and identification number;; e. land status and documents;; f. types of land use and utilization; g. ownership and / or land tenure, buildings, and / or other objects related to land;; h. imposition of land rights; and i. Spaces above and below the ground. (2) Results of the inventory and identification data on the entitled person and land acquisition object as referred to in paragraph (1), made in the form of maps and plots of land and nominative list signed by the chief of the implementation unit.. (3) Nominative list as referred to in paragraph (2) are used in the process of determining the value of Compensation. Article 57 (President Regulation No. 71/2012).	Art.57 (PresRegNo. 71/2012)
Results of the inventory and identification is submitted by the Chairman of work unit to the Chief of the Land Acquisition Implementation Team along with the minutes of the inventory and identification.	Art59 (PresregNo. 71/2012)
(1) Map of land and nominative list are posted at the village or district offices, and construction sites is posted in at least 14 (fourteen) working days. (2) The announcement can be implemented gradually, partially or completely.	Art60 (PresRegNo. 71/2012)
22. Determination of compensation value conducted by the Chief of Land Acquisition implementation team based on the results of appraisal or assessment of public appraiser.	
(1) Land Agency assigns an appraiser in accordance with the provisions of the legislation. (2) Land Agency announces the appraiser who has been assigned to conduct an assessment of the Land Acquisition Objects.	Art31 (LawNo. 2/2012)
(1) Designated Appraiser shall be responsible for the assessment has been conducted. (2) Violations of the appraiser obligation will be charged with administrative and / or criminal sanctions in accordance with the provisions of the legislation	Art32 (LawNo. 2/2012)

23. Appraisal service or public appraisal is provided and assigned by the Chief of Land Acquisition Implementation team.	
(1) Determination of the compensation value conducted by the Head of the Land Acquisition implementing team based on valuation result of appraiser or public Appraiser. (2) appraiser or public Appraiser provided and assigned by the chief of the Land Acquisition implementing team. (3) Appraiser services Procurement is in accordance with the Government provisions of the legislation in the field of Procurement of Goods / Services. (4) The procurement of Appraiser is conducted not later than 30 (thirty) working days. Article 63 (President Regulation No.71/2012)	Art 63 (PresregNo. 71/2012)
24. Compensation Valuation	
Compensation value assessment by the Appraiser is conducted parcel by parcel of land, includes: a. land; b. space above ground and underground; c. buildings; d. plants; e. objects related to the land; and / or f. Other losses that can be assessed.	Art.33 (Law No. 2/2012)
What is meant by "other losses that may be assessed" is a non-physical losses that could be represented with the value of money, such as loss of business or losses job, relocation costs, costs of changing profession, and the value of the residual property.	Elucidation of Art. 33 (LawNo. 2/2012)
(1) Compensation values are assessed by appraisers is the value at the time of the announcement the site of development in the Public Interest. (2) The amount of Compensation is based on the assessment results submitted to the Institute of Land Valuer with the minutes. (3) Compensation Value is based on the assessment results by Appraiser and is the Concensus basis in determining compensation	Art34 (LawNo. 2/2012)
Provision of Compensation can be given as: a. cash; b. replacement of land; c. resettlement; d. stock ownership; or e. other form agreed by both parties.	Art 36 (LawNo. 2/2012)
25. Consecus in Determining Compensation	
(1) The Land Agency conduct consultation with entitled person within a period of 30 (thirty) days after the results submitted by appraiser to the Land Agency to determine the form and / or amount of compensation. Compensation Payments is based on valuation.. (2) The results of in the consultation agreement referred to in paragraph (1) provide the basis of compensation payments to entitled persons are published in the minutes of the consultation..	Art37 (LawNo. 2/2012)
26. Provision of Compensation	
.Compensation for land acquisition objects are given directly to the entitled on.	Art40 (LawNo. 2/2012)

<p>Compensation should basically be delivered directly to the entitled persons who are Eligible for Compensation. if absent, the entitled persons by law can authorize the other party or his heirs. Power receiver can only receive power from a person who is entitled to compensation. They who are entitled include:</p> <ul style="list-style-type: none"> a. holders of land rights; b. concessionaires; c. nadzir, for waqf land; d. landowners belonging to the former customary land ; e. indigenous and tribal peoples; f. persons occupying state land in good faith; g. land tenure basis holder; and / or h. owners of buildings, plants or other objects associated with the land. 	<p>Elucidation of Art 40 (LawNo. 2/2014)</p>
<p>27. Custody of compensation</p>	
<p>(1) In the event of a compensation custody, Agencies requiring land request for the compensation custody to the Head of the district court on the construction site area</p> <p>(2) Compensation Custody submitted to the district court on the construction site area.</p>	<p>Art86 (PresRegNo. 71/2012)</p>
<p>28. Delivery of Land Acquisition Result</p>	
<p>(1) Compensation provided to entitled persons based on the assessment results specified in consultation and / or the decision of the district court / Supreme Court.</p> <p>(2) At the time of delivery of compensation, persons entitled to compensation shall :</p> <ul style="list-style-type: none"> a. conduct relinquishment of rights; and b. submit proof of possession or ownership of the land acquisition object to the agency requiring the land through the Land Agency. <p>(3) The evidence referred to in paragraph (2) letter b is the only valid evidence according to the law and cannot be contested in the future.</p>	<p>Art41 (LawNo. 2/2012)</p>
<p>29. Land Acquisition Implementing agency is collecting, classifying, processing and storing data of the Land Acquisition</p>	
<p>(1) Land Acquisition implementing agency is collecting, classifying, processing and storing the Land Acquisition data that includes:</p> <ul style="list-style-type: none"> a. map of land parcels; b. nominative list; and c. administrative data. 	<p>Art109 (PresRegNo. 71/2012)</p>
<p>Gap Analysis at Stage 3</p> <p>ADB policy principles 4: Provide assistance to physically and economically displaced persons, including the following:</p> <ul style="list-style-type: none"> (i) incase ofof relocation, land tenure security for the relocation, residence in the resettlement site with comparisons of access to the workplace and production opportunities, integration of resettled persons economically and socially into their home communities, and extension of project benefits to the community of origin; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) public infrastructure and community services, as required. <p>Gap: Law 2, and Presidential Decree No.. 71 do not explain in detail about compensation, do not mention the tenure security, there is no clear support for the transition, the absence of advice regarding credit facilities, training or employment opportunities</p>	

Gap Analysis at Stage 3

ADB policy principles 4: Provide assistance to the physically and economically displaced persons, including the following: (i) in the event of relocation, land tenure security for the relocation, residence in the resettlement site with comparisons of access to the workplace and production opportunities, integration of resettled persons economically and socially into their home communities, and extension of project benefits to the community of origin; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

Gap: Law 2, and President regulation No. 71 does not explain in detail about compensation, does not mention the tenure security, there is no clear support for the transition, the absence of advice regarding credit facilities, training or employment opportunities.

ADB policy principles 5: Improve the standard of living of poor displaced people and other vulnerable groups, including women, at least up to the minimum national standards. In rural areas provide them with legal and affordable access to land and other resources, and in urban areas provided the appropriate revenue sources and legal and affordable access to housing.

Gap: Law. No. 2 and President Regulation No.71 does not state in detail and specifically in improving living standards. Both did not mention the legal and affordable access to land.

ADB Policy Principles 8: Prepare resettlement plan elaborating on displaced persons entitlement, income and life restoration strategy, institutional arrangements, monitoring and reporting framework, funding, and time schedule for implementation. Gap: Law. 2, and President Regulation No.71 do not require the resettlement plan.

Stage Four: Delivery Land Acquisition Result

In Stage Four, the Agency requiring land receives the results of land acquisition from the National Land Agency (BPN), implement development projects, monitor and evaluate the implementation of land acquisition.

Table 6 Delivery of Land Acquisition Result

30. Chief Executive of the Land Acquisition submit Land Acquisition results and Data to the agency requiring the land	
(1) Land Agency submit land acquisition results to the agency requiring land along with the land acquisition data after the following: a. Delivering compensation to entitled persons and relinquishment of rights referred to in Article 41 paragraph (2) letter a has been implemented; and / or b. Compensation delivery has been deposited in the district court referred to in Article 42 paragraph (1).	Art.48 (LawNo. 2/2012)
(2) Agencies requiring land can begin implementing development activities after the handover of the land acquisition results.	Art 48 (LawNo. 2/2012)
31. Submission of LandAcquisition resultswith minutes and shall be used by the agency requiring land for registration / certification	
Agencies acquire land must register the land that has been acquired in accordance with the provisions of laws and regulations.	Art 50 (LawNo. 2/2012)

<p>Minutes of Delivery</p> <p>(1) Chief of the Land Acquisition Implementation team submits land acquisition results to the agency requiring land with land acquisition data as referred to in Article 110, no later than 7 (seven) working days from the land acquisition object relinquishment of rights.</p> <p>(2) Land acquisition result delivery and land acquisition documents.</p> <p>(3) Delivery of the Land Acquisition results conducted with the minutes consequently shall be used by the agency requiring land for registration / certification.</p>	<p>Art112 (PresRegNo. 71/2012)</p>
<p>32. Implementation of Development</p>	
<p>Agencies requiring land may start the development after the submission of land acquisition results .</p>	<p>Art113 (PresRegNo. 71/2012)</p>
<p>33. Monitoring and evaluation of the implementation of the Land Acquisition for Public Interest</p>	
<p>(1) Monitoring and evaluation of the implementation of the land acquisition for public interest is conducted by the government.</p>	<p>Art51 (LawNo. 2/2012)</p>
<p>(2) The BPN Monitors and evaluates the result delivery of the Land Acquisition for Public Interest</p>	<p>Art51 (LawNo. 2/2012)</p>
<p>BPN conduct the monitoring and evaluation on control, ownership, use and utilization of Land Acquisition result for Development in the public interest</p>	<p>Art115 (PresRegNo. 71/2012)</p>
<p>34. Small scale Land Acquisition</p>	
<p>For efficiency and effectiveness, land acquisition for the Public Interest of no more than one hectare , may be conducted directly by the agency requiring land to the land rights holders, by means of sale or exchange or other means agreed by both sides.</p>	<p>Art.121 (PresRegNo. 71/2012)</p>
<p>35. Source of funds for Land Acquisition</p>	
<p>(1) Funding of Land Acquisition for Public Interest comes from the State Budget (APBN) and / or the Regional Budget (APBD).</p> <p>(2) In the case of institutions that require land are State Owned Legal Agency / State Owned Enterprises that get special assignments, funding comes from internal sources or other sources in accordance with the provisions of laws and regulations.</p>	<p>Art52 (LawNo. 71/2012)</p>
<p>Gap Analysis at Stage 4</p>	
<p>ADB policy principles 12: Monitor and assess resettlement expenditures, their impact on the living standards of displaced persons, and whether the objectives of resettlement plan have been achieved based on the initial conditions and the results of resettlement monitoring. Announcing the monitoring report.</p> <p>Gap: Law. And President Regulation No. 2. 71 only mention that the BPN implement monitoring after delivery but the ADB policy requires more detail and reports.</p>	



MATERIAL 2

ADB Commitment and Policy Principles in Land Acquisition and Involuntary Resettlement

Material 2.ADB Commitment and Policy Principles in Land Acquisition and Involuntary Resettlement.²

Since the mid-1990s, ADB has safeguards policies. The first one is Involuntary Resettlement Policy of 1995, which is followed by the Policy on Indigenous Peoples, 1998 and the Environment Policy, 2002. However, in 2009, the third of this policy are integrated in the form of ADB SPS, Safeguard Policy Statement. According to ADB, social and environmental sustainability are the foundation for economic growth and poverty reduction in Asia and Pacific countries. Therefore, ADB strategy of 2020 is an emphasis to assist developing member countries of ADB in order to realize inclusive and sustainable economic growth. ADB is also committed to ensuring the sustainability of the social and environmental aspects of the projects it supports. In this context, ADB SPS goal is to encourage sustainable project outcomes by protecting the public from potential adverse impacts of the project.

2.1. Objective of ADB Safeguard

As stated in the ADB SPS 2009, the objectives of ADB Safeguard are to:

1. Avoid adverse impacts resulting from the project on environment and affected persons, where possible;
2. Minimizing, mitigate and / or compensate for adverse project impacts on the environment and persons affected if efforts to avoid adverse impacts if not possible;
3. Helping borrowers / clients to strengthen their countries safeguard systems and build the capacity to manage social and environmental risks

2.2. Involuntary Resettlement Safeguard

Objectives, the objectives of involuntary resettlement safeguard are i) to the extent possible to avoid involuntary resettlement; ii) minimize involuntary resettlement by searching for project and design alternatives; iii) increase, or at least restore the livelihoods and living conditions of all displaced persons as pre-project conditions; and iv) improve the living standards of displaced poor households and other vulnerable groups.

² ADB Safeguard Policy Statement, 2009. ADB Policy Paper, June 2009.

Scope and Triggers.Involuntary Resettlement Safeguard includes: i) Physical displacement, such as relocation, loss of residential land or loss of shelter; ii) economic displacement, such as loss of land, assets, access to assets, sources of income or livelihood, because (i) involuntary land acquisition, or (ii) involuntary restrictions on land use or access to the gardens and protected areas defined by law. This includes all displacement regardless of whether losses and involuntary restrictions are only partial, permanent or temporary.

Safeguard Principles:

1. *Filtering project from the beginning to identify the impact and risks of involuntary resettlement in the past, present, and future. Determine the scope of resettlement planning through a survey and / or census of displaced inhabitants, including gender analysis, particularly with regard to resettlement impacts and risks.*
2. *Conduct meaningful consultation with affected communities, local communities, and non-government agencies that have concerns. Inform the inhabitants that would be displaced of their rights and options in resettlement. Ensure that they play an active role in the planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those living below the poverty line, the landless persons, the elderly, women and children, indigenous peoples, and those who do not have legal title to land, and ensure the role in the consultation. Formulate such a mechanism to receive and facilitate resolution of their grievance. Helping social and cultural institutions of displaced persons and host communities. If there are highly complex and sensitive impact due to involuntary resettlement, decision in providing compensation and resettlement should be preceded by a social preparation stage.*
3. *Improve, or at least restore, the livelihoods of the displaced population through (i) resettlement strategy sought wherever possible is land-based if the livelihoods of people affected is land-based or provide cash compensation at replacement value if the loss of land does not diminish their livelihood, (ii) immediately provide compensation for assets with access to assets of equal value or higher, (iii) immediately provide full replacement for assets that can not be restored, and (iv) provide additional income and services through project benefit sharing schemes where possible .*
4. *Provides necessary assistance to the physically and economically displaced people ,including: (i) if relocation occurs, provide relocation land, better housing at resettlement site with access to employment and production*

- opportunities comparable to the previous location, integrate resettled population economically and socially to the host communities, (ii) provide transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) public infrastructure for the resident and public services, as needed.*
5. *Improving standard of living of the displaced poor and other vulnerable groups, including women, at least to a minimum standard of living at the national level In rural areas, providing affordable legal access to land and resources, while in urban areas provide income sources and legal and affordable access to adequate housing.*
 6. *Develop procedures in a transparent, consistent and equitable manner if land acquisition performed through negotiations to ensure that those involved in the negotiations (loss of land) will still have income and livelihood status similar with the conditions prior to land acquisition or even better.*
 7. *Ensure that displaced persons who do not have certificate of title to the land or land rights that is recognized by law are entitled to resettlement assistance and compensation for loss of non-land assets.*
 8. *Develop resettlement plan detailing the rights displaced persons, strategies to restore income and livelihood, institutional arrangements, monitoring and reporting framework, budget and implementation schedule.*
 9. *Disclose draft of resettlement plan, including documentation of the consultation in a timely manner and prior to project assessment, in an accessible place and in form and language that could be understood by the affected population and other stakeholders. Disclose the final resettlement plan and its updates to the affected people and other stakeholders.*
 10. *Develop and conduct involuntary resettlement as part of a development project or program. Include all costs of resettlement in project costs and benefits. For projects that have a major impact on involuntary resettlement, involuntary resettlement is implemented as a separate program.*
 11. *Pay compensation and provide other resettlement allowances prior to the physical and economic displacement. Implement the resettlement plan with close supervision throughout the project cycle.*
 12. *Monitor and assess resettlement outcomes, their impacts on the living standards of displaced persons, and the achievement of the objectives of resettlement plans by comparing the initial living conditions of displaced persons with the condition after the implementation of resettlement. Disclose the results of monitoring to public.*

2.3. Enforcement of Requirements

Social Safeguard requirements apply to government and non-government projects funded and / or implemented by ADB and its components, regardless of the source of funding, including investment projects funded by a loan; and / or grants; and or other means, such as equity and / or guarantees (hereafter broadly referred to here as the project). These requirements also include involuntary settlement measures implemented by the borrower / client in anticipation of ADB assistance.

Involuntary Resettlement requirements apply for the physical displacement, either full or partial, permanent or temporary (relocation, loss of residential land, loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources or means livelihoods) resulting from: (i) involuntary land acquisition, or (ii) involuntary restrictions on land use or on access to parks and protected areas determined by law, such as the loss of access to assets or resources or restrictions on the use of land.

Resettlement is not considered voluntary if the individual or community displaced³ has no right for the refuse land acquisition that resulted in them having to move. This happens in cases where (i) land acquired through a foreclosure / land acquisition based on eminent domain; and (ii) based on land acquired through the completion of negotiations, which if foreclosure / forcible land acquisition will take place following the failure of negotiations.

2.4. Category of displaced Persons

Displaced person (loss of land in part or whole) in a project area can be classified into three types, namely those who:

1. Has formal legal rights to the land affected by the project;
2. Does not have formal legal rights to the land they occupy, but has a claim to the land and recognized or recognizable under national laws; and
3. Loss of land they occupy and have neither formal nor recognized legal rights or acknowledged or recognizable claim over the land

³ The people or communities who were displaced are those who are physically displaced (such as relocation, loss of residential land, or loss of shelter) and / or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood). Safeguard Policy Statement, ADB 2009.

2.5. Entitlement

For group (1) and (2) mentioned above, the borrower / client provide replacement land and structures or cash compensation adequately at replacement cost, adequate compensation for the partially damaged structures, and relocation assistance if there is relocation. Group (3) mentioned above, the borrower / client will provide compensation for loss of assets other than land, such as dwellings, and also other improvements to land at full replacement cost. This entitlement is given only if they occupied the land or structures in the project area before the deadline [the cut-off date] of determination of the entitlement.

Compensation for the acquisition of houses, land and other assets will be calculated at full replacement cost. The calculation of these costs are based on: (i) the fair market value; (ii) transaction costs; (iii) the payable interest ; (iv) transitional and restoration costs; and (v) other applicable payments, if any.

For households who are physically moved, the borrower / client will provide:

1. Relocation assistance, secure relocation land tenure, better housing at resettlement places with access to employment and production opportunities which is equivalent to the previous conditions, and public infrastructure and public services according to the needs;
2. Transitional assistance and development assistance, such as land development, credit facilities, training or employment opportunities; and
3. Provide an opportunity to get appropriate benefits of development from the project.

Economically displaced persons are entitled to compensation for loss of income or livelihood sources in full. The borrower / client will also provide assistance such as credit facilities, training and employment opportunities, as well as appropriate benefit from construction of the project.

If the land acquisition affects commercial structures, affected business owners are entitled to:

1. expenses to resume a commercial activity elsewhere;
2. Compensation for loss of net income during the transition period;
3. Fee of removal and re-installation of plant, machinery or other equipment. The business owners who have a legal right or recognisable or recognized claim to the land where they run a commercial venture are entitled to a property or cash replacement at equal value or more.

Involuntary resettlement should be designed and implemented as part of a development project or program. In this case, the best strategy is to provide opportunities for physically or economically displaced persons to benefit from the project in addition to providing compensation and resettlement assistance. These efforts will help prevent the impoverishment of the affected people and also meet the demands of ethics so that development interventions provide benefits extensively.

2.6. Consultation, Information Disclosure, Grievance Redress

Meaningful consultation needs to be conducted with the affected persons, host community-if there is relocation-, and civil society for each project or sub-project. Meaningful consultation is a consultation process: i) starts at the beginning of the project preparation stage and performed on the entire project cycle; ii) provide adequate disclosure, on time, with a language which is understandable, and easily accessible to the affected population; iii) conducted in an atmosphere free of intimidation and pressure; iv) inclusive and gender-responsive and attentive to the needs of vulnerable and disadvantaged groups⁴; v) allow the acceptance of the relevant views of affected residents and stakeholders.

Borrowers / clients are required to disclose relevant information in a timely manner, and in a form and language that are understandable affected persons. Information can be arranged in the form of leaflets, brochures, or booklets containing project information and its impact, result of identification of affected assets, entitlements and assistance, the entitled party categories, monitoring, handling objections, and a tentative schedule of resettlement activities. As for the documents to be displayed in the ADB website are;

Table: ADB Website Disclosure Requirements

Document	Disclosure Time	Responsibility
Draft of Resettlement Plan / resettlement framework approved by the project executive agency	Before project appraisal	ADB
Approved Final Resettlement	After completion of data collection on assets and	ADB

⁴ Vulnerable and disadvantaged groups, including those living in poverty, without land, a group of elderly, female-headed households, women and children, indigenous peoples, and those who do not have land rights.

Plan	affected persons	
New or updated Resettlement Plan (if there is a change in project scope)	Once the resettlement plan has been updated or a new resettlement plan has been prepared because of technical design modification or modification in the project scope.	ADB
<i>Corrective action plan, if any</i>	During the project implementation (on reception of documents)	ADB
Report of Resttlement Monitoring	On reception of documents from the borrower / client.	ADB

A mechanism for receiving and handling complaints is prepared to facilitate the settlement of objections related to the project's impact on physical assets or income loss of economic and other impacts. Mechanisms should be developed in resolution oriented and timely manner and in ways understood by the complainant as well as transparent. The mechanism is also designed to be gender responsive, culturally appropriate, easily accessible to affected persons, and free of charge. More over, grievance mechanisms also provide open space for of court settlement process.

2.7. Monitoring

Monitoring was conducted to assess the achievement of the benefits (outcomes) of involuntary resettlement, the impact on living standards of displaced persons, and whether the objectives of the resettlement plan have been achieved. The successful implementation of the resettlement plan depends heavily on the activitiesmanagement, monitoring, and effective supervision. Coverage of monitoring alone will be proportional to the risks and impacts of a project.

Projects with resettlement impacts that are not significant will require internal monitoring. Meanwhile, the project with major impact (projects with resettlement category A), in addition to the internal monitoring, ADB also requires monitoring of the external to be conducted. External monitoring will ensure social safeguards (social safeguards compliance) fully implemented. If issues are found, then the institutions responsible / project implementers need to prepare a remedial plan to address these issues.

Monitoring reports prepared semi-annually and describe the progress of the implementation of the resettlement plan, the issue of compliance with social

safeguard, and corrective actions. The report will be displayed in the ADB and the borrower website, if possible, and may be accessed by the affected persons and stakeholders. Monitoring costs are included in the project budget⁵.

2.8. Land Acquisition through negotiations

Safeguard Requirements (involuntary resettlement) does not apply to land acquisition / resettlement through negotiations, unless the failure of the negotiations will result in foreclosure. The borrower / client is encouraged for the extent possible to acquire land and other assets by way of intensive negotiations in consultation with the affected persons, including those who do not have the assets legally. The borrower / client will ensure that negotiations with displaced persons is conducted publicly in order to avoid the risk of imbalance information and inequality of bargaining position between parties involved in negotiations. For this purpose, the borrower / client will engage an independent external party to document the negotiation and transaction process. The borrower / client will agree with ADB consultation process and related policies / laws that are used properly for land acquisition; third-party validation; mechanism to calculate the replacement cost for land and other assets affected; and recording / documentation.

2.9. Attention/ concern on Indigenous Peoples

If projects affect indigenous peoples, an assessment of alternative project designs need to be conducted as much as possible in order to avoid physical displacement (relocation) of indigenous peoples. This is to avoid the adverse impact of the project on identity, culture, and livelihoods of indigenous peoples. If it can not be avoided, then a indigenous peoples and resettlement combination plan will be prepared to deal with the issue of involuntary resettlement and indigenous people issues at the same time. In this plan, the ADB's policies related to the safeguard of indigenous peoples will implemented.

2.10. Involuntary Resettlement Plan

A resettlement plan / land acquisition plan / resettlement needs to be prepared if the proposed project will have an impact on involuntary resettlement. The plan is intended to ensure that the life and standard of living of the displaced persons will be better or at least equivalent to the condition before the project (in terms of physical and / or economic) and the standard of living of the poor and other vulnerable groups are also become better condition compared to before the project.

⁵ Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook – Draft Working Document. Asian Development bank, November 2012.

The resettlement plan is prepared based on the assessment of social impact and meaningful consultation with physically and economically affected persons to ensure that the displaced persons are informed and consulted about their entitlements (compensation, rehabilitation, and resettlement) and given an alternative resettlement. Adequate attention to gender aspects (including attention to the needs of female-headed households and gender inclusive consultation) are given in identifying the impact and preparation of resettlement planning.

2.11. Role and Responsibility

1. Role and responsibility of ADB

- A. Filtering project to establish ADB safeguard requirements, run the due diligence, and review the social and environmental assessment and plan conducted by borrowers / clients to ensure that there are safeguard measures in accordance with the principles of ADB safeguard policies and requirements
- B. Determine the feasibility of financing
- C. Helping borrowers / clients in building capacity to implement safeguard measures. Monitor and supervise social and environmental performance of borrower / client throughout the project cycle.
- D. Disclose Safeguard plans and framework, including assessment reports and environmental and social monitoring on the ADB website.

If the borrower / client fails to comply with the legal agreement on safeguard requirements, ADB will:

- A. Seek corrective action and work hand in hand with the borrower / client in order to comply with the requirements..
- B. If it still fails to comply, ADB could implement legal action, including suspension, cancellation, or acceleration of maturity that is within ADB legal agreements.

Before conducting such measures, ADB uses various means available to remedy the situation in order to satisfy all parties that are part of the legal agreement, including initiate a dialogue with the relevant parties in order to meet the legal agreement.

2. Roles and Responsibilities of Borrowers / Clients:

- A. Conduct a study on the project, environmental and social impacts arising,

- B. Preparing safeguard plans, and involves affected communities through information disclosure, consultation and participation by delivering information in advance in an appropriate manner.
- C. Submit to ADB all the required information, including assessment reports, planning / safeguard frameworks, and monitoring reports for review by ADB.
- D. Comply with prevailing State laws, regulations, and standards.
- E. Implement safeguard measures as agreed upon with ADB to realize the principle of the policy, and meet the requirements specified in Safeguard Requirements (Involuntary resettlement / IR, environment, and indigenous peoples / IP, specific requirements for various financial modalities).
- F. Including the safeguard requirements in bidding documents and civil works contracts.

If the safeguard policies and regulations at the national level differ from the policy statement of the ADB, the ADB and the borrower / client will establish and agree on specific measures to ensure that the principles and requirements comply with the requirements of ADB safeguard policies.



MATERIAL 3

Public Consultation to the Entitled Stakeholder / Peoples

Material 3.Public Consultation Meeting

3.1. Introduction

3.1.1. Background

Public Consultation Meeting (PCM) in Law No. 2 of 2012 on land acquisition for development in the public interest is an activity that is conducted during the 60 days after initial data collection, to provide information to relevant stakeholders particularly to those who are entitled on the development plans and the implementation of land acquisition and preliminary data collection that has been conducted.

The expected result from the PCM is to obtain agreement about construction site and land acquisition plan from the entitled persons and support of relevant stakeholders so that the head of region (Governor) may issue a location confirmation permit / clearance. If there are objections from the stakeholders, a second PCM will be conducted within 30 days. If there are still objection, the third PCM will be held once again before finally conveyed to the court to take a decision in the form of Location confirmation permit / clearnce by the Governor or the delegated party (regent).

Reviews on provisions related to public consultation according to Law No. 2 of 2012, its Implementation rules and ADB Safeguard Policy Statement requirements would be described hereinafter.

3.2. Public Consultation provisions in Law No. 2 of 2012 and Presidential Regulation No. 71 of 2012.

Law No. 2 of 2012, article 16 point (c) on provision of public consultation clearly states that public consultation is aimed to obtain agreement from the entitled persons regarding location of the project development plan.

Presidential Regulation No. 71 of 2012 article 32 states important issues to be disclosed during public consultation, among others: purpose and objectives of the development plan, stages and processing time of land acquisition implementation, role of appraiser in determining compensation value, incentives to the entitled

person, object assessed for compensation, form of compensation, rights and obligations of the entitled persons.

Public consultation is conducted after initial data collection of the development plan site by a preparation team that includes data collection of the entitled parties and land acquisition object.

Prior to initial data collection, a notification must be given in accordance with Law No. 2 of 2012 Article 16 paragraph (a). Under Presidential Regulation No. 71 of 2012 section 12 notification can be given either directly (socialization, face to face, or letter of notification) or indirectly (newspaper or electronic media).

3.3. Provisions of Public Consultation Meeting in ADB Safeguard Policy Statement

Compared with Law No. 2 of 2012 and its implementation regulation, ADB requires some fundamental conditions in public consultation as follows:

With regard to the Involuntary Resettlement Policy, ADB emphasizes that the affected persons should be informed and consulted meaningfully.

With regards to indigenous peoples policy, ADB emphasizes that consultation should be conducted with the participation of the affected indigenous communities in formulating interventions for development to ensure that their needs, priorities, and choices are adequately associated. .

Related to gender and development policy, ADB emphasizes that women and men should be consulted and involved equally in project design and implementation.

Benefits of the PCM: :

1. Community are aware of the development plan and the location of land to be acquired and they will not object to the Inventory Of Losses (IOL).
2. Entitled persons understand better the possible impact they might endure.
3. Entitled persons understand about land acquisition procedures and grievance redress mechanism.
4. Transparency on development plan to the community might get the support of the community.

3.3.1. Objectives

1. Introduction about the project, including scale of the impact, status and role of relevant stakeholders and general policy of agency requiring land;
2. Introduction of the development implementation framework, especially on the objectives of development, benefits and development implementation;
3. Disclosure of data collected from initial data collection which includes:
 - A. List of affected and entitled households - (general).
 - B. Scale the impact from project- (general)
 - C. Scale of impact that may be endured by the entitled persons and affected household - (general).
4. Disclosure of local government policy in land acquisition, including the executing agency.;
5. Disclosure of rights and obligations of the community as well as the relevant law and regulation. .
6. Disclosure of the procedures related to land acquisition including grievance redress procedures and resolution.

3.4. Principles of Public Consultation Meeting

In conducting public consultation, the following principles must be observed for the success and acceptance of entitled peoples. First, public consultation should involve the relevant parties. Thus, mapping should be conducted to identify entitled peoples and other Stakeholders who play role for the acceptance and the success of the project.

Another principle is sharing information transparently, so that the entitled person has a clear idea and do not worry. Information about the project should be given accurately and transparently so that the entitled and relevant party is well informed.

Another principle as important is to give the opportunity to all participants, both men and women. Often because men make the planning of a project, they prioritize giving information to men, while serious impact of the project is mainly borne by women. Delivery of information in public consultation has to consider both the needs of men and women, especially with regard to the impact and opportunities of the project.

Another principle as important is to create a relaxed and open atmosphere so those who entitle do not feel intimidated to express their opinions and have the right to make necessary decisions.

3.5. Sequences In Conducting Public Consultation Meeting

1. Identifying Stakeholders

Identification of stakeholders is to determine which stakeholders are relevant to the project plan. Identification of stakeholders is done by the agency conducting the project technical preparation.

To identify relevant stakeholders of the project plan, overall review of the relevant areas and plan projects is conducted. Therefore, governments, non-governmental organizations and public agencies related to the project must be identified.

2. Determining PCM Venue

PCM is conducted in the development plan area or in an agreed place (Law No. 2 of 2012, Article 19 (2)) so that stakeholders, especially the affected households do not find it difficult to attend (due to the location of the PCM close to home). Furthermore, the land acquiring agency can provide clearer information about the acquired location.

In general, to determine the venue of the PCM, the following points should be considered:

- A. PCM venue is close to development plan site
- B. PCM Location is easily accessible by stakeholders - especially the entitled peoples.
- C. Consultation with local government.
- D. Capacity of PCM venue is adequate for the number of people invited.

If the project planned to be implemented in several areas that include more than one jurisdiction of Local Government, the PCM can be conducted in any area of jurisdiction of the Regional Government.

3. Preparing invitation Letter.

Once the relevant stakeholders are identified, the land acquiring agency has to send a written request for conducting PCM to the Regional Government in which the development will be carried out.

The Regional Government then issues a letter of invitation of PCM activities for the identified stakeholders. Please see example of PCM invitation letter in Appendix 1.

4. Conduct of PCM

PCM is conducted by adapting a normal meetings pattern conducted in the area of development plan.

The key points of the agreements or the results of the discussion during PCM with stakeholders are recorded and documented as meeting minutes. Format of minutes of the PCM can be found in appendix 3.

5. PCM activity documentation consists of invitation letter, attendance lists, minutes of explanations and frequently asked questions as well as photographs of PCM activities .

Appendix 1

Examples of Invitation letter from Ministry of Public



**KEMENTERIAN PEKERJAAN UMUM
DIREKTORAT JENDERAL SUMBER DAYA AIR
BALAI BESAR WILAYAH SUNGAI CIDANAU - CIUJUNG - CIDURIAN**
Jl. Utsaid Uzair Yachya No.1 Serang - Banten Telp. (0254) 208111 Fax. (0254) 227117

Serang, 17 Maret 2014

Nomor : WM. 02. 06/ K2 / 54
Lampiran : 2 (Dua) Lembar

Kepada Yth,
(Daftar Undangan Terlampir)
di
TEMPAT

Perihal : Undangan Konsultasi Publik/Sosialisasi Studi LARAP Pembangunan Tanggul Sungai Cijung

Dengan Hormat,

Selubungan dengan persiapan pelaksanaan pengadaan tanah untuk Pembangunan Tanggul Sungai Cijung, diperlukan kajian Studi LARAP (Land Acquisition and Resettlement Action Plan). Untuk melaksanakan kegiatan tersebut, bersama ini kami mengundang Bapak/Ibu/Saudara/i untuk dapat hadir pada:

Hari/Tanggal : Jadwal Terlampir
Waktu : Jadwal Terlampir
Tempat : Jadwal Terlampir
Acara : Konsultasi Publik/Sosialisasi Studi LARAP Pembangunan Tanggul Sungai Cijung.

Mengingat pentingnya acara tersebut diatas, kami mohon Bapak/Ibu/Saudara/i dapat hadir tepat pada waktunya.

Demikian Kami sampaikan dan atas perhatannya kami ucapkan terimakasih.

BBWS Cidanau-Cijung-Cidurian
Kepala,

Ir. Abdi Hana Akhmad
NIP. 19560521 198512 1 001

Terselamat:
1. Bupati Kabupaten Serang
2. LPM Ecuator
3. PT. Prasa Kurnia Pratama (Konsultan Perencanaan)
4. Pertinggal/Asip

Works

Lampiran Surat : Lampiran 1
Nomor : LAM.02.06/AZ/B5
Tanggal : 17 Maret 2014


Daftar Undangan,

Kepada Yth,

1. Bappeda Kabupaten Serang (1 Orang)
2. BPN Kabupaten Serang (1 Orang)
3. Badan Keluarga dan Kependudukan Pemberdayaan Masyarakat dan Perempuan Kabupaten Serang (1 Orang)
4. Dinas PU Kabupaten Serang (1 Orang)
5. Dinas Tata Ruang Kabupaten Serang (1 Orang)
6. Dinas Sosial Kabupaten Serang (1 Orang)
7. Badan Lingkungan Hidup Kabupaten Serang (1 Orang)
8. Dinas Pertanian Kabupaten Serang (1 Orang)
9. Polsek dan Koramil (MUSPILKA) Kecamatan Setempot

Examples of Invitation letter from Kampung Baru Village
Head

Ar 03

 **PEMERINTAH KABUPATEN SERANG**
KECAMATAN PAMARAYAN
KANTOR KEPALA DESA KAMPUNGBARU
Jln. Tambak-Pamarayan Km. 13 Desa Kampungbaru Kec. Pamarayan-Serang 42176

Kampungbaru, 19 Maret 2013


Nomor	: 100/017/D.125/ III /2014	Kepada Yth,
Sifat	: Penting	Bapak/Ibu... <u>MARTAWI</u>
Lampiran	: -
Perihal	: <u>Konsultasi Publik (PCM)</u>	Di- Tempat.

Dengan ini mengundang kehadiran saudara dalam acara yang akan diselenggarakan pada :

H a r i	: Senin
Tanggal	: 24 Maret 2014
Waktu	: 13.30 Wib s/d Selesai
Tempat	: SDN Pamarayan 2 Kp. Kedungsapi RW 03
A c a r a	: Konsultasi Publik Pengadaan Tanah untuk Rencana Pembangunan Pembuatan Tanggul Ciujung.

Mengingat pentingnya acara tersebut di atas, kehadiran saudara diharapkan tepat pada waktunya.

Demikian surat undangan ini kami buat, atas perhatian dan kehadiran saudara kami ucapkan terima kasih.

 Kepala Desa Kampungbaru
BARNAS

Tembusan disampaikan kepada :

1. Yth, Camat Kecamatan Pamarayan (Di mohon Kehadirannya)
2. Yth, Kapolsek Kecamatan Pamarayan (Di mohon Kehadirannya)
3. Yth, Danramil Kecamatan Pamarayan (Di mohon Kehadirannya)
4. Yth, Ketua BPD Desa Kampungbaru (Di mohon Kehadirannya)
5. Arsip

Appendix 2

Examples of Public Consultation Meeting Attendance

DAFTAR HADIR

Nama Kegiatan : PCM Proyek Manajemen Basir DAS Ciliung Kabupaten Serang Provinsi Banten
 Tempat : SDN Panayangan 2
 Hari/Tanggal : Senin/24 Maret 2014
 Pukul : 13.00 - 16.00

NO	NAMA LENGKAP	LIP	ALAMAT LENGKAP (Jalan, RT, RW, No Rumah)	TELPHP	TANDA TANGAN
21	Jumrah	P	Kp. Cuyun 16/05		
22	ABDUL	L	Kp. BARU 5		
23	BUARAH	P	Kp. Keelung 10/05		
24	MURAH	L	Kp. Keelung 10/05		
25	MADHANI	L	Kp. Umbul Baru	081281718115	
26	IBTO	L	Kp. Umbul Baru		
27	JANA	L	Kp. GOROK 12/04		
28	SAID	L	Kp. Umbul Baru		
29	KAMBIR	L	---	081809764173	
30	HUSEIN	L	Kp. Keelung 10/05		
31	SUKARMAN	L	Kp. GOROK 21/04		
32	RANTA	L	Kp. CUYUN 16/05		
33	MASKANI	L	Kp. CUYUN		
34	JUMRI	L	Kp. BARU 05/01		
35	ACEFAP	L	Kp. CUYUN 17/05		
36	HASAN	L	Kp. Umbul Baru 18/05		
37	SARAH	L	Kp. ---		
38	MARIS	L	golok		
39	ROSTO	L	K.P.L.S.A.P.		
40	H. ALI	L	Kp. GOROK		

Appendix 3A

Public Consultation Meeting Minutes Format

PCM MINUTES

Land Acquisition(Name of Land Acquisition)

Location :

Date :

1. PCM Paticipants

No	Patricipants	Number
1	Representatives of the central government (eg)	
2	Representatives (eg Mayor	
3	District head representative	
4	Village Representative	
5	community members	
	total Participants	

2. Program

No	Program	Duration
1	Registration and preparation	08:30 – 09:00
2	Opening	09:00 – 09:15
3	Welcome speech.....	09:15 – 19:45
4	PCM material exposure by Consultant	09:45 – 10:00
5	Q and A discussion	10:00 – 11:30
6	Closing	11:30

3. Description of Activity

Contains a brief summary of information to be presented by consultants in PCM

4. Some discussed points of PCM

Contains questions and answers during the execution of PCM

5. Conclusion

Appendix 3B

Minute's example

8. Desa Nagara

A. Susunan Acara

No	Susunan Acara	Durasi/waktu
1	Registrasi dan persediaan	08:30 – 09:30
2	Pembukaan (MC: M. Faisall)	09:30 – 09:35
3	Sembutan Bappeka Kabupaten Serang (H. Abdulah) Assalamualaikum Wr.Wb Sebelumnya DAS Cijung tidak hanya di Serang tetapi juga ada di Hulu. Sehingga penanganan DAS Cijung jika masih tetap di lakukan maka dampak banjir masih terjadi. Mudah-mudahan dengan adanya penanganan dampak DAS di hilir dapat mengurangi dampak terhadap masyarakat. Hasil rapat di Bogor DAS Cijung ditangani oleh 3 Kementerian: PU, Dalam Negeri dan Bappenas. Secara penanganan banjir secara nasional, diantaranya: Serang, Surabaya dan Ambon. Dengan disalurkan anggaran dari pusat maka ada 3 provinsi ada 2 Banten dan Ambon. Banten Cijung benar-benar diperhatikan oleh pusat, karena krisis ekonomi karena banjir dianggap bencana. Hilir dengan intensitas tinggi maka akan menyebabkan banjir yang dulunya terjadi 5 tahun sekarang terjadi setiap tahun. Sehingga pemerintah pusat, provinsi dan kabupaten bersama-sama mengemban banjir. Untuk masyarakat yang tanahnya dikena bukan berarti diambil. Mohon kepada masyarakat dan tokoh-tokoh untuk mendukung pengendalian. Dengan sendirinya kalau tidak perlakuan kita harus re-eksistensi, bagaimana pemertanian itu benar-benar bernilai. Apa yang dibekukan pemerintah digunakan sebaiknya. Dengan adanya perubahan maka seperti pemerintahan masyarakat harus tetap maju, asahnya dia laksanakan dikembangkan, jangan sampai asahnya berkurang. Yang pernah tanah diharapkan dibelikan tanah lagi, jangan beli yang lainnya karena khawatir justru terjadi dalam kemiskinan. Demikian, dengan adanya sosialisasi harap menjadikan momentum yang baik. Wassalamu'alaikum.	09:35 – 10:05
	Kedala Desa Nagara (Devi Hariyad) Assalamualaikum Wr.Wb Sosialisasi publik mengenai pembuatan tanggul di Desa Nagara menjadi salah satu impian kami terwujudnya ada satu tanggul yang menghentikan kegesaan banjir. Dengan adanya sosialisasi ini diharapkan kami dapat terwujud, karena setiap tahun kami selalu siap mengungsi. Ini mungkin waktu. Pembangunan tanggul ini hanya cepat tetapi memerlukan proses. Inginnya kami tahun ini selesai. Yang saya inginkan pada proyek ini (yang saat ini sedang dikerjakan) tanggul malah lebih tinggi di dataran tinggi sehingga air masuk ke pemukiman warga. Ada dua sungai yang menjadi pemukiman kami, sungai cujung dan sungai dikambuy yang belum pernah disentuh oleh balai besar. Mudah-mudahan balai besar tidak hanya sensen di Cijung saja. Anggap ini rencana kita jangan sampai ada selisih, mungkin pada pelaksanaan	

ada masalah maka harus diselesaikan. Mudah-mudahan dengan didukung masyarakat tidak terjadi banjir lagi. Mungkin itu gembiranya, mudah-mudahan kami sangat membantu dan harapan kami sangat cepat terlaksana, dan insyaallah masyarakat kami bisa mendukung. Bapak/Ibu inilah harapan kita yang akan terwujud. Catatan: Bulan Desember 2014 sudah tidak terjadi banjir. Intinya semuanya bisa selamat. Mari kita dukung.
Wassalamu'alaikum Wr.Wb

BRWS Cijung (Sandi)

Assalamu'alaikum Wr.Wb.

Dulu rutinitas banjir sangat jauh, sekarang ini terjadi setiap tahun dan sangat mengganggu dan sudah menjadi isu nasional. Untuk saat ini kita diberi kesempatan untuk mencoba memberikan solusi penanganan banjir dengan pembuatan tanggul cijung. Rencana kegiatan tanggul ini sepanjang 11 km dari Pamarayan sampai Dukuh. Penanganan cijung sebenarnya sudah disusun sejak lama. Ada 2 poin penting: pembangunan bendung galian di hulu dan pembangunan tanggul sungai cijung. Rencana pembangunan tanggul membutuhkan proses, untuk saat ini pelaksanaan sudah dimulai tahun lalu, dokumen pelaksanaannya adalah lengkap, karenanya disosialisasikan rencana tersebut nanti jangan sampai ada masyarakat dirugikan. Kami mohon dukungan supaya dapat terlaksana dan pengendalian banjir bisa terealisasi.

4	Pemaparan bahan PCM oleh Konsultan	10:05 – 10:45
5	Diskusi dan tanya jawab	10:45 – 11:15
5	Penutup dan doa	11:15

B. Peserta PCM

No	Peserta	Jumlah
1	Perwakilan pemerintah pusat	
2	Perwakilan provinsi/kabupaten	5
3	Perwakilan kecamatan	4
4	Perwakilan kelurahan (desa) dan undangan lainnya	4
5	Masyarakat/DITD	80 DITD
	Total Peserta	98 orang

C. Resume Materi PCM per Narasumber

No	Narasumber	Isi materi
1	Alimin Yahya (LPM EQUATOR)	Kami dan EQUATOR mendapat tugas untuk mensurvei data awal yang sudah dilakukan pada bulan Juli-Agustus. Kami menata lahan, bangunan, tanaman yang kemungkinan terkena dampak, jumlahnya 140 KK. Kami mensurvei tidak hanya tanah saja, tetapi kami lakukan survey orang-orang dalam keluarga yang terkena. Dan survey sosial ekonomi sebagai bahan rencana awal. Hasil pekerjaan ini harus disosialisasikan ke masyarakat. Data yang kami himpun sudah tertempel, silahkan dilihat. Ini data sementara, dalam minggu ini akan ada tim yang akan mengukur dan mematok. Kemungkinan masih ada warga yang belum tertata.

Kami melakukan survey ada ketentuannya, yaitu patok DED rencana calon tanggul. Kemudian kami melakukan pendataan siapa pemilik dan penggarap dari lahan yang terkena patok, lebar lahan yang terkena tanggul berbeda-beda.

Warga jangan khawatir dalam 3 bulan ini ada tim yang mengukur kembali, sehingga ada warga yang belum tercantum, bangunannya belum diukur, pada waktu pengukuran nanti harus terdaftar.

UU No 2/2012 kalau pemerintah membutuhkan lahan wajib didata yang betul, tidak boleh warga dirugikan. Oleh karena itu pada waktu mematok nanti jangan ada warga yang tidak hadir, rugi nanti. Akan ada tim melalui pak lurah akan diberitahu kapan waktunya.

Hasil pendataan kami ada 140 tetapi masih berubah. Status tanah masih girik, surat tanah harus jelas karena pada waktunya pemberian kompensasi harus berdasarkan surat. Hampir 80% tidak memiliki surat kepemilikan lahan, di sini AJB juga jarang. Sebagian besar garap ada juga gadai, semuanya didata. Karena pemberian kompensasi tidak hanya kepada pemilik tetapi juga ke penggarap.

Hasil survey kami, ekonomi masyarakat masih relatif kecil, pendapatan kecil, penyakit juga banyak, hasil pertanian kecil, dihantam banjir lagi, maka habis. Banyak juga orang tua yang tidak punya keahlian. Dari data yang kami kumpulkan termasuk pertanyaan-pertanyaan yang berkaitan dengan kompensasi. Data itulah data awal untuk kegiatan lanjutan, sehingga pemerintah tahu jika proyek dibangun butuh dana berapa, termasuk untuk kegiatan pemberdayaan. Karena tidak boleh dampak memiliki penghasilan turun.

Tetapi itu belum selesai karena tahapannya masih banyak, ada tim yang akan mengukur kembali, tim desain, tim negosiasi, tim pembayaran. Pencanaan ini menyeluruh dan pembangunan jangka panjang 5 tahun minimal. Pada kesempatan ini untuk memperbaiki data yang ada, yang punya usul, saran, pendapat silahkan disampaikan dan nanti kita buat berita acara.

Setelah survey pengukur akan ada survey amdal. Bapak Ibu sampaikan kepada tim kalau ada sungai dikambuy yang dapat menyebabkan banjir ke lahan masyarakat.

Ada survey kesepakatan harga penggantian. Lahan, pohon, dapur, sekolah. Ada tim yang menaksir bukan oleh pemerintah.

BPN akan mengukur ulang dan menyelesaikan. Masalah surat kepemilikan harus diurus, jangan khawatir semua tanaman yang terkena dampak harus dibayar. Insyaallah tidak ada yang lolos.

Semua informasi yang ibu usulkan akan kami sampaikan ke pusat.

Assalamu'alaikum.

Masih tahap awal banget.

UU No 2/2012 ada 4 tahap:

1. Perencanaan,
2. Persiapan, awalnya bingung tapi harusnya persiapan untuk perencanaan,
3. Pelaksanaan,
4. Serah terima.

Rimun Wibowo (LPM
EQUATOR)

Dalam hal ini untuk mengurus sungai adalah BBWS untuk merencanakan. Kami hanya membantu dalam proses perencanaan tersebut untuk membantu basis, menghitung jumlah masyarakat yang terkena dampak. Bahan ini akan diserahkan ke gubernur, secara umum warga tidak keberatan. Gubernur menunjuk tim untuk tim persiapan (lapar), bahan itu untuk melakukan pemberitahuan kepada warga untuk konsultasi lagi.

Setelah ditetapkan secara resmi baru pihak BPN akan bekerja untuk membayar ganti rugi.

Tahapan tersebut tidak hanya terkait pembangunan tanggul yang dipikirkan, termasuk juga perbaikan taman tanggul, pemberdayaan masyarakat kira-kira usulan warga apa saja.

Perencanaan Pembebasan:

- Daftar aset yang dibebaskan. Jika ada yang kurang silahkan lapor.
- Lahan tanggul ini berbeda-beda oleh karenanya lahan pembebasan berbeda tidak sama seperti dulu.
- Kami memikirkan juga setelah pembebasan lahan. Ini berdampak terhadap kegiatan sosial dan ekonomi.
- Kami juga ingin mendengar pendapat masyarakat.

Untuk kehidupan yang berlangsung baik silahkan bapak mengusulkan kegiatan.

D. Notulensi Diskusi (Tanya-jawab)

Penanya	Pertanyaan	Penjawab	Jawaban
Musa	Sisa gili tanggul?	Alimin	Tetap dia ada, masih bisa digarap, dan mungkin nanti ada kebijakan pemerintah, mungkin ada ijin ke pemerintah. Semua ada aturan dan urusannya.
H. Abdul	Tanah PU, tanah uluran. Apakah itu dianggap tanah pengaliran atau tanah milik? Mungkin warga inglinya dibayar, bisa tidak digarap lagi meski lahan punya pemerintah? Masalah harga dibicarakan sekarang atau nanti? Cikambuy selalu banjir karena di timur banyak industri sehingga mengakibatkan banjir dan airnya sulit surut.	Alimin Sandi Hudan (BUH)	Mengenai harga akan ada tim MAPI yang akan mendata khusus, saat ini kami tidak bisa menjawab, harga tidak ditentukan oleh masyarakat tetapi disepakati oleh masyarakat. Usul penanganan banjir tidak hanya Ciujung tetapi dikambuy. Dari lingkungan akan menjawab untuk penanganan limbah karena ada UUL. Sungai Cikambuy penanganannya saya sudah koordinasi dengan Bupati Kabupaten Serang, karena sudah ada kewenangannya. Mungkin segera diusulkan untuk program penanganan. Kita di Banten sudah dibentuk forum pengendalian DAS Ciujung. Mengamati

			<p>Sungai Clujung ada 2 masalah: kemarau debit air turun drastis (tidak bisa menetralkan limbah) tapi pada saat hujan sangat naik luar biasa dan merusak fasilitas sehingga harus kita dukung untuk pembuatan tanggul. Namun tidak hanya membuat tanggul tanpa menanganai hulu sungai.</p> <p>Berkaitan dengan pencemaran Cikamby, kami tidak mengabaikan pengawasan limbah. Membatasi industri membuang limbah cair dalam jumlah besar ke Sungai Cikamby. Dari sisi pengamaman banjir terus terang belum secara fokus, kami mendorong biaya besar dan PU kabupaten.</p>
		Bappeda	Ada tim khusus pemanfaatan lahan-lahan yang kurang bermanfaat. Kalau bernilai pasti diganti.
Madnain (Nagara)	Seandainya tanggul ada di petak lahan tengah bagaimana kompensasinya?	Alimin	<p>Didata dan diukur. Akan ada aturannya. Kalau rumah terkena sebagian maka biasanya sebagian lagi terkena ganti rugi. Akan ada aturannya yang dikomunikasikan dengan masyarakat. Fasilitas umum juga didata, termasuk akses karena terganggunya proyek. Saya yakin desainnya menyeluruh termasuk fasilitas umum menjadi perhatian.</p> <p>Pasti akan didata.</p>
Nami	Sisa lahan sisa tanggul di bibir sungai?	Alimin	
Abdul Hamid	Kapan rencana pelaksanaannya?	Sandi	<p>Waktu pelaksanaan, saya juga belum bisa menyampaikan jelas waktunya. Karena biaya sangat besar. Bantuan ini ngutang. Terkait juga dengan masyarakat, penyusunan dokumen perencanaan salah satunya dampak pembebasan tanah. Kalau tahap ini lama maka tidak selesai-selesai. Diusahakan tidak akan merugikan masyarakat, demi kepentingan bersama kita harus menyelesaikan. Ini proses lama. Kami tidak bisa memastikan. Diusahakan cepat karena memang harus cepat ditangani. Ini menjadi prioritas kementerian PU.</p>

Berdasarkan hasil **MUSREMBANG** Clujung akan masuk prioritas, karena sudah ada Berita Acara sehingga akan menganggarkan di tahun 2015. Dewan akan membuat keputusan. DAS Clujung menjadi isu strategis.

Appendix 4

Example of Meeting Minutes

BERITA ACARA
HASIL PELAKSANAAN PUBLIC CONSULTATION MEETING (PCM)
DI DESA NAGARA KECAMATAN KIBIN, TANGGAL 22 MARET 2014

Pada hari ini Sabtu tanggal Dua Puluh Dua bulan Maret tahun Dua Ribu Empat Belas, telah dilaksanakan kegiatan *Public Consultation Meeting* (PCM) dengan masyarakat yang terkena dampak rencana proyek pembangunan tanggul Sungai Ciujung di Desa Nagara Kecamatan Kibin Kabupaten Serang Provinsi Banten, mulai pukul 08.30 sampai pukul 12.11 dengan jumlah peserta:

- | | | |
|--|------|-------|
| 1. Jumlah peserta OTD laki-laki | : 65 | orang |
| 2. Jumlah peserta OTD perempuan | : 14 | orang |
| 3. Peserta undangan dan perangkat desa | : 13 | orang |
| 4. Jumlah peserta keseluruhan | : 93 | orang |

Dari penyampaian materi dan hasil tanya jawab dengan masyarakat, telah disepakati hal-hal sebagai berikut:

1. Masyarakat desa Nagara menyetujui rencana pembangunan tanggul Ciujung.
2. Masyarakat siap untuk membebaskan lahan maupun aset milik pribadi atau umum untuk digunakan proses pembuatan tanggul dengan kompensasi ganti rugi secara layak berdasarkan kesepakatan.
3. Masyarakat mengusulkan agar lahan yang di dalam tanggul masih bisa ditanami atau digarap oleh masyarakat.
4. Masyarakat siap menyelesaikan administrasi surat kepemilikan lahan dan sepakat untuk menjaga lahannya tidak jatuh kepada pihak yang memiliki kepentingan lain.
5. Masyarakat berharap mata pencaharian rumah tangga yang terkena dampak di perhatikan melalui program pemberdayaan misalnya warungan, ternak bebek, perikanan dan kerajinan.
6. Masyarakat mengusulkan sisa bidang lahan yang tidak produktif mohon untuk di pertimbangkan untuk ikut di bebaskan.

Demikian berita acara ini dibuat untuk digunakan bagi yang berkepentingan.

Nagara, 22 Maret 2014

Wakil Masyarakat


(.....H. ABDUR.....)

Wakil OTD


(.....SUDI FEBRIANDI.....)

Kepala Desa

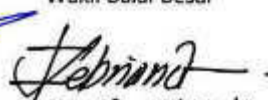

(.....SULA.....)

Wakil Kecamatan

Cam Kibin

(.....H. RANA.....)

Wakil Balai Besar


(.....SUDI FEBRIANDI.....)

Wakil Tim Equator


(.....RIMON WIBONG.....)

Appendix 5

Public Consultation Meeting Documentation examples

1. Registration of participants

2. Opening by moderator

3. Speeches: Speech of Village Head Speech of sub district head (Camat) , Speech of Regional Planning and Development Agency (BAPPEDA), Speech of Environment Agency (BLH) , Speech of District Military Command (Koramil), Speech of Sector Police Force (Polsek),

4. material exposure by speakers

5. Q and A session

- Dokumentasi

1) Peserta melakukan registrasi



2) Moderator sedang membuka acara



3) Sambutan-sambutan

Sambutan oleh Kepala Desa

Sambutan oleh Camat



- Dokumentasi

1) Peserta melakukan registrasi



2) Moderator sedang membuka acara



3) Sambutan-sambutan

Sambutan oleh Kepala Desa

Sambutan oleh Camat



Sambutan oleh Bappeda



Sambutan oleh BLH



Sambutan oleh Koramil



Sambutan oleh Polsek



4) Pemaparan materi PDM oleh narasumber



5) Sesi tanya jawab



FOTO FOTO KEGIATAN WTC

Public Consultation Meeting Kabupaten Karawang



PEMBERITAHUAN

Dalam rangka Pelaksanaan Rehabilitasi Saluran Tarum Barat (Kalimalang), Balai Besar Wilayah Sungai Citarum, Kementerian Pekerjaan Umum bekerjasama dengan Kelompok Kerja Pemukiman Kembali Kabupaten Bekasi akan melakukan pendataan ulang terhadap warga terkena dampak Proyek Rehabilitasi Saluran Tarum Barat. Oleh karena itu, bagi warga yang :

- i) sebelum bulan Mei 2008 pernah menempat, dan memanfaatkan lahan bantaran Saluran Tarum Barat milik P/T II dalam jarak hingga 6 meter dari tepi saluran baik untuk usaha atau tempat tinggal;
- ii) telah di data pada tahun 2008 oleh proyek Rehabilitasi Saluran Tarum Barat sebagai warga terkena dampak;
- iii) Saat ini sudah tidak lagi tinggal di koridor proyek (6 meter dari tepi saluran)

Diharapkan melapor ke Kantor Desa di wilayah dimana warga dulu pernah tinggal, setiap hari Senin sd Jumat pada pukul 08.00 s/d 12.00. Pendaftaran mulai dibuka pada tanggal 16 Desember 2011 hingga 27 Januari 2012. Adapun kantor desa tempat melapor adalah sebagai berikut:

- | | |
|------------------------------|---------------------------------|
| 1. Kantor Desa Pasir Tanjung | 8. Kantor Desa Cibatu |
| 2. Kantor Desa Pasir Sari | 9. Kantor Desa Ganda Sari |
| 3. Kantor Desa Weangun Harja | 10. Kantor Kelurahan Jati Mulya |
| 4. Kantor Desa Sukadunau | 11. Kantor Desa Lambang Jaya |
| 5. Kantor Desa Cibuntu | 12. Kantor Desa Lambang Sari |
| 6. Kantor Desa Setia Darma | 13. Kantor Desa Hegar Mukti |
| 7. Kantor Desa Jaya Mukti | 14. Kantor Desa Taibun |

Warga yang melapor ke kantor desa diwajibkan membawa:

1. Kartu Tanda Penduduk atau Kartu Keluarga atau Identitas yang sah lainnya.
2. Bukti penguat lainnya yang menunjukkan bahwa warga bersangkutan pernah tinggal dan dalam jarak 0-6 meter dari tepi saluran atau memanfaatkan lahan tersebut untuk usaha.

Adapun daftar nama-nama warga terkena dampak yang terdata tahun 2008 dapat dilihat pada pamflet yang telah ditempel di Kantor-kantor desa setempat.

Pemberitahuan ini disampaikan oleh :
Balai Besar Wilayah Sungai Citarum
Kementerian Pekerjaan Umum
bekerjasama dengan
Pemerintah Kabupaten Bekasi



MATERIAL 4

Inventory of Losses and Social Economy Survey

Material 4. Inventory of Losses and Social Economy Survey

4.1. Introduction

4.1.1. Background

Socio-economic survey activities under Law No. 2 of 2012 is mandated starting from the planning stage. This is elucidated more at Presidential Regulation No. 71 of 2012, the Minister of Finance Regulation No. 13/PMK.02/2013 on operational costs and implementation costs supporting land acquisition for development in public interest funded from state budget (APBN). Regulation of the Minister of Home Affairs No. 72, 2012 on operational costs and supporting costs for land acquisition for development in the public interest funded from the regional budget (APBD). This document includes more complete terms on inventory of Losses (IOL) and social economy survey (SES), to further ensure that these activities also include data collection from early stage on socio-economic situation of the entitled person and on the land acquisition object that will be affected by development plan in the public interest, these are conducted individually and not globally.

Detailed Survey Activities of the entitled persons and the land acquisition object conducted from the planning stage is very important and essential. It facilitates the preparation phase, where initial data collection of the entitled party and land acquisition object affected by the development in the public interest are required before the public consultation to obtain approval from the entitled persons prior to location confirmation. At the implementation stage, identification and inventory of the entitled persons and the land acquisition object are required prior to valuation of compensation carried out independently by public appraisal. Preparation phase and the implementation phase have a very limited time. Therefore, planning documents related to information on social and economic situation of the entitled persons and land acquisition object should be readily available. Collecting a detailed data on socio-economic circumstances of the entitled persons and land acquisition objects is possible at the planning stage, because planning stage is not limited in time, not as the preparation and implementation stages. It is stipulated in Law No. 2 of 2012 Article 18, initial data collection in the preparation stage were given a period of 30 working days after notification of development plans, while the conduct of the

inventory and identification of land rights, ownership, usage and utilization of land should be conducted within a period of 30 working days as stated in Law No. 2 of 2012 article 28. Thus, the social economy data collection to obtain a detailed overview on entitled person and the land acquisition object at the planning stage is very critical and vital.

4.1.2. Objectives

The objectives of the Inventory of Losses (IOL) and Social Economy Survey (SES) is to inventorize and identify the occupation, ownership, usage and utilization of land potentially affected on development plan site. Data to be collected from these activities are:

1. List of entitled persons that includes landowner and occupying / working / renting parties.
2. Type, number and surface of the affected assets, which include land, space above and below the ground, buildings, plants and other objects related to land and can be appraised.
3. Land ownership status, which include privately owned land, communal land, state land, etc.
4. The availability of letter that includes proof of ownership, certificate, girik, and other deed of sale.
5. Estimated value of asset affected by the development plan.
6. Preview of Socio-economic circumstances of the entitled party.

4.2. Provisions of the Inventory of Losses Implementation

1. IOL and SES conducted by trained enumerator.
2. Prioritized respondents are household heads. If the household head is not present, it can be represented by a spouse, son (aged above 17 years / adult) or other family members, who has knowledge about the affected assets.
3. Rules to be observed when conducting IOL and SES:
 - A. The development design plan (maps and other technical documents) that describes the location and the land required for the development plan.
 - B. Notification to the public either directly (face to face / PCM / socialization) or indirectly (through the village government, radio or other) has been given so that people are well informed about the development plan and data collection plan,

- C. There have to be land markers that define the outer boundaries of the land to be used as the corridor of impact. Marking is necessary to avoid any data error during the IOL and SES.

The Detailed Engineering Design (DED) technical team does land marking prior to the IOL and SES. Under the circumstances where marking cannot be conducted, there must be other information that could indicate a corridor of land to be acquired.

4.3. Implementation Steps of Inventory of Losses and Social Economy Survey

In general, the agency requiring land designates an experienced agency to conduct IOL and SES, which includes the following steps:

1. Preparing the data collection team:
 - A. IOL and SES implementing agency estimates the number of personnel (coordinators and enumerators) needed to complete the data collection within 30 days,
 - B. IOL and SES implementing team recruits coordinator for supervising the data collection and ensuring data collection at the development plan site is going well and carried out timely,
 - C. IOL and SES implementing agency also recruits enumerators and data collection coordinator at the same time. The number of enumerators recruited is adapted to the results of previously conducted initial identification,
 - D. Once the data collectors personnel are recruited, IOL and SES implementing agency should provide training (at least for 1 day) to the enumerators on their tasks, duties and procedures for the conduct of data collection,
 - E. In the training process, data collection simulations should be performed for 1 day by observing and doing on-site interviews.
2. Preparing equipment / tools for IOL and SES.
 - A. The agency requiring land and government set a questionnaire form, which will be used by IOL and SES implementing agency in collecting the data. The questionnaire is in accordance with the Head of BPN Regulation No. 5 of 2012.
 - B. IOL and SES implementing agency prepares data collection tools include: Name tags, stationery, questionnaires form, cameras, Global Positioning System (GPS), meter gauges and other equipment deemed necessary.

- C. The data collection standard safety equipment, such as boots, raincoats, helmets, safety equipment and first aid supplies deemed necessary.
3. Preparing a permit for data collection.
 - A. IOL and SES implementing agency requests letter of introduction and letter of assignment from the land-requiring agency.
 - B. After obtaining letters of introduction and assignment letter from the central government, the IOL and SES implementing agency bring the letter to the local government of development plan site (provincial government, districts, sub-districts and villages) to get a permit to conduct data collection. The permit can be a permit newly issued by the local government (provincial to village government) or stamp and signature of authorized official at each level of government (provincial to village) on the cover letter and the assignment letter from the central government as an evidence that the letter has been approved.
 4. Determining chaperone from the kelurahan (village).
 - A. A chaperon is a person who is designated by the kelurahan, has knowledge related to land and ownership of land to help data collection personnel in collecting the data.
 - B. The IOL and SES implementing agency consult with the village and kelurahan government to provide a chaperon.
 5. Identification of Prospective Entitled Persons.
 - A. Further to step 1 to 4, the enumerator identifies the prospective entitled peoples in the corridor of land required for development. Identification is conducted with a chaperone for a minimum of 1 day by browsing to the location of the development plan site using the form 1 (attached). At this identification stage, it is probable that the enumerator meet with the entitled persons (owners, tenants or land user), thus enabling schedule setting for interview.
 - B. When the first form is filled in, enumerator and chaperone identify the location of residence of the prospective entitled party as the basis for the interview strategy.
 - C. Entitled parties identified are those who may be permanently affected (own or occupy the assets in the corridor of impact) or those who may be temporarily affected (outside the corridor of impact, but will be affected temporarily during the construction process),

Measurement of land area in IOL activity is an estimate, since these measurements are usually not using theodolite-measuring instrument. Accurate measurement will be assured by the IOL and inventory of Land Ownership, Use and Utilization.

- D. Perform sampling of the entitled persons who will be subject of SES that is at least 20 percent of those who will be subject of IOL. In conducting sampling, proportion of entitled household heads gender; the type of affected assets should be considered i.e. land only, land and buildings, spread of location and other considerations depending on the type of project.
6. Conducting interviews with the entitled persons, IOL and SES.
- A. IOL and SES are conducted by an enumerator accompanied by chaperone of village or urban village (kelurahan),
 - B. IOL and SES should be conducted in the affected locations so that enumerator can directly measure the affected area and take pictures of the asset.
 - C. If the entitled parties do not live in the vicinity of the impact corridor, the enumerator conducts interviews in the entitled party's house. Upon completion of interview, the enumerator requests the entitled party to measure together the extent of affected assets and take pictures.
 - D. In conducting interviews with entitled party and measurement of affected assets, the enumerators have to:
 - (i) Fill out all forms according to the respondent's answer.
 - (ii) Measure the affected assets using meter gauge.
 - (iii) Take pictures of affected assets and entitled persons.
 - (iv) Take the GPS coordinates points of the asset.

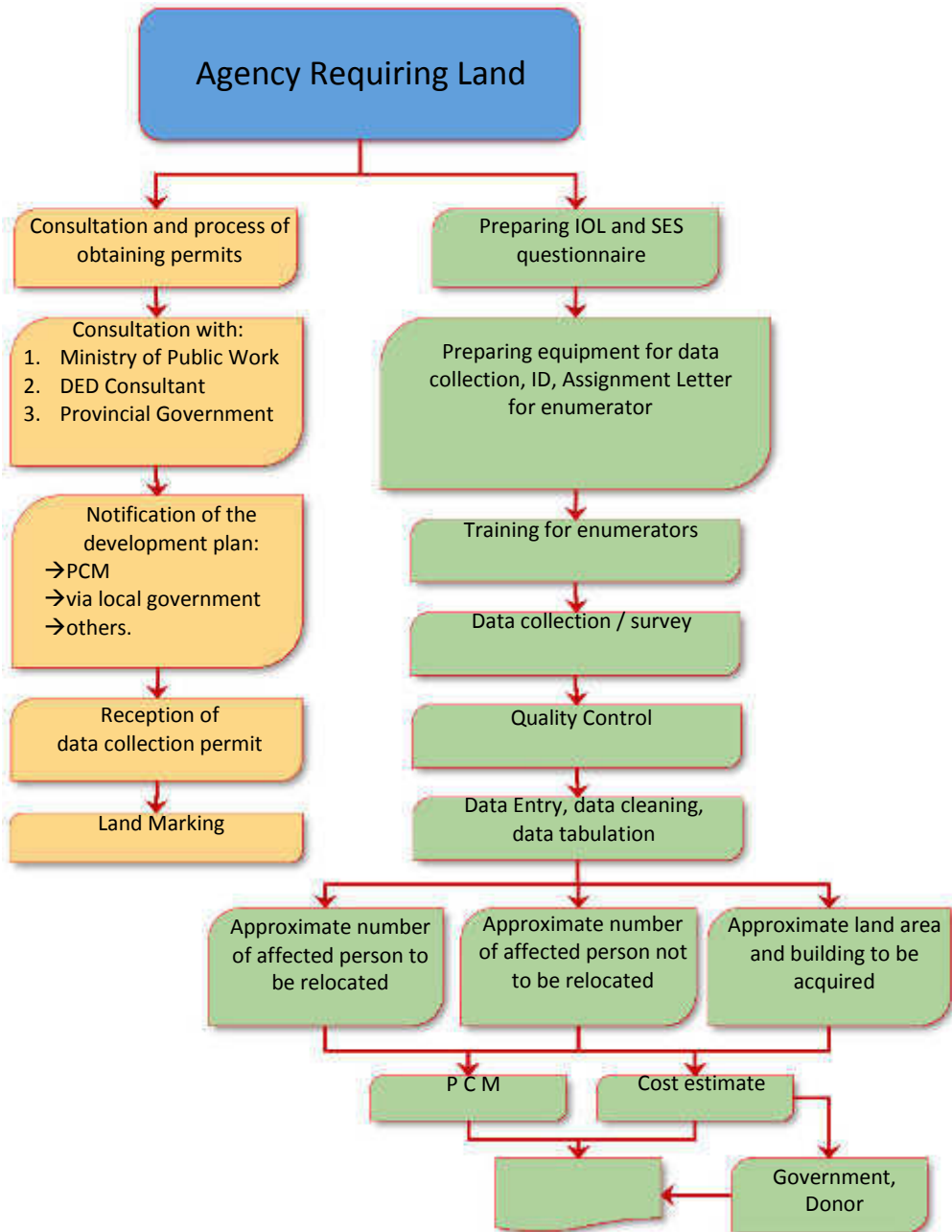
7. Performing Data Computation.

Computing Data includes the process of data input, data cleaning and data processing.

- A. Collected data is inputted into the computer using excels forms or other forms as required.
 - B. Once inputted, the data are cleaned, and coding is conducted according to the requirements of analysis.
 - C. Once cleared, the data is processed or tabulated according to the requirements of data analysis. Tabulation of data can be done using a pivot in excel or using other programs such as SPSS, SAP and other statistical programs.
8. Submission of the IOL and SES data to the relevant agency; as material to prepare documents of Land Acquisition And Involuntary Resettlement (LARP).

In general, the stage of the data collection is summarized in the following diagram.

Figure 1. Stages of Social Economic Status Survey and Inventory of Loses.



Appendix 1

Identification Form of Prospective Entitled Persons

Station/ Segment*	Principal building and Land				Land				Social Facility	
	Residence	Business shop	Shop	Office	Dry land (fields)	Wetland (rice field)	Pond	Others	Public Facility	Social Facility
St 1										
St2										
...										

* Usually the survey corridor consists of segments, stations, and others. In the case of West Tarum channel there is a "BTB" which became a survey benchmark, while the Mass Rapide Transit IOL survey is called "station"

Appendix 2

Nominative list of Entitled Persons (Law No. 2 of 2012)

NOMINATIVE LIST

Land Acquisition(Name of the Land Acquisition)

Number :

Date :

No.	Entitled party			Land			Space Above and Space Below land		Building		Crop		Other objects related with land			Estimates of the impact of the development plan	Remark.	
	Owner	Occupy, exploit, rent / Work / rent	NIB	Location	Area	Land Status	Evidence Letter / Alas Rights occupy, exploit, rent /Title / Letter of Evidence / Alas Rights	HM/ apartment / other	area	category	total	category	Quantity	cat.	Quantity			Imposition of land rights / Fiduciary
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
a. Name	a. Name		a. RT/RW	(m ²)	M/U/B/L/TN/T	Certificate / girik / deed of sale, other				- Residence		a. Annual crop		- Water pipe				
b. Date of Birth	b. Date of Birth		b. Kel.		MA/ other					- Busines local		b. seasonal crop		- Telephone network/ connection				
c. Occupation	c. Occupation		c. Kec.							- Shop				- Gas pipe				
d. Address	d. Address									-				- Other				
e. Family identification numbers/ National Identity Card	e. Family identification numbers/ National Identity Card									- Office building								

Appendix 3

Sample of IOL Questionnaire (Draft)

CONFIDENTIAL		_ _ - _ _ - _ _ _ _ - _ _ _ _ - _ _ _ _ _ _ _ _
INVENTORY OF AFFECTED ASSET		
INTRODUCTION		
<p>Good morning / afternoon / evening ladies and gentlemen. Thank you for taking the time in the data collection activities of assets potentially affected by Flood Management Project in this region. The interview will take about 20 minutes. During this time, I will ask you to answer questions about your assets that might be affected and your family daily life condition. All the information that you provide will be kept confidential and will not be used improperly. With your permission, I would like to start my first question..</p>		
CATATAN WAWANCARA		
Enumerator Name:		Enumerator code : _ _
	First Visit	Second Visit
Interview date (dd/mm/yy)	- -	- -
Time (start/finish)	/	/
Result	1 = Succesfull, complete <input type="checkbox"/> 2 = not completely filled in <input type="checkbox"/>	1 = Succesfull, complete <input type="checkbox"/> 2 = Not completely filled in <input type="checkbox"/>
Checked / Verified by	Enumerator	Survey Supervisor
Name		
Date(dd-mm-yy)	- -	- -
A. ASSET LOCATION AND OWNER		
A.1	Province:	_ _
A.2	City/ Regency:	_ _
A.3	Sub-district:	_ _ _
A.4	Village/:	_ _ _
A.5	a. Hamlet: b. RT/RW:	_____ _ _ / _ _
A.6	Household Number:	_ _ _ _
A.7	GPS coordinate	X: Y:
A.8	Asset position: [1] left side of river, [2] Right side of river, [3] Borrow pit area	_
A.9	Name of Household occupying asset:	
A.10	Gender of Household	_
		Picture of Household Head or respondent
		PHOTOS OF MAIN ASSETS AFFECTED

	head: [1Male, [2] Female		
A.11	Age of Household Head	_ _ year	
A.12	Length of stay / occupation of asset	_ _ year	F: (m) M: (m)
A.13	Number of HH members (including HH head) / numbers of HH living in the house:	_ person / _ HH consists of: _ Mand _ F	Identity Picture (if available)
A.14	ID card: [1] Nat. ID, [2] Family Card, [3] Driving Licence	_ No:.....	
A.15	Tel/ Cell No.:		
A.16	Address (street name, alley, number)		
A.17	Status of asset occupation: [1] Owner , [2] stay without pay, [3] Renting, [4] Official residence (in case of house)	_ If Owner [1], continue to B If rental, monthly rental: USD	
A.18	Name of asset owner / tel no:	/	
A19	Address of asset owner		

B. HOUSEHOLD SOCIO-ECONOMY DATA														
Household (K)	NaME	Position in Household	JK	Ethnicity	Age	Religion	Marital Status	Education level	Occupation		Monthly Income		Distance from Work/school	Physical condition
	B.1	B.2	B.3	B.4	B.5	B.6	B.7	B.8	Main B.9	Side job B.10	Main B.11	Side job B.12	B.13	B.14
K.1														
K.2														
K.3														
K.4														
K.5														
K.6														
K.7														
K.8														
K.9														
K.10														
K.11														
K.12														

Info:

- B.1: Name: starting with families (KK) matches the name on A.9, followed by other family members
- B.2: Position in the Family: [1] the head of the family [2] spouse [3] children [4] parents [5] other relatives [6] housemaid
- B.3: Gender: [1] men [2] women
- B.4: Ethnicity: As per the respondents' answers
- B.5: Age: In years
- B.6: Religion: [1] Islam, [2] Catholic, [3] a Protestant, [4] Hinduism, [5] Buddhist
- B.7: Marital status: [1] single [2] married [3] widow [4] divorce
- B.8: Last Education: [1] Did not go to school [2] Do not pass elementary [3] Elementary School [4] ES [5] Not graduated from high school [6] was in high school [7] Finished High School [8] do not go to college [9] in college, [10] Finished college
- B.9: Main Job: [1] Agriculture / livestock farming [2] Business / Trader / Store Owners [3] Driver / Labour [4] Employees (private / government [5] Retired [6] Unemployed seeking employment [7] Scholar [8] Other: (specify)
- B.10: Side job: equal to B.9
- B.11: Main income (income from main employment) per month: in IDR.....
- B.12: Side revenue (income from a side job) per month: in IDR
- B.13: Distance to Workplace / School: [1] at home [2] less than 1 km [3] between 1 to 2km [4] between 2 to 4 km [5] more than 4km
- B.14: Physical Conditions: [1] normal [2] disability [3] is very old / chronic illness

C. DATA OF AFFECTED ASSET

C.1 LAND

Asset picture	Land Use / Land	Coordinate point	Ownership status	If the answer C.1.3 is [4], [5] or [6], :	total land surface (m ²)	Total affected land (m ²)
	C.1.1	C.1.2	C.1.3	C.1.4	C.1.5	C.1.6
Land picture 1		X:		owner: Tel.no. :	F: M: area:(m ²)	F: M: area:(m ²)
		Y:		Montly rent:		
Land picture 2		X:		Owner: Tel. No. :	F: M: area:(m ²)	F: M: area:(m ²)
		Y:		Montly rent:		
Land picture 3		X:		Owner: Tel. No. :	P: L: area:(m ²)	P: L: area:(m ²)
		Y:		Montly rent:		

Description:

C.1.1: [1] The land for house, [2] Land for business local (eg base ojeg, leased land for sell, and so on), [3] of agricultural land / plantation, [4] fields, [5] wet agricultural land besides rice, [6] pool / pond [7] vacant land

C.1.2: X; Longitude and Y: Latitude

C.1.3: [1] Certificate of Ownership (SHM), [2], SHM-making process, [3] girik / Mail tax payments (UN), [4] renting, [5] Occupy with permission, [6] Occupy without permission, [6] public Land

C.1.4: If the answer is in C.1.3 [4], [5] or [6], then C.1.4 has to be answered. The owner listed in C.1.4 should be contacted to be recorded / interviewed.

C.1.7	If the affected land is yours from where did you acquire the land from?	[1] Heritage, donation [2] Purchased in the year of..... [2] Land swap [2] others,(describe)	
C.1.8	In addition to the project site, do you have land elsewhere?	[1] yes, [2] no If yes, area:.....m2	
C.1.9	If you have land in other places, where it is located?	[1] In the same village as the affected land [2] In a different village in the same district [3] In different villages in different districts	

BUILDING

Photo of Aset	Type / Use of Building	coordinates point	Building Specifications	Year Built	Ownership Status	If the answer of C.2.4 is	Total Building Area (m)	(Area of the affected building (m)
	C.2.1	C.2.2	C.2.3	C.2.4	C.2.5	C.2.6	C.2.7	C.2.8
Picture of building 1		X:				Owner: Tel :	L: W:	L: W:
		Y:				Rent/month:	Area:(m ²)	Area:(m ²)
Picture of building 2		X:				Owner: Tel :	L: W:	L: W:
		Y:				Rent/month:	Area:(m ²)	Area:(m ²)
Picture of building 3		X:				Owner: Tel :	L: W:	L: W:
		Y:				Rent/month:	Area:(m ²)	Area:(m ²)

Remark: C.2.1: [1] Home [2] house and shop, [3] shops or other establishments (restaurants, garages, pharmacies, etc.), [4] Warehouse, [5] WC [6] Cage , [7] wells, [8] fence, [9] tomb

C.2.2: X; Longitude and Y: Latitude

C.2.3: [1] Permanent Single, [2] Permanent coupling, [3] Permanent storey, [4] Semi-permanent single, [5] Semi-permanent coupling, [6] Semi permanent rise, [7] Non- permanent single, [8] Non-permanent Coupling, [9] Non-permanent storey

C.2.4: Year of constructing of building

C.2.5: [1] Owned by his own, [2] a public building, [3] the government building, [4] hire, [5] Occupy with the permission, [6] Occupy without permission

C.2.6: C.2.3 If the answer is [1], [2] or [3], then C.2.4 required. The owner listed in C.1.4 should be contacted to be recorded.

C.2.9	In addition to the project site, do you have house elsewhere?	[1] yes, [2] no If Yes, area:.....m2	
C.2.10	If you have house in other places, where it is located?		
		[1] In the same village as the affected land [2] In a different village in the same district [3] In different villages in different districts	

C.2 PLANT

C.3.1 Seasonal Crop

Name / Type of seasonal crop	Area of Affected crop (m ²)	Number of Harvest For The Year (..... time)	Harvest in 1 (one) planting season (kg/m ²)	Selling Price Per Kg (USD)
C.3.1.1	C.3.1.2	C.3.1.3	C.3.1.4	C.3.1.5
	L: W: area:(m ²)			
	L: W: area:(m ²)			
	L: W: area:(m ²)			
	L: W: area:(m ²)			

Remark:

C.3.1.1: Identify common name in Indonesian, unless there are no names in Indonesian

C.3.1.2: The calculated area only affected the planting area (in meters)

C.3.1.3: Please indicate how many times the planting (or how many times the harvest) within 1 (one) year

C.3.1.4: The number entered is the estimated harvest per m² (see guidelines on how to estimate)

C.3.1.5: Use the selling price on the last season known to the party entitled (AH). If you do not know, then use the price existing in the market around.

C.3.2 Timber Plant

Name / Type Timber Plants	Number of Affected Plants by age category				Total production per tree (in m ³)				Selling Price Per Tree (IDR)				Selling price per m ³ (IDR)
C.3.2.1	C.3.2.2				C.3.2.3				C.3.2.4				C.3.2.5
	A	B	C	D	A	B	C	D	A	B	C	D	

Remark:

C.3.2.1: Identify common name in Indonesian, unless there are no names in Indonesian

C.3.2.2: Filled by age categories: 1-3 years, B: 4-5 years with the stem diameter o

f 4-6 cm, C: 6-10 years with the base of the stem diameter of 7-20 cm, D: in over 10 years with the base of the stem diameter of more than 20 cm

C.3.2.3: Total production is estimated based on the age category C.3.2.2

C.3.2.4: estimated selling price per tree (if there is information) based on the age category C.3.2.2

C.3.2.5: The selling price of wood per m³ (based on knowledge of the owner of the plant timber, if it does not know, then use the market price or prices in the local timber companies).

C.3.3 Fruit Plants

Name / Type of Timber Plants	Number of Plants Affected by age category				Total production per tree within 1 (one) time of harvest (in kg)				Number of Harvest For The Year (..... times)				Selling Price Per Kg fruit (IDR)
C.3.3.1	C.3.3.2				C.3.3.3				C.3.3.4				C.3.3.5
	A	B	C	D	A	B	C	D	A	B	C	D	

Remark:

C.3.3.1: Identify the common name in Indonesian, unless there are no names in Indonesian

C.3.3.2: A Filled by age categories: 1-3 years, B: 4-5 years, C: 6-10 years, D: more than 10 years

C.3.3.3: Total production is estimated based on the age category C.3.2.2

C.3.3.4: estimated selling price per tree (if there is information) based on the age category

C.3.3.5: The selling price of wood per m3 (based on knowledge of the owner of the plant timber, if it does not know, then use the market price or prices in the local timber companies).

D. BUSINESS / BUSINESS AFFECTED

D.1

D.1.1	D.1.2	D.1.3	D.1.4

Remark:

D.1.1: [1] Repair shop car / motorcycle, [2] small grocery , [3] Restaurant / eatery, [4] pharmacy, [5] Stores

D.1.2: Revenue is the net profit derived from the business

D.2 MOVABLE BUSINESS

D.2.1	D.2.2	D.2.3	D.2.4

Remark:

D.2.1: [1] Selling using tents, [2] Selling using carts, [3] transportation services, [4] Other Services

D.2.2: Income is the net profit derived from the business / business

D.3	Do the characteristics of your venture depending on the current location?	[1] yes [2] no
-----	---	-------------------

E. OTHER QUESTIONS		
E.1	What kind of compensation do you expect?	1. Replace with the same asset 2. Swap 3. Cash valued at cost of affected assets
E.2	How much is the tax object sale value (NJOP) of your land?	Rp
E.3	How much is the NJOP of your building?	Rp
E.4	do you feel secure and comfortable living / farming / running a business at this location?	1. Yes 2. NO
E.5	If you do not feel safe and comfortable, if there is a government program to move to a more secure and comfortable place ; are you willing?	1. Yes 2. No
E.6	If you have to move, then where you want to move?	1. 1. The same village in the land affected 2. 2. Different village in the same district 3. Others (please specify):.....
E.7	Do you want to say anything related to the embankment construction plan?	

Thank you for your participation in this survey, should we need any other information and confirmation, We kindly ask you to be willing to give us more information.

Appendix 4

Examples of SES Questionnaire Form (Draft)

CONFIDENTIAL		_ _ _ - _ _ _ - _ _ _ _ - _ _ _ _ - _ _ _ _ _ - _ _
SOCIO-ECONOMIC SURVEY		
INTRODUCTION		
<p>Good morning / afternoon / evening Ladies and Gentlemen. Thank you for taking the time in the data collection activities of your assets that might be affected by The Flood Management Project in this region. The interview will take about 20 minutes. During this time, I will ask you to answer questions about the assets that might be affected and living conditions in this village. All the information that you provide will be kept confidential and will not be used improperly. With your permission , I would like to start with my first question.</p>		
CATATAN WAWANCARA		
Enumerator's Name:		Enumerator's code: _ _
	First visit	Second visit
Interview date (dd/mm/yy)	- -	- -
Time (start/finish)	/	/
Result	1 = Successful/ completed <input type="checkbox"/> 2 = Not completed	1 = Successful/ completed <input type="checkbox"/> 2 = Not completed
Checked by	Enumerator	Survey Supervisor
Name		
Datel (dd-mm-yy)	- -	- -
F. Aset location and owner		
A.20	Province:	_ _ _
A.21	City/ Regency:	_ _ _
A.22	Distirtc:	_ _ _ _
A.23	Village/Kelurahan:	_ _ _ _
A.24	a. Hamlet: b. RT/RW:	_____ _ _ / _ _
A.25	HouseHold no.:	_ _ _ _ _
A.26	GPS Coordinates	X: Y:
A.27	Position of Assets: [1] Left of the river, [2] Right of the river, [3] Borrow pit areas	_
A.28	Name of HH Head who occupies the asset:	
		PHOTOS of HH head or RESPONDENT
		PICTURE OF MAIN ASSET EFFECTED

A.29	Gender of HH head: [1] Male, [2] Female	_	
A.30	Age of HH head	_ _ Year	
A.31	Length of stay at the asset	_ _ year	F: (m) M: (m)
A.32	Number of household members (including house hold head)/ families who live in the house	_ person / _ HH head Consists of: _ M and _ F	PHOTOS ID (If Applicable)
A.33	Identification: [1] National ID card, [2] Family card, [3] Driving Liscence _ No:	_ No:.....	
A.34	Tel / Cell. Ph. No:		
A.35	Address (Street Name , alley, No House):		
A.36	Status in the principal asset: [1] The owner, [2] Ride, [3] hire, [4] Home official residence (if home) _ 	_ If the owner [1], up to B If you rent, how much rent per month:IDR	
A.37	Asset Owner Name / Phone:	/	
A.38	Asset Owner Address		

G. G. HOUSEHOLD MEMBERS DATA

Household (K)	Name	Position in HH	JK	Ethnicity	Age	Religion	Marital Status	Las Education	Occupation		Monthly Income Revenue		Distance to Work/school	Physical Condition
	B.1	B.2	B.3	B.4	B.5	B.6	B.7	B.8	Main	Side	Main	Side	B.13	B.14
									B.9	B.10	B.11	B.12		
K.1														
K.2														
K.3														
K.4														
K.5														
K.6														
K.7														
K.8														
K.9														
K.10														
K.11														
K.12														

Remarks:

- B.1: Name: starting with HH head matches the name on A.9, followed by other family members
- B.2: Position in the HH: [1] the head of the family [2] spouse [3] children [4] parents [5] other relatives [6] housemaid
- B.3: Gender: [1] men [2] women
- B.4: Ethnicity: As per the respondents' answers
- B.5: Age: In years
- B.6: Religion: [1] Islam, [2] Catholic, [3] a Protestant, [4] Hinduism, [5] Buddhist

B.7: Marital Satus: [1] single [2] married [3] widow [4] divorce

B.8: Last Education: [1] Not going to schoolschool [2] Did not pass elementary school [3] Still in elementary school [4] Graduates from elementary school [5] Not graduated from high school [6] was in high school [7] Finish High School [8] did not study [9] were in college, [10] Finished college

B.9: Main Job: [1] Agriculture / livestock [2] Business / Trader / shop owner [3] Driver / Labour [4] Employees (private / government [5] Retired [6] Unemployed seeking employment [7] Scholar [8] other: (specify)

B.10: Side Job Employment: same as B.9

B.11: The main income (income from main occupation) per month: in IDR.....

B.12: iside Income (is income from a side job) per month: in IDR

B.13: Distance from Work / School: [1] at home [2] less than 1 km [3] between 1 to 2km [4] between 2 to km [5] more than 4km

B.14: Physical Conditions: [1] Normal [2] disability [3] is very old / chronic

H. HH Socio-Economic conditions		
C.1	What are the total expenses of your family every month?	1. Meal : Rp 2. Transportation : Rp 3. Housing (mortgage / rental) : Rp 4. Electricity : Rp 5. Water : Rp 6. Education : Rp 7. Health : Rp 8. Deposit : Rp 9. Entertainment : Rp 10. Others:..... : Rp <hr/> Total Expenditure : Rp
C.2	Where is your light source	1. Connection directly from State Electricity Company (PLN) 2. Connection of electricity from neighbor 3. Electric connection of non PLN 4.) Kerosene (petromak, kerosene oil lamp, etc.) 5. Firewood 6. Candles
C.3	Which sources of drinking and cooking water of your family ?	1. Wells personal / self-owned 2. Channel water Public 3. 4. Gallons water (purchased from a retailer) 5. River / reservoir 6. Springs 7. Buy Water from small vendor 8. collect rain water
C.4	Where do your family get the water for bathing and washing	1. Personal / self-owned Wells 2. Public water Channel 3. 4. Gallons water (purchased from a retailer) 5. River / reservoir 6. springs 7. buy water from small vendor 8. rainwater harvesting
C.5	Where do your family members defecate?	1. Toilets with septic tanks in house 2. WC latrine in the house 3. Toilets in the house flowed directly into the river / reservoir 4. Public toilets with septic tank 5. Public toilets without septic tank WC helicopter WC (above the river / reservoir) 6.
C.6	Where do your family	1. Own bathroom

	bath?	2. Public bathroom 3. . On river / reservoir	
C.7	Name the electronic items owned by your family?	1. TV 2. Radio 3. Telephone/Cellphone 4. Electric Fan 5. Microwave	6. DVD/CD 7. Computer 8. Airconditioner 9. Washing Machine 10. Oven
C.8	Name the transportation means owned by your family?	1. Bike 2. Motorcycle 3. Car	4. Truck 5. Becak 6. Angkot
c.9	Where do your family dispose the trash	1. trash Can 2. Temporary Disposal place	3. To garbage collector 4. into river 5. Burn 6. Buried in the ground

I. Family Health Data			
D.1	Is there any family member of your who were sick in the past month	1. Yes 2. No	
D2.	Any disease that is often suffered by your family?	1. Skin disease 2. Respiratory problem 3. diarrhea	4. Stomach ache 5. Cough 6. flu
D3.	Where do you and family members for treatment if sick?	1. health center 2. Hospital 3. 24 hours Clinic (general practitioners)	4. nurse 5. Alternative healing

J. about flood			
E.1	Is the house / your assets have ever been flooded last 5 years?	1. Yes, 2. No 3. Don't know (just moved to this area)	
E.2	How often your house is affected by the floods?	1. Once a month 2. Once every 6 months 3. Once a year 4. Other..... (specify)	
E.3	When it flooded do you leave home?	1. Yes, 2. No	
E.4	Where do you go ?	1. to neighbor's house 2. to the nearest mosque 3. to the nearest school	4. to second floor 5. to other nearest worship temple
E.5	Are there early warning system	1. Radio	4. Drum /

	for flooding in your area?	2. via Telepon/mobile phone 1. TV 3. word of mouth	Kentongan 5. Sirene 6. none	
E.6	Do you think the most effective way to deliver the news about the flood? In your opinion, what are the most effective way to deliver the news about the flood?	2. Radio 3. viaTelepon/mobile phone 4. TV 5. word of mouth	6. Drum / Kentongan 7. Sirene 8. none	

K. OPINION ON LAND ACQISITION				
F.1	Are you aware of the flood control management project plan (Ciujung / Batumerah / Wayruhu)?	1. YES, 2. No		
F.2	If you know, where did you get that information?	1. Village officials 2. PU 3. Neighbors	4. TV/radio 5. Newspaper	
F.3	If all of the affected family and you have to move, do you have an alternative place to move?	1. Have a land to move in 2. Do not have any other land to move in		
F.4	Is land acquisition for flood management project plan Ciujung / Ambon will affect your the business	1. Yes because: 2. No:		

Thank you for your participation in this survey. Should we need further confirmation, We humbly ask you to help us to provide the relevant information.

Examples of Inventory Of Losses Implementation Documentation

Pictures of WTC Survey

Survey Coordination

Survey RTD



Pelaksanaan Survey RTD





MATERIAL 5

**Assesment / Study on Valuation and Replacement
Cost of Affected Asset**

Material 5 Assessment / Study on Valuation and Replacement Cost of Affected Asset Introduction

The objectives of Land Acquisition for Public Interest is to provide the ground for the implementation of development in order to improve the welfare and prosperity of the nation, state, and society while ensuring the interests of the Party Entitled. Study /Assessment of Replacement Cost is to ensure that entitled persons receive adequate and fair compensation in the implementation of land acquisition for development in the public interest.

Decent and fair compensation is a value for the interests of the owners (the value to the owner) that is based on equivalence with the market property values, taking in consideration non-physical loss of property ownership, which caused the expropriation of property rights.

5.1. Objectives

With this module, it is also expected that the agency requiring land understand the scope of the study ,to decide when to conduct the study / assesment, selecting competent parties, as well as understand the main principles of proper/ adequate and fair compensation.

5.2. Who Conduct Valuation?

Land Appraiser / Public Appraisal. Appraisal is an individual who independently and professionally conduct assessment, who have obtained assessment practices licence from the Minister of Finance and has received a license from the Land Institute to compute the value / price of land acquisition object / provides assessment services.

5.3. Provisions on Study / Assessment of Replacement Cost

1. Replacement Cost Studies / Assessment should be conducted by institutions / experts qualified and experienced professionals and,
2. Preliminary results of a study / assesment should be discussed in public meetings with the entitled persons or should be posted for 7 days in designated public places for requesting comments and suggestions from

stakeholders before the study is completed and a report submitted to the BPN for approval.

3. Results of the study must be approved by the BPN before it can be used in computing compensation and cash assistance.
4. If the time elapsed between the assessment approval and payment of compensation of the entitled parties to more than 6 months, the unit price previously computed has to be reviewed by the BPN and the rates will be adjusted, as needed, to reflect the current market price.

5.4. Principles of Replacement / Compensation Cost

1. Adequate and fair replacement to the entitled persons in the land acquisition process.
2. Prioritize value of owner in assessment / study of replacement cost of the Land acquisition for public interest.
3. Valuation for the replacement cost of the affected land is no longer using value sales tax object (NJOP). Losses are compensated at fair market value and / or at full replacement cost.
4. Replacement cost must be determined to ensure the full replacement of affected assets.

5.5. Implementation Measures of Replacement Cost Study /Assesment

In the planning phase of land acquisition for development purposes in the public interest, the agency should involve a licensed appraiser when conducting initial budget estimate. This is to avoid wide gap of the budget estimates in the planning and implementation stages. Agency requiring land can use the service of MAPPI members in the planning stages.

5.6. Cakupan Kajian Biaya Penggantian Replacement Cost Study Scope

1. Market value of the affected land, buildings, plants and other assets, and,
2. Transaction costs and administrative expenses, such as taxes, and others needed in land acquisition and property .

5.7. Assesment Method of Compensation Cost

Involuntary land acquisition, all costs associated with transfer of property, such as taxes and the cost of a of land use, new certificate or building permit fee, if any, for

the development of replacement structures such as houses, will be borne by the agency requiring land.

Total costs associated with the transfer as mentioned above will be calculated in the affected asset data collection. The overall costs can be added to the amount of compensation to be given to property owners affected by the project. If there are deductions of transaction costs as mentioned above from the total payment for assets affected by the project implementing agency, the project implementing agencies will be responsible for paying directly to the relevant authorities.

Full replacement cost equivalent to the market price of the affected assets + transaction costs, taxes and other administrative costs as well as non-physical losses.

5.7.1. Land Price / Value

1. The land value data is a transaction data and offer, both in the affected location or another location that has a similar character to the affected location.
2. Appraiser will also seek information from property brokers, construction companies, construction supply stores, and other relevant parties.
3. Land Values depend on the character of the land area in question, in which the provision or the use, of land, location, topography, etc.

5.7.2. Structures Value (House) and Value of other Structures

1. Appraiser will perform data collection over the size and specifications of affected structures.
2. Appraiser will interview a building contractor to determine the cost of building materials for every type of building in the project area, the cost of transportation of construction materials to the project area (community), the cost of labor to build each type of building, and the unit cost per Meter Square of each type of building in the project area.

Box 1

Disparities in accommodating Transition Costs

ADB requirements require that a transition allowance should be provided in the context of resettlement implemented by the government. How far it is accommodated in the law?

It can be incorporated into any appraisable loss, because it is like "all in one" box that can be applied, justifying such need has not been clearly stated in the law. However, the implementation must be conducted carefully ?????? (**I do not quite understand the sentences in Bahasa Indonesia**). For example, if AP does not have a loss of income / loss of livelihood resources before implementation of land acquisition based on socio-economic survey, AP is not entitled for a



transitional allowance to cover his/ her needs before his / her (source of livelihood) recovery. So, transition benefits should be applied based on actual findings of socio-economic survey.

Cost Reduction (depreciation) Imposition gap in Buildings Replacement In addition to value principle of the entitled owner / Parties, fairness principle also applied. As such, in the context of the Building Replacement Cost assessment cost deduction will be charged according the physical condition of the building. ADB impose Full Replacement Cost for Principles structures (full replacement cost). At least, that gap can be closed with the emotional loss assessment component called by MAPPI as "solatium." If there is a significant emotional loss , this will taken into account during data collection on the loss of construction (eg houses, heritage, or other loss associated with emotional value). There has been no determination or standard method of calculation on the amount. However, learning from other countries that have applied, it is ranging between 10-30 per cent of the replacement value of structures physical loss . It is expected that the government will publish standard provisions for it this issue, so there is a legal certainty which ensures.



Box 2

Relocation Valuation Challenges

As far as housing needs are identified and put into TOR, MAPPI will assess the cost and budget estimate for the resettlement program. And, this will be a new challenge for MAPPI too. However, as mentioned MAPPI has a standard method of how to compute the value associated with some of the resettlement component (site preparation, loss of livelihood / income / business, transition allowances, support transfer, loss of opportunity, etc.). We understand that government-run resettlement have been carried out in the past (transmigration). Some of the transmigration area are being developed under the Ministry of Manpower and Transmigration. Indonesia has a standard housing for a resettlement project. Once again, to be able to conduct and manage resettlement as a program, of course, it requires a clear operational policy of the government, especially the policy for land acquisition for development in public interest.



Box 3

Business Losses

Loss of business, revenue recovery programs, loss of livelihood and encourage how to calculate the exact time schedule to recover from a business interruption? It depends on the type of business interruption (loss of livelihood) and the results of the assessment conducted to identify business interruption / loss of livelihood sources. Large business losses generally takes longer to recover than the small business and the mobile business. Because there are not enough data / information that will be used as the basis for a decision, individual approach must be conducted. If the government has a company rule, it would be much easier to determine the limits of the time required for this type of business

interruption.

Box 4

Indigenous land

MAPPI indicate there will be a big challenge for the law enforcement and its implementing regulations. The most challenging thing is to identify the type of non-physical losses through socio-economic survey (SES). Identify non-physical losses assumed as MAPPI's mandated tasks. However, it is actually the obligation of Institutions / Agencies that require land and the National Land Agency to do so. MAPPI will assess the types of losses that have been identified. In assessing the customary land, the magnitude of the challenge of preparing the Land Acquisition Law through a very limited discussion. Therefore, the socio-economic survey of these types of losses is indispensable. In order to consider resettlement, what measures should be taken by government agencies that require land?



5.8. MAPPI Valuation Matrix

Transaction cost	1. Relocation Cost; 2. Clearing cost; 3. Related taxes fee; 4. PPAT Fee.	Cost approach	Based on the socioeconomic survey conducted by the consultant and / or applicable laws and regulations that apply
cWaiting period Compensation (interest)	Based on the government's bank deposit interest		Based on the prevailing laws and regulations
Loss of Residual Land	Market	Market Data Approach	Based on the prevailing laws and regulations
Other physical loss / damage	Restoration / reparation cost	Cost approach	Based on the prevailing laws and regulations
<ul style="list-style-type: none"> ▪ : Replacement of the relinquishment of rights loss of landowners will be given as premium:loss of employment or loss of business including professional transfer ▪ Emotional loss (solatium) 	Market and non-market, additional compensation is calculated based on the percentage of the value of physical loss. example: 10% - 30% of the value of physical damages	<ul style="list-style-type: none"> ▪ revenue approach ▪ cost approach 	Based on the laws and regulations prevailing Losses due to cessation or closure of establishments. Example: farmers embankment, eatery and workshops.



MATERIAL 6

Relocation & Livelihood Restoration Program

Material 6 Relocation & Livelihood Restoration Program

6.1. Introduction

6.1.1. Background

The main principles in land acquisition, upheld/ adhered both by the Indonesian government and ADB is as much as possible avoiding relocation. However, if unavoidable, relocation and livelihood recovery program in the new locations should be designed. The new location is to be accepted by affected persons. So if the new location is adjacent to the host community, they must accept that no new conflicts arise.

All life support especially living facilities and infrastructure should be provided to enable relocated people to acquire lives of at least the same or better than before the relocation. This material will elaborate on economic aspects in particular.

Legal basis used as reference, among others:

- ❑ Elucidation of Article 36 Law No. 2 of 2012 letter C:

Resettlement activities are the replacement land provision process to the entitled party into other locations according to the consensus in the process land acquisition.

- ❑ President regulation No 71 of 2012 Article 6

Resettlement provision is implemented in maximum of 1 (one) year from the determination of compensation form by land acquisition implementing agency

6.1.2. Objectives

Provide guidance on technical and operational measures in preparing the relocation program and the livelihood recovery program to the entitled persons relocated.

6.2. Planning for Resettlement Site

Resettlement site planning must accommodate at least the following:

1. Variety options of locations
2. Good access
3. Close from public facilities and services.
4. Opportunities for income generating activities / business.
5. In the context of rural, close to agricultural area and the suitability of the soil for planting / farming.
6. Gender Consideration: a source close to the forest, livelihood equipment.
7. Consideration of the impact on the host community.
8. No environmental impact from resettlement development / project.
9. Involve Displaced households in Location selection process.

During the Relocation activities, the following issues should be taken into consideration:

1. Development of Resettlement location.
2. Business Relocation.
3. Assistance to the Relocated / displaced households.
4. Transitional assistance.

6.2.1. Development of Resettlement Location

1. Involving people displaced in housing construction.
2. Size and area of the house / home and yard should consider the context of urban / rural and land purposes.
3. Facilities should be made based on / considering local residents as well as increasing demand related to natural growth.
4. Relocation conducted only when the location has been completed and ready for occupancy.
5. Relocation should be completed, at least 1 month before the start of civil works for the project.

6.2.2. Business Relocation

1. Businesses run by households in the vicinity of residential areas.
2. Shop location :

- A. Access to market and clients should be better or at least the same as the current location.
- B. Easy access to clients.
- C. Situated in a market.

6.2.3. Assistance to the Relocated Persons

1. Transportation Assistance to the relocated households.
2. Financial assistance during relocation period – for non-productive affected land.
3. Training, credit and other inputs for the realization of the proposed revenue enhancement strategies.
4. Provide further assistance to households living well and economically stable - for those affected due to loss of productive assets and businesses.

6.2.4. Transitional Assurances

1. Relocation Cost
2. Shelters (if apply)
3. Job training
4. Income assistance while waiting for a new job.

6.3. Measures

In preparing regulations and livelihood recovery program for the entitled persons relocated, measures need to be planned and integrated with the local government program as stakeholders who directly manage the population in the project area. The assigned implementation team should conduct the following measures:

1. Preparation

A. Conduct *Focus Group Discussion* (FGD)

FGD is one effective method to collect in-depth information about the interest of entitled persons related to the relocation and Livelihood Restoration Programme / LRP. To implement FGD, implementing agency gathers / invites all entitled parties in each village to conduct a discussion. The discussion is conducted separately for each field, such as groups of farmers, artisans or others. In FGD, information related to the following are explored:

- (i) For the party entitled to the affected residence, information that should be explored are:
 - (a) Confirmation given directly to the entitled person on the impact they may suffer, such as whether to move, or place of residence can be shifted to the back, or can not be shifted, but do not want to move (if partially affected),
 - (b) If the entitled party is to be relocated, then the desired relocation site should be identified,
 - (c) Expectation of the entitled party about facilities at the new location,
 - (d) Confirmation of assistance in schools relocation for their children,
 - (e) Other information as deemed necessary.
- (ii) For all those who are entitled, either to be relocated or not, the information should be collected as follows:
 - (a) Confirmation of the livelihood (jobs), which are listed on the results of data collection (IOL).
 - (b) of the entitled party's choice in the livelihood recovery program, especially related to their livelihoods. For example, an entitled person is a farmer, but in the FGD he may choose to attend training on livestock or on other fields of interest.
 - (c) Other information- information deemed necessary.

B. Consultation with relevant Stakeholders.

Consultation with relevant stakeholders needs to be conducted to develop relocation plan and restoration of livelihoods. The objectives of the consultation are:

- (i) To collect data related to existing government programs or that will run in the vicinity of the development plan site.

- (ii) Gather inputs from stakeholders as a reference in developing LRP
- (iii) To Connect or synchronize existing government programs with LRP program plans, so it does not overlap and is more effective
- (iv) Consultation can be done formally or informally adapted to the conditions on site. Consultation needs to be conducted by the implementing team, presented in the following table.

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1	Consultation on Relevant Regional Policies	Regional Development Planning Agency
2	Consultation on health sector	Department of Health
3	Consultation on Education sector	Dep. of Education and Culture
4	Consultation on Socio-economic sector	Social Service
5	Consultation on Community Building sector	Department of Community Development
6	other sectors as needed	

2. Relocation Planning development of 'Entitled Persons'

- A. Study profile of the Displaced 'Entitled Persons' according to the socio-economy survey result, on-site observation and relevant supporting data.
- B. Look for some alternative sites for the relocation that fits the profile of 'entitled party' to be relocated. Some choose to relocate to a new location on their own, but there is also the possibility that the parties may request to be moved communally.
- C. Invite representative of 'the entitled persons' to see their future Relocation Location.
- D. If the entitled party approves the location, the team will coordinate to implement land acquisition of the land in compliance with applicable rules and regulations.
- E. To process relocation of the entitled party in compliance with regulations and provisions of the Government of Indonesia and ADB (if cooperation with ADB). ADB provision refers to the principle of replacement cost, transport allowances, transition period allowances before returning to normal life (usually about 3 to 6 months, depending on the policy agreed).
- F. Facilitating new livelihood recovery in the Livelihood recovery program (LRP).

3. Develop Livelihood Restoration Program.

- A. Study profile of the Displaced 'Entitled Persons' according to the socio-economy survey result, on-site observation and relevant supporting data.
- B. Preparing options of alternative livelihood suitable to the potential of the entitled party and the potential in new location that includes: quality

of human resources (HR), technology, management capabilities, market access, and capital.

- C. Conduct an assessment based on the above potential; the new livelihood will be based on farm (agriculture, livestock, fisheries, plantation, forestry) or off farm (on-farm processing), or non-farm (services)..
- D. Facilitate the LRP program agreement that combines their potential over 5 aspects mentioned above and the potential at the new location related to livelihood potential based on-farm, off-farm or non-farm, through FGD (focus group discussions).
- E. Agreement on the types of programs will be outlined in documents and processed according to the rules and regulations.
- F. Once the LRP program is approved, at implementation stage, assistance from The Department of Community Development is needed
- G. The Assistance is focused on how to start a business according to entitled persons' choice whether it is based on-farm, off-farm or non-farm, not only subsistence-oriented field but guided to achieve micro, small and medium enterprises. Therefore, companion institution has to master the aspects of improving the quality of human resources, technology, management capability, market access, and capital as needed by the entitled party.
- H. Monitor and evaluate the LRP program and use the results of monitoring and evaluation for LRP program improvement.