The Initial Model of Integration of the Customary Land Tenure System into Indonesian Land Tenure System: The Case of *Kasepuhan* Ciptagelar, West Java, Indonesia

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Key words: Ciptagelar, Customary, Indonesia, Model, Tenure, West Java

SUMMARY

The customary land tenures have become the backbone of sustainable environmental management for centuries. The land tenure is defined as the manner in which rights in land are held that defined by a broad set of rules determined by laws or custom (Dale and McLaughlin, 1999). The customary land tenure has been proofed for being able to preserve the quality of life of indigenous people, while on the other hand the customary land tenure system has also been able to preserve the environmental sustainability.

Unfortunately, even though the Indonesian land tenure system, in which established on 1960, was formulated based on the Indonesian customary land tenure system, the legal assurance of the customary land could still not be guaranteed by the Government of Republic of Indonesia. Thus, within the study that is highlighted by this paper, the effort on the assimilation of the customary land tenure system in Indonesia into the national land tenure system is initiated. *Kasepuhan* Ciptagelar, one of the few customary communities in mostly modernised West Java, Indonesia, has been chosen as the case study area. Besides its modernised surroundings, *Kasepuhan* Ciptagelar is also well-known for its semi nomadic way of life. This is differing from most customary communities in Java Island, which have been settled in specific places for centuries.

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1. INTRODUCTION

The customary land tenures have become the backbone of sustainable environmental management for centuries. The land tenure is defined as the manner in which rights in land are held that defined by a broad set of rules determined by laws or custom (Dale and McLaughlin, 1999). The customary land tenure has been proofed for being able to preserve the quality of life of indigenous people, while on the other hand the customary land tenure system has also been able to preserve the environmental sustainability.

Due to the cultural expansion of some western countries during the First and Second World War, most of African and Asian countries have been experiencing dualism on their land tenure system. In the case of Indonesia, the introduction of Law of Republic of Indonesia No. 5 year 1960 on Agrarian Principle, known as Agrarian Principle Law (Undang-Undang Pokok Agraria/UUPA), was an effort to avoid this dualism by introducing the national real estate system that is based on the customary land tenure that is existed in Indonesia. Nevertheless, the author argues that UUPA only partially included the customary land tenure. UUPA indeed does not mention which customary land tenure that has been included as there are 23 customary regions in Indonesia, with different kind of customary land tenure arrangement among them. In reality, there is no legal assurance for indigenous community in Indonesia to uphold and exploit their lands that have been occupied under the customary land tenure arrangement for centuries. The fact that UUPA could not be apply within the conservation areas, while many of indigenous people still live in those areas, the security of customary land tenure could not be guaranteed even by the Government of Indonesia. The insecurity of the state of customary land tenure in many cases in Indonesia further leads to the deterioration of the custom and its function. Sometimes even the indigenous people are kept away from the land that has been inherited and exploited by them for generations. Thus, the study of the assimilation of different kind of customary land tenure in Indonesia into UUPA is urgently needed.

As mentioned earlier, there are at least 23 customary regions in Indonesia, with their own customary land tenure arrangement. Thus, it would not be sufficient for the study on the assimilation of the customary land tenure system into the Indonesian land tenure system to refer only to a few customary regions in Indonesia. This argument is strengthened by the fact that there are at least four identified types of Indonesian customary land tenure. Those types are the colonised communal, nomadic communal, aristocratic and privatised customary land

tenures. Besides the above types of customary land tenure, there is another classification of the customary land tenure recognised in Indonesia. The latter classification classifies the Indonesian customary land tenure into two groups, which are the communal customary land tenure and the privatised customary land tenure. The origin of privatised customary land tenure is communal customary land tenure and the land parcel is granted to a person and/or her/his dependants by the community acknowledgement due to the exploitation of the land in a good manner within the long period of time. This is in accordance to the adverse possession principle.

Within the study that is highlighted in this paper, the formulation of the initial model of assimilation of the customary land tenure system into the Indonesian land tenure system had been initiated. The case of West Java, Indonesia, particularly *Kasepuhan* Ciptagelar case, had been chosen. This was due to the modernisation that has been going on within most of the region of West Java, while, on the other hand, *Kasepuhan* Ciptagelar is one of the cultural heritages of West Java in which individuals who live there are still living under the customary way of living. *Kasepuhan* is defined as the respected person, either old or young one, which is functioned as the spiritual leader in a region. Thus, *Kasepuhan* is usually connected to the customary jurisdiction territory, in which coverage could be as large as an administrative area of a village, or less or larger than an administrative area of a village. Besides leading to the deterioration of the custom and its function, the modernisation generates great obstacles to preserve the customary law, area and way of living in most places. Furthermore, this paper is focusing on the customary land tenure arrangement in *Kasepuhan* Ciptagelar, out of the land tenure technical aspect, particularly on defining the physical boundary of *Kasepuhan* Ciptagelar. Even though there is no existed regulation of GoI, further survey and mapping should be initiated for defining the physical boundary of *Kasepuhan* Ciptagelar. This is due to the fact that Indonesia is adopting the fixed boundary principle on defining the physical boundary, in which directly tied to legal boundary of land parcel.

The case of the *Kasepuhan* Ciptagelar is also a unique case, particularly in the case of the customary land tenure in Java Island. Whilst other customary communities in Java Island have been settling for centuries, the customary community of the *Kasepuhan* Ciptagelar could be categorised as upholding both colonised and nomadic customary land tenure type. This is further described in Section 2.1.

This paper further describes the customary land tenure of the *Kasepuhan* Ciptagelar and its related facts on Section 2. As the effort on assimilating the customary land tenure system into the Indonesian land tenure system is closely related to the recent status of Indonesian land tenure system, Section 3 depicts the Indonesian land tenure system from the point of view of the customary land tenure in Indonesian in general. Having illustrated two existed land tenure systems in Indonesia that lead to the dualism of land tenure system, the formulation of the initial model of assimilation of the customary land tenure system of the *Kasepuhan* Ciptagelar into the Indonesian land tenure system is initiated at Section 4. Last but not least, Section 5 brings the conclusion of the study of the formulation of initial model of assimilation of the customary land tenure system of the *Kasepuhan* Ciptagelar into the Indonesian land tenure system.

2. THE CUSTOMARY LAND TENURE SYSTEM OF THE *KASEPUHAN* CIPTAGELAR

This section illustrates the customary land tenure arrangement of the *Kasepuhan* Ciptagelar. The description within this section is initiated by a brief history of the customary community of Ciptagelar in Section 2.1. Section 2.2 further explains the customary land tenure arrangement in the *Kasepuhan* Ciptagelar.

2.1 Brief Facts

The customary community of *Kasepuhan* Ciptagelar was firstly formed after the aggression of the Sultanate of Banten to the territory of Kingdom of Hindu Sundanese Pakuan-Pajajaran on approximately 600 years ago. Some nobles and their armies were dispersely retreated to the (then) area of National Park of Mount Halimun – Salak (Taman Nasional Gunung Halimun – Salak/TNHGS) and colonised in the District of Jasinga, Bayah, Cigudeg and Cisolok, in which lies *Kasepuhan* Ciptagelar (Nugraheni, 2003). *Kasepuhan* Ciptagelar is one of *Kasepuhan*, in which formed by the descendants of the nobles and their army of Kingdom of Hindu Sundanese Pakuan – Pajajaran, existed within the previously mentioned area. However, *Kasepuhan* Ciptagelar has been acknowledged as the leader among other *Kasepuhan* due to its advanced custom, economical and political development.

The chief of *Kasepuhan* Ciptagelar is Mr. Encup Sucipta, as known as Abah Anom. Abah Anom is the successor of Abah Arja, who was the former customary leader of *Kasepuhan* Ciptagelar. Besides the mith in *Kasepuhan* Ciptagelar that Abah Anom is the descendant of the kings of Kingdom of Sundanese Hindu Pakuan-Pajajaran, Abah Anom is respected by his citizens due to his roles on upholding the custom, as well as adopting the modernisation for improving the welfare of the citizens of *Kasepuhan* Ciptagelar (Gunawijaya, 2005b).

The role of Abah Anom on the natural preservation, particularly within the area of TNHGS, where his citizens live, has been recognised due to his efforts on distributing 16 thousand resin trees to be planted by his citizens (Gunawijaya, 2005a). The effort for preserving the natural resources should be credited as the *Kasepuhan* lead by Abah Anom could randomly relocate within four to eight years depends on the supernatural vision of Abah Anom on the exact new place to live in. The *Kasepuhan* itself was located at Ciptarasa four years ago until the vision came to Abah Anom. The former *Kasepuhan* could be emptied. However, if there are citizens who prefer to stay, those citizens could just stay at the former *Kasepuhan*. The centre of customary activities will be relocated to the new place, as well as the rice storage of *Kasepuhan* called *Leuit Sijimat*.

The citizens of *Kasepuhan* Ciptagelar, other *Kasepuhan* and other former *Kasepuhan* have mostly been depending on their agricultural products, particularly rice. Differing from most nomadic communities in Indonesia, however, the citizens of *Kasepuhan* Ciptagelar and other former *Kasepuhan* have been planting the rice on private wet fields. However, the rice cultivation pattern in wet fields is alike the dry ones, which is once in a year for 6 months

only (Gunawijaya, 2005a). For the rest of the year, the wet fields are left unplanted up to the next cultivation year. This is due to the variety of the rice used by the citizens of *Kasepuhan* Ciptagelar, in which survives only within the rainy season.

The citizens plant the rice on the communal dry fields as well. However, this is only for fulfilling the prerequisite from their ancestor. As the rice produced by dry fields could not cover the rice supply to the entire *Kasepuhan* and the rice sead planted is not the superior one, the citizens have a responsibility to contribute the small portion of their harvested rice to *Leuit Sijimat* and are restricted to sell the rice to the outsiders for maintaining the rice stock of *Kasepuhan* (Gunawijaya, 2005c).

2.2 The Customary Land Tenure System

It is previously mentioned that the citizens of *Kasepuhan* Ciptagelar, other *Kasepuhan* and other former *Kasepuhan* are depending on the rice cultivation for their daily life. Thus, the customary land tenure system of *Kasepuhan* Ciptagelar is directly influenced by its agricultural custom, as well as the custom itself.

The centre of customary activities is located at the heart of *Kasepuhan* Ciptagelar, in which structures with specific customary function are located. Those structures are (Gunawijaya, 2005b):

- *Imah Gede*, the main customary structure that is functioned as the meeting hall, guest reception room, guest dining room and large kitchen. Attached to *Imah Gede* there is a pavilion of Abah Anom;
- *Pangkemitan*, warehouse for storing the customary ceremonies' equipments;
- *Leuit Sijimat*, the communal rice warehouse;
- Customary pulpit for Abah Anom to give speeches on each customary ceremony;
- Local studio and FM radio transmitter for communication means among *Kasepuhan* Ciptagelar, other *Kasepuhan* and other former *Kasepuhan*;
- *Ajeng Wayang Golek*, warehouse for storing the Sundanese puppet show' equipments;
- *Ajeng Jipeng*, warehouse for storing the *jipeng* equipments;
- Customary meeting hall of South Banten;
- Mosque,
- Several private rice warehouses;
- Guest houses.

As the custom of the *Kasepuhan* Ciptagelar does not customarily regulate the direction of the building, these customary structures were built around the *Kasepuhan* square for aesthetical reason (Gunawijaya, 2005b). Due to its function on maintaining the customary activities of *Kasepuhan* Ciptagelar, the centre of *Kasepuhan* Ciptagelar, as well as the structures and the land underneath, is belong to the community, or could be categorised as communal real estate assets.

As previously mentioned in Section 2.1, *Kasepuhan* Ciptagelar is situated at the area of TNHGS. However, due to the stipulation of the permit to clear the land in Cicemet block between 1902 and 1942 by the local government, the customary communities at TNHGS had been acknowledged the area as the belonging of their communities (Gunawijaya, 2005a). In the recent times, the customary communities at TNHGS still put a respect to above permission and the woods by not extending their settlements and fields into the forest for their own conservation reason. Thus, area within Cicemet block outside the *Kasepuhan* Ciptagelar centre is categorised as the communal land as well.

It is previously mentioned as well in Section 2.1 that the citizens of *Kasepuhan* Ciptagelar could exploit the communal land, particularly for upholding the custom. However, the exploitation of the communal land by each individual should not disrupt the customary function of the communal land. Additionally, the infrastructure of *Kasepuhan* Ciptagelar and other *Kasepuhan*, as well as former *Kasepuhan*, is restricted to be exploited by the citizens.

The houses and fields of citizens of *Kasepuhan* Ciptagelar and others who are consciously bounded by the custom of the *Kasepuhan* Ciptagelar are situated outside the *Kasepuhan* centre. The parcels, in which houses and fields are situated, belong to individuals. The distribution of the land itself has been based on the adverse possession principle and customarily legalised by the acknowledgements from the leader of *Kasepuhan* Ciptagelar, as well as the community.

3. THE INDONESIAN LAND TENURE SYSTEM

The land tenure policy in Indonesia is basically represented Article 33.3 of Constitution of Republic of Indonesia. In previously mentioned article of Constitution of Republic of Indonesia, it is stated that land, water and natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people. The more details of land tenure policy are also regulated by Resolution of Parliament of Republic or Indonesia No. IX year 2001 concerning Agrarian Reform and Natural Resources Management.

Considering as well the term of air space mentioned in the introduction of UUPA, the term of physic of the land in Indonesia is defined differently compared with some literatures, such as Dale and McLaughlin (1999). Dale and McLaughlin (1999) describe land as physical that encompasses the surface of the earth and all things attached to it both above and below. The term "…both above and below…" in Dale and McLaughlin (1999) is defined in the term of "air space" and "natural riches contained therein" in Indonesia. Thus, the physic of land in Indonesia is defined as the earth surface only.

The term of physic of land in Indonesia makes significant differences compared with countries that adopt the definition on Dale and McLaughlin (1999), particularly on management of land. The earth surface itself is managed by three different institutions, which are Ministry of Forestry for the management of forestry and conservation areas, Ministry of Marine and Fisheries for the management of coastal areas and National Land Agency (Badan

Pertanahan Nasional/BPN) for the management of land parcels out of two previously mentioned areas.

This section further depicts the legal and institutional aspect of land tenure in Indonesia. The principles, features and characteristics of land tenure and land use system in Indonesia are explained by the depiction of legal and institutional aspect within the next sections.

3.1 Regulation

This section describes the land tenure regime act in Indonesia, as well as the land registration regulations for maintaining the implementation of land tenure regime in Indonesia.

3.1.1 Land Tenure Act

The land tenure regime in Indonesia is mainly regulated by Act of Republic of Indonesia No. 5 year 1960 so called Agrarian Principles Act (Undang-Undang Pokok Agraria/UUPA). Basically, the UUPA mirrors the socialism of land administration related article in Constitution of Republic of Indonesia, which is the Article 33.3. Article 33.3 of Constitution of Republic of Indonesia is clearly represented in Article 1 of UUPA, which defines land as a treasure from God to Indonesia as a nation, which includes earth, water and air space. To ensure that land and water will be used of for the welfare of people, Article 6 of UUPA states that each acknowledged tenure by UUPA has social functionality attached on it. Another representation of Article 33.3 of Constitution of Republic of Indonesia could be found in Article 2.1 of UUPA. According to Article 2.1 of UUPA, State, as the representation of people of Indonesia, has the highest authority on land in Indonesia. Therefore, land and individual and/or group of individuals are related to each other through the state (Article 2.2 of UUPA).

Basically, the UUPA was formulated based on Indonesian customary land tenure. Article 5 of UUPA mentioned that the valid land tenure regime in Indonesia is customary land tenure as long as it conforms the national and state's interests based on the unity of the Nation and Indonesian socialism, as well as the regulation stipulated by UUPA and other regulations, with respect to elements based on religious statute. This is due to the identical nature of both customary land tenure and land tenures acknowledged by UUPA, in which considers that each land parcel is directly bonded with an ownership, either by an individual or a group of individual.

However, there are at least two principle distinctions between the customary and UUPA's land tenure. The first principle distinction is the vertical separation between the land and property ownership. The land and property ownership in UUPA could be separated, while, on the other hand, the land and property ownership in customary land tenure are directly tied to each other. In the case of the communal customary land tenure, it is mostly not allowed to establish immovable property above it.

The second principle distinction is the individualisation of land tenure. This distinction is particularly applied in the communal customary land tenure, in which upholds the cultural value inherited for generations. Even though it is allowed a joint ownership to be registered, the individualisation mostly costs the deterioration of the above value.

Furthermore, considering that there are 23 customary regions in Indonesia with different land tenure arrangement among them, it is not clear which land tenure arrangement that was used as the benchmark of the establishment of UUPA. Even though there are two classified land tenures that were roughly adopted in UUPA, which are Right of Opening-Up Land and Right of Collecting Forrest Product, the authors argue that the customary land tenure principles was not adopted within UUPA. There is no further explanation or regulation that strictly protects the customary land from the individualisation process. The fact that the State Ministry of Agrarian had promulgated a regulation for resolving the problems of the customary land tenure of the indigenous communities has strengthened the authors' argument.

3.1.2 Land Registration Act

In order to provide legal certainties and protection for the holders of recognised tenures by UUPA, provide information for the in-charged parties and maintain effective and efficient land administration, GoI promulgates Regulation of Government of Republic of Indonesia No. 24 year 1997 concerning Land Registration. The GoI's regulation on land registration basically explains the principles and characteristics of land registration in Indonesia, as well as the activities and institutional aspect of land registration in Indonesia. Additionally, a number of regulations of the State Ministry of Agrarian of Republic of Indonesia were promulgated for regulating the more details on land registration implementation in Indonesia.

The features of land registration in Indonesia are basically described by Article 2 of Land Registration Regulation. Those features are simplicity, security, affordability, currency and openness. The author argues that the Indonesian land registration system adopts the German/Swiss title registration. According to Article 37 of Land Registration Regulation, *Pejabat Pembuat Akta Tanah* (PPAT/land deed registry official) is in charge for registering the deeds on alienation of the land. Article 6 of Land Registration Regulation also mentioned that it is compulsory for the Head of Land Registry Office to be supported by either PPAT or other appointed officials. Furthermore, Article 40 of Land Registration Regulation mentions that PPAT should submit the deeds in question at most seven days after the signing of the deeds.

Concerning the dispute resolution of interests on land, Indonesia adopts the negative registration system as Article 55.3 of Land Registration Regulation mentions that the court has an authority to nullify the right to land, as well as the Apartment Ownership Right. Therefore, there is no guarantee on the security of the title in Indonesia once it is registered. The only control to certify the legitimacy of a title is lied in the procedure of deeds registration by PPAT (see further Article 39 of Land Registration Regulation). The deeds would be one of the evidences for refusing applications for the registering the rights to land due to the alienation of the land as mentioned by Article 45 of Land Registration Regulation.

However, there is no evidence on Land Registration Regulation, as well as which are mirrored by court's decisions, on race and/or notice statute on land dispute resolutions.

Land Registration Regulation further describes activities included within the implementation of land registration in Indonesia. As mentioned in Article 12 of Land Registration Regulation, the activities previously mentioned are:

1. The first-time land registration, which comprises of:

    - Collecting and processing the physical data;
    - Verifying the rights and recording them;
    - Issuing certificate;
    - Presenting physical and juridical data;
    - Storing public register and its related document;

2. Maintenance of land registration data, which comprises of:

    - Registering transfers and encumbrances;
    - Registering changes on other land registration data.

Besides regulating the technical procedures on registering the right to land, the Land Registration Regulation gives evidence on possibility to register joint ownership. The Article 31.3 of Land Registration Regulation explains that an apartment ownership right is jointly owned by a number of individuals or corporate bodies. The division and merging of rights to land are also regulated by Article 43 of Land Registration Regulation in which mirror the possibility to register joint ownership.

3.2 Institution

Based on Article 64, 65 and 66 of Presidential Decree of Republic of Indonesia No. 103 year 2001 concerning Status, Tasks, Functions, Authority, Organisational Structure and Order of Operation of Non-Departmental Government Institution, BPN is in charge for performing governmental tasks on cadastre. As non-departmental government institution, BPN justifies its performance directly to the President of Republic of Indonesia based on Article 2 of Presidential Decree of Republic of Indonesia No. 103 year 2001. Presidential Decree of Republic of Indonesia No. 34 year 2003 concerning the National Policy on Cadastre also describes the tasks of BPN for accelerating the formulation of bill of UUPA and founding cadastral management information system. Besides tasks previously mentioned, BPN is also in charge on organising land registration.

While performing its tasks concerning the formulation of national cadastral policy in municipality/regency level, BPN is supported by the government of municipality in question as it is regulated by Article 2 of Presidential Decree of Republic of Indonesia No. 34 year 2003. Therefore, the authority on performing cadastral tasks in municipality level is lied in

hand of Land Registry Office within the municipality in question. This is also mirrored by Article 6 of Land Registration Regulation. As the provincial governments are authorised to perform the governmental tasks on cadastre, the performance of tasks of BPN in provincial level is relegated to Regional Office of BPN.

4. ANALYSIS

Based on the above descriptions on the customary land tenure of *Kasepuhan* Ciptagelar and the Indonesian land tenure system, the authors argue that the customary land tenure system has been considered as different existed system, out of the national land tenure system of Indonesia. This is due to the absence of any single regulation that is strengthening the protection of existence of the customary land from the individualisation process, which is implicitly stated in UUPA. The inability to preserve the customary land from the individualisation process will unfortunately lead to the deterioration of custom value tied in the customary land. Even though the establishment of UUPA was an effort to avoid the land tenure dualism between the Dutch Colonial and any Indonesian land tenure system, a new kind of dualism between the customary and national land tenure system has been arising due to the promulgation of UUPA. Due to the failure of UUPA to fully adopt the customary land tenure in Indonesia, there exists no legal assurance for the customary land, either in *Kasepuhan* Ciptagelar or other customary regions in Indonesia.

In the case of *Kasepuhan* Ciptagelar, there has been going on a conflict between *Kasepuhan* Ciptagelar and GoI, which is represented by the management of TNGHS (Hernandi, 2005). Due to the statement in UUPA that the state has a highest authority on land, GoI considers that every unregistered land belongs to the state, without conforming to the real situation in Indonesia, in which there is no single land parcel that is not tied with an ownership, either by an individual or a group of individual. The settlement area, where the citizens of *Kasepuhan* Ciptagelar live, has been inhabited and even exploited in a good manner by them. However, due to separate management of forestry areas by Ministry of Forestry, without considering the land ownership, either the registered or the unregistered one, the establishment of TNGHS has been formed restrictions for the citizens of *Kasepuhan* Ciptagelar even though they have been preserving forestry area of TNGHS for centuries.

Another representation of land tenure dualism in *Kasepuhan* Ciptagelar is related to the Right of Opening-Up Land, Right of Collecting Forestry Product and the customary land tenure arrangement in *Kasepuhan* Ciptagelar. Article 46.1 of UUPA states that the right of opening-up land and collecting forestry product are regulated by Government Regulation, in which has not existed up to now, particularly for the customary community. Article 46.2 of UUPA further states that the right of collecting forestry products will not be able to be converted into the land ownership. The problems arose from the implementation of Article 46 of UUPA are related to the dependency of the citizens of *Kasepuhan* Ciptagelar to the forestry product, either by opening-up land or collecting forestry product, and the nomadic life of style. In relation to the above factors, *Kasepuhan* Ciptagelar has been occupying an opened-up area for centuries, migrating from one place to another within the opened-up area permitted from 1902 to 1942 and applying adverse possession principle on the individualisation of land parcel

based on their customary rules. Based on the Article 46 of UUPA and the fact that there is no such single line regarding adverse possession in any land tenure law and regulation in Indonesia, the management of the customary area of *Kasepuhan* Ciptagelar was authorised to Ministry of Forestry as the representation of GoI. This is strengthening the authors' argument that the customary land tenure system is positioned out of the Indonesian national land tenure system.

5. CONCLUSION

Having learned from the contradictions between UUPA and the customary land tenure arrangement of *Kasepuhan* Ciptagelar, it is firstly concluded that the effort on assimilating the customary land tenure system in Indonesia into the Indonesian land tenure system should be initiated by a promulgation a regulation, or even just an additional article or line within the existed law and regulation, which is stated explicitly the protection of the customary land. Mirroring from the incapability of UUPA to ensure the preservation of the custom value bonded to land parcel, particularly on the collective ownership of land, the customary land tenure should not be declared as a new tenure within UUPA but protected on behalf of cultural heritage conservation.

Secondly, in order to avoid the incapability of each governmental institution to tackle the land tenure dualism problem due to the separate management of portions of land in Indonesia, an integrated land management system should be established. An integrated land management system would be able to cope with the fact that the customary area might be located on different jurisdiction, either administrative or governmental institutional jurisdiction. Additionally, an integrated land management system would become a mean for every governmental institution to communicate and share the real information regarding the management of land, mainly for supporting the decision making process.

Thirdly, the identification of land ownership in Indonesia, either the registered or unregistered one, should be initiated. Most of land parcel in Indonesia has already tied with an ownership, due to the nature of the establishment of land tenure in Indonesia that was based on the customary land tenure arrangement. Thus, GoI could not directly decide that the unregistered land parcel to be automatically considered as the belonging of the state using limited information on the registered land parcel.

Fourthly, the adverse possession principle applied in *Kasepuhan* Ciptagelar could be adopted within the Indonesian land tenure system. This principle could become a mean to handle the fact that every single land parcel in Indonesia is bonded with an ownership, either individually or collectively. Legal procedure for implementing this principle should also be promulgated.

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