

Study on Gender Impacts of Land Titling in Post-Tsunami Aceh, Indonesia



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ACRONYMS AND GLOSSARY

Al Qur'an (or Quran)	Holy Book of Islam
<i>Adat</i>	Customary practices defined as an uncodified body of rules of behavior, enforced by social sanctions and varying from time to time and from place to place
<i>Adat pandulan</i>	Customary practices on the distribution of inheritance property among women
<i>Adatrecht</i>	Customary law
ADB	Asian Development Bank
AIPRD	Australia-Indonesia Partnership for Reconstruction and Development
<i>Akte</i>	Certificate
<i>Akte jual beli</i>	Sale agreement
<i>Badan Pengolahan Data Elektronik (BPDE)</i>	Indonesian Bureau of Statistics
<i>Baitul Mal</i>	Islamic Treasury Institution
BAL	Basic Agrarian Law
Bappenas	<i>Badan Perencanaan Pembangunan Nasional</i> (National Development Planning Agency)
<i>Barang asal</i>	Inherited property
<i>Barang harta</i>	Brought in
BPN	<i>Badan Pertanahan Nasional</i> (National Land Agency)
BPN- <i>kantab</i>	BPN District Land Office
BPN- <i>kanwil</i>	BPN Provincial Office (coordinates the work of the BPN <i>Kantab</i> offices in the province)
BPN- <i>pusat</i>	BPN National Head Office (based in Jakarta)
BPS	<i>Badan Pusat Statistik</i> (Central Statistics Agency)
BRR	<i>Badan Rehabilitasi dan Rekonstruksi</i> (Agency for Rehabilitation and Reconstruction of Aceh and Nias)
<i>Bundo kanduang</i>	Original mother
<i>Bupati</i>	District governor
<i>Camat</i>	Head of <i>Kecamatan</i> or (subdistrict)
CDA	Community-driven adjudication
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women

CLM	Community land mapping
<i>Dayah</i>	Place where Islamic teachings are delivered
<i>Desa</i>	Village
<i>Desa tua</i>	Local wisdom
Dinas	Provincial level government department
DIPA	Annual budget system of the government
<i>Fatwa</i>	An Islamic religious ruling
FGD	Focus group discussion
<i>Fiqh</i>	Islamic jurisprudence
<i>Gampong</i>	Village (lowest unit of government, equivalent of the <i>desa</i> outside Aceh) Equivalent to Indonesian “kampong”
Gerakan Aceh Merdeka (GAM)	Free Aceh Movement—group that led a low-scale civil rebellion movement from 1970 until peace accords were signed in August 2005).
<i>Geuchik/keuchik</i>	Village head (selected by the community and officially appointed by the district/municipality government to lead the <i>gampong</i> administration).
<i>Gono gini</i>	Joint property
<i>Gotong Royong</i>	Mutual help and community sense
<i>Hadist/Hadith</i>	Prophet Muhammad’s words, actions and attitude (as narrated by his companions after his death)
<i>Hak milik</i>	Rights of ownership (standard ownership rights over property)
<i>Hak pakai</i>	Use rights; rights to use and take products of land
<i>Hak ulayat</i>	Communal (land) rights
<i>Harato pusako randah</i>	Property acquired long ago
<i>Hareuta sebahkat</i>	Independent property in Acehnese
<i>Harta bawaan</i>	Independent property
<i>Harta bersama</i>	Common, marital property
<i>Harta pencarian</i>	Acquired property
<i>Harta pusaka</i>	Ancestral property
<i>Harta sebahkat</i>	Independent property
<i>Harta warisan</i>	Inherited property
<i>Hibah</i>	Gifting
<i>Hukum Adat</i>	Customary law
<i>Hukum adat</i>	Procedures to protect and secure rights for daughters and women
<i>Ibadah</i>	Islamic worship
IDLO	International Development Law Organization
IDPs	Internally displaced persons
IDR	Indonesian Rupiah (currency)
<i>Imeum</i>	<i>Traditional village leader</i>
<i>Imeum masjid</i>	Leader in mosque

<i>Imeum meunasab</i>	A respected local leader who is also responsible for religious affairs within the <i>meunasab</i> , who conducts prayers and religious and <i>adat</i> ceremonies and also holds a respected role in village-level decision making
<i>Imeum Mukim</i>	Head of <i>Mukim</i>
INFID	International NGO Forum on Indonesia Development
<i>Inoeng balee</i>	Widow warriors
IP4T	<i>Inventarisasi Penggunaan, Pemanfa'atan, Penguasaan, Pemilikan Tanah</i> (The Inventory of Usage, Benefit, and Tenure Toward Land Title), a government program through BPN
<i>Jilbab</i>	Head scarf
JKMA	<i>Jaringan Komunitas Masyarakat Adat</i> (Network of Community of Customs Society)
<i>Jual beli</i>	Land deed
<i>Kabupaten</i>	District administration
<i>Kantab</i>	District office
<i>Kanwil</i>	Provincial office
<i>Kecamatan (Kec)</i>	Subdistrict
<i>Kemanakan</i>	Niece and nephew
<i>Kementrian</i>	Ministry for Disadvantaged Areas
<i>Pembangunan Daerah Tertinggal (KPDT)</i>	
<i>Keppres</i>	Presidential decree (previously called <i>Perpres</i>)
<i>Komisi Yudisial</i>	Indonesian Supreme Court and Judicial Commission
<i>Kompilasi Hukum Islam (KHI)</i>	Islamic Law Compilation (KHI; <i>Kompilasi Hukum Islam</i>), a three-volume document describing procedures and guidelines on inheritance, marriage, and charitable trusts.
<i>Kota</i>	Town or municipal administrative unit
LBH	<i>Lembaga Bantuan Hukum</i> (Institute of Legal Aid)
LoGA	Law on Governing Aceh
LOGICA	Local Governance and Infrastructure for Communities in Aceh
<i>Mahkama Syariah</i>	Officials of the <i>Shariah</i> court
<i>Mahkamah Agung</i>	Supreme Court
<i>Mahkamah Syariah</i>	<i>Shariah</i> court
<i>Majelis Adat Aceh</i>	Council of Acehnese Customs
<i>Majelis</i>	Consultative Council of Ulama
<i>Permusyawaratan Ulama (MPU)</i>	
<i>Mamak kapala waris</i>	Maternal uncles
<i>Masjid madrasah</i>	Religious studies school at mosque
MCLE	Mediation and Community Legal Empowerment program
MDF	Multi-Donor Fund (Trust Fund for Aceh and Nias) administered by the World Bank
<i>Merantau</i>	Migration

<i>Merantau cino</i>	Migrants from China but also refers to families staying out of villages
<i>Meunasah</i>	A multifunctional public building found in villages throughout Aceh province used for studying religion, to perform religious events, and as a center for village sociocultural development
MoU	Memorandum of understanding
<i>Mukim</i>	A level of administration and governance. A <i>mukim</i> covers all villages that are linked to the main mosque in the area. It is an administrative organization typical of Aceh and is loosely equivalent to the <i>kelurahan</i> or <i>kecamatan</i> elsewhere in Indonesia. In traditional Acehnese it is “Moekim”.
<i>Nanggroe Aceh Darussalam (NAD)</i>	<i>Aceh Province</i>
NGO	Nongovernmental organization
<i>Nikah</i>	Marriage
<i>Orang Tua</i>	Knowledgeable persons in a village (local wisdom)
P2TP2	<i>Pusat Pelayanan Terpadu Pemberdayaan Perempuan</i> (Center for Integrated Services for Women’s Empowerment)
<i>Panghulu</i>	Clan chiefs
<i>Panglima Laot</i>	<i>Adat</i> leader responsible for coastal monitoring (fishing)
<i>Pejabat pembuat akta tanah (PPAT)</i>	Land deed official
<i>Pembagian hak bersama</i>	Divorce-related divisions
<i>Pengadilan agama</i>	Religious courts having jurisdiction over Muslims in the areas of marriage, divorce, inheritance, guardianship, and charitable trusts
<i>Pengadilan Negeri</i>	General courts
<i>Penghulu</i>	Lineage head
<i>Penghulu andiko</i>	Maternal uncles
<i>Peradilan adat</i>	Customary justice
<i>Peradilan harta</i>	Property justice
<i>Peraturan Mahkamah Agung</i>	Regulations issued by the Supreme Court
<i>Peraturan Menteri Negara Agraria</i>	Regulation of the State Agrarian Minister
<i>Peraturan Pemerintah (PP)</i>	A government regulation issued as an administrative order, rather than by an act of the National Assembly
PERDA	<i>Peraturan Daerah</i> (local regulation)
<i>Perjanjian jual beli</i>	Purchase agreement
Perpres	Presidential decree
<i>Pesisir</i>	Coastal
<i>Peurumoh</i>	Owner of the house
PIBA	Project implementation and beneficiary assessment

PMNA	<i>Peraturan Menteri Negara Agraria</i> (Agrarian State Ministerial Regulation)
PP	<i>Peraturan Pemerintah</i> (government regulation)
PPAT	<i>Pejabat Pembuat Akte Tanah</i> (public notary who prepares deeds)
PPEP	<i>Peningkatan Produktivitas Ekonomi Perempuan</i> (Improving Women's Economic Productivity)
PRONA	<i>Proyek (pertanahan) Nasional</i> (a nation-wide BPN titling program that distributes land title certificates to poorer families; on average, about 500 titles per year are distributed in each kabupaten spread over several villages)
<i>Pusaka rendah</i>	Lower property
<i>Pusaka tinggi</i>	Higher property
<i>Qanun</i>	Provincial local legislation
RALAS	Reconstruction of Aceh Land Administration System Project
RASKIN	<i>Beras Miskin</i> (Bahasa acronym for the government program that subsidizes staple food support for the poor)
RKSP	<i>Radio Komunitas Suara Perempuan</i> (Community Radio for Women's Voice)
<i>Rumah gadang</i>	Big house
<i>Sabuah paruiik</i>	Sublineage level
<i>Sekdes</i>	Village secretary
<i>Shariah</i>	Islamic law
<i>Shariah/Syar'iyah</i>	Islamic principles or the Islamic path to be followed. For reasons of consistency, the term <i>Shariah</i> is used throughout this report.
SKK	<i>Surat Keterangan Keuchik</i> (letter issued by the <i>keuchik</i> that allows use of land areas by a person; use right for limited duration)
SPADA	Support for Poor and Disadvantaged Areas
<i>Suku anak tuba</i>	A community group in West Java
<i>Surat perjanjian</i>	A purchase agreement (or agreement letter)
<i>Syiar Islam</i>	Activities to promote Islam
<i>Ta'zir</i>	Arabic term used in <i>Sharia law</i> to refer to punishment (or penalty) imposed for breaching codes
<i>Tanah adat</i>	Tradional inheritance law
<i>Tanah Man Tua</i>	Land-related <i>adat</i> practices (land areas held by an individual simply by planting certain productive trees)
<i>Tanah negara</i>	State land
<i>Tanah ulayat</i>	Owned by the original mother
<i>Teungku</i>	Religious leader in a village (chosen on the basis of his religious knowledge).
<i>Tipu Muslibat</i>	Guile, smart tricks, or street-wise acts (commonly used colloquial Acehnese words)
<i>Tokoh Masyarakat</i>	Community leaders
<i>Tuba Lapan</i>	Village elders in Aceh with eight people figure community
<i>Tuba nanggroe</i>	Council of elders
<i>Tuba Peut</i>	Village elders who have a traditional quasi-legal function in Acehnese village communities.

<i>Ujung kafan</i>	<i>Adat</i> tradition (allows a widow to live in her deceased husband's house and obtain a small part of the husband's land to support her through her life or until her remarriage outside the husband's family)
<i>Ulama</i>	Muslim religious scholars recognized as a religious and political leaders because of the role the <i>ulama</i> played in the Acehese struggle against the Dutch
<i>ulayat</i>	<i>ulayat</i>
UN	United Nations
<i>Undang-Undang</i>	Public Instruction (a legislation)
UNDP	United Nation Development Program
UN-Habitat	United Nations Human Settlements Programme
UNIFEM	United Nations Development Fund of Women
UNSYIAH	Syiah Kuala University (university in Banda Aceh)
<i>Wakaf</i>	A special kind of charity recognized in Islam (usually given for benevolent purposes, with the understanding that the one who endows will be rewarded by God)
<i>Wali</i>	Guardian
<i>Walikota</i>	Head of municipal government
<i>Wilayatul Hisbah</i>	Observation/Monitoring Section (of the Islamic Police)

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Figure A.11: Are you aware of the joint titling option?
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EXECUTIVE SUMMARY

The tsunami that originated from the Indian Ocean in 2004 wreaked massive destruction, killing more than 130,000 people and displacing half a million individuals in Aceh, Indonesia. More than 800 kilometers of coastline was affected, and close to 53,795 land parcels were destroyed. The land administration system sustained significant damage because documentation of land ownership was washed away along with people's houses and other possessions in the affected communities. Physical boundary markers, including trees and fences, also disappeared. Additionally, close to one-third of the land office personnel perished. When the disaster struck, Aceh was reeling from three decades of civil strife. Five years later, in 2009, the province was still in the process of recovery not only from the devastation of the tsunami but also from years of unrest.

Whereas there is universal recognition that natural disasters affect women and men in different ways, there are few guidelines to ensure a gender-sensitive approach to disaster management and reconstruction programs. When the tsunami and earthquake shattered housing and other coastal infrastructure, it also shook the foundations of Acehnese society and the social capital built over decades. The disaster took away from many women the existing safety nets offered by the family, especially spouses or parents. In a society in which the man is still regarded as the head of the household, this new reality has brought an additional burden to many women. Neglect of gender concerns in the context of disasters and a lack of mechanisms for women's participation in the reconstruction process would only further perpetuate and reinforce gender-based inequalities.

Land is a powerful symbol of community, family solidarity, and culture. These symbols operate for

men as well as women, and in rural agricultural and fishing communities, both women and men perceive the domination of men as "natural" and land issues to be "naturally" the dominion of men. Women are relegated, at best, to the role of beneficiaries. At the start of the reconstruction efforts, the importance of creating and nurturing forceful symbols of community empowerment was recognized. In that sense, the tsunami disaster created opportunities for social and physical reorganization and changes in gender relations that would not have been possible before. The dynamism displayed by women in recovery and reconstruction could be channeled into triggering new models of participation and leadership.

A well-functioning, gender-sensitive approach to land and property rights is crucial to the management of reconstruction and development agenda in a post-disaster situation. This approach is also essential for maintaining social cohesion, establishing legal certainty on which recovery and reconstruction are dependent, and protecting the rights of women. Yet, around the world, most institutions are not currently well-prepared and capable of delivering this approach, particularly to take into account the interests of women.

Objectives, Methodology, and Study Sample

The premise of this research study is that the gender aspects of women's access to land and property rights cannot be understood solely as an administrative or

procedural issue, but should be considered a part of the broader social and cultural dimensions. These dimensions need to be understood in relation to development opportunities, constraints, and risks facing women and affecting their ability to participate in the process of reconstruction and development. Understanding the macro social and institutional processes is essential to influencing and supporting changes to enhance gender equity on land and property rights.

The overall objective of this study was to review the gender impacts of land titling in post-tsunami and postconflict Aceh. Specifically, the study would:

- review experiences in the restoration of land and property rights, particularly with regard to the inclusion of gender concerns and addressing women's access to land rights;
- analyze the extent to which such activities and results are sustainable or replicable; and
- provide recommendations for further study and future action.

In undertaking the study, particular reference was made to the work of the Reconstruction of Aceh Land Administration System (RALAS) project, implemented by the National Land Agency (BPN), and funded by the Multi-Donor Fund for Aceh and North Sumatra (MDF), administered by the World Bank. Three methods were used to gather primary data: (a) structured interviews of landholders using a survey questionnaire; (b) in-depth focus group discussions (FGDs) with women and with mixed-gender groups; and (c) FGDs with village leaders, local officials, and BPN (National Land Agency) staff. A revalidation survey of the RALAS Work Program of 2008–09 was pursued in July to October 2009.

Secondary information was collected from BPN staff at the district, provincial, and national levels; officials from the *Shariah* (Islamic) court; officials from the Women's Bureau Agency for Rehabilitation and Reconstruction of Aceh (BRR); local authorities; representatives of housing providers, international organizations, and nongovernment organizations (NGOs); and other stakeholders. This study also drew from the earlier

fieldwork conducted under the Project Implementation and Beneficiary Assessment (PIBA) undertaken by an independent consultant team for the World Bank in August to November 2008.

The preliminary fieldwork for the study was conducted in April to May 2009; intensive, detailed studies were conducted between July and December 2009. Thereafter, a small team of researchers carried out follow-up fieldwork until March 2010. Individual interviews were conducted in 41 villages. FGDs were conducted with beneficiaries in 37 villages where certificates of land title were issued through RALAS or *Proyek (Pertanahan) Nasional* (PRONA; a nation-wide BPN titling program that distributes land title certificates to poorer families). Field research eventually included 393 individual interviews and 23 FGDs with 340 participants. In addition, there were 1,185 secondary informants. In total, 1,949 respondents participated in this study (individual interviews, FGD participants, local authorities, NGO representatives, and other informants).

The results of this study need to be appreciated within the following limitations: (a) it is affected by the absence of baseline information and gender-disaggregated data on land; (b) the scope of this study is limited to land and property rights only; and (c) by the time this study commenced, the RALAS Grant had closed, and therefore the study served mainly to assess and document the experiences and lessons learned.

Summary of Findings

Main Findings

- Both government-coordinated and community-based approaches for recovering and restoring land and property rights are crucial for creating confidence among land owners and disadvantaged groups in the disaster-affected areas.
- In Aceh, as is common in other parts of Indonesia, there are multiple land tenure regimes, both traditional and formal, operating at the same

time. Some of these systems are gender-neutral. The informal systems have provided communities with discretion to manage land tenure within a broad socioeconomic framework that assigns equal rights to women and men. However, as conditions after the tsunami disaster have shown, some of these land tenure regimes changed and compliance was not necessarily gender-equitable. There were also reported instances of arbitrary denial or dispossession of claims, highlighting the fact that the rights of women in regard to land issues can hinder broader reconstruction and development efforts.

- The lack of harmonized procedures between different land tenure regimes and gender-sensitive tools for use at the community levels posed formidable challenges in promoting dialogue and participation of all stakeholders. At the same time, because of the lack of information dissemination, a majority of the land titles had been—or are at the risk of being—registered in the names of men, a trend noticeable around the world as property is commoditized. This demonstrates that there is a need to build synergies between and among coexisting land tenure systems to ensure that women's rights to land and property are protected in a sustainable, equitable manner.
- *Adat* (customary) traditions and practices on land rights, combined with Islamic principles, continue to remain popular. *Geuchiks* (village heads), local leaders, religious personalities, and other influential individuals continue to play a significant role in these practices. However, there are significant shortcomings in the actual application of *adat* traditions and practices as well as Islamic principles and laws.
- After the tsunami in 2004, the interface among the *adat*, local institutions, and government institutions proved to be valuable in restoring the land rights of affected families and women in particular. However, lack of knowledge and familiarity of the new generation of *geuchiks* and religious and local leaders on *adat* traditions, Islamic principles, and formal law resulted in the delivery of subjective decisions and a perception of declining upward and downward accountability of these leaders.
- Some traditional practices pertaining to inheritance are favorable toward women's rights. However, when the stakes were raised, as evidenced in cases confirming inheritance and guardianship rights after the disaster, power relations intervened at all levels. This situation was further complicated by the lack of clear standards and accountability in the *adat* practice. The lack of representation of women in local committees, along with other factors, coalesced to create substantial uncertainty, thereby disempowering women in reestablishing access to their land and property rights.
- Most women continue to depend on the advice of *geuchiks*, local leaders, and religious leaders, who still play a significant role in protecting land and property rights. However, there is a gradual maturing of this relationship in the sense that women are beginning to seek explanation of and question some of the decisions made by local leaders.
- Sustained and well-coordinated information campaigns and socialization programs are critical to protecting and restoring land and property rights of all sections of society, particularly women. Such programs should pay particular attention to property rights in the case of inheritance, guardianship, and remarriage and should effectively reach every community.
- Despite the widely recognized importance of *adat* traditions and practices, public institutions tended to overlook them after the tsunami disaster, focusing exclusively on interventions of aid agencies and the government. Although the role of the government in coordinating aid efforts and clarifying legal ambiguities in land and property matters is important, the fact that most societies rely on social and community networks immediately after a disaster to rebuild their lives will have to be recognized and supported. The absence of gender-disaggregated data also constrained government programs and projects from addressing women's concerns.
- The government's normative procedures and template models, mechanically applied in the postdisaster situation, ended up creating legal ambiguities and suspicions of denial of rights among the landholders and communities.

On a positive note, the work of NGOs and aid agencies, along with civil society groups, including local authorities and informal and religious leaders, proved critical in building a broad-based consensus around restoration of women's property rights and in signaling good practices and fair governance. There is also an acknowledged need among these groups and the media for independent orientation and training on gender relations in land administration after the disaster and, more specifically, on how to socialize the new procedures and programs intended to protect the rights of disadvantaged groups and enhance tenure security.

After the tsunami, women were not only on the verge of losing assets and livelihoods, but in some cases, even their social recognition and status were at risk.

This is partly due to male preference in inheritance, male privileges at the community level, and male-bias in government programs that provide land for relocation and housing. Women's quest for survival and security of tenure after the disaster was possible only with the cooperation of male relatives or men in various community-level and local-level institutions. The prevailing rules, social norms, and conventions, and the hierarchical relationships in these social and institutional arrangements, impeded women's access to essential information.

Traditionally, more women than men received land and property through inheritance, but such ownership is held without formal documentation.

Some traditional practices pertaining to inheritance are favorable toward women's rights. Although they can be described as ensuring women's rights, they also subtly encourage women to conform to traditional gender roles as the primary family caregivers. However, these traditions and practices, including those relating to *adat*, are not homogeneous within the province and are seriously affected by the level of understanding among individual local leaders. In the case of inherited land, this study found that more women than men continue to hold land without formal documentation. After the tsunami, women found it more difficult to register and secure a title certificate for inherited properties because their claims had to be endorsed by senior male members in the family and the community.

Despite the hurdles, there is widespread evidence that women assumed leadership roles and learned to be more assertive after the disaster, albeit in nonconfrontational ways.

Despite diversity in terms of livelihood strategies and individual household conditions, this study illuminated some general trends in methods by which women sought to recover their land and property rights. The main approaches to land recovery and reconstruction by women immediately after the disaster included the use of temporary markers to claim land rights (to prevent pressure on them, women often used the names of their male family members). Women also took a lot of interest in community-level and neighborhood-level efforts to protect their rights. The high levels of women's participation in community land-mapping illustrate this strong interest.

Field research shows that in the midst of civil strife and chaos, women have played a key role in preserving normalcy and order within the family and community and in protecting household land and property rights.

In many instances, women assumed primary responsibility for earning an income, managing household resources and assets, and nurturing the family. They also played a significant role in translating individual grievances during land recovery and titling activities into social concerns (e.g., action initiated by women in *desa* [village] *Ulee Blang Manne in Lhok Seumawe*). However, there were also instances that illustrated women's lack of legal rights to land and property that, in the context of civil strife and postconflict environment, may reduce them to mere targets and beneficiaries of rehabilitation programs and projects (e.g., relocation support families citing male members as head of the household; lack of women's participation in the community forums and local committees). There has been a tendency among rehabilitation programs to focus on returnees, displaced persons, and demobilized soldiers only. The main questions are: (a) do land governance strategies and programs recognize women's particular needs; and (b) do they seek to build on women's skills and capacities. In that sense, the discussion on postconflict societies should be positioned to integrate women in ensuring tenure security. Aceh's postconflict experience in land administration has shown specificity and diversity in the role of women, and these must be acknowledged and nurtured. In that

context, a gender perspective is relevant to enabling women to secure tenure rights in postconflict societies and for the achievement of sustainable peace. The failure to recognize gender factors in land administration is bound to generate new tensions over identity, status, and power that may threaten peace and security in postconflict societies.

Discrimination against women was always subtle, but its impact was not at all insignificant. The mindset of government institutions against mainstreaming gender concerns is a major hurdle to be overcome. The reported loss of property rights in recent remarriage and guardianship cases proves that women's land rights are always at risk unless sufficiently protected with safeguard measures. More serious still, in cases of intimidation by males from the extended family, many women simply do not complain for fear of repercussions.

Adat processes were useful in reconstructing land and property rights but were also increasingly seen as ambiguous, subjective, and unaccountable, leading to perceptions of unfair decision-making that did not produce lasting resolutions. *Adat* and local leaders continue to elicit wide support and remain the favored forum for dispute resolution. Most find *adat* to be simple, fast, culturally relevant, and appropriate to the local context; local leaders remain the closest form of authority to the vast majority of landholders and are seen as the first contact for most government concerns including land. However, this situation may be rapidly changing as women, children, and other vulnerable groups, who have little influence over decision-making and are underrepresented in local committees, remain to be the most disadvantaged and potentially discriminated against under *adat* processes. In addition, much discretion lies in the hands of the local leaders, who are virtually all men.

Many decisions of the *geuchiks* and local leaders on inheritance, guardianship, and remarriage were seen as male-biased and arbitrary. Most government departments and local and village institutions are male-dominated. Evidence indicates that people are gradually losing their trust in the objectivity of *geuchiks* and local institutions. In the case of land acquisition and

relocation, *geuchiks* and local leaders were seen as favoring more powerful people and as denying women their rights. Further, the new generation of *geuchiks*, *imeums* (traditional village leader), and local leaders are not always familiar with Islamic principles, *adat* traditions, or even traditional land borders and rights in the areas they govern today. The increasing power of *Shariah* institutions, at times inappropriately applied or interpreted, also discriminates against women. The observation is especially significant because many senior *adat* as well as *Shariah* leaders perished during the tsunami and thus, younger, less knowledgeable people are now in positions of power and decision-making. The views of the *ulamas* (Muslim religious scholars) are respected, but the degree of respect is not homogenous across Aceh and variations are noteworthy. This study concluded that there is a need to make authorities at local and district levels more aware of women's legal, customary, and traditional rights and their respective roles and responsibilities, to ensure inclusion of women in land recovery and reconstruction.

Community-based activities are important for ensuring women's participation. In the land recovery and reconstruction efforts, women's participation was found to be higher in community-based activities (e.g., community land mapping (CLM) and preparing related forms) than in other programs. Community-based activities gave women confidence, provided information on tenure security, and offered opportunities for information dissemination. Community land mapping was seen as a significant activity in three aspects: it covers a bigger area in terms of scope and consequently greater community involvement. It seeks to institutionalize community-driven solutions, thus speeding up recovery and reconstruction work. It also demonstrated how *adat* and customary landholdings could be systematized and standardized, taking into account the requirements of women and their input into the process of land recovery and reconstruction.

Aceh has demonstrated that the formal and active participation of women in determining land and property rights is imperative to the success of recovery and reconstruction programs after the disaster. This is critical because the recovery and reconstruction

processes are all managed by government and community-based traditional or religious leaders—all of them disinclined to empowering women before the disaster and well placed to maintain the status quo thereafter. The enhanced participation of women in such restoration and reconstruction work depends on the quality of socialization and attention paid to specific issues they confront.

The continued underrepresentation of women in almost all village institutions and government agencies adversely affected restoring their property rights in a timely and transparent manner. Women's participation levels were often low because of local cultures that consider men the appropriate and automatic representatives of households. Occasionally, women were not able to attend meetings because their husbands (or male members in the family) prohibited it. As a result, women's issues are often not taken seriously or are overlooked by the authorities in land affairs. Although recent efforts are taking root under the Law on Governing Aceh (LoGA) to enhance women's formal participation in *adat* and other committees, it may take a long time before gender equality can attain prominence in property matters and resource management.

The tsunami disaster created unequal relationships in the community setting and more so in the case of women's access to land and resources. Evidence indicates that social norms at times can be selectively applied to benefit an influential disputant or claimant, by-passing the claims of women. Consequently, women's land and property rights are not acknowledged uniformly in every situation. Well-connected and networked women (or male members in a household) travel a smooth road, whereas the weak experience difficulty. This lack of consistency in decisions and absence of an oversight mechanism has eroded people's confidence in traditional structures.

Most property issues are settled at the family (or community) levels. In the case of land disputes triggered by the tsunami (e.g., inheritance, guardianship, ownership in case of remarriage, or restoring access to pre-tsunami holdings), women's rights were generally acknowledged. However, in some instances, women tended to accept

that they are indeed subordinate to men and to resort to resolving issues within the family or at the community level; men were more ready to seek outside help. Only a handful of cases were referred to *Shariah* courts or formal judicial institutions. Women prefer to forego their claims and accept a compromise rather than fight for their rights within the family, so as not to put peace and harmony at risk. They are also less likely to appeal against an unsatisfactory decision with a higher authority. Women themselves need to be more aware of their legal, customary, and traditional rights.

Information dissemination is important to upholding women's rights. In the backdrop to the social and economic changes that occurred after the tsunami, field surveys confirmed that women's access to land and property rights depended on information dissemination and understanding of gender issues that shape public opinion and drive social policies regarding women. NGOs and civil society groups have strived to introduce gender concerns into the local agenda with a particular focus on women's access to land and property. Nevertheless, they were similarly constrained by existing practices and social structures.

Women's access to land and property rights after the disaster was undermined by cultural and social stereotyping and misconceptions. This study found that some Indonesian government institutions typically stereotype men as the head of household and women as dependents. Such stereotyping has led to flawed implementation of policy prescriptions and procedures developed for enhancing women's access to land and property rights. The implications of stereotyping by government institutions are serious, and the negative consequences affect, shape, and strengthen social structures and power relations in society. Respective government agencies need to challenge misconceptions and stereotyping of women's access to land and property rights by local institutions and stakeholders from the start of the recovery operations.

Poor execution of the process of restoration and reconstruction of land rights may contribute to perceptions of corruption or denial of rights and consequently erode people's confidence in local governments, *Shariah* institutions, *Shariah* courts, and the govern-

ment in general. Lack of information dissemination, poor understanding of some local leaders about *adat* practices and Islamic principles, and the distant location of *Shariah* courts, formal judiciary, and formal land offices and their inefficiencies may all reinforce the idea that the land administration and management system is corrupt and leads to loss of property rights. Instances of poor execution of the process of restoring land rights may be due to inefficient systems, but nonetheless contribute to public perceptions of mismanagement. Any inaction on the part of the concerned institutions risks of alienating women and other progressive segments of the population.

People's trust in *Shariah* court is conditional. Aceh is the only province in Indonesia to have instituted the *Shariah* system of justice. Several judgments delivered and *fatwas* (an Islamic religious ruling) issued by the *Shariah* institutions and *Shariah* courts are increasingly seen by public as displaying antiwomen tendencies. Similarly, there is widespread awareness that the interpretation of specific provisions in *Shariah* laws is sometimes unfavorable to women. For example, both women and men were aware that each son is entitled to inherit twice as much as each daughter, in keeping with the *Shariah* law. Men were more skeptical about the knowledge and capacity of *Shariah* officials (approximately 56 percent) compared with women. The perception exists that *Shariah* court judges and officials are unfriendly to women and do not readily acknowledge women's rights. If women's land and property rights are to be protected in postdisaster situations, a balance between the two systems followed by the Acehnese, that is, *adat* and *Shariah*, needs to be found. In addition, there is a growing need to initiate comprehensive reforms in Aceh that should result in *Qanun* (provincial regulation) supporting equality and justice for both men and women on all matters, including their access to land and natural resources.

On a positive note, this study identified innovative work undertaken by the government, aid agencies, and NGOs in protecting and promoting women's access to land and property rights after the disaster. One example was the work done by the Land Forum in which the government was able to communicate im-

portant information about land tenure and preserving land rights in the face of the severe upheaval caused by the tsunami. The NGOs, in turn, were quite effective in disseminating this information at the community level through their various outreach and reconstruction assistance programs. Another example of a positive outcome resulting from innovative collaboration relates to government-NGO-community cooperation in preparing CLMs. This was effective in enabling an early start for the reconstruction work, giving local voices a space in reconstruction planning and allowing communities to acknowledge and reinforce the rights of women and vulnerable members of the community.

The work of *Shariah* courts in determining guardians for tsunami orphans and resolving inheritance and other family disputes was a positive action acknowledged by civil society and complemented by legal training and logistical support from NGOs, international organizations, and the government. The tsunami disaster triggered public discussion involving government actors, NGOs, and academics on women's access to land and resources, respect for traditions, and protection of women's property rights. This discussion resulted in the development of the joint titling policy.

Without basic awareness of their rights, women are unable to assert their rights to land and property. This study covered three areas: (a) the RALAS program; (b) the relocation housing program; and (c) nontitling areas (non-RALAS, nonrelocation villages). In the absence of a baseline study, it is not possible to produce data to show the direct impact of the RALAS program on women's access to land. However, this study inferred through observations, FGDs, and discussions with *geuchiks* and *camats* (subdistrict heads) in relocation areas and nontitling villages, that the level of awareness about women's rights to land was low among all of the stakeholders (including women, men, and local authorities), with approximately only 20 percent having a clear understanding of the range of land rights and protection afforded to women under Indonesian law. When the responses of informants from non-RALAS areas were compared with those of the RALAS area informants, their (i.e., non-RALAS sites) awareness of joint titling policy was also found to be very weak. In most cases,

women landholders were also not aware of the procedure to convert inherited land into title certificates. Women living in the systematic land titling program areas said that the program increased their awareness about their land rights and the processes to secure their land rights; it also gave them the courage to assert their land rights when they were under threat. Taken together, it is reasonable to conclude that in the absence of RALAS and the implementation of the systematic titling program in post-tsunami Aceh, the dispossession of women in terms of their access to land and property rights (including their entitlements under guardianship and inheritance) would have been more widespread.

Key Recommendations

The traumatic experience of a community in a disaster situation cannot be underestimated. It is important that social, economic, and psychological support is carefully designed to ensure more inclusive and gender-responsive recovery and reconstruction programs. Among other factors, ensuring women's land rights, anchored in local cultures and norms, offers socioeconomic support to the most vulnerable families while providing a stronger basis for the psychological recovery of the whole community.

Arising from this study, the following are key lessons and recommendations aimed at mainstreaming gender concerns in land administration: (a) general lessons relevant to other postdisaster situations, (b) measures required to enhance gender relations in restoring and protecting the land rights of women and other disadvantaged groups, (c) field-level measures, (d) policies required to support field-level implementation, (e) steps needed to develop capacity and facilitate changes at the local level, and (f) areas for follow-up and further research.

General Lessons Relevant to Other Postdisaster Situations

Immediately after a disaster, the responsible government agencies should initiate action to freeze

land transactions and transfers to prevent land-grabbing and dispossessions. This action, along with timely information sharing, was the key in Aceh to avoid large-scale dispossessions experienced in some other countries affected by the 2004 tsunami. It is important that people be given time to reestablish their lives and for traditional land use and holdings to be investigated and clarified in a fair and transparent manner. Only thereafter should new land transactions, as far as possible, be permitted.

Government-led coordination is essential to ensure timely delivery of support and to eliminate legal and institutional uncertainties. Coordination mechanisms should neither slow down the speed of delivery of support nor constrain innovative approaches to restoring property rights and recovery or reconstruction work in general. Rather, coordination mechanisms should promote dialogue and provide a framework within which the various actors can work. Both macro-level and micro-level assistance must be addressed throughout the recovery period; hence, it is critical to promote community-based operations for the recovery and reconstruction phases of work. Government should also coordinate tracking and provision of postdisaster support for women and put in place gender-specific indicators for monitoring results.

Sociocultural traditions and practices that support women's land and property rights should be recognized and strengthened. Specific efforts should be taken to ensure that local leaders and stakeholders are oriented in a timely and transparent manner so they will be supportive of reestablishing women's claims to land. Information should be couched in the language of local norms and cultures. It is also important to include the *Shariah* courts and the judiciary in these efforts and to strengthen their independent roles.

Concerted efforts are required to listen and respond to the specific concerns of women. In a disaster, the plight of women can be easily overlooked. In addition, and in most traditions, women opt not to speak in the presence of men or even interact with men. Hence, there is a need to ensure the presence of gender-sensitive development workers and facilitators who would listen to

the voices, concerns, and needs of women. Approaches to enhancing women's inclusion and participation in land and property recovery should be adopted. These approaches can be aided by increasing the ability of women to have voice in local forums. This will not only give women a voice in planning the support to be provided, it will also help the larger society to recover quicker from the disaster.

Reengineer *Shariah* courts to deal with women's access to land and property rights. The *Shariah* courts should be made accessible to all people, particularly women. The services provided should not be limited to delivery of judgments but should also include an educational function. Support for gender sensitization and proactive engagement of *Shariah* court officials should be provided. Targeted activities should be implemented for women judges to travel more widely and disseminate information about the courts and interpretation of the Islamic law in support of women's rights.

A major new dialogue that needs to be raised is in targeting government's land registration and titling functions for women. Currently, most government policies are gender-neutral. Although these policies capture some women's issues, these neither distinguish among the groups that are vulnerable and those that are relatively protected nor recognize the limitations of local and informal practices and institutions. Therefore, immediately after a disaster, public and aid agencies need to initiate dialogue on opportunities for enhancing women's recovery of land and property rights.

Stereotyping that would lead to flawed policy prescriptions for the recovery and enhancement of women's access to land and property rights must be prevented. Government regulations and statements are replete with prohibitions against discrimination in any form. However, the government's own actions in disaster planning and recovery often fail to prevent a disparate differential impact when it comes to restoration of women's land rights. Traditional leaders and government institutions are inclined to stereotype women's roles and rights and are less willing to adopt creative solutions and support women's claims. Some of the government's misconceptions about how women own land

are not supported by actual data and can be harmful for its policy and procedural development. The lack of gender disaggregated data also favors the perpetuation of such misconceptions. At the very start of recovery operations, the concerned government agencies should launch focused efforts to challenge misconceptions and stereotyping regarding women's access to land and property rights among local institutions and stakeholders.

Enhancing Gender Relations in Land Rights

Address mainstream gender concerns within BPN and the land administration system. As the primary agency responsible for restoring and protecting land rights, BPN should initiate systematic land registration across the province to safeguard and promote women's rights to land in the most cost-efficient and effective way, reaching all women, including the most disadvantaged. To further gender sensitize this process, BPN should: (a) prepare a strategy to build in-house awareness on women's land rights and gender concerns; (b) support community-based efforts such as CLM and work through a participatory process; (c) increase the number of women staff in the field, in the back office, and in decision-making positions; (d) reach out to various actors, within and beyond the government, through constant information dissemination activities to foster public support and build confidence in the concept and process of land certification; (e) maintain regular monitoring, quality control, and gender audit; and (f) establish and manage gender-specific databases and gender-related indicators on land and property rights at the grassroots level with aggregated results available for management and policy decisions.

Improve local capacities to gather information on pre-disaster land ownership patterns and sociocultural factors that affect them. Action is required at the start of recovery operations to gather sufficient information on preexisting ownership conditions. A thorough classification and analysis of available information can potentially make a real impact in enhancing women's claims on land and property in the postdisaster environment. Such an effort will help to effectively target women's needs from the very beginning of reconstruction work.

Focus on community-based activities to create a level playing field for women. Women are more comfortable and actively participate in community-based initiatives. With regard to recovery of land rights, CLM, with the involvement of women, should be made compulsory in all areas in which land recovery operations are needed and updated titles are being registered. A community-based effort such as the preparation of the community land map is a collective activity that helps rebuild the sense of community and assists in developing community participation and ownership of reconstruction initiatives.

Establish checks and balances in the work of the customary and local social and religious institutions and in monitoring compliance. With the death of elders and senior members in a community, leadership is generally assumed by younger people (mostly men) who may not have sufficient knowledge and familiarity with the land and property rights issues that should be addressed. The need exists for immediate orientation so that the new leaders and their decisions will create serious difficulties that will be a long-term burden on the community. It is also necessary to ensure more women play key roles and provide leadership in local institutions.

Build social safety nets for women. Large-scale disasters such as the 2004 tsunami disrupt social safety nets generally available to women within families and communities, leaving women vulnerable and reliant on aid agencies and other family members. Families tend to become isolated, and to strengthen the sense of community and belonging and ensure information flow, community meetings are important. With regard to registration of new property rights, all new land titling for married owners should be in both the husband's and wife's names (joint titles) to give women enhanced security in times of crisis and better access to livelihood after the crisis.

Reach out to various actors, within and beyond government, to foster public support and build confidence in reconstruction operations. Given the relative strength of media groups, civil society organizations, and NGOs, government should put in place at the very start of relief operations measures to ensure open

communication. These groups should be maintained as channels of communication with the communities and to create an enabling environment for media, civil society, and aid agencies to effectively work together. The engagement of media, civil society groups, and NGOs would help build trust and give people confidence that the government is conducting the reconstruction operations in a fair and transparent way. It will also send the right signals and reassure citizens (particularly disadvantaged groups) about the commitment of the government and its intention to be more responsive to issues and priorities at the local level.

Taken together, the effects of conflicting legislation, often the result of political struggles and interests and the lack of political will to adequately address gender inequities and bias are major barriers in addressing the needs and rights of women in postdisaster situations. In this regard, there is a need to increase the focus on capacity building of women and women leaders in the community so they are better able to understand and facilitate the change process, particularly with regard to removing the barriers to women's participation. It is important that political will at the national level is galvanized to ensure that legislation within and across sectors is coherent with regard to gender equity. The national-level government agencies need to disseminate and communicate on gender strategy in a user-friendly and positive way, building on good practices. The measures should identify simple, field-relevant practices that can be easily understood by informal and formal institutions and their staff. If the letter of the law is to be implemented in spirit, strong political will is a critical component because entrenched male bias and patriarchal norms need to be uprooted. This is particularly important to enhance women's rights to land in the case of postdisaster recovery and reconstruction work.

Recommendations for Further Research

The study can only go so far, given its defined scope, objectives, and available resources. However, in the im-

portance of gender and the broader land issues, several areas in need of further research have been identified, including:

- Gender concerns are often perceived to be culturally confrontational, and hence there is a need to localize gender-sensitive interventions. Therefore, research is required into gender-sensitive norms and traditions in the local culture (and in land and property rights).
- Research and documentation of gender and land issues in other provinces (or traditions) of Indonesia is urgently needed, particularly in areas at high risk from natural disasters. This should include identifying measures required for the establishment of gender-specific databases and monitoring their implementation (including archiving) and management at all levels.
- Explore opportunities for strengthening local governments' capacity on land administration and management and measures required to enhance them.
- Explore opportunities for mainstreaming and strengthening the interface between *adat* and formal systems, particularly with reference to women's property rights and addressing gender concerns.
- Explore the potential for expanding the CLM approach to other conditions and situations so that community-based and gender-focused initiatives are internalized within government agencies.

TABLE 1 Summary of Key Conclusions and Recommendations¹

S no	Conclusions	Recommendations
1.	Women were found to be active in postdisaster recovery and reconstruction programs.	<p>To prevent duplication and inconsistent interpretation, relief and reconstruction agencies, both governmental and nongovernmental, should coordinate and ensure that gender-sensitive approaches are adopted and implemented by all stakeholders.</p> <p>All recovery and rehabilitation work should include activities that are community-based and inclusive. All staff engaged in recovery and rehabilitation should be provided with a quick orientation on gender concerns and how to address them.</p> <p>Building on gender-sensitive approaches and community-based activities, encourage and promote the continued equal involvement of men and women in the long-term process of recovery and rehabilitation.</p> <p>Disseminate information about the disaster, emergency measures, and who to contact for assistance and support. Ensure women-specific information materials are prepared and disseminated.</p> <p>Government departments, aid agencies, NGOs, and local media should be sensitized on such matters.</p>
2.	Discrimination against women on land and property matters can be traced back to male-biased inheritance practices, male privileges at the community level, and male dominance in government departments. Discrimination could lead to women losing their claims or being dispossessed of their property.	<p>Seek out and proactively promote the progressive elements of traditional (<i>adat</i>) and Islamic practices. Recruit more women to decision-making positions both in informal (e.g., <i>adat</i> committees) and formal institutions. Train informal and formal institutions so that they promote gender equality in land matters.</p> <p>Develop immediate measures to enhance women's access to assistance and recovery, including an integrated checklist for gender-sensitive rapid assessments. These measures should give sufficient attention to local culture, social norms, and community practices that could be incorporated into recovery and rehabilitation work. <i>Risk factors</i> (social, cultural, institutional, and others) for women should be identified and addressed as priorities in planning, implementing, and managing next steps.</p> <p>To prevent a summary denial of women's claims and dispossession of property, in case of relocations (e.g., resettlement or land acquisition for reconstruction), social assessment for each community should be made compulsory so variations in local cultures, practices, and issues could be identified and addressed in a timely manner. In all cases, no minimum number of people or families should be prescribed to trigger social safeguards.</p>

(continued)

1. This table presents key conclusions and recommendations only. The format does not necessarily align with the Executive summary and Section 7 of the report.

TABLE 1 Summary of Key Conclusions and Recommendations (*continued*)

<i>S no</i>	<i>Conclusions</i>	<i>Recommendations</i>
3.	Property issues are settled through family agreement and are referred to <i>geuchik</i> or <i>Shariah</i> courts only when consensus is elusive. Women often accept unfavorable decisions just to maintain peace and harmony within the family.	Promote literacy on gendered laws to all stakeholders. Make compulsory women's inclusion in <i>adat</i> and other local committees at the village level; provide women with a focal (contact) point for their land and property related concerns. Provincial authorities should coordinate with NGOs to ensure that quality gender training is available to all <i>adat</i> members and local institutions. Further, in all cases, provide gender awareness training to all <i>adat</i> committee members in cooperation with NGOs and civil society groups. A primer or handbook should be available for easy reference.
4.	Subjective assessment by <i>geuchiks</i> , local and community leaders who lack thorough knowledge of state law, customary practices, or religious and family law often failed to ensure women their full rights.	Ensure there are women occupying state-supported local leadership position such as <i>geuchiks</i> , <i>adat</i> leaders, <i>Shariah</i> judges, or <i>camats</i> . Conscious affirmative efforts are required to achieve desired results. Periodic refresher training ought to cover not only gender theory but also gender-sensitive implementation of laws and regulations relating to women's land and property rights.
5.	The growing trend of securing formal titles for traditional holdings indicates a desire on the part of the landholders to seek enhanced tenure security. However, benefits from modern property and land administration practices are not evenly spread.	Using the local language, promote formal titling through dissemination of information materials on registration procedures, taxes, and related matters; decentralize and accelerate land registration programs. Train all local officials dealing with land registration in women's rights to land and property. Maintain gender-disaggregated data about land registrations at every level; orient land offices and local institutions about the use of such data.
6.	Prevailing rules, social norms, and hierarchical relationships impede women's access to information essential to claiming their land and property rights. Women's quest for survival and security of tenure is largely contingent on support of male relatives and men in decision-making positions. As a result, women's legal problems tend to be overlooked or not taken seriously.	Encourage more women to participate in recovery and rehabilitation teams in order to more effectively address women's needs and concerns. Equally important, aid and government agencies should include more women members in their teams. Campaigns promoting joint titling and titling of women's holdings should be encouraged. Collaboration with NGOs and CSOs should be encouraged to support women's rights. Offer free counseling to all who seek legal information about land and property rights. There should be trained women counselors.
7.	People's support to <i>Shariah</i> court is conditional. <i>Shariah</i> courts have seen a significant erosion of public support because of the perception that the judges and officials working for <i>Shariah</i> institutions are not properly trained in Islamic principles and impose undue restrictions on women. The absence of effective and relevant outreach activities was also noted.	Support for gender balance and proactive engagement of <i>Shariah</i> court officials is essential. There should be targeted activities for progressive women judges to travel and disseminate information about <i>Shariah</i> courts and interpretation of Islamic laws supportive of women's rights.
8.	BPN had both positive and negative influences in protecting women's rights. It failed to fully implement policy measures and missed an opportunity to promote and protect women's rights. Further, BPN did not maximize the potential of NGOs and civil society groups.	Mainstream gender concerns within BPN and the land administration system. Institute policies to prevent land-grabbing, such as immediate suspension of land transactions in case of disasters. Community land mapping should be promoted as the first step in protecting property and land rights immediately after a disaster; maps serve as a basis to reestablish ownership and will be useful to both the village administration and individual owners. <i>Geuchiks</i> and other officials should be provided with continuing training and accreditation to engage in land matters. This will also help build interface between formal and informal methods in land administration.
9.	Women continue to be underrepresented in almost all village institutions and government agencies.	Representation of women in traditional village committees and formal mechanisms should be made mandatory. Special training should be provided to improve the capacity of women to participate as committee members, so that their concerns can be heard and brought to the fore.

(continued)

TABLE 1 Summary of Key Conclusions and Recommendations (*continued*)

S no	Conclusions	Recommendations
10.	Sporadic coordination of recovery and reconstruction work (among government, aid agencies, NGOs, and civil society groups) generates negative effects.	National and provincial-level institutions should demonstrate stronger political will. Government leadership is essential to coordinate and provide overall direction to everyone involved in recovery and reconstruction.
11.	<i>Adat</i> remains popular, but shortcomings in its application have eroded public trust. Shortcomings include a lack of consistency in decisions; absence of an oversight mechanism; and lack of coordination in the formal and village government. These are primarily due to lack of training and noninterface between formal and informal systems in land administration and other government operations.	Tighten community controls over property rights, through awareness-building supportive of women. Educate women about their rights and entitlements under traditional and other regulations. Empower women to claim their rights, because social norms make it difficult for them to demand property from their husbands or land-grabbing in-laws. Seek out and document traditional, customary, and religious practices that are gender-sensitive. Train local authorities on their application and monitoring. Plan and implement training and skills development for <i>geuchiks</i> and local leaders that should result in building interface between <i>adat</i> committees and village government structures, establishing standard operating procedures, allocating budgetary resources, and monitoring performance. This should become part of developing local governance capacities.
12.	Government agencies have become used to stereotyping women's roles and rights for land and property rights.	At the very start of the recovery process, the concerned government agencies should heighten efforts to challenge misconceptions and stereotyping of women's access to land and property rights by local institutions and stakeholders. Initiate a major dialogue on the government's land registration and titling functions for women. Efforts should include gathering and analyzing gender-specific data, specific measures to develop capacity at local levels, and continuously exploring opportunities to strengthen land administration.

SECTION 1

INTRODUCTION

Although there is universal recognition that natural disasters have an impact on women and men in different ways, there are few guidelines to ensure a gender-sensitive approach to disaster management and reconstruction programs. Available literature has recorded the immense potential and actual contribution of women in relief, recovery, and reconstruction processes, as well as their special needs and problems in the post-disaster setting. Literature further reveals that women constitute a major proportion of affected (or displaced) populations and are more likely to suffer socially, culturally, and economically. With sociocultural norms limiting their mobility, disasters have a much stronger impact on women. Widows in disaster areas face insecurities, and the death of a spouse leaves many women without land or other productive assets. Available literature also illustrates how women in postdisaster areas are adversely affected by government policies, relief mechanisms, and related efforts and that these constraints must be recognized fully at the national and international levels.

By destroying housing and coastal infrastructure, the tsunami created a window for both social and structural reorganization. However, these opportunities could also be exploited by powerful interest groups for their own benefit. To respond to concerns that women from coastal communities risked losing their means of livelihoods and possessions, a mechanism to facilitate the participation of marginalized and vulnerable groups in small fishing and coastal communities

needed to be incorporated into postdisaster land recovery management programs.

The ways by which humanitarian aid organizations and governments have responded to relief and reconstruction priorities in the post-tsunami areas have been analyzed and documented by nongovernmental organizations (NGOs)¹ and field research. Observers pointed out that in the planning and development of relief strategies and reconstruction projects, gender had often been ignored. The lack of understanding of gender in disaster contexts can contribute to the perpetuation and reinforcement of gender-based inequalities in the implementation of disaster relief and reconstruction programs. Observers have also argued that by responding to disasters with a gender-centered approach, disparities in power relations and resource acquisition within the household and society were likely to surface and be addressed. Some reports concluded that experiences in relief and reconstruction programs in Aceh highlighted

1. For example, refer to the statement issued by *Asia Pacific Forum on Women, Law and Development*, July 2005, after a meeting of women affected by tsunami from India, Indonesia, Sri Lanka, Thailand, and Malaysia in Banda Aceh (Indonesia) 1n July 2005. This gathering documented the low standards in design and construction and climatic conditions of both the temporary and permanent housing facilities in the affected countries that had no consideration for the particular needs of women. It has also recorded denial of rights to some of the communities that went back to their villages to rebuild their houses before government action. It claimed that the tsunami exacerbated women's access to land and could potentially create new land conflicts or women risked losing their customary holdings.

that women will continue to face enormous obstacles in a postdisaster setting unless remedial measures were immediately taken.

The growing recognition of women's contributions to reconstruction, on the one hand, and the problems they face in this process, on the other hand, have not translated into significantly improved access to resources or increased participation in decision-making process. The dynamism displayed by women in recovery and reconstruction efforts needs to be channeled into creating new models of participation and leadership. This highlights the next "big step" needed to advance the role of women in a postdisaster situation: expanding the opportunities for them to engage and realize their full potential.

Ground realities: The Indonesian Constitution, Islamic laws, and customary practices all allow women and men equal rights. Specific policy statements and legislations have, at least in theory, removed gender barriers and thus given women equal rights to independently own and manage land and other economic resources.

In response to the multisectoral dialogue initiated after the tsunami, the government introduced a handful of proactive policies that, together with the efforts of civil society groups, limited to a large extent the negative impacts of recovery programs on women. These included the government ban on land transfers in the period immediately after the tsunami, joint titling, and other gender-inclusive approaches. Along with some of the more positive aspects of customary (*adat*) practices, these measures reduced the number of dispossessions and loss of land rights.

The Acehnese have preserved strict family and customary traditions, which can be described as caring as well as subtly forcing women to conform to traditional roles. In addition to societal obstacles that women face, their status is also affected by national and regional policies and programs. The emergence of new interpretations of *Shariah* laws in Aceh and in Indonesia in general can challenge the gains women have achieved so far, as well as hinder future possibilities. Events since the 2004 tsunami have sparked renewed interest in social policies and gender-based approaches to disaster management and postdisaster development. These events have also

opened up more space for civil society groups to articulate demands for more effective gender-centered policies that mitigate the impact of a disaster and reduce gender inequalities.

Some trends in Acehnese society favor women. A number of traditional practices pertaining to inheritance are favorable toward women's rights. Various cultural factors ensure women's rights to property. These include, for example, the practice of a husband referring to a wife as *peurumoh* (meaning, "owner of the house"); matrilineal practices by which a daughter receives the natal house as part of her inheritance; *bukum adat* (customary practices) favoring equal rights for women and giving priority to their concerns; and local systems that rely on communal memory. These practices have protected women's land rights, notwithstanding the loss of formal documentation as a result of the tsunami.

On the other hand, Acehnese traditions that tend to weaken women's rights include the new interpretations of *Shariah* and Islamic laws that tend to restrict women's inheritance rights in favor of men; and limit women's involvement in public spaces by endorsing men's interaction with outside entities. The loss of large numbers of community elders and informal leaders, along with *geuchiks* (village heads), served as an obstacle toward confirming land history and restoring women's land rights. Acehnese society has also witnessed an increasing displacement of families and migration that favor the formation of nuclear families over the traditional, extended family system, which in turn has concentrated power in the hands of men as household heads. In addition, Indonesia is facing the challenges of promoting the empowerment of women and good governance, as well as effectively addressing economic growth, equitable access to productive opportunities, and distribution of resources.

Because of the nature of the emergency in 2004, most reconstruction programs in post-tsunami Aceh could not gather comprehensive baseline data including gender-specific information. Despite this situation, there is by now a basic body of literature on experiences in managing post-tsunami reconstruction programs. Many elements of the story are clear. Multiple case studies examined commonalities to determine causal factors; most of

the studies focused on structural conditions. For causal factors to be relevant, it is important to identify and verify commonalities across many experiences. However, it is more critical to establish the causal factors that were absent during normal times; for this purpose, more field research is required. This effort is critical for understanding the requirements of women and for developing gender-based approaches to managing postdisaster situations. It is also important, and a priority for government and other stakeholders, to build an information base that allows for the consideration of postdisaster patterns and trends in efforts to strengthen a gender-sensitive approach to disaster management.

1.1 Background on Aceh²

The Province of Aceh is located at the northwest tip of the island of Sumatra. The province is divided into 21 districts and 3 municipalities: Banda Aceh, Sabang, and Lhok Seumawe. Approximately 95 percent of Aceh's citizens are Muslim.³ Bahasa Indonesia is widely spoken, as well as the regional language, Acehnese. Aceh's population is approximately 4.2 million people.⁴ Around 50 percent of the population is ethnically Acehnese. Other significant groups include Javanese (16 percent),

Gayo (11 percent), and Alas (4 percent). In practice, the Acehnese acknowledge the dual influence of Islam and their local *adat* on their cultural identity.⁵ Aceh's revenue is derived mainly from oil and gas (24 percent), agriculture (21 percent), and services (13 percent). The agricultural sector employs 57 percent of the labor force.⁶

The December 26, 2004, Indian Ocean tsunami killed more than 130,730 people,⁷ damaged or destroyed over 250,000 homes, and displaced over 500,000 people in Aceh. More than 800 kilometers of coastline was affected and close to 53,795 land parcels destroyed.⁸ The land administration system also sustained significant damage.⁹ In affected communities, land ownership documentation was washed away along with people's houses and other possessions. Physical boundary markers, including trees and fences, also disappeared.¹⁰

Aceh is in the process of recovery, not only from the devastation of the tsunami, but also from three decades of rebellion led by *Gerakan Aceh Merdeka* (GAM; the Free Aceh Movement). From natural resources, including large oil and gas reserves, Aceh generates large amounts of revenue for the national treasury. However, its local economy has grown at a slower pace compared to that of other provinces and it is the fourth poorest province in

2. This section draws largely from documents and reports available from the World Bank office in Jakarta, Indonesia (including those specifically generated for the project and those listed in the Terms of Reference for this assignment), media agencies, *Badan Perencanaan Pembangunan Nasional* (Bappenas; National Development Planning Agency) and other Indonesian government agencies, and international organizations, nongovernmental organizations, and housing providers in Aceh. The specific sources are acknowledged in the bibliography. The Bureau of Statistics survey covered 347,775 of a total of more than 500,000 displaced persons in Aceh.

3. Government of Indonesia, *Badan Pusat Statistik* (BPS; Central Statistics Agency, 2005), *Aceh Population Census*, Republic of Indonesia: Jakarta. Data on socioeconomic conditions in Aceh include results of the socioeconomic survey conducted in December 2005 by the NGO Garansi and Indonesian government Indonesian Bureau of Statistics (*Badan Pusat Statistik*), referred to as the *Badan Pengolahan Data Elektronik* (BPDE) survey, 2005. See also A. Reid, "Introduction," In *Verandah of Violence: The Background to the Aceh Problem*.

4. Government of Indonesia, *Badan Pusat Statistik* (BPS; Central Statistics Agency) *Aceh Population Census* (Republic of Indonesia: Jakarta, 2005).

5. K. Robinson, *Gender, Islam and Democracy in Indonesia*.

6. World Bank, "Aceh Economic Update November", (2009), mimeo, Banda Aceh/Jakarta: World Bank (In 2006, manufacturing tied to the oil and gas industry accounted for 11 percent of Aceh's revenue; manufacturing not related to the oil and gas industry accounted for 3.5 percent).

7. Indonesian government data were as follows: confirmed dead: 130,736 persons; missing: 37,063 persons; displaced: about 500,000 persons. These data are also available on Wikipedia.

8. Government of Indonesia and Bappenas, "Indonesia: Preliminary Damage and Loss Assessment of the December 26, 2004 Natural Disaster," 71.

9. The provincial office of *Badan Pertanahan Nasional* (BPN, the National Land Agency) in Banda Aceh lost up to one third of its staff. Several tons of BPN land registry information and cadastral maps sustained damage.

10. Early in 2005 it was assumed that all land records were completely destroyed and could not be recovered, and therefore a clean slate approach to restore land rights was deemed appropriate. By early 2007, some of the damaged records had been recovered; however, that did not significantly improve the situation.

Indonesia.¹¹ This is largely attributed to the decades-long conflict.¹² As a result, Aceh has the third largest per capita revenue (as of 2004) and the fourth highest poverty rate in Indonesia.

Demography: A household survey completed in August 2005 indicated that internally displaced persons (IDPs) comprised close to 5.21 percent of Aceh's population, as a result of either the conflict or the tsunami, and that the proportion of male IDPs exceeded female IDPs (111:100).¹³ The conflict and tsunami also affected demographic structures. In 2005, whereas on average the female population outnumbered males by 20,000 (overall), a large deficit in the female population was noted in tsunami-affected districts along Aceh's western coast. In the districts along Aceh's eastern coast, historically associated with GAM and the conflict in Aceh, women were relatively marginally less affected by the tsunami.¹⁴ An excess of female population recorded in these areas, especially among the 20- to 45-years age-group, has been attributed to male emigration.¹⁵ In 2004, 23 percent of the women in Aceh took on the role of household head because men had either perished or were forced to flee their homes for security or livelihood reasons.

11. World Bank, *Aceh Poverty Assessment 2008: The Impact of the Conflict, the Tsunami and Reconstruction on Poverty in Aceh*, 16.

12. A peace agreement concluded in August 2005 between the Indonesian government and *Gerakan Aceh Merdeka* (GAM; the Free Aceh Movement) in the wake of the tsunami ended 30 years of conflict in Aceh. The conflict had a devastating impact on Aceh's social and economic conditions; 15,000 people were killed during the 30-year struggle.

13. Aris Anantar and Poh Onn Lee, "Aceh: A New Dawn" by the Institute of Southeast Asian Studies, 2006. Based on data gathered from various sources, this report has deduced that immediately post-tsunami, the proportion of male IDPs exceeded female IDPs by 111:100.

14. Aris Anantar and Poh Onn Lee, 2006. The particular districts include Pidie, Bireuen, Aceh Utara, East Aceh, Aceh Tamiang, and the cities of Lhokseumawe and Langsa.

15. Aris Anantar and Poh Onn Lee, 27.

1.2 Cultural Factors and Women's Land Ownership Rights

Actions that affect the entire village are matters of *adat* (customary practices). In Indonesia, the tradition of acknowledging and appreciating women's status and role in *adat* developed independently in several local communities, including the *meo-meo* group in Timor and the *suku anak tuba* in Jambi, in a small village in West Java, in Garut in Kampung Pulo. The tradition developed during the pre-Hindu period but changed when the local communities encountered stronger outsider groups with their own religious beliefs and government system. The new systems influenced the traditional local *adat* social structure and organization of the community.¹⁶

The village leader (*geuchik*) embodies the *adat* and resolves disputes by weighing material evidence from the claimants and taking recourse to *Islamic* law and religious tenets. Although individuals control productive land, house plots, and other property, this is, under *adat* arrangements, contingent upon his or her continued affiliation to the village. The community acts to prevent the alienation of land to someone who is no longer affiliated with it. In recent times, the *geuchiks* are seen to represent the lowest level of the government structure, although they have retained the *adat* role within the village.

In Acehnese society, marriage and asset transfers reinforce the village focus on *adat*. In some places, if a man marries into his wife's family, few or no assets are exchanged and he is obliged to support his wife's parents for the remainder of their lives. The fruit of his labor becomes part of the household wealth, and he retains no rights to wealth upon dissolution of marriage.

Only descendants who remain within the village after marriage receive a share in the inheritance of property. Some parents allocate shares of their property during their lifetimes, whereas others are reluctant to distribute land before their death. On the death of the par-

16. J. Sudarjanto Wirodarsono, an expert on land policy, land law, and customary practices in Indonesia, shared his field observations and insights into the several types of *adat* practices in the country.

ents, the eldest son becomes the guardian (*wali*) over the property. He supervises its division among the remaining siblings according to kinship norms and a variety of specific considerations: a sister is more likely to receive a house, but a brother receives a larger share of land. The *wali* can also delay the division of property either for his own use or for other arrangements.

The transformation of *adat* at the national level began in the nineteenth century, when Dutch colonialists made an attempt to build an alliance against Islam. The Dutch persuaded Indonesian scholars to codify *adat* traditions as customary law (*adatrecht*). It rendered what were informal and varying procedures for transmitting wealth into a set of formal rules, making a consensual procedure. Ironically, this ended up making local traditions similar to Islamic law and did not create an alternative as it was intended to. In the 1960s, the national judiciary reshaped family property law along individualistic, gender-equal lines, recognizing *hak milik* (full ownership rights). It interpreted assets claims by lineages as ownership claims by individuals characterized by gender and family affiliations.

With regard to inheritance of customary land (known as *tanah adat*), this generally involves ancestral lands, mainly used for subsistence farming. Each plot of land was invariably small, usually not more than 2 hectares, and in the past, women were usually seen as custodians, with no right to sell. However, it must be noted that the system of inheritance is governed by various codes of rules, which, if taken in its totality and richness, can hardly be described as simple. In fact, Acehnese society is more varied and vivid than is immediately apparent.

An Acehnese woman is the guardian and preserver of the family's goods and plays a crucial role in the affairs of the family. However, she is not automatically deemed head of the family, a position held by a male member. Literature shows that a shift is taking place in the matrilineal society toward a paternal or patrilineal system with matrilocal tendencies in some districts of the province. This transition is attributed to socioeconomic changes, including factors such as migration of families in search of better economic opportunities and the spread of urbanization. All of this has changed the

perception and attitude of people toward *adat* practices and matrilineal traditions.

The cultural paradigm in Aceh often limits women to the domestic sphere. The dominance of male-oriented norms and male-dominated structures works against women's participation in the public sphere, including government structures, business, and education.¹⁷ Although there are exceptions to these norms, cultural practices in Aceh often discourage women from formal employment in the interests of being "a good wife and mother."¹⁸ Despite such sociocultural factors, anecdotal evidences and oral histories indicate that Acehnese women played a pivotal role in the survival of their families and communities not only post-tsunami but also during the three decades of civil strife in the province. For example, available pre-tsunami data indicate that in 2003, 23 percent of women in Aceh had to take on the role of household head because men had perished or were forced to leave their homes for reasons associated with security or livelihood.¹⁹

1.3 Gender Relations and Property Rights

Disputes over land rights and compensation have been major sources of class conflict in Indonesia. Sporadic instances of land conflicts occurred in Aceh before the tsunami, but more were reported immediately thereafter. Cases of conflict mainly occurred as a result of reconstruction programs and tend to stem from similar causes: the lack of clear land titles (or documentary evidence)—a problem that the government never seriously attempted to resolve—and insufficient compensation for people displaced from the land or for the loss of land areas they occupied before the disaster. The formal judicial system never really reasonably resolved the land conflict, and people's faith in the judiciary was never very high.

17. UNIFEM, "Qanun and Aceh."

18. Refer to "Eye on Aceh" and data available at the Web site www.aceh-eye.id.

19. UNIFEM, "Women's Voices in Aceh Reconstruction: The Second All-Acehnese Women's Congress," 2006.

Anecdotal evidence about concomitant problems abound. Ultimately, in the post-tsunami setting, poorer groups risked losing their meager holdings.

The restoration of property and land rights highlights tensions between alternative claims to control resources, such as men against women, local leaders against legal institutions, and at times against individuals. This involves government institutions and the bureaucracy. Geertz (1981)²⁰ remarked that *adat* lends a sense of continuity and national unity by translating new, modern ideas into familiar terms. It is also a reference to “imposed law” against “indigenous” ones.

In general, sociologists acknowledge that the family and household need not act as a unit with regard to property ownership and rights. Divergent and conflicting interests over land rights may coexist, although this difference may be masked by the family members’ show of unity. The major point, however, is that family interests and individual interests—especially men’s and women’s—are not always identical. This suggests that the study of women’s and men’s land and property rights might be well understood within the paradigm that acknowledges power relations operating within the family or household. Patriarchal authority and restraints, as well as subversion and resistance to patriarchy, shape family decisions. Focusing on patriarchal constraints and negotiations improves upon the concept of property rights derived from the monolithic household model. This approach captures the divergent strategies employed by women in various contexts. The household model implicitly assigns women a passive, dependent role in property management. While the household model may view men playing a significant role in public life as an adaptive strategy, it ignores family politics. It also, at times, tends to ignore kin and nonkin networks.

Scholars have recently challenged the notion that women are given equal status in property rights in Aceh; they argue that women are more locked into a traditional system of inheritance and use rights. They further argue that in land administration, patriarchal gender relations are embedded in normative practices

and expectations that allow men, and deny women, the authority and resources necessary to maintain economic independence. Men are expected to serve as good family providers. This is typically explained as culturally determined and derivative of either traditional or modern values. Scholars challenge these perspectives by considering social, economic, political, and cultural factors and shaping public opinion on such matters.

For all Acehnese households, immediately after the tsunami, it was a 7-days-per-week, 24-hours-per-day, full-time interaction. It was a situation in which people would not have private lives anymore and everyone had to come together to rebuild the community and their lives. There was widespread concern that women, after the disaster, might lose their inheritance and guardianship rights. During this phase, the need to include women in the reconstruction programs was recognized as a priority. One such measure related to enhancing focus on recovery and reconstruction of women’s access to land and property rights and addressed through socialization on guardianship and inheritance rights and promotion of joint titling.

Recognizing the importance of learning lessons that could be drawn from the innovative post-tsunami land registration and titling programs, and further promoting gender-equity, the World Bank supported a package of gender-specific field research. The overall objective of this study was to review the gender impacts of land titling in post-tsunami and postconflict Aceh. Specifically, the study would:

- review experiences in the restoration of land and property rights, particularly with regard to the inclusion of gender concerns and addressing women’s access to land rights;
- analyze the extent to which such activities and results are sustainable and replicable; and
- provide recommendations for further study and future action.

In undertaking the study, particular reference was made to the work of the RALAS project, implemented by the *Badan Pertanahan Nasional* (BPN; National Development Planning Agency), and funded by the Multi-Donor Fund (MDF), administered by the World Bank.

20. Clifford Geertz, *The Interpretation of Cultures: Selected Essays*.

SECTION 2

A DESCRIPTION OF THE SOCIOCULTURAL ENVIRONMENT IN ACEH

In Acehese society, discussions about land and property issues are considered a “male” prerogative; female members in the family or community are then merely regarded as beneficiaries. Land being a powerful symbol of community life, family solidarity, and culture, women’s ability to access and own land is interconnected with kinship relations. This view illuminates gender relations within the family structure and processes, particularly with regard to inheritance. Conferring land rights on women may seem to have the potential to break the connections between women, land, and domination. However, much will depend on the system of tenure and the type of action that will have to take place to challenge gender biases. Aceh is no exception to this general view.

This section provides a brief overview of Indonesia’s social and cultural traditions with regard to property rights, as they relates to women’s rights to land in Indonesia, with a special focus on Aceh. Five aspects of Indonesia’s legal framework are examined in this section: *adat*, or customary law; *Minangkabau* matrilineal practices; Islamic law; the state law; and the special autonomy law recently enacted in Aceh.

2.1 Customary (Adat) Practices

Adat refers to a set of beliefs, norms, or customs that traditionally applies in societies across Indonesia. It refers to customary practices defined as a noncodified body of rules of behavior, enforced by social sanctions, and varying from time-to-time and from place-to-place. Its content comprises descriptions of what a community does, as much as a set of commands as to what its members should do. It has been estimated that up to 300 distinct customary groups exist across the Indonesian archipelago.²¹

Adat forms of land ownership documentation, and sale and purchase agreements (*akte jual beli [perjanjian jual beli]*²²), are deemed to be as good as formal land titles. However, as recently available evidence indicates, peo-

21. E. Harper, *Guidebook on Land, Guardianship and Inheritance in Post-Tsunami Aceh*. This book has also been used as a training and reference guide on the subject matter.

22. If the purchase agreement is not drawn by *pejabat pembuat akta tanah* (PPAT; land deed official) than it cannot be considered as an *akte* but merely a *surat perjanjian*, a purchase agreement. The term *surat perjanjian* literally refers to an “agreement letter.”

ple are gradually sensing that formal registration is more worthwhile and ensures a higher level of tenure security. This is due to the fact that competition for land has visibly intensified since the 2004 tsunami and communities and individuals are ensured greater protection of their land use rights if they formally register them. Unfortunately for most women, the inconveniences and, to an extent, the cost of the titling process discourage registration and secure title certificates.

Adat typifies the two distinct characteristics of the Acehnese society. First, marriage and asset transfers are carried out based on *adat*. It has a village (geographic location) focus.²³ After marriage, a couple may move to either the husband's or the wife's village. In areas such as Aceh Besar and Pidie, where matrilineal tendencies are strong, if a man marries into his wife's family, few or no assets are exchanged. In this case, a woman may not move out but rather stay in her native village. This in some ways implies that only those who remain in the village readily receive a share of inheritance. This feature has reinforced the continued affiliation of the claimants to the village and the ability of the community to prevent alienation of land areas. Second, it is clear that *adat* will be applied at the village level with a reference to Islamic law and religious tenets. With *geuchiks* in recent times retaining the *adat* role, there have been some overlaps between the formal regulations and customary traditions.

Historically, women's rights to land were very strong under *adat* practices and were recognized by law.²⁴ Despite the variety of social structures and traditional local systems, in principle, women generally have a strong right to decide the status of inherited family property, including land, under *adat*.²⁵ *Adat* inheritance rules rec-

ognized equality between women's and men's share of their parents' property.²⁶

Women's rights to land under *adat* law were weakened during the Dutch colonial period and in the creation of the modern state administration system. The Dutch Civil Code overruled *adat* laws and principles of land ownership. It established the husband as the legal head of the household and, in the absence of a prenuptial agreement, a husband automatically gained the right to manage and control his wife's independently owned property.²⁷

Article 19B(2) of the Constitution of the Republic of Indonesia states:

The State recognizes and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.

Article 5 of Indonesia's Basic Agrarian Law (BAL) states:

The agrarian law applicable to the earth, water, and airspace is adat law provided that it is not contrary to the national interest and the interest of the State, which are based on national unity, to Indonesian socialism, to the provisions stipulated in this Act, nor to other legislation, all with due regard to elements which are based on religious law.

As indicated earlier, Aceh has adapted *adat* traditions as a rule for community behavior. In the course of time, these traditions and practices were seen as customs and then as uncodified law. Given the dynamic nature of *adat* practices, analysts have concluded that any written version of *adat* may become outdated in a relatively

23. J. Brown, *The Transformation of the Indonesian Property System: Adat, Islam, and Social Change in the Gayo Highlands*.

24. This includes the share that a woman receives as part of matrilineal practices. Also, refer to R. Soepomo, "*Bab-Bab tentang Hukum Adat*" (Chapters in *Adat Law*), 71.

25. Refer to R. Soepomo, 71.

26. Refer to R. Soepomo, 83.

27. This is overtly ruled in Article 105 of the Civil Dutch Code. R. Subekti and R. Tjitrosudibio, "*Kitab Undang-Undang Hukum Perdata*"-*Burgerlijk Wetboek* (Dutch Civil Code), 26-27.

FIGURE 2.1 Areas of responsibility of various adat committees in Aceh

Source: Guidance for the jurisdiction and functions of the customary adat committees in Aceh, 2006, refer to Council for Acehese Customs in Banda Aceh (Majelis Adat Aceh).

short time. In recent times, with Aceh's increased autonomy and enactment of LoGA, provincial-level institutions have moved to create new spaces that would promote and strengthen the place of *adat* within Acehese public life. These include elaboration of *peradilan adat* (customary justice) in line with *Perda 7/2000*, On the Administration of *Adat* Life²⁸ (Figure 2.1). However, no modifications were made to *peradilan harta* (property justice), which deals with women's access to inheritance and is intended to protect women's related interests. On such matters, the respective local religious leader (e.g., *ulama*) played the lead role and decisions were made based on the rationale that men could freely access public areas for use, whereas women could not. It reasoned that it is essential to provide a culturally defined method of allocating physical space for women to help them maintain their life with dignity and honor. As discussed elsewhere in this report, these *adat* practices were linked to a matrilineal system.

28. *Perda*, a local government regulation, recognized different *adat* institutions and *adat* laws at the village level and made an attempt to harmonize them. These initiatives were intended to acknowledge the positions of *wali nanggroe* (symbolic head of state in the province) and *tuba nanggroe* (council of elders). Refer to E. Harper, *Guidebook on Land, Guardianship and Inheritance in Post-Tsunami Aceh*.

A review of literature indicates that for most of the modern period, *adat* traditions have drawn not only from past practices or Islamic law alone but also from local sensibilities and social demands to provide a normative ground for equity and stability²⁹ for the population. It was also found that there were instances in which local religious leaders were prepared to reinterpret and reread the sources of practices and traditions, to deliver a fair verdict and to ensure social order. These reinterpretations and rereading were generally agreed to by the community without much resistance.³⁰ Not all *adat* committees exist in all villages, and many are dormant or formed only when the need arises. The situation is more apparent in recent times as other government bodies filled the roles previously performed by these *adat* committees.

29. Similar conclusions were elaborated by (a) R. M. Feener and M. E. Cammack, *Islamic Law in Contemporary Indonesia: Ideas and Institutions*; and (b) D. Afrianty, *Responses of Local Women's NGOs to Sharia Implementation in Aceh: The Quest for Equality with Acehese Islam*.

30. The field survey found that *imeums* had also acted to protect children orphaned by the tsunami by taking them into religious schools. Additionally, *adat* leaders, along with *geuchiks*, have organized collectively to assert their role in the long-term reconstruction of Aceh. These details are discussed elsewhere in this report.

2.2 Minangkabau Traditions and Matrilineal Practices in Aceh³¹

Historically, the *Minangkabaus* of West Sumatra comprise the largest ethnic group in the world that adheres to the matrilineal system. The *Minangkabaus* are strongly Islamic and combine Islam with their ethnic traditions, or *adat*. *Minangkabau adat* was derived from animistic beliefs that extend from before the arrival of Islam, and remnants of animistic beliefs still exist in some ways.³² *Minangkabau* women, in the past, held supremacy in economic activities that centered around their household. Around the sixteenth century, the Aceh Sultanate invaded the *Minangkabaus* coast and some of the matrilineal practices and *adat* traditions such as inheritance of land and house through female lineage were embraced and absorbed.³³ It is also important to note that the *Minangkabaus* have a long history of oral tradition that is mostly performed by *panghulu* (clan chiefs) during formal events. Past field studies indicate that there were four areas in which women had more influence compared than men: inheritance of customary land, rule of residence, descent system, and traditional political system.³⁴ It is important to note that Aceh did not adopt *Minangkabau's* matrilineal traditions and practices, but some privileges were given to daughters, such as a share in the land and other assets.³⁵

The *Minangkabau* protected and developed their women-friendly traditions through the matrilineal *adat*

system; in other *adat* groups, the matrilineal system was replaced with patriarchy or was continued merely as a socially polite norm. Particularly with reference to land inheritance, the Acehnese did not absorb and embrace the *ulayat*, which dominates the *Minangkabau adat* land doctrine. Hence, it is not possible to conclude that the Acehnese invaders absorbed the *Minangkabau's* matrilineal system. The mode of acknowledging and appreciating women's status in the Acehnese *adat* is an independent development. The similarity between Acehnese land inheritance systems and the *Minangkabau* system could be a mere coincidence.

Although *Minangkabau* traditions came to be adopted in Aceh sometime in the sixteenth century, it has since undergone a series of transformation and adaptations.³⁶ Taking account of the independent cultural tradition theory, it is fair to see that although similar, the *Minangkabau* and the Aceh tradition of woman appreciation are independent developments because the essential component of *Minangkabau* matrilineal *adat* of inherited ancestral land property called *ulayat* land (*tanah ulayat*) owned by the original mother (*bundo kanduang*), is unknown and nonexistent in the Acehnese *adat*.

The *Minangkabau*, although Muslim, are matrilineal. Hence, the *Minangkabau* traditions in Indonesia are strongly Islamic but follow ethnic traditions (*adat*). The present relationship between Islam and *adat* is described in the saying "*adat basandi syara, syara basandi kitabullah*" (tradition founded on Islamic law, Islamic law founded on the Quran). Scholars argue that in Aceh, the synchronization of *adat* and Islam was coined in an adage "*adat ngon hukum han jeut meupisah*," meaning that *adat* and law (specifically Islamic law) are one and cannot be separated.³⁷ The doctrine was first coined by

31. Dr. Herman Soesangobeng shared his knowledge and insights into the *Minangkabau* systems and practices. In addition, the published references reviewed for this section include: John Bowen, *The Transformation of the Indonesian Property System: Adat, Islam, and Social Change in the Gayo Highlands*, *The American Ethnologist*; Abdullah Taufik, *Adat and Islam: An Examination of Conflict in Minangkabau, Indonesia*; Kato T, "Matrilineal and Migration: Evolving *Minangkabau* Traditions in Indonesia."

32. Kato.

33. These details are generally found at www.wikipedia.com.

34. Cf. P. de Josselin de Jong, *Minangkabau Social Structure and Organization*.

35. The fact could be understood through the theory of cultural creation explained by Paul Bohannan in his book *Justice and Judgment among the Tiv*, in which he proves that many of the Tiv's legal doctrines and adages are similar to Roman law, although the two communities never met or contacted each other.

36. Kato identified four distinct features of *Minangkabau* traditions: (a) Descent and descent group formation are organized according to the female line. (b) The tradition resembles a corporate descent group with a male head. A lineage possesses communally owned properties including agricultural land, houses, fish ponds, and miscellaneous *adat* titles. The ancestral property (*barta pusaka*) is inalienable. (c) A husband after marriage moves to live with or near his wife's family. But he continues to belong to, and frequently visits, his mother's house. (d) Authority within the lineage is with the *mamak* (maternal uncle).

37. Rusdi Sufi, *Hukum Adat Pertanahan: Pola Penguasaan Pemilikan dan Penggunaan Tanah Secara Adat Aceh Tempo Doeloe dan Masa Kini*

Sultan Aceh in the sixteenth century. Thus, the similarity of synchronizing *adat* and Islam was first created in Aceh, whereas in *Minangkabau* it was developed after the Padri war in the nineteenth century.

Scholars like Aliumar and Hamdan³⁸ and Franz von Benda-Beckman,³⁹ explain that property in the *Minangkabau* tradition is distinguished into two kinds, namely *harta pusaka* (ancestral property), which is divided into *pusaka tinggi* (higher property) and *pusaka rendah* (lower property) and *harta pencarian* (acquired property). Both Datuk Maruhun Batuah and Bagindo Tanameh⁴⁰ and Hazairin⁴¹ said that in principle *harta pencarian* will be bequeathed to the niece and nephew (*kemanakan*), whereas the *harta pusaka tinggi* is inalienable.

According to Dt. Perpatih Nan Duo,⁴² inheritance practices related to matriliney, and particularly land rights, are arranged as higher ancestral property termed *ulayat* land (*tanah ulayat*), which is inalienable under whatever circumstances—even to change it to become state land (*tanah Negara*). Such *ulayat* type of land arrangement is unknown and nonexistent in Aceh, although Kremer⁴³ acknowledges that the norm of *beschikkingsrecht*⁴⁴ did exist in Aceh with characteristics that differentiate it from the *ulayat* land in

Minangkabau. *Minangkabau* migrants in Aceh, such as those in Meulaboh and Simeulue Island, did not develop their *ulayat* land system but absorbed and adopted the Acehnese *adat* of *moekim* and *gampong* (village; lowest unit of government, equivalent of the *desa* outside Aceh) land.⁴⁵

In separate studies, Abdullah and Kato⁴⁶ highlighted the features that circumscribe inherited assets and property rights and deduced that the *adat* house is an economic unit and the major focus of everyday activities in traditional *Minangkabau* life. It has features that show both the communal and corporate nature of traditional life. First of all, traditionally, the wife remained with her maternal relatives after marriage; her husband continued to live with his mother but visited his wife. The domestic unit, a community house, held a head woman, her sisters, their daughters, and their children and visiting husband. The residence they lived in was known as *rumah gadang* (big house) and owned by the women who live there. Ownership is passed on from mother to daughter. The traditional *Minangkabau* are farmers, and their crafts include wood carving and weaving. Today, that kinship structure has declined and more men have left their villages to establish their own households with wives and children.

Balancing Change and Continuity in Gender and Land Rights: Kato argued that in the *Minangkabau* tradition, property rights and landholding are one of the crucial functions of the female lineage unit called *suku*. The women's kin group is responsible for maintaining the continuity of the family and the distribution and cultivation of land, mainly through the maternal uncle. These groups are led by a *penghulu* (lineage head). Historians note that by the early twentieth century, more Acehnese started moving out of their villages and traditional homes. Thereafter, the increasing importance of the nuclear family as an economic and residential unit emerged as an undeniable factor in the sociocultural aspects of Acehnese life. This period also witnessed changes in women's role, with married couples emigrating outside

(*Adat Land Law: Ownership, Control Pattern and the Former and Present Mode of Using Land According to Aceh Adat*), 28.

38. T. Aliumar and F. Hamdan, *Hukum Adat dan Lembaga-Lembaga Hukum Daerah Sumatera Barat* (Adat Law and Law Institutions in West Sumatra Region).

39. Franz von Benda-Beckman, *Property in Social Continuity*.

40. A. M. Datuk Maruhun Batuah and D. H. Bagindo Tanameh, "Hukum Adat and Adat Minangkabau (*Adat Law and Minangkabau Customs*).

41. Hazairin, *Hukum Waris Bilateral* (Bilateral Inheritance Law).

42. H. Nurullah Dt. Perpatih Nan Duo, *Tanah Ulayat Menurut Ajaran Adat Minangkabau* (Ulayat Land According to Minangkabau Adat Doctrine), 10, 26.

43. J. Kremer, *Atjeh: Algemeen Samenvattend Overzicht van Land en Volk van Atjeh en Onderhoorigheden*, (Aceh: General Overview on Land and People of Aceh and its Subordinate), 365.

44. *Beschikkingsrecht*, literally 'disposal area', is a special *adat* law terminology created by van Vollenhoven by modifying the Dutch legal term *beschikken* to explain the particular character of the Native Indonesian Land Law. It has often been mistranslated as "right of disposal." *De Indonezies en zijn grond* (The Indonesian and Their Land), 1919.

45. Herman Soesangobeng, 2010, "Land Adjudication, Titling and Acquisition", pp.73-88; and Kremer, 368.

46. Abdullah Taufik, *Adat and Islam: An Examination of Conflict in Minangkabau, Indonesia*; and T. Kato, *Matriliney and Migration: Evolving Minangkabau Traditions in Indonesia*.

their native villages. Also, it is quite common for young women and men to go to urban centers for higher education or even after marriage; such moves have been more common since the twentieth century.

Scholars such as Bowen, Kato, and Abdullah argued that *Minangkabau* traditions initially went through a transition with the arrival of the Dutch that catalyzed the cash economy and population growth. The transitions produced two key changes that were not difficult to understand. One change related to demography; that is, as the population grew, ancestral property became increasingly inadequate to support all of the members of an *adat* house. This resulted in conjugal and father-child ties becoming more important. The second change related to the economy: as women began entering the cash economy to supplement family needs, household dynamics were altered. This led to closer ties within the nuclear family and the emergence of the tradition of *harta pencarian*. Despite these changes, which seem to indicate the importance of the nuclear family, the cash economy, and the family as a psychological unit within the matrilineal traditions, many of the features of the matrilineal tradition remained relatively unchanged.

Kato also stated that *merantau* (migration) has reduced intense pressures on land. Quite likely, *Minangkabau* matrilineality and its supporting values have encouraged *merantau* as much as *merantau* supported the persistence of matrilineality in Aceh in some form. This may have happened in two ways. First, a man would have to prove his ability to generate money and manage his family so that his wife's household could absorb him. Second, the relative security provided to women and the young allowed a certain freedom for men to venture outside the village. In both ways, therefore, *Minangkabau* traditions and matrilineal and uxorilocal social structures facilitated *Minangkabau's* matrilineal practices.

Scholars further explain how matrilineality has helped the *Minangkabau* effectively enter and deal with the modern era and how matrilineality has survived the modern era. One factor seems to be that *Minangkabau* practices allowed men to migrate and seek economic success elsewhere. When married couples reside in urban areas or outside the *Minangkabau* region, women lose some of their social and economic rights in property, their so-

cial and economic position becomes less favorable, and their divorce rate rises. This outward migration not only produced benefits but also broadened the social outlook of men and women. Partly because of their tradition of *merantau*, the *Minangkabau* developed a cosmopolitan social base that readily adopted and promoted the notion of an emergent nation-state, while at the same time moderating *Minangkabau* matrilineal practices. The *Minangkabau* system also concerns the sphere of authority. In modern times, as the father has become closer to the nuclear family than the maternal uncles, matrilineal traditions tend to be replaced with bilateral or patrilineal practices. The authority within the domestic group and the authority within the ancestral group are now vested in two distinct and different persons.

As previously noted, under *Minangkabau* matrilineal practices, property is neatly categorized into two types, that is, *adat* property (*harta pusaka*) and earned property (*harta pencarian*). The ancestral property (*harta pusaka*) is transmitted according to lineage per matrilineal practices. The pattern of inheritance for *harta pencarian* of a husband is characterized by the system of *adat warisan kemanakan*, meaning the property goes to his nieces and nephews (*kemanakan*). However, this does not imply dissolution of *Minangkabau* matrilineality itself. Scholars such as Bowen and Kato have noted that the arrangements for ancestral property remained flexible and absorbed new demands on them. In some families, the rules of inheritance may follow Islamic principles, in which case male heirs receive full shares and female heirs receive half shares.

Ancestral property, which is communally owned, can be inherited only by female family members. For example, in the case of wet-rice production, the right to use such land passes from mother to daughters and is closely supervised by the matrilineal group who owns it. Usually this is at the *sabuah paruik* (sublineage) level, but it also depends on the actual kinship group and the number of generations since the acquisition of the land. The maternal uncles (*mamak kepala waris*)⁴⁷ are the custodians

47. It is worth noting that the term *mamak kepala waris* is used among the *Minangkabau* in the inland (*darek*) area of *adat Koto Pilang*, whereas for the coastal (*pesisir*) area of *adat Bodi Caniago* it is called *pengbulu andiko*.

and arbitrators of ancestral property and in matters of inheritance.

In Aceh there is also a subtle local variation to recently acquired ancestral property (*barato pusako tinggi*): assets acquired in recent times, for which details are known, and property acquired long ago (*barato pusako randah*), for which details may or may not be known because memory would have lapsed.⁴⁸ The recently acquired ancestral property is sometimes shared among the heirs according to Islamic precepts or even according to the intention of the most senior member of the clan.

In Indonesia in general, and in Aceh in particular, marriage practices and Islamic personal law (*Shariah*) reflect the influence of Islam, with nuances and subtle differences in each locality. Aceh has now seen family residential arrangements that are *uxorilocal*, fathers passing part of their names to children as family names, or sharing of self-earned property within the nuclear family. The father wields influence within the domestic sphere while the *mamak* (maternal uncle) continues to have some say in clan matters. Scholars such as Bowen and Kato deduced that the *Minangkabau* tradition has struck a balance between change and continuity and thereby successfully survived the impact of modern times and trends.

Reviewing the social changes that have taken place for decades, scholars have concluded that Aceh's matrilineal traditions reflect very little of matriliney. The essence of *Minangkabau* tradition is that it is all concentrated in two-generation relationships of the mother's and father's line. All in all, the position of a male member in the household remains unclear because he may not own assets but might manage them on behalf of his sisters. On the other hand, the solidarity and security of the residence seems to rest with the women. In addition, scholars such as Kato⁴⁹ have shown how *Minangkabau* matriliney persists through migration. He identified three phases of *Minangkabau* migration: first, village segmentation;

second, circulatory migration (mostly of men); and third, *merantau cino*, meaning migrants from China but also referring to families staying out of villages. Kato concludes that despite notable changes in practices, the matrilineal system continues to maintain its base and has been able to survive modernization. The following proverb on matriliney, quoted by Kato, shows the everlasting strength of *Minangkabau adat* practices.

*Adat lamo, pusako usang
Indak lapuak, dek ujan
Indak lakang dek paneh*

*Old adat, ancient heritage
Neither rots in the rain
Nor cracks in the sun.*

In sum, Acehnese *adat* traditions have been influenced by various practices, including those of the *Minangkabau*; however, the independent nature of Acehnese *adat* traditions and practices has not been altered.

2.3 Islamic (Shariah) Law

The *Shariah* law in its modern form was given a legal effect by Dutch colonialists during the 1900–1945 period, to the extent that “it would receive *adat* in its regulations and enforcement.” This was described as the “reception theory”⁵⁰ in the sense that *Shariah* would consider *adat* and give its full attention. The theory is called “*receptio in complexu*” propounded by L. W. C. van den Berg, who claimed that people's *adat* followed the religion to which they adhered. The theory was strongly challenged by Snouck Hurgronje⁵¹ and van Vollenhoven,⁵² who said that the native Indonesian *adat* law is based on Malayo-Polynesian law with some addition of religious norms.

48. Such cases were reported, in various forms and ways, in the western coastal districts of Nagan Raya, Aceh Barat Daya, and Aceh Selatan.

49. As quoted in T. *Matriliney and Migration: Evolving Minangkabau Traditions in Indonesia*.

50. Soekanto, *Meninjau Hukum Adat Indonesia* (Indonesian Adat Law Observation), 51–54. Refer to L. W. C. van den Berg, ed, Paul W. van der Veur, trans, *Muslim Clergy and the Ecclesiastical Goods in Java and Madura: A Translation*, *Indonesia* 84: 127–159, 2007.

51. C. Snouck Hurgronje, 12.

52. C. van Vollenhoven, *Het Adatrecht van Nederlandsch-Indie* (Adat Law in the Dutch East Indies), 34–36.

Thus, the people will always reinterpret religious norms to satisfy and meet their sense of justice, while avoiding conflict with religious teachings. There was, however, another dominant interpretation: that *adat* will apply only when *Shariah* did not apply. The latter theory always received strong support among Islamic scholars, and is mostly followed in Aceh. Some NGOs have reasoned that this assertion has resulted in *adat* and other community traditions receiving a cursory reception in the hands of formal institutions.

In understanding *Shariah* law, it should be noted that Aceh is not a *Shariah* state (province), but is built on secular and national laws and traditions. Currently, the main source of *Shariah* law is Islamic Law Compilation (KHI; *Kompilasi Hukum Islam*), a three-volume document describing procedures and guidelines on inheritance, marriage, and charitable trusts. While KHI is the primary authority on Islamic Law throughout Indonesia, the KHI is a nonbinding guide on the applicable laws. In Aceh, Islamic law is implemented through *Mahkamah Syariah* (established in 2003 by a Presidential Decree). These courts sit in each district, with appeals heard by the provincial level in Banda Aceh, and finally by the *Mahkamah Agung* (Supreme Court) in Jakarta. The power to appoint, promote, and dismiss judges rests with the Indonesian Supreme Court and Judicial Commission. The Aceh Provincial Government has extended the powers of *Shariah* courts, through local legislation, to include authority over *ibadah* (Islamic worship), *Syiar Islam* (activities to promote Islam), and certain criminal activities.

In understanding the *Shariah* law and *Shariah* courts, it is important to highlight that *ulama* (or *ulemas*) have always been important figures in Acehnese society. They have long held authority in both religious and political spheres. The Consultative Assembly of *Ulama* (*Majelis Permusyawaratan Ulama*; MPU) was established through a *Qanun* in 2000 and gradually led to the formation of *Shariah* courts in 2003. *Ulamas* Assembly, which holds moral authority in Acehnese society, is intended to be an active body to be consulted by the *Shariah* courts. The Assembly also has power to issue *fatwas* and provide their considered opinion on public affairs, particularly in the fields of governance, development and improving society, and Islamic economic matters.

In Aceh, pure civil and criminal matters such as land disputes, trade and tax matters, and criminal acts are all under the jurisdiction of the general courts (*Pengadilan Negeri*). However, the reality is a bit unclear with the issuance of a Letter of Decision by the Chief Justice of the Supreme Court that confirmed transfer of criminal and other incidents to *Mahkamah Syariah* to be dealt per *Shariah* law. The *Shariah* courts had no formal protocol to deal with these cases but over time seem to have developed some informal guidelines. In terms of inheritance and property rights, *Shariah* courts were quite assertive and wanted those cases to be dealt with and be resolved by them under the *Shariah* law in the first instance. Only in instances in which *Shariah* courts could not resolve the dispute could the petitioners seek redress from general courts.

In view of the previous discussion, secular, *Shariah*, and customary laws have varying influence in Aceh. The general courts are required to apply secular state laws. If a case proceeds to the *Shariah* court, the case will necessarily be examined under *Shariah* laws and principles. If, however, the case is heard at the village level, customary law (*adat*) is applied. Aceh's customary law is influenced by *Shariah* law, but is not identical to *Shariah* law. Customary laws vary throughout different geographic areas of Aceh. At the village level, there is also room for negotiated solutions to disputes outside accepted customary or *Shariah* law, based on an agreement between the parties and village leaders.

2.4 State Law and Regulations⁵³

Indonesia ratified the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Countries that ratified CEDAW must, among other items, accord women equality before the law, take appropriate measures to

53. It is important to note that Indonesia has a law for the registration of land only, but not other forms of assets. In the case of assets such as vehicles, ownership is generally determined through taxation papers. This has often put women's claims for other forms of property (e.g., jewelry) at the discretion of male relatives in the family.

eliminate discrimination against women in all matters relating to marriage, and ensure equality in relation to property ownership.⁵⁴ Indonesia has also adopted the Habitat Agenda, which commits governments to: “Providing legal security of tenure and equal access to land to all people including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property.”⁵⁵ Recognition of women’s rights to land in national legislation and in the Constitution is supported by customary law (*adat*), which entitles women to own land without a male’s consent.⁵⁶

Although the Basic Agrarian Law (BAL) replaced the former Dutch Agrarian Law of 1870, land titling regulations made pursuant to the BAL continue to be influenced by Dutch Agrarian Law doctrines. Under the Indonesian Constitution and customary practices, women have rights of inheritance, ownership, and control of property. Subsequently, certain measures were adopted to ensure women’s equitable access to land and other productive resources. For example, Article 28G of the Indonesian Constitution protects the property right of “every person.” Article 9(2) of the BAL 1960⁵⁷ states, “Every Indonesian citizen, both men and women, has an equal opportunity to acquire a land right and to obtain the benefits and yields thereof for himself/herself or for his/her family.” In addition, Article 35 (2) of Law No. 1 of 1974 on marriage provides power and authority to women to own property, including land, on their own; and Article 36(2) guarantees women full power and authority to enter into any legal dealings over their property.

In addition to recognizing both gender equality and legal pluralism, the Indonesian Constitution has incorporated rights of redress, including individual and group action to vindicate women’s rights in the formal judicial

system. The judicial system includes regular courts at the district and provincial levels, as well as administrative procedures handled by the local office of the BPN. In theory, a capable lawyer could bring an action against a violation of rights such as a woman or a minor child losing her or his land. In practice, most women have little access to legal counsel due because of their scattered presence outside the urban towns and the costs and regulations involved in legal representation. For a typical litigant, these are difficult hurdles. Problems of low pay, shortage of skilled personnel, lack of independence, delays in case resolution, and corruption are all reported to diminish the courts’ (formal system) capacities to deliver justice. The shortage of qualified judges is especially critical. In Aceh, *Shariah* courts are no exception to this and with declining state budget and support, *Shariah* courts are becoming more deficient in capacity than the formal courts.

Indonesian law differentiates between independent and marital property and acknowledges three types of marital property, namely *barang asal* or *harta warisan* (inherited property), *barang* and *harta bawaan* (brought in and independent property), and *harta bersama* or *gono gini* (common or joint property).⁵⁸ The concept of joint matrimonial property, or wealth acquired during marriage, is recognized by law.⁵⁹ Joint matrimonial property (*harta bersama*) may consist of tangible assets or entitlements. Indonesian law prevents such property from being sold, transferred, or used as collateral without the consent of both husband and wife.⁶⁰ In the absence of a prenuptial agreement, Indonesian law requires that joint matrimonial property be divided equally between husband and wife after divorce or death.⁶¹ (It should be remembered that a prenuptial agreement is valid only for those who adhere to the Dutch Civil Code, such as the European

54. CEDAW Resolution and Pertinent Articles No. 15 and 16.

55. “Report of the United Nations Conference on Human Settlements (Habitat II)” (Istanbul, 3–14 June 1996); refer to UN Doc A/CONF.165/14 (the Habitat Agenda) paragraph 40(b).

56. Refer to the World Bank, *RALAS, PIBA*, 2009.

57. Basic Agrarian Law, Act No. 5 of 1960.

58. Based on Adat Law that had been reinstitutionalized in Marriage Law No. 1/1974.

59. Refer to Law No. 1/1974 on Marriage, Article 35(1).

60. Refer to KHI, Article 91-92 (Compilations on Islamic Law, i.e., *Kompilasi Hukum Islam*); *Adat* practices that had been adopted by the Supreme Court in its Jurisprudence since 1953; and the mode of implementing Law No. 1/1974.

61. Refer to KHI, Art 97 (Compilations on Islamic Law i.e., *Kompilasi Hukum Islam*). *Adat* practices that had been adopted by Supreme Court in its Jurisprudence since 1953; and the mode of implementing Law No. 1/1974.

and the foreign Oriental. It is unknown in *adat* law and unfamiliar to the native). Where one spouse dies, therefore, 50 percent of the joint matrimonial property will be transferred to the surviving spouse and the remaining 50 percent will be added to the deceased's independent property and distributed among that spouse's heirs (including the surviving spouse).⁶² Independent property (*harta bawaan*) consists of assets acquired by either a man or a woman before marriage, plus any gifts, bequests, or inheritance received from a third party during marriage.⁶³

For purposes of land administration, the government has mandated BPN to perform the technical tasks pertaining to the application of PP/24 of 1997⁶⁴ on Land Registration and the supporting regulations of PMNA⁶⁵ No. 3 of 1997. However, these do not provide explicit guidelines on the registration of land parcels in the woman's name or joint names in the title certificate or in resolving inheritance matters. Significantly, under the Dutch Civil Law, in the absence of an agreement to the contrary, women lost the right to own land upon marriage.⁶⁶ Although Indonesia's BAL of 1960 reinstated the role of *adat*, the laws and principles set down by the Dutch Civil Code relating to the man being the head of the household with the right to manage and control his wife's independently owned property remain influential.

In turn, BPN issued an administrative instruction for the head of land offices to protect a wife's rights in land dealings.⁶⁷ But in land titling, the government has yet to legally empower women, because current provisions allow only the head of the land office to decide whether to register the land parcel in the name of the woman or jointly. In Aceh, land certificates covering undivided in-

herited land had been issued in the names of women and siblings; BRR introduced joint titling to register both the husband's and wife's names in the certified land in relocation areas in Aceh. BPN is now considering revising PP No. 24 of 1997 to add requirements for registering land in the name of women, and for joint titling of marital land.⁶⁸

2.5 The Province of Aceh: Policy and Legal Environs⁶⁹

The Law on Governing of Aceh, Law No 11/2006, provides the provincial government with authority over land affairs in the province. According to Article 213(2), "The Government of Aceh is authorized to manage and arrange the allotment, utilization and legal relationship relating to rights over land by acknowledging, honoring and protecting existing rights including customary law rights in accordance with the nationally applicable norms, standards and procedures."⁷⁰ The LoGA requires Provincial Implementing Regulations⁷¹ before many of these provisions, including Article 213 (2), can be realized. The government of Aceh, together with the local parliament (DPRA), planned to issue 59 *Qanun* before the election of the new DPRA in 2009. However, only 18 of these 59 *Qanun* were implemented. The following 41 will be transferred to the 2009–14 work plan of the DPRA, including a *Qanun* on land affairs.⁷²

62. Refer to Harper; *Adat* practices that had been adopted by Supreme Court in its Jurisprudence since 1953

63. Refer to Law No. 1/1974 on Marriage, Art 35(2).

64. *Peraturan Pemerintah* (PP) means a Government Regulation issued as an administrative order, rather than by an act of the National Assembly.

65. *Peraturan Menteri Negara Agraria* refers to Regulation of the State Agrarian Minister.

66. Vollmar, HFA. *Pengantar Studi Hukum Perdata Jilid I* (Introduction to Civil Law Study).

67. Government of Indonesia, Instruction of Directorate of Agrarian Affairs in Home Affairs' Department, 1980.

68. Refer to Herman Soesangobeng's unpublished piece on his discussions with BPN (and the then Deputy IV, Mr. Chaerul) in 2002. The discussions were pursued within the context of intended revisions in the BAL.

69. Refer to Undang Undang (Law) No. 11/2006 on Governing of Aceh with Explanatory Notes. For specific provisions refer to (a) Chapter XIII on Traditional Customary (*adat*) Institutions; (b) Chapter XV on *Mukim* and *Gampong*—local administrative structures; (c) Chapter XVII on Islamic Law (*Shariah*) and its Implementation; (d) Chapter XVIII on *Shariah* Courts; and (e) Chapter XXIX on Land.

70. Article 61(2).

71. *Qanun*, is known as *Peraturan Daerah* or *Perda* in other parts of Indonesia.

72. Serambi Indonesia, "DPRA 'Era Sayed' Sisakan 41 Rancangan Qanun", October 1, 2009.

The LoGA explicitly protects women's rights and obliges the government of Aceh to "promote and protect the rights of women." Article 75 of the LoGA allows the establishment of local political parties. At least 30 percent of the members must be women permanently domiciled in Aceh, and at least 30 percent of the management staff must also be women.⁷³

Special autonomy arrangements allow for the application of *Shariah* Law in Aceh.⁷⁴ Law No. 44/1999 allowed for the application of *Shariah* law in the province. Law No. 18/2001 established *Shariah* courts in the province (refer to Article 25, which determines the establishment of *Shariah* courts in the province). *Qanun* 10/2002 provides *Shariah* courts with jurisdiction over inheritance, guardianship, and the legal status of missing persons. Although the *Shariah* court does not have jurisdiction over land rights, it may support land ownership determinations when they form part of a larger inheritance dispute.⁷⁵ Aceh's continued right to formally implement *Shariah* law in the province is reflected in Article 128 of the LoGA.

Geuchik's Dual and Transitional Roles: Historically, in Aceh, the status and functions of the *geuchik* were socially defined. He was the coordinator of village-level activities protecting the community's life and prosperity. He also coordinated with religious and *adat* leaders. In recent times, this role has gradually taken on the duties of a village administrator, including liaison with the local government and institutions. Government Regulation 72/2005 on the Village defines the village and explains the role of the village head. In this context, the village head acts as a representative of the executive branch of the government at the village level. They are mandated to carry out government functions at the village level as elected authorities, and their legitimacy in communities is a result of this executive/government power. However, *Qanun* 9/2008 on Strengthening *Adat* in Aceh, has de-

fining *adat* leaders as including village heads. The village head in Aceh, therefore, automatically assumes the role of *adat* leader consequent to his election as village head. Thus, when one refers to the village head as a position of power, the power could stem from the person's⁷⁶ position as government official or *adat* leader. All of these, as elaborated in Section 4, illustrate a growing dual and possibly a transitional role for the *geuchiks* on land matters and village governance in general. Further, *Qanun* provide compulsory mediation through *adat* bodies before referral to courts, but it is unclear the extent to which courts in Aceh follow these provisions. The Supreme Court Regulation mentioned provides for mandatory mediation but through Supreme Court-annexed mediation bodies (overseen by judges).

2.6 Conclusions

It is important to highlight that Aceh is not a *Shariah* state or province. Aceh remains a province within Indonesia's secular political and legal system. In Aceh, an additional source of *Shariah* (or at minimum, *fiqh* [Islamic jurisprudence]) is *Qanun* (regional regulations), passed by the DPRD (Acehnese Regional Legislature). Finally, while practices under customary (*adat*) law differ within Aceh, such law is influenced largely by *Shariah* principles.⁷⁷ As Aceh begins to implement the

73. Refer to Chapter XI, Article 75 of LoGA on Local Political Parties.

74. Refer to LoGA Chapter XVIII, Articles 128 to 137. It is important to bear in mind that Aceh is the only province in Indonesia that has formally recognized the role of *Syariah* (or *Shariah*) law pursuant to a provincial level regulation.

75. Law No. 3/2006. This deals with the revisions to Law No. 7 of 1989 on Islamic Courts under which it has no authority to determine land ownership.

76. The view exists in Aceh that women do not play a role in local affairs. Historically, Aceh had women leaders like Malahayati (commander of navy and sea operations), Tjut Nyak Dien (the army commander, who fought the Dutch), and Queen Safitudin (army commander, who led a war against the Portugese). During field work, the research team encountered at least five villages with women *geuchiks* i.e., *desa* Keudah in Banda Aceh, *desa* Suak Indrapuri, *kecamatan* Johan Pahlawan in Aceh Barat district, *desa* Ullee Rubek Timur, *kecamatan* Seunedon, Lhok Seumawe, and in late 2009 a village each in Sabang and Simuelue districts. Although statistically, women's representation continues to be very poor, it illustrates that it is not always, but almost always, that a man is a *geuchik*. It also shows that it is not impossible for a woman to become a *geuchik* and assume responsibilities in public life. A detailed census on *geuchiks* may reveal a higher level of women holding such positions, which is outside the scope of this study.

77. Ezki Widiyanti (June 2006) in a graduate thesis submitted to the Center for International Studies of Ohio University entitled: The *Ulama* in Aceh in time of conflict, tsunami and peace process: An ethnographic approach, the author had argued, in summary, as follows: The *Shariah* procedures were more focused on women

provisions of LoGA, it is critical that the provincial government soon makes a decision to assign resources for reconciling *adat* institution and village administration as one entity and incorporating local knowledge into the modern methods of governance. Such an effort will eliminate some of the prevailing ambiguities about the roles and responsibilities of the various actors and stakeholders. It will also provide a unified structure for local governance.

Analysts highlight Aceh claims to be a patrilineal society⁷⁸; however, commentators have pointed to features of the kinship system in Aceh that are characteristic of matrilineal societies.⁷⁹ Many places in Aceh practice uxorilocal residence, which means that after marriage, the husband temporarily moves to the wife's parent's house until he is able to establish his own house. It is a tradition among Acehnese to provide daughters with a house. Although inheritance is strongly informed by

and the way in which women were targeted relate to patriarchal practices within the society. She also argued that though *Shariah* is supposed to apply to all Muslims, but in reality it is mostly applied to the poor. This thesis also described the differences between "modern" and "traditional" *ulama* or *ulama dayab*. Modern *ulamas* claimed their title based on their university degrees and believe that they have superior knowledge about Islam as compared to traditional *ulamas*. On the other hand, traditionalists argued that those holding university degrees are not *ulamas* but only scholars on Islam. This split apparently became more divisive in the period after the tsunami. The field survey observed that at the community and village levels, only traditional *ulamas* were largely represented and seen as people with wisdom. On the other hand, modern *ulamas* with their progressive outlook could play a role in the education of *Shariah* police on gender and human rights and in the protection of the rights of women and other vulnerable groups. The latter is not happening.

78. See B. Ter Haar Bzn., *Azas-azas dan Susunan Hukum Adat* (Principles and Structure of *Adat* Law), 39.

79. K. Robinson.

Islamic principles, which are biased in favor of men, in practice this is balanced through gifting (*hibah*) of property by the parents to their children as they start to form their own families. Masculinity is not constituted as authority in the household.⁸⁰ Inheritance disputes tend to be settled through customary mechanisms, occasionally in Islamic courts, and rarely in civil courts.

Aceh's customary law recognizes the distinction between joint marital property (*harta bersama*) and independent property (*harta sebahkat*) contained in Indonesia's national laws.⁸¹ If a couple wishes to sell, trade, or gift joint marital property, the consent of both parties is required. Independent property (*hareuta sebahkat*, in Acehnese, refers to common property) is defined as property obtained by either a man or a woman before marriage, in the form of inheritance, gift, or property that is purchased or created.⁸² Customary law in Aceh recognizes women's right to own, manage, and bequeath property, either independently or in joint ownership with their husband or another person.

In summary, Aceh's *adat* practices are derived from various influences, the primary being pre-Islamic traditions, *Minangkabau* practices, local customs, Islamic principles, and more recent national legislations and regulations. It is expected that *adat* will maintain its primacy in all community affairs and community life in the years to come.

80. K. Robinson.

81. E. Harper.

82. E. Harper.

SECTION 3

THE STUDY

As part of postdisaster reconstruction initiatives, donor-supported programs in Aceh attempted to ensure that ownership and access to land are secured equally for women and for men. It was agreed that CLM would be the primary tool for recovery and reconstruction of land rights through the implementation of the RALAS project, which promoted a highly participative approach in which women, in particular, were encouraged and empowered to participate and benefit equally from the issuance of land titles and other forms of land ownership rights. Relocation and resettlement programs were to also follow CLM and RALAS procedures. All of these were expected, in the longer term, to strengthen land administration systems in Aceh. Recognizing the importance of learning lessons that could be drawn from innovative post-tsunami land registration and titling programs implemented in Aceh, and to further promote gender-equity, the World Bank commissioned a gender-specific research study.

3.1 Objectives of the Study

The study was designed with the following objectives: (a) review experiences in the restoration of land and property rights, particularly with regard to the inclusion of gender concerns and addressing women's access to land rights; (b) analyze the extent to which activities

and results are sustainable and replicable; and (c) provide recommendations for the future.

3.2 Framework of the Study and Methodology

The study draws on the work and experiences of the Indonesian government, specifically BPN and its partners, in implementing two post-tsunami programs launched primarily to restore land and ownership rights: (a) systematic titling of entire villages financed by RALAS and (b) registration and certification of relocation and resettlement areas. The latter utilized the systematic methodology in the resettlement areas only. The study also gathered data on the Indonesian government's other land certification programs. Further, it gathered data on land parcels held under traditional *adat* use rights and land registered through other methodologies such as sporadic registration.

Data were gathered from the field using a comparative approach between different geographic areas (districts along the eastern and western coastal areas), where various forms of social processes, character of ownership, and land use patterns primarily determine women's access to property rights. To compare the impact of different approaches to land titling, the following types of land were studied:

- (a) sites where the community-based land mapping and adjudication process was used under RALAS;
- (b) housing and resettlement projects with land certification sponsored by BRR;
- (c) sites where no formal titling process had been implemented, and access is regulated mainly through customary (adat) law and practice; and
- (d) sites where adjudication was based on the sporadic approach (such as PRONA and Titling Relocation Areas).

Quantitative and qualitative data were collected from randomly selected sites meeting the these characteristics. The study reviewed differences in socioeconomic conditions and land ownership of female-headed households and male-headed households. Three methods were pursued to gather community level information:

- (a) survey of landholders using a structured questionnaire;
- (b) in-depth FGDs with women and mixed-gender groups; and
- (c) FGDs with village leaders, local officials, and BPN staff.

In addition, a revalidation survey of the RALAS Work Program of 2008–09 was carried out during July to October 2009. Further information was collected from interviews with other stakeholders, including:

- (a) BPN at the district, provincial, and national levels;
- (b) RALAS/BPN adjudication teams, particularly AWP 2008 teams;
- (c) Interviews with local authorities; other government officials, including those from the *Shariah* Court, the Women’s Bureau, and BRR; and other stakeholders; and
- (d) Interviews with housing providers and international nongovernmental organizations.

At the onset of the fieldwork, the research team comprising two men and four women participated in a three-day orientation workshop. Officials from BPN’s provincial and national-level offices served as resource persons. The orientation covered the key elements of relevant laws, details of the systematic land title program,

and procedures to enhance inclusion of gender concerns, including steps in the community preparation process. Subsequently, the draft data forms and interview procedures were pretested and revised.

This study builds on the earlier fieldwork conducted under the Project Implementation and Beneficiary Assessment or PIBA (August to November 2008), which generated quantitative data. The fieldwork for this study was divided into two phases (a) preliminary fieldwork between April and May 2009; and (b) intensive, detailed studies between July and December 2009. Thereafter, a small team of researchers continued follow-up fieldwork until March 2010. The field work between July and December 2009 produced detailed qualitative data that served as major input for this report.

To ensure uniform distribution of the respondents, interviewees were randomly selected within each study site for both FGDs and individual structured interviews.⁸³ Three researchers were assigned to each FGD or interview. The researchers also conducted interviews with *geuchiks* or women, as these respondents walked through their respective settlements. This “walk and talk” method helped to build a conversation on the various land use areas within the village and adjoining places. Each FGD, on average, lasted about 3 hours, and individual interviews took almost 1 hour. Discussions at the BPN *kantab* offices and with NGOs (housing providers) took about 90 minutes each. Most of the FGDs were held at the local *meunusah* (multi-purpose building), and individual interviews were conducted at the respondents’ residence. At the end of the preliminary analysis of data gathered, some of the key issues were revalidated through several more rounds of discussions with senior officials at the provincial governor’s office and other stakeholders. All field interviews

83. To ensure that study villages were randomly selected from all villages meeting the selection criteria, the research team used the provincial global village list. Thereafter, study areas were selected based on BPN’s list of villages where titling has been completed (using systematic and other methodologies) since the tsunami. For data-gathering, the research team was divided into two groups and sent in different directions within the selected village to ensure broad village sampling. To randomly select informants within the study area, the teams were instructed to first obtain the village household list and then interview every sixth household or landowner encountered in the identified village.

were conducted in the Acehnese language; interviews and discussions with other stakeholders (government, international organizations, and NGOs) were pursued in Bahasa Indonesia or English.

During fieldwork, it was clear that every community and women's group had a story to tell about their experiences in restoring land rights. Using random sampling and qualitative tools, the study attempted to capture a cross section of the thousands of experiences to be able to extrapolate useful conclusions from the information received. During the study, efforts were made to visit as many sites as possible and to conduct the maximum number of interviews possible to broaden the knowledge base for this undertaking. The team understands, however, that it is only possible to capture small pieces of the overall picture. For this reason, the findings of this report may not fully capture specific local conditions, social capital built over the years, the strength of *adat* practices found in all the areas, or how conditions have evolved over time. Similarly, because investigations focused on the titling process, the hard work of many government staff and relief agencies may not always be highlighted in this report.

In the FGDs, the participants described their past and present economic conditions to illustrate the impact of land titling programs, but this information was often vague and subjective and could not be independently verified. A more in-depth socioeconomic analysis was outside the scope of this assignment. Rapid field assessment methods, designed for ease of application, were used to collect and discuss information regarding the physical characteristics and condition of the respondents' residence, their main source of income, and per capita holdings of productive land.

Given the complexity and extent of the issues relating to land and property in postdisaster situations, this report needs to acknowledge the challenges faced by this study. Before the tsunami, very little research work had been done with respect to gender and land rights in Aceh, and documentary reports were limited. In the two- to three-year period immediately following the disaster, a few reports were prepared on the subject primarily focusing on advocacy and raising of

awareness. Hence, the absence of baseline information and gender-disaggregated data on land was the biggest challenge. In addition, the prolonged civil strife in Aceh strongly affected local leadership and governance matters and some of its impact on land issues was recorded. However, because the scope of the study was limited, land issues that may have been triggered by conflict conditions were not investigated in detail. Taken together, the study remained focused on land and property rights, especially given the paucity of time and resources.

The timing of the study also posed some challenges. By the time fieldwork was done, the Indonesian government formally announced conclusion of the reconstruction phase and start of long-term development work in Aceh, the RALAS grant was closed, and the actual analysis of data gathered commenced a couple of months thereafter. The closure of BRR in early 2009 limited institutional support for the study, which served as an assessment and documentation of lessons learned. Further, given the time lapse since the disaster, some of the issues and experiences of December 2004 could have been lost from memory.

Although the sample size is comparatively small, it does offer a view of the respondents' experiences and the various challenges to women's land and property rights in Aceh. While the quantitative data acknowledged issues implicitly rather than explicitly, the qualitative data was clearer and highlighted shortcomings. Therefore, both qualitative and quantitative details are presented in this report. For the majority of respondents, the focus of this study, that is, gender, was a subject with which they were not familiar. Thus, many respondents preferred to discuss broader issues, rather than directly respond to the specific questions that were raised.

The study also highlights several opportunities for further research and action in the field of women's property rights in postdisaster situations, including building a gender-focused statistical infrastructure within the government's land management offices. This will include gender classifications, documented concepts, definitions and methods, and procedures for gender-sensitive data management, including archiving, analysis, and dissemination.

3.3 Profile of the Sample

In all, 41 villages were included in this study; individual interviews were conducted with beneficiaries and community members. In addition, FGDs were also conducted with beneficiaries in 37 villages or relocation projects where title certificates had been issued through the RALAS systematic titling, relocation, or PRONA (national titling program). A team of local facilitators with community development and research experience was engaged to facilitate the process.

About two thirds of the villages covered by the study had participated in a reconstruction program or related activity over the previous 3 years. In half of the villages where systematic land titling or relocation and housing programs were completed, copies of land maps were available with the respective *geuchik* or other community members. These maps and related documents were used to gather data and conduct the FGDs. Data were gathered in 23 villages where a systematic titling program has been in place since 2005, through individual interviews, FGDs, and interviews with *geuchiks*, other officials, and local community representatives. Individual village profiles were prepared for all study sites.⁸⁴ The field research included 393 individual interviews (of which 166 were men and 227 women) and 23 FGDs, with 340 participants as primary informants. In addition, there were 1,185 secondary informants interviewed in 10 villages that included 923 respondents who are land title holders. Additional interviews of 98 *geuchiks* were pursued as part of the revalidation survey. In addition, 35 secondary respondents were interviewed during the field survey. Further, 161 government and civil society members were interviewed as secondary informants. In total, 1,949 respondents participated in this study (individual interviews and FGD participants, local authorities, NGO representatives interviewed, secondary informants). Many NGO and civil society groups involved in the gender aspects of reconstruction, housing, and land issues had completed their programs and withdrawn from Aceh by the time of this study. Researchers were able to conduct interviews with 11 IOs (international organizations) and NGOs⁸⁵

and draw on interviews and data collection carried out by earlier fieldwork reports from the World Bank's monitoring team and independent reports available to cross-check feedback from the informants interviewed.

Two of the FGDs were conducted with only women participants, and the remaining 21 were attended by both male and female participants (mixed-gender FGDs). During these discussions, the participants were divided into subgroups according to occupation, gender, and residence status to discuss particular issues and develop cohort-specific feedback. Subgroup feedback was presented and discussed during the final plenary session. The 23 FGDs included a total of 69 subgroups. These included 14 subgroups comprised mostly of fisher-folk, 13 subgroups of temporarily displaced families and families now residing in new housing settlements, and 42 gender-specific subgroups. Most respondents were married (see Figure 3.2), whereas about one fifth of the women were female heads of households. Nearly 30 percent of the secondary informants were women.

3.4 Focus Group Discussions (FGDs)

Given the range of issues to be covered, the field research used a multistep approach to gather data and information through FGDs. At each study site, the facilitators first held discussions with the *geuchik* to identify community representatives with a range of experiences and knowledge about family situations. Using a list of discussion topics, the local facilitators guided groups of six to eight community representatives to discuss and comment on a range of gender- and land-related issues. At some study sites, apart from the *geuchik* and other local authorities, relatives and friends who helped to contact the participants also acted as community facilitators. On completion of the subgroup discussions, a larger forum was convened at each study site. Sampling of the subgroups took into consideration factors such as occupational categories (e.g., fisher-folk or farmers), geographic distribution within the community, and demographic factors such as temporarily displaced persons

84. Refer to Annex No. 1 List of Study Villages.

85. Refer to Annex No. 6 for List of NGOs interviewed.

TABLE 3.1 Distribution of the Respondents

	Type of Data Collection	Distribution of Respondents by Gender			Comments
		Male	Female	Total	
PRIMARY INFORMANTS	Individual interviews (systematic titling areas)	123	186	309	Data collected in 34 villages in 11 <i>kabupatens</i> (districts).
	Individual interviews (nonsystematic titling areas)	43	41	84	Data collected in a total of seven villages in five <i>kecamatan</i> s spread over four <i>kabupaten</i> , including two relocation areas.
	Focus group discussion (mixed-gender groups)	110	176	286	21 mixed-gender FGDs were conducted (which included 69 subgroup discussions), in 13 <i>kabupatens</i> . Also included PRONA areas: seven villages in four different <i>kabupatens</i> . Each subgroup had 4–8 participants.
	Focus group discussion (single-gender groups)	–	54	54	Data collected in a total of two villages in two <i>kabupatens</i> .
	<i>Geuchiks</i> interviewed (individual)	31	–	31	
	Primary Informants Subtotal	307	457	764	
		40%	60%	100%	
SECONDARY INFORMANTS	Secondary community-level informants	–	35	35	Data collected in a total of 10 villages in 10 <i>kecamatan</i> s spread over four <i>kabupatens</i>
	Secondary interviews under the Revalidation Survey of land title holders, (Jul–Oct 09)	553	370	923	Data collected in a total of 98 villages in 50 <i>kecamatan</i> s spread over 12 <i>kabupatens</i>
	<i>Geuchiks</i> interviewed (under revalidation survey, Jul–Oct 09).	98		98	
	BPN staff	45	–	45	Included interviews with <i>Kanwil</i> and <i>Kantah</i> level
	Provincial government	4	2	6	Interviews conducted with governor's advisor and staff
	District government	9	–	9	Interviews conducted in three <i>kabupatens</i>
	Local authorities (<i>camat, geuchik</i>)	41	–	41	Includes six <i>camats</i> , and 35 <i>geuchiks</i>
	Public notaries (PPAT)		3	3	
	University and civil society	1	2	3	
	NGO informants	10	8	18	Informants from 11 NGOs (see Annex 6 for details)
	<i>Shariah</i> court officials	1	3	4	
Secondary Informants Subtotal	762	423	1,185		
		64%	36%	100%	
Grand Total		1,069	880	1,949	
		55%	45%	100%	

Note: Village profiles were prepared for all primary study sites. Interviews with *geuchiks*, *camats*, and other local authorities were summarized as part of the village profiles, and some were also documented as part of individual interviews.

and families, and women who lost their husbands and are now head of households. These factors were used as background information on the subgroups and later on the larger FGDs.

The subgroup discussions provided homogeneity and resulted in consensus in responses and strong emphasis on certain issues. The seeming group cohesion, far from being misleading, actually captures the FGD

reality. The majority of the participants seem to espouse certain sentiments, albeit tinted with varying levels of commitment and support to said sentiments. The respondents also seem to hold similar views according to their geographic location during the three decades of civil strife in the province.

The mixed-gender FGDs had an average of 14 participants (drawn from different subgroups at the study site).

At these broader FGD sessions, respondents wanted to know how the information was going to be used even though the facilitators had explained the purpose of the study during subgroup gatherings. The FGD deliberations, as the field notes indicate, remained open to new perspectives, insights, and meanings that people gave about various land-related themes and issues. Gender analysis was used to explore the roles of men and women during the land registration and titling process and also to identify interests and needs relating to the equitable distribution of land and access to other natural resources. Finally, the data were analyzed thematically.

3.5 Composition and Distribution of the Individuals Interviewed

Gender Balance of the Study Sample

The total sample of 764 primary informants included 40 percent men and 60 percent women. Of this, the representation of men as local authorities (*geuchiks, camats*) and district land office personnel was significantly higher than that of men as community representatives (31 respondents were men, and there were no women). Further:

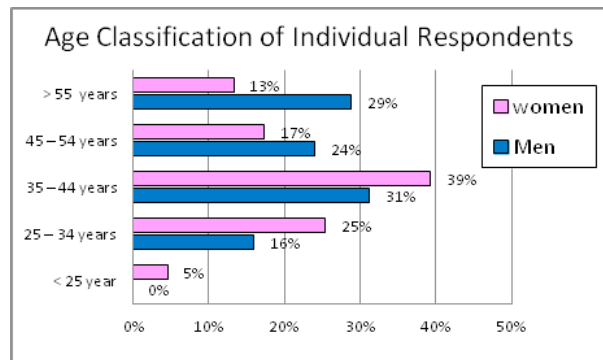
- individual interviews included 40 percent men and 60 percent women;
- secondary informants included 61 percent men and 39 percent women; and
- the FGDs included 43 percent men and 57 percent women.

The following statistics relate mainly to data collected from the primary respondents of the individual interviews conducted at the 23 study sites. Data also revealed that the average village consisted of 160 households, 24 percent of which are headed by women.

Age Distribution of the Study Sample

The respondents' age ranged from 21 to 74 years, with the average age of women respondents 41.5 years and

FIGURE 3.1



men 46.6 years. Figure 3.1 shows a breakdown of the study sample by age-group (see Figure 3.1).

Marital Status of the Study Sample

Among the respondents, 75.1 percent of the women and 91.2 percent of the men were married and approximately 23 percent of the women were heads of households (widows, divorced, or separated respondents). The remaining were single men and women, and widowed men. Surprisingly, there were no divorced men among the respondents. This could be attributed to the higher rates of migration resulting from conflict and remarriage among men (Figure 3.2).

FIGURE 3.2

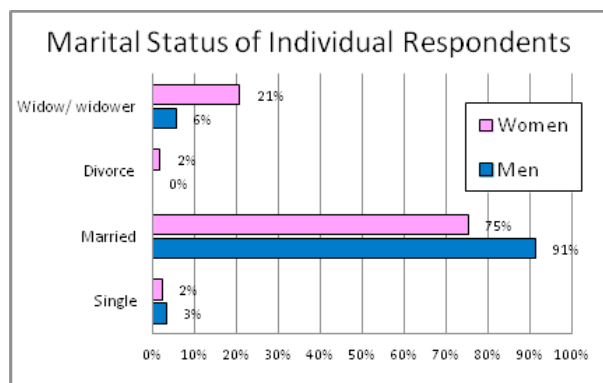
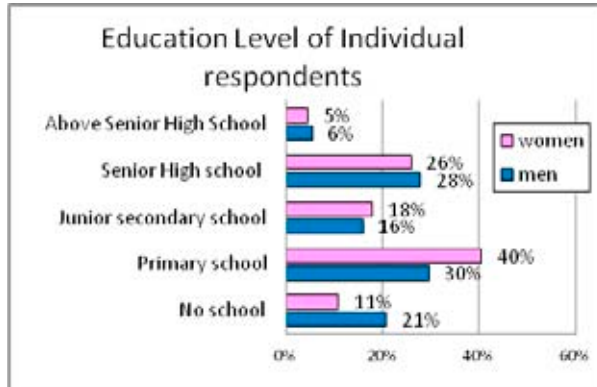


FIGURE 3.3



Educational Levels⁸⁶

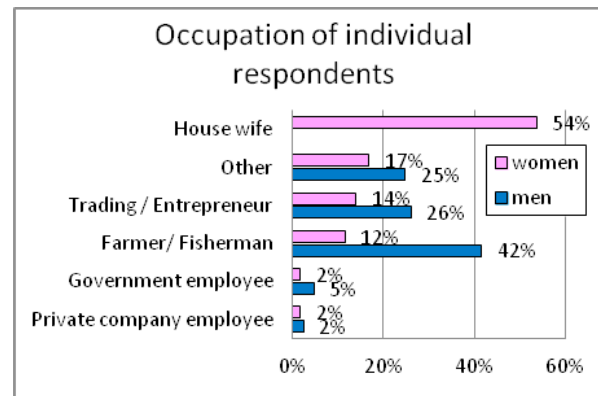
In all, close to three fourths of the interviewees completed between 6 and 12 years of schooling, indicating a fairly high literacy level (see Figure 3.2). A disaggregation of available data indicates that close to 50 percent of the women and men had not gone beyond primary school. A very small percentage of women (5 percent) and men (6 percent) have had access to education beyond the senior high school level (Figure 3.3).

Sources of Income

Overall, 35 percent of the respondents stated that they depend on fishing or agriculture as the primary source of income (farming and fishing are also the major secondary source of income). The other main occupational categories were traders and civil servants (including those functioning as part of local institutions such as *geuchik* or *camat*). More than 50 percent of the women said they were housewives. However, on probing, sev-

86. Pre-tsunami Acehese women worked in all sectors of livelihood, but concentrated on agriculture (66 percent), services (13 percent), and industry and manufacturing (8 percent). In addition, the literacy rate was high, at 94 percent for women and 97 percent for men (refer to BPS, National Socio-economic Survey, SUSENAS, 2003 and UNDP's National Human Development Report, 2008). This was affected immediately after the tsunami, with most women in the affected areas moving to work in relief and recovery work. UNDP's National Human Development Report for 2008 noted that women's participation rates as agriculture (54 percent), services (15 percent), and industry and manufacturing (4 percent). Literacy rates in the province continue to be high, at 95 percent for women and 98 percent for men.

FIGURE 3.4



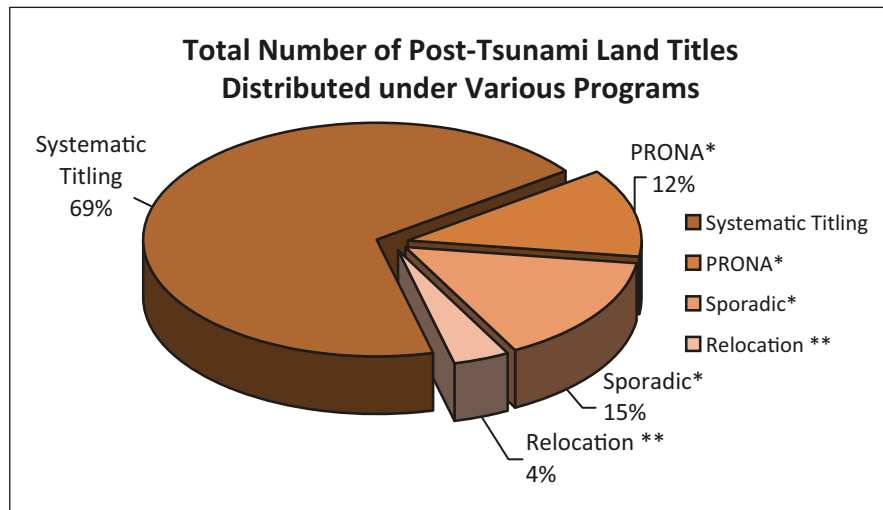
eral of them admitted they support their husbands in farming, fishing, or small trade⁸⁷ (Figure 3.4).

3.6 Summary of Formal Titling Outputs in Aceh (from the tsunami until June 2009)

In addition to the *adat* system of land allocation and land rights, there are several forms of formal registration of land rights managed by BPN. These fall into two main categories: (a) sporadic land registration, and (b) systematic land registration. Sporadic land registration is also known as on-demand titling and registration. In this method, landowners who wish to register their landholdings must submit an application and detailed information to the district (or *kota*) Land Office of BPN. This process is generally more costly than the systematic process. In addition to landowners going to BPN as individuals to register land, there are

87. Sakdiah, a resident in *desa* Lancang, *kecamatan* Kembang Tanjong in Pidie, said, "Family work is our duty and we do not get paid. We do not count this as income." It appears that so far as such family-related work is concerned, women's contribution to household income is seldom considered even by the women themselves. Badriah, a resident in *desa* Kuala Meuraxsa in *kota* Lhok Seumawe agreed that if support provided by women for farming, fishing or small trade were to be converted into cash, then it would be considerable." She said, "We do not make such calculations. In our families, we do not ask for cash to do some work but support each other."

FIGURE 3.5



several programs operating under this category including (Figure 3.5):

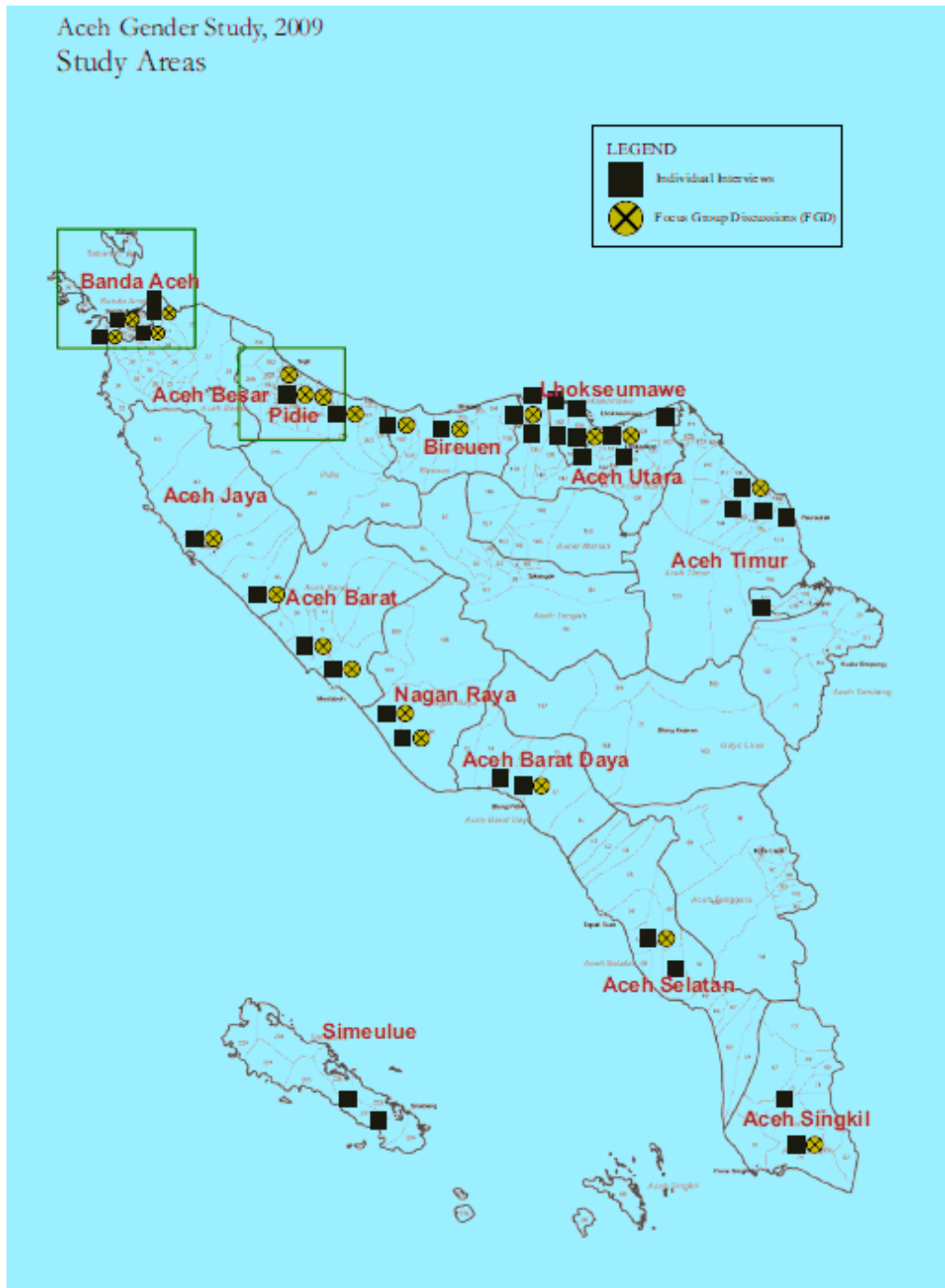
- *Proyek (Pertanahan) Nasional (PRONA*; a nationwide land titling program),⁸⁸ in which the processing cost is paid by the government in the form of social assistance. On average, approximately 500 certificates are distributed annually in each *kabupaten* spread over several villages.
- *P4T Program*. This program is financed through BPN's national budget and implemented by the provincial office.

88. *PRONA* is a nation-wide BPN titling program that distributes land title certificates to poorer families. On average, about 500 titles per year are distributed in select *kabupaten* spread over several villages. The implementation of this program will depend on the total budget allocated by the Indonesian government and BPN.

- *Titling of Relocation Areas*: Another titling initiative is funded by the Indonesian government, through the *Badan Rehabilitasi dan Rekonstruksi* (BRR; Agency for Rehabilitation and Reconstruction), for relocation/housing areas.

In post-tsunami Aceh, the primary mechanism for certifying land rights has been through the systematic land titling method launched in 2005 under the RALAS project. This was a community-based process implemented by the Indonesian government BPN with support coming from the MDF a World Bank from October 2005 to June 2009 (see Section 4 for a discussion of RALAS). In total, 320,628 land titles have been distributed by BPN under all of these programs as detailed in Figure 3.5.

MAP 3.1



SECTION 4

WOMEN, GENDER, AND LAND OWNERSHIP IN POST-TSUNAMI ACEH

Women often face predisplacement constraints on rights to land and are at greater risk for losing access to land after disasters. A natural disaster such as the December 2004 Indian Ocean tsunami displaces a large number of women from familiar locations. Therefore, they risked losing access to livelihood assets and common property resources. Women required land for a range of needs to rebuild their lives, including housing and physical security, sustenance, livelihood, and access to credit, as well as social status in times of renegotiated social arrangements.

In Aceh, it is well-documented that kinship structures provide basic forms of social insurance for women. In post-tsunami and postconflict Aceh, women faced a potential risk from relatives or neighbors who could take advantage of the social dislocation and lack of supportive government machinery to deny women's claims to land. In some cases, returning women were vulnerable to loss of access to land because prevailing social or legal norms require that their entitlement to land be mediated through a deceased or missing husband or relative. This problem is particularly the case for women who are widows or who stand to inherit land from a deceased relative. The tsunami severely destroyed or damaged most land records. Inheritance of land and restoration of security of tenure were the major determinants of recovery for women.

Experiences around the world show that women are likely to participate in public spheres and forums through which relief and reconstruction activities are organized and delivered. However, at the official leadership (political and government levels), it is rarely women who are responsible for the work. Hence, in the absence of adequate measures, a woman can more easily be deprived of resources or evicted from her home or land. Compounding this, women can become easily trapped in situations of abuse because there are fewer options to escape. It is therefore essential that reconstruction programs recognize that women who lacked land before a disaster or who accessed land through a deceased husband or relative will need specific programs to support their rights to land. Without gender-sensitive land programs, many women will have less access to land than before the disaster, at a time when they badly need land for recovery.

This section is divided into four parts. The first part examines the economic status of women and characterizes their landholdings and the methods by which women secure their land. The next part examines the role of women in securing land, highlighting the challenges in women's access to land, particularly in a postdisaster situation. In doing so, the interconnection between resolution of inheritance and guardianship disputes and the complex and complementary gender relationships

are explored. The next section analyzes the key factors influencing and changing women's access to land and ownership rights and identifies areas that need to be further explored to enable women to empower themselves and sustain transformations in gender-centered power relations. Finally, research findings with respect to gender relations and land rights at the institutional, familial, and community levels are presented.⁸⁹

4.1 Overall Economic Status of Women and Characteristics of Their Land Ownership

Nearly to 50 percent of the respondents could be classified as being from poor and disadvantaged segments of society.⁹⁰ Of the respondents from female-headed households, nearly 60 percent received government assistance and could be classified as being poor. As part of the field survey, information on individual land owner-

89. Research findings have been cross-checked against other quantitative research covering similar issues in Aceh. One source of data included information collected to support implementation of the Support for Poor and Disadvantaged Areas (SPADA) Program in Aceh. SPADA is a GoI program implemented by the *Kementrian Pembangunan Daerah Tertinggal* (Ministry for Disadvantaged Areas [KPDT]). One component of the program is titled Mediation and Community Legal Empowerment (MCLE). To support implementation of this component a baseline survey was conducted in Aceh and Maluku province in Indonesia in 2009. The MCLE baseline research study utilized three separate survey instruments. In Aceh, this study covered Aceh Barat, Aceh Besar, and Pidie (and Pidie Jaya) districts. The Household Survey comprised a set of questions to gather standard demographic and socioeconomic (welfare) information, along with indicators of access to justice, gender equality, and perceptions of fairness and corruption in informal dispute resolution and formal justice sector institutions. Village leaders both formal and informal, including women, were asked to participate in a Key Informant Survey, which asked similar questions, designed to take advantage of the leaders' enhanced awareness of community issues and determine their point of view as dispute resolution actors. Finally, a Community Survey involving leaders and dispute resolution actors was administered in a group interview setting, allowing for consensus replies to answers, pooling of knowledge, and also the possible benefit of reducing self-interest bias in answers by individual village leaders. Survey findings are expected to be made available by mid-2010.

90. The main poverty indicator used to profile the asset status was the household's qualification for receiving government-subsidized rice rations. Among the sample households, nearly three fourths stated that they receive the subsidized rice called RASKIN.

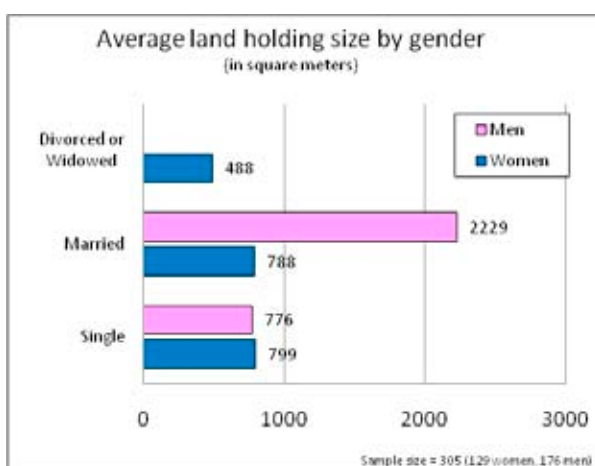
ship and control of land and business assets was gathered. The data gathered is presented below.

Assets Owned: Many women reported owning land and other assets, but provided no information on savings. On the other hand, men reported owning land and having savings too. Almost half of the women respondents reported having business assets.⁹¹ On summarizing the FGD details and data from individual interviews, it was found that the mean and median values of assets owned by men-headed families were marginally higher than that owned by women-headed families. Nevertheless, all families reported "owning" (having access or use rights were also included here) at least one land parcel. Hence, in the study sample, there were no landless families per se.

In the FGDs, women estimated that their total assets (including land) have increased on average approximately 10 percent since 2005. Many women were able to give a detailed list of assets obtained. For the same period, the men estimated that their total assets have increased by 30 percent.⁹² The increases were mostly found in the value of farming and fishing equipment (which is mainly held in the man's name) and related resources and improvements in residential units. A majority of FGD respondents stated that investment in reconstruction during this period resulted in significant increases in men's asset holdings. This perception could be attributed to the "visibility factor," in which men were engaged with agencies involved in highly visible rehabilitation and recovery activities. In any case, this finding was limited to the most-affected areas close to the coast and tended to refer to men's participation in reconstruction projects (such as waste recovery, securing fishing boats, and house and road construction projects).

91. It is apparent that men tend to classify their cash reserves as "savings," whereas women consider it as "business asset." The reason for such variations is unclear and will have to be investigated further.

92. Men respondents did not provide sufficient information to corroborate this. However, they were able to list major items added to their holdings and savings since 2005 (e.g., equipment or instruments needed for productive purposes such as fishing boats, accessories, and farm implements). Therefore, one could only make an inference regarding the increase in assets. As mentioned elsewhere in this report, women were more specific about their assets, whereas men were less inclined to quantify.

FIGURE 4.1

Characteristics of Women's Land Ownership

On landholdings, the data indicate that respondents own from one to six land parcels, with the average being 1.4 parcels per land owner. The field survey asked all respondents to state their land status before the tsunami (e.g., individually owned, rented, leased, owned by parents, and state land).⁹³ In all, almost a third of the women respondents reported “owning” land before the tsunami, and a little more than 40 percent of the respondents reported owning land currently (evidence was presented for verification). During the FGDs, most women did not indicate any systematic discrimination in terms of their land ownership.⁹⁴ More than two thirds of the women respondents claimed access to an inherited land parcel (Figure 4.1). However, it was noted that women's landholdings on average were considerably smaller than those of men.

One could deduce that at least at the level of perception, there was no significant gender gap in land ownership

93. Several experts on Indonesian land issues have reasoned that the majority of landowners in Indonesia do not hold registered titles to their property. For the landholders, possessory rights are only secured through long and established occupation. It is estimated that there may be three to five times as many landholders with unregistered rights as those with registered titles. The untitled land parcels are governed largely by *adat* law.

94. The hardships faced by many women in securing guardianship rights after the tsunami, discussed in a later part of this section, were generally seen as specific instances.

before and after the tsunami.⁹⁵ These data are consistent with BPN's database of all title certificates distributed to date. On the other hand, BDPE data and field data⁹⁶ also suggest that decreases in women's share of land ownership were marginal along coastal areas (less than 5 percent) where land was submerged. This variation in data (from the coastal areas) was explained by *camats*⁹⁷ and other officials: the increased share of men was primarily because of increased availability of land immediately after the tsunami as a result of deaths of thousands of landowners and because men, in several cases, claimed land areas on behalf of the family (refer to PIBA, 2009 also). This turned out to be either a temporary claim to prevent land-grabbing (or dispossession), rather than seeking land rights per se, or individuals taking advantage of abnormal conditions prevailing at that time. Eventually, the majority of the cases were resolved within the family and clarified or confirmed.

During the FGDs conducted in Pidie, Bireuen, and Aceh Besar, several participants and local authorities suggested that women's landholdings have marginally increased in recent years. In relocation areas, it was found that women's landholdings rose and men's did not change significantly. This situation may be because the tsunami-related death of men tended to concentrate ownership with women in a number of cases.

Nearly one third of the women landowners who participated in the FGDs reported gaining more access to land assets following the tsunami. The field surveys found that the difference in land ownership between men and women was greater in Aceh Barat Daya and Aceh Selatan, where the application of *adat* practices and Islamic law favor a higher share of inheritance for male household members than for female members. Women's landholdings were generally higher in areas where the traditional matrilineal practices are widely held and mothers give a higher share of the assets to

95. This level of confidence in the security of tenure among women on land ownership is also reflected in BDPE survey of 2005 and later field studies.

96. Refer to data gathered for PIBA, 2009.

97. This seems to suggest that the percentage of men who owned land along coastal areas before the tsunami is greater than in other areas. No empirical data were gathered to support this finding. Further research is recommended.

their daughters, such as in Aceh Besar, Pidie, and Bireuen. The application of *adat* practices was mixed in the more urbanized areas such as Banda Aceh and *kota* Lhok Seumawe, and in Aceh Barat, Aceh Timur, Aceh Utara, and Nagan Raya. Almost three fourths of the informants stated that in Aceh, women expect to receive *adat* or the matrilineal type inheritance of assets at some point in their life.

4.2 Women's Land Ownership and Inclusion of Women in Decision-Making

Some observers attributed marginal increases in women's share of land ownership to postdisaster work and some new institutional arrangements that came about alongside postdisaster work. Field discussions confirm this trend, with more women taking an active role in the outside of their homes. At the formal level, one such initiative related to inclusion of women representatives as members of the local *adat* committees. This started after the tsunami, particularly in mid-2008 as an initiative of the *kabupatens* (district governments); however, implementation to date has been quite limited. This formal inclusion has helped more women to interact with *adat* committees. Senior *adat* committee members and local leaders in Aceh Besar and to some extent, Pidie, noted that the inclusion of women in local *adat* committees, post-tsunami, has generated a new environment in those committees. This was seen as a positive trend and encouraged men to accept a greater role for women in public affairs. Women were seen as doing their tasks differently from men when they engage in local meetings (e.g., sought more details on livelihood-related issues; spoke to women in the neighborhood). This positive trend has a potential to develop as a tool for facilitating higher participation of women and in promoting fair play in gendered roles in local development.

In whose name is the land held?

This question refers not to the "registered" name, but to the name in which the land is "de facto seen as being

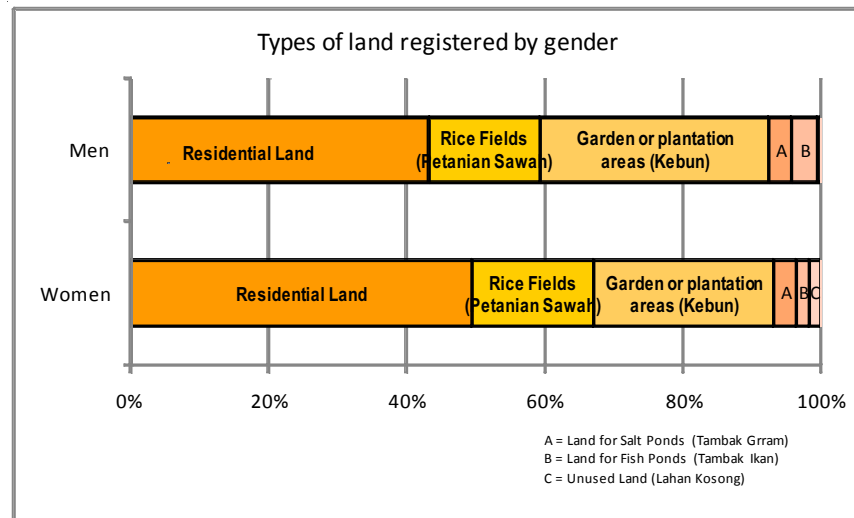
held." This information was important because the person in whose name the land is "held" is highly favored to be the one in whose name the land will be formally registered when the formal process is launched. Even in communities in which inheritance through marriages (matrilineal) with regard to women's independent share in property rights are stronger (e.g., Pidie and Aceh Besar), close to two thirds of the male respondents said that land is held in the name of the male members of the family. This finding may add credence to the suggestion that men in traditional or patrilineal cultures do perceive themselves as owning land while acknowledging the rights of women under *adat* practices to inherit and transfers. This perception is difficult to explain, but generally can be attributed to the male attitude of claiming ownership or control of land to project the image that they are protecting the family's assets and to bolster their position of power within the family. However, there is a reasoned view among NGOs and other stakeholders that such male claims could have been turned into real claims immediately after the tsunami and legitimized

BOX 4.1 Inclusion of Women in *Adat* Committees

Nasruddin Syah in *desa* Kuta Krueng in Aceh Utara said, "To a great extent, men viewed *adat* committees as an opportunity to gain access to reconstruction benefits, while women saw that as a service to the community, and they were more focused on solving problems." The differences were readily seen as all women were new to working as part of the *adat* committees and were more open to a transparent style of governance, with discussions and decisions occurring in the public view.

Masdarwaty and Hj. Hafidhah Ibrahim, judges at the *Shariah* court in Banda Aceh observed, "We see inclusion of women representatives in the local *adat* committees as a positive step and a beginning. We have seen that this small step is already helping at the village level with more information made available to women and their active participation in local affairs. These are hopeful signs but it is not enough because it could end up as publicity alone." They continued, "If women do not sit in local committees, their influence will continue to be very nominal. So, to strengthen women's voices in local governance, you must first get them into community-based mechanisms and then onto the higher levels of the government and policy-making structures."

FIGURE 4.2



Source: Field revalidation survey, 2009. Total sample size: 923 respondents (370 women, 553 men).

by the formal titling process. During the FGDs, several cases requesting anonymity were mentioned of men trying to sell a female family member's inherited land after the tsunami. However, several of these efforts were apparently thwarted by community members as the properties were known as family assets inherited by women. Such instances were found in the areas most affected by the disaster.

In terms of category of titled land owned by men and women, the ownership patterns are very similar (by percentage). It was found that women were slightly more likely to own residential land and men were likely to control a larger portion of the productive assets. However, it is important to note that the average parcel owned by married men is roughly twice the size of parcels owned by women. In overall numbers of parcels owned, men control or have title to significantly more land than women. Only a small number of residential land parcels were jointly titled in the names of both spouses (Figure 4.2).⁹⁸

98. This data analysis, through field verification, was possible only among those who held land title certificates. Therefore, only those physically verified by the team are included in the data.

4.3 Methods by Which Land Is Obtained and Gender Variations

To understand the different ways through which men and women acquired land, respondents were asked, "How did you acquire the land which you currently own?" This question was followed by an examination of patterns of land transfer or deals. Data shows that men and women acquired land through gifts, inheritance, transfers, market purchases, or a government land distribution or housing program (as part of post-tsunami or postconflict reconstruction efforts). Field survey data revealed that in Aceh, women mostly acquired land through inheritance (90 percent) and men were much more likely to acquire land through purchase. Discussions indicated that different methods of land acquisition may have a gender bias; for example, in the case of government-initiated programs, there is a male preference and bias in documentation.

On perception of land rights,⁹⁹ nearly two thirds of the women (as opposed to almost all of the men) holding land

99. In Aceh, under traditional landholding practices, women who inherit and control land are entitled to sell it with the consent of the family members, particularly the father. Once the land plot had

registered in their name reported having the right to sell the land,¹⁰⁰ 48 percent reported having the right to use the land as security, and 31 percent reported having only use rights. Women were much more likely to express the need to consult with their families and local leaders before moving to sell their landholdings. This reflected the women's lack of familiarity regarding their land rights and also local practices regarding ancestral land (90 percent of women acquired their land through inheritance), which discourages holders from selling land obtained through intergenerational transfers, although there is no barrier.

4.4 Participation of Women in Securing Land and Ownership Rights

To summarize men and women's participation in the systematic titling process, the technique of Harvard Analysis (visual representation of results) was used. Table 4.1 shows that there was a modest variation between men and women in titling activities, particularly with regard to the quality of participation. First, there was no variation between men and women in site-level activities (mapping and surveying) and in filling out of the forms. The majority of women were aware of the titling program in their locality, and several helped fill out the forms and secure required documentation. In that sense, women were involved in the titling activities. Earlier PIBA research found that in some districts, (e.g., Pidie), many women only speak the Acehnese language and are unable to understand Bahasa Indonesia, which is used in socialization presentations.¹⁰¹

been bequeathed to the daughter (or a woman), she is entitled to own the land as a freeholder and bound only by family and social norms to seek the consent of the family members, particularly her father, to sell it if it is really needed to support her household.

100. As part of post-tsunami or postconflict housing and resettlement programs, the government and development organizations insisted on nontransferability of the assets given, over a specific number of years.

101. "Systematic land registration started from ground zero asking everyone to submit available evidence of ownership. This made it equally easy for men and women to prepare documentation and to submit. The situation was not the same in other instances, like land areas donated by the local government for relocation or housing program, and hence women were unwilling to take a risk,"

BOX 4.2 Most Women Acquire Land through Inheritance

Located in Aceh Besar, Lambada Peukan is an area affected by the tsunami. The village was included for land registration and titling (as part of systematic titling under RALAS in 2008–09). The village comprises about 70% residential area and 10 percent public area, including government offices, school, and market. The remainder is plantation and farming area. Of the 278 titles distributed, 117 are registered in the men's name and 161 are registered in the women's name. The *geuchik* of *desa* Lambada Peukan, Azhari Abdurrahman, explained that most of lands owned by women are inherited. Very few land acquisitions by women are derived from other land transfer processes. For example, a rich man named Lahuda bequeathed some parcels of land to his two daughters: a quarter of parcels are located in Lambada Peuka, and the others are in different villages. The *geuchik's* six sisters also gained their residential land from inheritance, not from purchase. There is another family in Kuta Peukan subvillage, where the mother, Fatimah and her late husband handed over land to their three daughters who are living in the area. Azhari Abdurrahman said, "In our and neighboring villages, most women acquire land only through inheritance. This strengthens her bond with the family and community. After the tsunami, all land holders wanted better tenure security and registered their land under the formal system. No landholder faced any difficulty doing so and land registration teams accepted our community agreements."

Source: Interview with Azhari Abdurrahman, geuchik of desa Lambada Peukan in Aceh Besar.

FGD participants generally acknowledged that, although women were present during many of the village meetings on land titling, they were usually seated at the rear of the group, where it was diffi-



Photo 4.1: Women landholders participating in a community meeting, Pidie, 2008.

said Erna Heryani, former Director of Land, BRR in Aceh. She observed that after the tsunami, more landowners began to believe that registration of their holdings in the formal system is equally important and the demand for it is growing since the tsunami.

TABLE 4.1 Gender Equality Indicators in Titling Steps (as elaborated by participants in 23 FGDs)

Titling Steps	Gender Equality Indicators							
	Access		Participation		Benefit		Ownership/Control	
	Men	Women	Men	Women	Men	Women	Men	Women
Socialization activities (community level meetings)	+++	--	++	---	++	-	++	--
Mapping and surveying (placement of boundary markers; verification of boundaries and confirmation with neighbors)	+++	+++	+++	+++	+++	+++	+++	+++
Adjudication of land parcels (completion of forms; collection of juridical documents and verification of details)	+++	+++	+++	+++	N.A.	N.A.	N.A.	N.A.
Public notification (eligibility for titling confirmed; display of maps and confirmation of accuracy)	+++	+	++	--	N.A.	N.A.	N.A.	N.A.
Receiving titles	+++	+	++	-	+++	+	+++	-

Notes:

- N.A. Not Applicable.
- Access: Indicator evaluates whether women are involved in the project activities or whether activity sites were within reachable distance for women to take part.
- Ownership and Control: Indicator evaluates the highest participation level.
- The signs + and - indicate the progressive increases in the level of participation. Only proactive participation was counted for analysis here.

cult to hear the speaker. Some women commented that the presence of their children at the meetings distracted them from fully participating in the process. It was also found that some women do not actively participate because nearly all of the speakers are men. This finding was also noted in the PIBA research (2009). Cultural practice and years of insecurity may also affect women's interaction with strangers and their willingness to travel away from home for meetings. Few women travel more than a 1.5-kilometer distance to participate in a meeting.

Data indicate that women were less likely than men to receive information directly from the systematic titling team or the *geuchik* (66 percent of men reported these as their main information sources, whereas only 55 percent of women reported the same) and were more likely to receive information indirectly from neighbors and family members.

In analyzing the FGD transcripts, the following dynamics between the role and knowledge of men and women in relation to land titling processes were found:

- Men and women share different types of knowledge about the same issue (e.g., women were aware

of the errors in mapping and surveying, whereas men were familiar with deliberations at the committee meetings or dispute resolution);

- Women and men tended to organize their knowledge in different ways, including during titling processes (e.g., women preferred to participate in coordinating with the neighbors and men with titling teams or local authorities; most women played an active role in placing land boundary markers, whereas men merely attended meetings); and
- Women and men receive and transmit knowledge through different means (e.g., women share issues with neighbors, whereas men interact more widely with village leaders, local authorities, or institutions). Researchers noted that where women did not participate directly in the socialization meetings, they reported that they received basic information from male family members who did attend. This does not necessarily indicate a conscious effort to withhold information, but rather the performance of a cultural practice that delegates interaction with officials to male members of the family. Women were given sufficient knowledge required to support the role of the male family members,

such as when and where to pick up the application forms and boundary markers. Information on land rights and the broader land registration process appears to have not been shared.¹⁰²

- One of the key hurdles in promoting women's participation in property and inheritance rights is ensuring that laws and regulations are implemented fairly. For this to happen, there must also be a "buy-in" by the government field staff and local authorities. In that sense, the change should start at the local level. The lack of women staff in the field teams deployed by BPN is an impediment. The view existed that women civil servants are hesitant to undertake field jobs and prefer back-office work. Although this may be partly true, there is lack of effort on the part of government institutions to introduce special training programs for women, provide transport facilities for their fieldwork, and allow postings closer to their spouses so as to enable women to accept and work in field positions.

In the case of systematic titling, a majority of the women dealt with titling teams during collection and placement of boundary markers, submission of adjudication documents, and meetings to resolve disputes, if any. On the other hand, men more often interacted with the teams during socialization meetings, verification of adjudication documents, committee meetings, and forums to resolve disputes. Both men and women were equally involved in collecting title certificates, and there was no significant difference in participation during public display of maps or efforts to rectify errors.

Data confirm that more women than men attended community meetings and were well aware of the titling program in their locality (irrespective of the methodology, i.e., PRONA, relocation, systematic, or P4T). However, their level of participation significantly varied across the province. During discussions, several *geuchiks* reasoned that women's participation in land registration and titling

is not mandated and hence they are not obliged to record details of their participation. Most FGD participants enumerated practical obstacles for women to freely participate, including men dominating the meetings, women's lack of fluency in Bahasa Indonesia used by government institutions, and cultural norms that restrict women's mobility and interaction with strangers.¹⁰³ BPN officials acknowledged that men are more likely to receive information directly from the titling teams, whereas women receive information only when the teams visit their neighborhoods.

During discussions, a majority of the women perceived that the lack of complete information regarding their rights hinders their ability to interact with titling teams (or government institutions) about land issues and benefit from holding a formal title certificate. The FGDs similarly reported that lack of information on pending applications (and transfer of incomplete forms to district land offices) further impeded women's (and men's) active participation and their benefits from the titling process. Almost a third of the women respondents stated that when errors were found in land maps (public displays) or title certificates, they raised the issue with the titling teams on their own. Further, they confirmed that though only half of their appeals were resolved, women did not feel discriminated against or face any difficulty in bringing the errors to the attention of the titling teams for clarification or rectification.

On further probing, women respondents explained that decisions on land disputes were based on legal and *adat* procedures and both the norms and the rationale were explained to them. However, the information was rather new for them to discern well. The study indicates that



Photo 4.2: A woman landholder looking at her title certificate, Lhok Nga, Banda Aceh, 2008.

102. Eva Syfig and Ulfa at Caritas-Switzerland in Meulaboh, said, "We have found that the level and quality of participation of women in community gatherings to be positively related to efforts of local *Ulemas* and *imeums*, and as to how the families rate their capacities and skills. On the other hand, if the *imeums* anticipate a high level of orderliness among the families, then women may hesitate to participate."

103. This finding is consistent with the results of the PIBA, 2009. During PIBA field research, several widows complained that they had difficulty finding death certificates of their late husbands. This obstacle may have prevented timely registration of the land parcels. Support of a local NGO or organization would have helped in resolving such issues in a timely manner.

women's role in raising appeals or seeking clarification on errors has certainly been less pronounced than that of men in Aceh (as would be the case in most other provinces). But it would be a mistake to say that the outspoken woman is completely nonexistent. BPN's titling teams reported that some of the sharpest questions often came from women landowners.

4.5 Norms and Procedures for Land Registration and Certification¹⁰⁴

Data were gathered on methods of registering the transfers of land parcels. The survey also attempted to compare men's and women's preferences for a particular method in documenting land transfers (sale, purchase, or family subdivisions by creating a deed). Respondents were asked (during the interviews and FGDs) to state their preferred method. Results showed that close to one third of landowners preferred documentation of land transactions at the local levels through the land deeds (*akte jual beli*) and occasionally based on the *geuchik's Surat Ketereungan Keuchik* (SKK) letters. Before the tsunami, only a small number of landholders registered their property and secured title certificates. The aftermath of the tsunami developed an understanding about the need for tenure security and more landholders, as illustrated elsewhere in this report, are beginning to seek a formal title.

Women reported that they were much more likely to accept the advice of local authorities when starting the process of transferring land ownership, whereas men were more likely to inquire with multiple sources before deciding on a course of action. In the discussions, men explained that they were reluctant to act immediately because they had to verify the quality of advice received. The study found that most male respondents were open to dealing with outside authorities and professionals. However, they were generally more cautious about im-

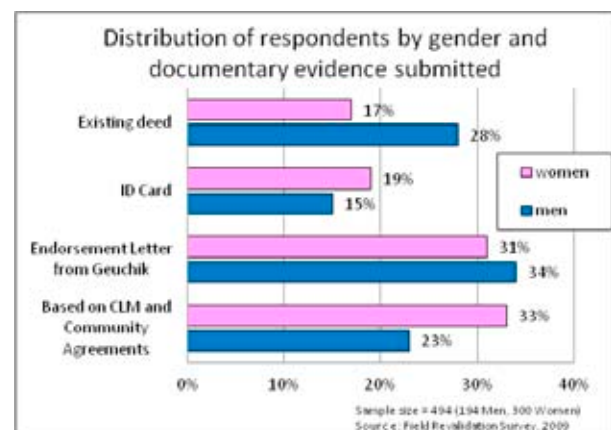
mediately acting on advice given by these sources. It probably reflects the men's greater confidence in engaging with authorities but at the same time seeking additional advice before arriving at a decision.

Documents Required to Secure Land Certification

In presenting evidence of land possession and ownership (under current arrangements), a landowner will have to assemble documents showing that he or she meets all the requirements for registration of the parcel owned. The field survey included a question about the type of documentation presented for registering and securing certificates for land parcels. The majority of the respondents were able to present some form of evidence for continuous use (or productive occupation) of the land parcel, primarily through endorsement from the *geuchik* or a copy of an identity card that states the applicant's residence. In some areas, many families already had some form of legally acceptable land documentation such as a land deed (*jual beli*); however, significantly fewer women than men reportedly have this type of documentary evidence (Figure 4.3).

Nearly one third of the women and 23 percent of the men were not able to present any form of documentary evidence to support their application for land ownership rights. However, informants reported that this was not a major obstacle. BPN data show that close to 40 percent of the land registered to women and 54 percent of the land registered to men was registered by RALAS without any documentary evidence, primarily based on a community-

FIGURE 4.3



104. In the absence of a land title certificate, most documentary evidence for land is generated following land sales (*akte jual-beli* or *jual-beli*), gifts (*hibah*), and inheritance or divorce-related divisions (*pembagian hak bersama*).

BOX 4.3

Women Proactively Registering Their Landholdings

Rosmiati, a 36-year-old resident of *desa* Lhok Timon, *kecamatan* Setia Bakti in Aceh Jaya district, was reluctant to seek registration of her land parcel because the paper work and negotiations with the authorities seemed formidable. Her neighbor Aminah (46 years old) explained the importance of registering land and offered to teach the steps and assist in filling out the required documentation. To demonstrate the value of land ownership, Aminah took her to a nearby commercial bank to show her the credit facilities for small traders. Finally, Rosmiati agreed. Rosmiati's lack of skills was overcome through a mentor.

Nurhayati, a 59-year-old resident of *desa* Suak Nie, *kecamatan* Johan Pahlawan, Aceh Barat district, recounted that when she started filling out the documentation for registering her land parcel (obtained through inheritance), her husband and neighbors were cynical. She was also quite uncertain as to whether she made the right choice, but decided to leave the outcome to God. When she received a title certificate in her name, she proudly showed it to her neighbors. This reinforced her faith in God and in her ability to get things done in the right way.

Kasumah, a 32-year-old resident of *desa* Kuta Kreung in *kecamatan* Samudra, Aceh Utara district, wanted to register her land. But she did not receive any encouragement. Instead she heard only negative comments that did not support her initiatives.

However, when her relative Devy came to visit her, she explained the importance of registering the land and getting a title certificate. This encouraged Kasumah to submit her application to the systematic titling team.



Photo 4.3: Landholders submitting documents to the adjudication team for verification and registration, Pidie, January 2009

driven adjudication methodology and endorsement of the *geuchiks*. The CLM and subsequent community-driven adjudication procedures were seen as reliable, community-based, fast, and government-led and helped expedite recovery and reconstruction operations.¹⁰⁵

Reasons for Converting Customary (*Adat*) Holdings or Deeds (or *Jual Beli*) to Formal Titles (*Hak Milik*)

For customary tenure systems, such as those in Aceh, family structure, marriage, and civil laws (including inheritance practices) are most influential. The common cultural belief in most parts of Aceh is that even though *adat* processes vary among and sometimes even within

districts, the basic methodology for land allocation and dispute resolution is consistent throughout the province. With regard to women's property rights, in addition to *adat* practices, family traditions and *Shariah* law are equally important. During the field survey, questions were asked to determine the continued relevance of *adat* practices compared to formal registration and the reasons for converting customary holdings.

Data gathered shows that majority of landowners were willing to formally register their *adat* (or deed) land parcels for a variety of reasons including: (a) to enhance clarity and tenure security, (b) to move forward in rebuilding lives and livelihood sources, and (c) to gain confidence and social status (Figure 4.4).¹⁰⁶ A signifi-

105. "This process was easy for us to follow because we only need the agreement of our neighbors and local authorities to confirm our right to own the land. As soon as the CDA process was reasonably completed, it was easy for the housing providers to commence their work" says M Daud, a resident of *desa* Siblah Coh, *kecamatan* Ulim Pidie, in Pidie. Refer to discussions on this subject later in this section.

106. "Systematic land registration started from ground zero asking everyone to submit available evidence of ownership at the same time. This made it equally easy for men and women to prepare and submit documentation. The situation was not the same in other instances, like land areas donated by the local government for relocation or housing program, and hence women were unwilling to take a risk," said Erna Heryani, former Director of Land, BRR in Aceh. She observed that after the tsunami more land owners are beginning to believe that registration of their holdings in the formal

BOX 4.4**Women in Public Spaces: Changing Trends and Emergence of Vocal Leadership among Women**

“Today women are really learning the ups and downs of land ownership rights,” said Elvida, Director of a local NGO in Banda Aceh, engaged in raising awareness about development issues, women’s legal rights, and empowerment. “Women may not always come out and say what they think, but they frequently think deeply about these issues and are often motivated to act. Women who have grassroots connections through their social networks within the community or those who are deprived of basic assets are the ones who speak out at the first opportunity,” she said.

One example occurred in *desa* Ulee Blang Manne (*kecamatan* Blang Mangat, *kota* Lhok Seumawe), in which money was paid for boundary markers, but the *geuchik* failed to arrange land registration on time. In January 2009, a number of women blocked the World Bank’s monitoring team and asked for clarification. On further investigation, it was found that payments were apparently made to cover the costs of the boundary markers and some incidental expenses. The women raised serious questions about possible double payments for the titling work and corruption in the process. Later, the BPN took remedial action. “We need some time to get together, to organize, to grow and to mobilize,” said a resident in the community.

Ulfa, who worked for Caritas-Switzerland in Meulaboh said, “I would say that women’s confidence is higher today than it was before the tsunami. Further, ever-increasing contact with the modern world educates women to be vocal. All of this makes it hard for governments and religious leaders to completely ignore them.”

“I never took part in community meetings or public activities before the tsunami. I lost my husband and three of my children, leaving me with one school-age daughter. Prior to the tsunami, we owned a small piece of land but that was also washed away. I started a new life with bare hands and some distant hopes,” said Lis, a woman in her early 40s who lives in *desa* Lambada Lhok, Aceh Besar.

“I started attending community meetings to see whether I could get some assistance to recover my life. In the early days, several stories about corruption and local officials not providing correct details to relief agencies were doing the rounds. I started attending more and more meetings every week. Some gatherings were tough as I did not understand the nuances and details. So, we women gathered around and talked,” said Aminah. Her neighbor added that such discussions among women and regular attendance at meetings worked in their favor. “At every meeting, we were heard,” she said. “Before the tsunami, we used to believe that active participation in community gatherings was not necessarily advantageous. This view has changed since the disaster and these days, we not only attend but also follow-up.”

“While women are clearly apprehensive about dealing with outsiders on land matters, men are silently cautious,” said Tgk H. Abdullah, *Imeum Mukim*, *desa* Lam Ara, Banda Raya in Banda Aceh.

On recent changes in attitude among women, Nurhasdiana, Director of a local NGO Sri Ratu, sounded optimistic and said, “In most cases, women’s active participation in community events boils down to whether she can negotiate a space for herself independent of the household and extended family. It is a public act and for women to be equal participants in the public arena, they need to be able to step outside the household, a sphere of male dominance in many parts of the world. It has started happening more since the tsunami. Now-a-days you will find vocal, reasoned women’s voices.” She cited the public roles played by women officials like several former judges at *Shariah* courts in Aceh Besar, Pidie and Aceh Barat, and a few others.

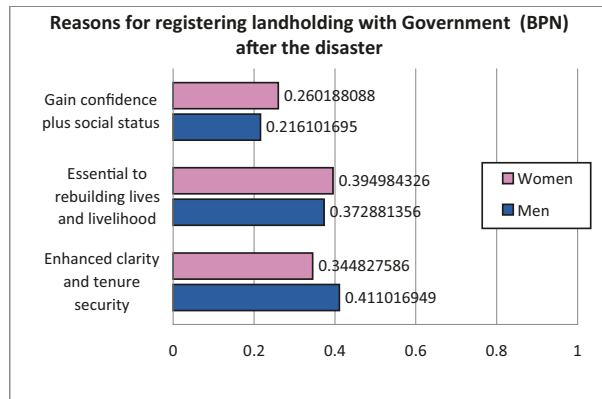
cant majority of the men and women (56 percent and 64 percent, respectively), stated that the recent land titling program, after the tsunami disaster, has not only reinforced their customary holdings but also made them

aware of the type of land administration services available to them. A critical factor mentioned was ability to secure a higher compensation when land is acquired for public infrastructure.

system is equally important and the demand for it is growing since the tsunami.

When different land registration methods were discussed, close to 70 percent of the women respondents stated that

FIGURE 4.4



systematic land titling is fair and equitable and helped them to understand the nuances of property rights. They added that the conversion of less formal holdings into *hak milik* diminished uncertainty in ownership, under systematic titling, reduced conflict with neighbors, and improved security of tenure under systematic titling. Most of the women respondents reported that they were able to easily convert their *adat* (or inherited property) into *hak milik*.¹⁰⁷ However, isolated reports indicated that women were unable to register land parcels acquired through other methods (e.g., donation from the local government or registered under sporadic registration). In terms of documentation, individual women owners reported having evidentiary record for 26 percent of the parcels and full ownership (*hak milik*) for 20 percent of the parcels they hold.

Almost two thirds of women informants were of the view that under the traditional system, women and men have equal rights on property matters. However, they acknowledged that given sociocultural changes in the province, a secure land title was also a good idea for them and their families. Nearly half of the women respondents and an equal number of men felt that *adat* practices would gradually lose recognition and such traditions would disappear in the longer term (Refer to Section 5.5). At that stage, they felt, it would be a challenge for people in general, and especially married woman who frequently lack documentation, to register land in their names. Evidence exists that prevalent

107. This kind of *hak milik* in Acehnese *adat* is counted as full personal ownership called *milek gob*, which is similar to freehold title (see Kreemer, 365).

BOX 4.5 Need for Strengthening *Adat* Traditions and Practices

“After spending four years sorting out land details through our peace and reconciliation and also reconstruction program, I can say with confidence that it is not realistic to ignore *adat* practices on land ownership for the general population and for women in particular. *Adat* system will adapt itself. However, I can also say that people cannot depend on *adat* practices alone for long. With regard to women’s *adat* land rights, we have seen mixed results. So, it is a good time for the communities and government to sit together and review what changes are required in *adat* systems and practices. It may be useful for policy purposes to assess and encourage people to register their current access to *adat* land to prevent anxiety among the communities. Let me also add, there is no land crisis or major land conflict in the province now. However, it will be prudent for the government to start a formal process soon before it is too late,” said Philip Visser, who worked for an international NGO in Meulaboh.

Bakhtiar Ishaq at the Provincial Governor’s Office was of the view that for *adat* to be effective, *geuchiks* and local leaders should not only be knowledgeable but also respected by the community for their integrity. On confirming land tenure and registration, he said, “Changing social and economic conditions will increase the demand for the formal registration and certification of land parcels. I am personally aware of several instances where women had to depend upon the goodwill of their husbands, male relatives or the *geuchik* to successfully claim their inheritance rights. Close to one third of the *geuchiks* were newly assigned in 2006–2007 and they are sometimes not properly informed about the *adat* procedures and hence some complications had arisen.” He also reasoned that under the LoGA, the provincial government should launch an initiative to build a coordinated work of the *adat* institutions with village and *kecamatan* governments so that anxieties could be prevented in the future.

sociocultural factors do not always allow a woman to readily claim her part of the family’s assets. Sometimes, she may even relinquish her rights for the sake of peace in the family.¹⁰⁸ Therefore, in case of inherited assets,

108. Data gathered by the ADB-BRR Housing Program in Banda Aceh, Aceh Besar, Meulaboh, Seunoddon, Simeulue, and Sabang shows that usually women paid some money to the father or siblings to avoid envy and conflict among siblings or parents (refer to Herman Soesangobeng, “Understanding The Acehnese Customary Land Law and the Mode of Bringing it under the National Land

a gradual transition from traditional practices to more secure formal certification is seen as a secure option for women.

Registering Subsequent Transactions

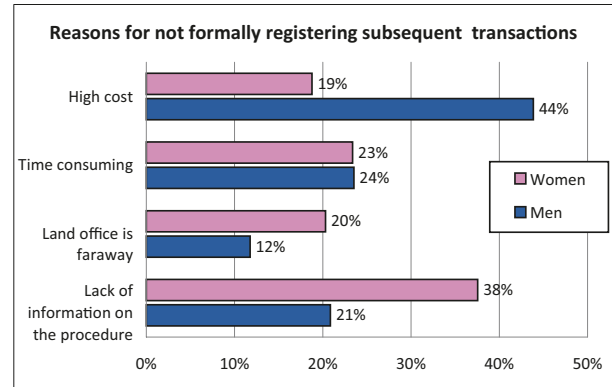
The robustness of the land administration system was evaluated by reviewing women's approach to subsequent transactions. Almost all of the respondents showed very low awareness of the need for registering subsequent transfers, use of land administration services provided by the BPN district land offices, and the role of land titling per se. FGD results reveal that very few people understand the need, process, and value of registering future transactions. Respondents also expressed concern over the cost of registering transfers, with no significant difference between male and female respondents. Most men stated that they would be willing to register subsequent transactions if procedures were clear and registration less time-consuming. However, fewer women were willing to register land, because they felt their land parcels were too small to justify the cost and effort involved. Some respondents stated that for a small land area, no woman would like to travel to a district center several times. They would generally prefer to get it done at the village or *camat* level.¹⁰⁹

Both women and men gave four reasons for not seeking formal registration of subsequent transfers (Figure 4.5): (a) lack of clear information on procedures; (b) distant location of the land office; (c) time-consuming process; and (d) high costs involved, including fear of regular tax payments that may be higher than current rates. Among these reasons, men considered payment of costs (43 percent) as the primary factor and women asserted lack of information and time-consuming procedures (37 percent). These reasons indicate the lack of knowledge on land transactions within the community, and in particular, fear of payments or higher taxes constrained regis-

Law System", field study report for ADB-ETESP: Banda Aceh, pp 8–10, 2009). The FGD participants at Gostel Timur, *kecamatan Singkil Utara* in Aceh Singkil district expressed similar views.

109. Interviews with *geuchiks* in Bireuen and Aceh Timur on the east coast and Aceh Selatan on the western coast.

FIGURE 4.5



tration of subsequent transactions (see Figures A.8 and A.9).

Most respondents were not aware that there is a legally prescribed fee for creating land records. Therefore, people are reluctant to pay for preparing such documents. Further, the collection of land taxes is not well organized these days.¹¹⁰ Uncertainty exists among landholders about the amount to be paid. They expect that they will be asked to pay higher amounts when land is registered or records created. In the next two years, as per new regulations, local governments will be responsible for the collection of land taxes, and this new arrangement should minimize fears among people.

A general sense was evident that local leaders, who are based in the village, are known and accessible to community members. Local leaders are seen as legitimate authorities to settle claims over land ownership (partic-

110. Land taxes, which relate directly to the subject of land administration, continue to be a point for discussion within the Indonesian government. In the past, collection of land taxes remained very insignificant, with *geuchiks* and other entities mobilizing the revenue as part of their duties. This situation partly contributed to the lack of information dissemination and mobilization of revenues. To remedy the poor resource mobilization from land taxes, the Indonesian government is taking new initiatives. In 2009, it issued a regulation streamlining the procedures and reassigned responsibilities for the collection of land taxes. As per government regulation No. 28/2009 dated August 1, 2009, local governments are responsible for the collection of land taxes from January 2010 and there will be new revenue sharing arrangements between the subnational and national levels from the following fiscal year. The implementation of this regulation will also contribute toward improving the capacities of the land administration personnel.

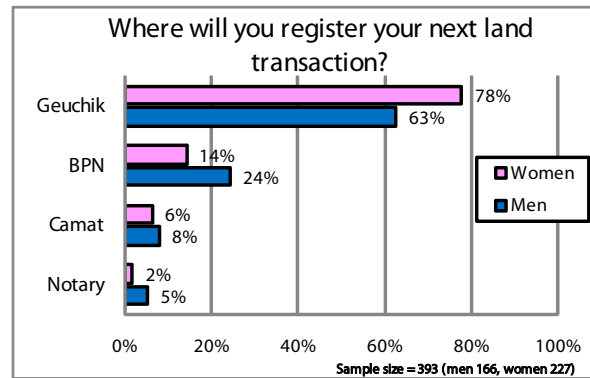
ularly with regard to *adat* practices). In contrast, BPN procedures tend to be ambiguous and bureaucratic, according to women.

Taken together, for the subsequent transfers to be sustainable, there is a need for government to focus on four factors: (a) dissemination of clear information about procedures and processes, (b) improving accessibility to land offices facilities through innovative approaches such as mobile services, (c) enhancing efficiency of processes by cutting down time required for completion; and (d) ensuring that service costs are well publicized and are set at affordable levels.

4.6 Methods of Documenting Land Transfers

The creation of a record for a land parcel involves securing a complex bundle of property rights or claims in an orderly manner. This may include joint ownership, mortgages, and various types of easement rights. The documents describing these claims must be collected and their validity determined. The creation of a land record is the first step in seeking legal rights to land and property and serves as evidence when seeking formal registration. In Aceh, written land records are usually generated as a result of land sales, gifts (*hibab*), inheritance, or divorce-related divisions (*pembagian hak bersama*). These documents are prepared by the PPAT (public notary) or *camat* in his capacity as the PPAT for the area and often witnessed by representatives of the parties involved. If the *camat* is involved, the transfer documentation will usually take the form of a formally notarized document (*akte*). This process usually requires the completion of a number of procedural steps and payment of several formal and informal fees. Before the tsunami, only a small number of landholders dealt with the land offices (e.g., when seeking land certification under the sporadic methodology or one of the government's pro-poor initiatives). As noted earlier, post-tsunami reconstruction programs ushered in systematic land registration activities. During the field survey, questions were asked to determine the extent to which village leaders and PPATs are sought and trusted

FIGURE 4.6



in creating a landholdings record and documenting land transactions. The study also gathered data on landholders' experiences in dealing with systematic land titling programs and land offices in the area. The similarities and differences in experiences of landholders were compared and analyzed (Figure 4.6).

Dealing with PPATs and Camats

Aceh has a large number of accredited PPATs and *camats* who have completed government training and received certification. Among PPATs, both men and women are represented in equal numbers and are largely based in urban centers, with little presence in the rural areas. To provide better access to PPAT services in the rural areas, the government has allowed *camats* to provide notarial services for a fee.¹¹¹ Both PPATs and *camats* see the preparation of a land record as a simple process of landholders providing information regarding their claims and preparing deeds on the basis of these documents. Although the *camat* (or PPAT) is obliged to forward copies of these notarized documents to BPN, in practice the parties often forego BPN involvement to limit the time and cost of the transaction.

A large majority of the respondents, both men and women, said that they would prefer securing a deed locally rather than from a land office, with the *camat*

111. Based on Article 32 (1) of Government Regulation on PPAT Official Function No. 33/1998, the honorarium is 1% of the total nominal price agreed for the preparation of a deed. Paragraph 2 of the Article stresses that PPATs, including *camats*, have to serve poor clients free of charge.

most preferred by women and the PPAT by the men (Figure 4.7). This is because a local process has predictable procedures and results and entails a low cost. In contrast, obtaining a formal land office certificate of ownership is more costly and involves an unfamiliar process. The fact that the local authorities are close by and often known to the landowner makes the local process an attractive option. Informant responses leaning toward the preparation of deeds locally were sharper among women. “We do not like surprises. In our dealings, we look for concrete results,” said women participants at the FGD in Pidie.



Photo 4.4: Registration in progress in desa Mon Keulayu in kecamatan Gandapura in Bireuen district, 2009.

On landholders’ willingness to document their assets, the emerging trends were clear, with close to two thirds of the informants, both women and men, aware of the importance of securing formal land title certificates. No difference

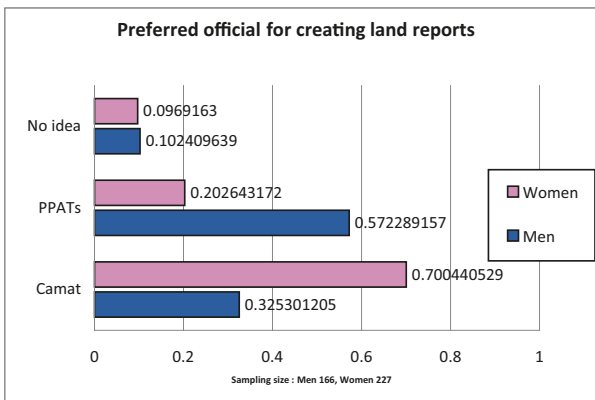
was observed in willingness between small landholders and those holding more than 5 hectares of land area. However, close to three fourths of the respondents were uncertain about the costs of creating land records. The majority of women believed that creating a land record would be expensive. Among fisher-folk families, most landholders stated that they had no money to pay for the creation of land records or obtain title certificates.

Although men seem to be more aware of the amount required to be paid for creating the records, they were not clear on payment of annual land taxes. The study also noted that close to two thirds of respondents carried a popular misconception that only families with big assets will have to register their landholdings. Equally significant, another misconception was that only in case of land disputes will there be a need to create a legal deed to ensure security of tenure. Every FGD asserted that if they were aware of the value of a land title and how their rights could be secured, they would be most willing to seek formal title certificates.

A popular misconception is that only families with big assets will have to register their landholdings. Another misconception is that one will have to create a legal deed to ensure security of tenure only in case of disputes or when holders intend to seek a loan from the bank or other sources. As a result, most landholders anticipate creating a deed only when a need for such documentation arises. The deed itself is seen as a requirement to accomplish some other benefit. An increased willingness among landholders to register their parcels suggests that the tsunami seems to have significantly changed the traditional view. That disaster not only destroyed land records but also highlighted the importance of proper registration and documentation for land assets. This resulted in a higher demand both for land deeds and title certificates, because landholders sought higher levels of tenure security. PPATs and *camats* interviewed confirmed that they received more clients after the tsunami asking for advice on land matters. They also claimed that an increasing number of women are actively seeking advice. PPATs and *camats* informed the research team that only a small number of women do not turn up after one or two visits or leave their male relatives to complete the process, a confirmation of increasing awareness on land matters among women.

Rural families seek the help of a PPAT only when there is a dispute to be settled and several of them require an explanation on their needs, understand various options for preparing the documentation, and provide information for preparing the deed or transaction. Otherwise, they would work through the *camat*, who is a local official and certified to prepare the *akte jual*

FIGURE 4.7



beli. The researchers consistently received comment that most Acehnese women do not have much experience in dealing with professionals and take time to enter into a dialogue with outsiders and to trust his or her credentials as a professional. Therefore, it is not a question of clarifying legal issues to women but rather creating an environment for their engagement in land matters. As an evolving professional group, PPATs should have a good grasp of procedures and technical details, and the ability to clarify legal issues for women and create an environment for women's engagement. In that sense, a PPAT, when dealing with women landholders, should be a professional as well as a counselor who will build client confidence to deal with outsiders and formal institutions.

Are People Confident in Dealing with PPATs and Camats on Land Matters?

The study found that more women than men landholders seek help from *camats*,¹¹² and men are more likely to use the services of PPATs to record land transactions. However, data from interviews showed that the level of confidence in the services of both professionals is not especially high and that both men and women were equally wary of dealing with PPATs or *camats*. The widespread preference was to have a *geuchik* witness their land transactions to make the transaction faster and to reduce costs. It was interesting to note that the propensity to share information was higher among women than among men. For example, male landowners are rarely willing to allow the *geuchik* or PPATs access to documentary records without scrutinizing their individual integrity and credentials.

In every instance, women landowners were found to be disadvantaged in the sense that, for cultural reasons, they did not have similar levels of public access to the *geuchiks* (who are mostly men) and the PPATs (both men and women), who are seen as occupying a higher social status (even if they are women). Therefore, women tend to readily share copies of documents and transac-

tion details and seek immediate support from the *camat*. Almost all women informants expressed caution in sharing copies of land documents. The FGDs in Banda Aceh and Lhok Seumawe¹¹³ highlighted that this willingness on the part of women to readily share documents and other information makes them more vulnerable to abuse. This is also because there are a number of gray areas and some flexibility in *adat* land dealings, whereas there is a heavy standard of proof required to satisfy formal courts or the judicial system.¹¹⁴ As a result, many women seem to prefer an easier, locally based route. Of course, this would work as long as the *geuchik* and other local authorities are transparent and function as per the rule and intent of the law. However, a "not-so-transparent" *geuchik* or local authority could easily undermine landholder and public confidence and trust in the system.

In addition, there is a common view that most PPATs and *camats* create land documentation without adequate investigation into the history of land parcels. This view was more prevalent among women respondents, suggesting a lack of knowledge of the process. The PPATs and *camats* interviewed admitted that this was probably true, but reasoned that they prepare deeds on the basis of information provided by their clients. "We examine documents and information provided to us, act in good faith and try to do a thorough job. However, I must accept that not all PPATs undertake a thorough investigation of the history of land parcels before preparing the deeds. In a few instances, this has resulted in multiple deeds for the same land parcels," a PPAT based in Aceh Timur noted.

As with any land-related entity, questions emerge about whether a PPAT, a professional, or a *camat* or a *geuchik*, a public official, actually serve the public interest.

112. By virtue of Article 5(3.a) of PP/Government Regulation No. 37/1998, a *camat* could be appointed by the Minister of Agrarian Affairs as a temporary PPAT official, if there is no professional PPAT in the subdistrict area of jurisdiction.

113. For example, responses gathered at *desa* Gampong Jawa, *kecamatan* Kuta Raja in *kota* Banda Aceh, and *desa* Kuala Meuraksa, *kecamatan* Blang Mangat in *kota* Lhok Seumawe.

114. In separate discussions, officials of *Shariah* courts acknowledged the difficulties that a formal system imposes on land owners, particularly women. They stated that most of the affidavit or statements of facts submitted by land owners, particularly women, were more likely simple, primarily involving family settlements that raised only questions of construction rather than legal issues to be resolved. However, the formal system demands a quasi-legal process with which landowners are not familiar.

In FGDs,¹¹⁵ participants cited several cases in which PPATs turned out to be land-dealers or brokers facilitating land transactions (rather than professionals providing legal services). In some cases, solutions proposed were inconsistent with *adat* or *Shariah* principles, and both men and women were equally critical.¹¹⁶ Most respondents further concluded that men and women PPATs did not differ much in the way they handle confidential information; the only difference being a greater propensity among the male PPATs to conceal their errors.¹¹⁷

In separate discussions, all PPATs interviewed admitted having some problems within their professional group, but noted that most land parcels owned by women were inherited or held as part of *adat* traditions and practices and hence required additional information and steps to prepare a deed. Field surveys found that close to 50% of the women *adat* landholders did not understand the legal process required to create a deed. This is more true in case of women who had inherited the land.

Field surveys posed the question, “How long would it take to prepare a land deed?” It was followed by a discussion. Responses showed that women landholders did not realize that creating a deed demands more than a couple of visits by them to get the work done. To avoid repeat visits to land offices, women generally allow their husbands or male relatives to complete the process. Three fourths of the respondents believed that two visits to a PPATs office would be sufficient to

get the job done. When probed further, most of the women respondents noted that they were unwilling to undertake several visits to the PPAT or land office to secure a deed. As a result, knowledge of land matters always seems to rest with a male member of the family. Discussions also showed that for women to participate more actively in preparing the land deed, they will require information on the differences between various documents and details required for each one. Creation of documentary evidence is seen as time-consuming and complicated.

Experiences at the Land Office

With regard to landholders’ experiences in dealing with land offices and their personnel, field data show that owners dealt with land offices on four occasions: first time registration (titling), subsequent transfers, endorsement in the case of mortgages or easements, and land areas notified for public purposes. On these matters, there were significant differences between men and women on their points and areas of contact with land offices.

Documentation for mortgages or easements is generally started through PPATs and then brought to the land office for registration. Almost all women respondents were unaware of the process required to document mortgages or easements, whereas more men were aware of them. The study found that even local authorities in the proposed location were not provided with details and that there was no coordination of information related to mortgages or easements.

With regard to land areas notified for public purposes, the dealings were always through the *geuchik*, in the first instance, and thereafter with the concerned land acquisition committee. The experiences of residents in Nagan Raya (*desa* Suak Puntong and Kuta Makmur) demonstrated the lack of coordination among agencies mandated to secure land areas for the communities. In separate FGDs, the problems of compensation for land lost to public projects were discussed. Most women reasoned that securing adequate compensation for land lost is complicated and demands a lot of engagement with outsiders and agencies. They would prefer to allow male members from their household deal with it.

115. For example, refer to the FGD deliberations at *desa* Gostel Timur, *kecamatan* Singkil Utara in Aceh Singkil district.

116. “It is okay for the PPAT to go ahead and make arrangements for a deed or to assist in transacting a land acquisition case. However, some PPATs try to use the information to their advantage without the land owners’ consent,” said Usman AR (*geuchik* in *desa* Kajhu, Aceh Besar). Another informant said, “Some PPATs r proposed sale prices to the potential buyers, or occasionally engaged in representing buyers.”

117. Clearly, scope exists for further work in this area. Ahmad Sohaib, a BPN official in Aceh Timur, commented that at times PPATs tend to mix up their professional duties with business dealings, thus raising suspicions regarding their integrity. He said, “Because of this, land holders believe that a local process involving the *geuchik* would be more within their control and this view is higher among women.” The study also found that many local NGOs hold similar views. In addition, majority of men respondents were critical of the PPAT’s limited knowledge of *Shariah* law and Islamic principles.

However, the case was different for four women-headed families in the area. These women were proactive and approached a local NGO for information and support. “This is seen as a more grounded approach that allowed women to deal, reasonably prepared, with outside institutions on the subject,” said Abdul Jalil, coordinator of a local NGO. The discussions also found that more men reported attending gatherings on the subject than women. Ulfa, coordinator with Caritas-Switzerland, summarized it thus: “During our field work in Aceh Jaya and Aceh Singkil, we found that all of the women were not well informed about the formulas used to determine compensation, but it is known that the process can be influenced. Therefore, they are anxious to get the best compensation from the agencies for land lost and preferred to get outside support, through a local NGO, and lobby for it.” She continued, “Single-women are more vulnerable to underestimation of values and manipulation by outsiders and could lose their assets. It is important for the Government to develop and implement gender-sensitive methodologies in projects that involve land acquisition.”

4.7 Joint Titling: Level of Awareness, Compliance, and Attitudes

In Indonesia, a single marriage law (Marriage Law, 1974) governs all persons regardless of religion or ethnicity. This law formally adopted the concept of co-ownership (by husband and wife) of property purchased during marriage. Property acquired by gift or inheritance and property purchased before marriage are treated as the separate property of each spouse. No significant variation exists between the formal law and customary practices (*adat*). It is pertinent to note that in Aceh, customary inheritance practices recognize the marital property rights of wives.¹¹⁸ When one spouse dies, the other spouse retains property rights over half of all assets acquired during marriage; only the half be-

118. The wife is referred to by the husband as *peurumoh*, meaning “owner of the house.” Such cultural practices make women feel secure in the home. This is another reason they may not feel the need to actively pursue the option of joint titling.

BOX 4.6

Are Camats Better Placed to Strengthen the Land Administration System at the Kecamatan Level?

Camats are representatives of the executive branch of the government and do not have *adat* status. In fact, several *camats* are not from the *kecamatan* where they are operating. However, in case of land matters, they are the accredited officials for preparing documentation on landholdings and endorsing relevant details, when requested. The field research addressed *camats*' role in land governance. During the FGDs, *camats* themselves recommended that the district and municipal governments should have authority for land administration, with *kecamatan* officials providing support. “Land is an important matter and we always discuss it when preparing our inputs for local development plans or other activities. However, we do not have the necessary technical, financial and political capacity to deal with the subjects that come along with recent changes in the society. Therefore, in the long-run, it is not desirable that we maintain the land administration system,” said Nuriyanto, Secretary in the *kecamatan* office in Aceh Besar district. Said Mustafa, Assistant to the Provincial Governor of Aceh expressed similar views and said: “Such an approach will only burden *camats* who are not equipped to deal with complexities of land administration.” These views were reiterated by the PPATs interviewed. Independent observers and NGOs pointed out that all *kecamatan*s are male-dominated and it will not be easy for women to access it. Elvida said, “It is a myth that *camats* and *kecamatan* offices will be friendlier toward women on land matters. Once they have formal power, there is reason for them to behave differently. *Camats* are also always men with no women representatives in it. The concern here is to increase representation of women in such institutions so that women could feel that the offices are theirs as well.” Officials at the provincial governor’s office agreed and said that lack of an oversight mechanism along with costs required for managing land administration at *kecamatan* levels would cause financial burden on the government in the long term and create additional layers of bureaucracy. The study also found that local NGOs were against creating another administrative layer at the *kecamatan* level that may not necessarily result in enhancing better space and opportunities for women in public sphere or land matters.

longing to the deceased spouse passes on to heirs. Thus, both customary practice and formal law are in accordance with regard to spouses' "property rights".¹¹⁹ In general, marital property and inheritance legislation reforms in Indonesia, and Aceh, have been favorable to gender equity. But how do couples behave? What are the customary norms and practices regarding marital property and inheritance? Did government institutions promote joint titling?

What do registration and titling laws say about women's, particularly wives', rights? Generally, the language of all legislations is gender-neutral. In Indonesia, divorcing couples often make agreements regarding how to share the assets. As per formal procedures, such agreements must be created by a PPAT and then submitted to the court for approval. In some instances, in the case of division as the result of divorce, marital property is divided according to a court order. This research found that the majority of respondents felt that in the case of divorce, women have the right to claim half of the assets purchased during the marriage, regardless of which person's income was used to purchase the property. However, *Shariah* court officials and local *camats* said very few couples seek a court order for sharing their marital assets and almost all cases are resolved mutually or through family mediation. Officials and PPATs also asserted that it is quite common for divorcing couples to transfer ownership of marital property to their children at the time of divorce, even if the children are still young. In the study sample, researchers were told of two such instances. At least four women complained that they had difficulty finding death certificates for their late husbands. This obstacle may have prevented timely registration of the land parcels. Support of a local NGO or organization would have helped in resolving such issues in a timely manner.

Regulations for implementing land titling programs usually designate in the documentary evidence the person in whose name the title is issued and registered. Thus, while marital property legislations recognized equal rights of both spouses for property acquired dur-

ing marriage, the PP-24 and other titling regulations are silent or simply suggest compliance with available and relevant administrative documentation.

A perception exists that in practice, the gender-neutral approach has turned out to favor the man and has resulted in men ultimately securing better access and control over land and other productive resources. This study found that the notion of the man as head of household within the government vocabulary will have to be challenged and replaced with more gender-sensitive terms.¹²⁰ In discussions, respondents also reasoned that the outcome of laws, government policies, and government programs for enhancing women's land rights on the ground with varied interests and stakeholders should be seen within the hierarchy of local government institutions. This not only involves securing the cooperation and support of the local authorities and government institutions but also careful negotiation between stakeholders.

Awareness and Willingness on Joint Titling

This study revealed that there is a widespread awareness that after marriage land and properties are jointly owned by both spouses (Figure 4.8). In locations where the systematic titling program or relocation project was implemented, more than one third of the respondents were aware of the titling program, but were less aware of details on joint titling procedures and their benefits. In the case of relocation/housing programs, *geuchiks* reasoned that land registration was based on existing legal documents or the list of beneficiaries proposed by the Indonesian government and BRR.¹²¹ In both instances,

120. Refer to E Harper; discussions with Ria Fitri and Kurniawan (former staff with Oxfam and IDLO and currently a faculty at Unisyiah, Banda Aceh).

121. In the case of relocation and resettlement programs, the concerned local government (*kabupaten*) will have to issue a formal decree giving names of land beneficiaries and BPN will maintain those names in the title records. Local governments conceded that observation and stated that they have an obligation to document decisions to donate land parcels (or confirm allocation of land) for particular housing projects. BRR's joint titling policy triggered inclusion of women's names in the land allocation list and subsequent joint titling. However, officials were also obliged to accept what the family stated as its preference in terms of name of the landowner. A more targeted special education program could have yielded better results.

119. Formal law for inheritance by children is based on the local Islamic practice of giving sons a more favorable portion of the inheritance than daughters. This is equally true of customary practices in the province.

Figure 4.8

the joint titling policy received scant attention from local governments or adjudication officials. Hence, general awareness on joint titling is yet to significantly turn into couples' willingness to formally register their holdings as a jointly held property.

Regarding women's awareness of the joint titling option, women respondents were generally aware of their right to register land in their own name, but less than 25% were aware of the option to register land jointly with their spouse. At least two thirds of the women participants were not aware of the legal and economic significance of having their names on title certificates (see Figure A.11).

This study found that women were usually excluded from the decision-making process regarding whose name would appear on the certificate.¹²² In the FGDs, women remarked that registering a property in a woman's name could be interpreted as lack of trust in her husband or preparation for divorce.¹²³ This appears to be a cultural constraint that must be countered by local government and BPN by providing clear information regarding women's land rights and the benefits of

122. Despite provisions in the Marriage Law and other regulations on joint titling, Indonesian government and BPN officials asserted that the specific focus on joint titling was introduced only post-tsunami and particularly through the systematic titling program (RALAS project) and relocation and housing projects. As part of these two titling programs, officials were required to disseminate information on women's access to land, ownership rights, and joint titling as an option.

123. FGDs in Aceh Barat Daya, Aceh Selatan, Pidie, and Aceh Timur.

joint titling not only for women (in the case of the husband's untimely death), but also to protect the rights of the couple's minor children. Men were also equally unaware of the joint titling options and potential benefits.

When asked about their perceptions on the efficacy of joint titling, close to one third of the respondents were positive. Further, half of the men and women respondents could not provide an opinion because they were not familiar with the details, whereas others believed that such an approach would be good for women (see Figure A.12). Some women respondents (see Figure A.13) and FGD participants stated that even if they knew about the possibility of joint land titling, socio-cultural factors prevented women from freely seeking joint ownership. The survey teams posed hypothetical conditions to them, such as a woman's husband passing away without clarifying claims and rights among heirs or the addition of a second wife and the impact on land rights. At this point, the women became passionate and interested in learning more about the option. Instances such as this suggests that improved socialization methods are likely to yield better results.

NGO representatives asserted that placing the onus on individual families to jointly register matrimonial property is bound to create a significant risk that such property will be registered only in the name of a husband, given the prevalent cultural norms. They reasoned that the concept of the man as head of household, at the heart of the issue of joint titles, was reflected not only in social perceptions and thought processes of government officials, but also in the manner in which some procedures and regulations have been interpreted and applied. This gender-neutral approach of government institutions and officials does not take into account current realities that many households are headed by women, owing to natural disasters, out-migration of men in search of economic opportunities, and conflict.

The lack of understanding about the joint titling option and lack of socialization of details were important findings from the field surveys. Widespread misunderstanding exists within communities and among village leaders regarding the possibility and benefits of joint titling. This study also found that most women were not very

keen to discuss joint titling as an option until they were prodded and motivated to think about it.

Attitude towards Joint Titling

The majority of the respondents and FGD participants expressed no strong opinions about how land had to be registered, as long as the name on the title certificate belonged to a member of the family, most preferably the husband. Both men and women felt safe and secure as long as no foreign claims are made on the property. When probed further, women respondents reasoned that land registration is a man's work (i.e., dealing with government officials) or that the women respondents "trust their men."¹²⁴ Further, the procedure for jointly registering ownership is seen as complex and time-consuming, especially in the case of inherited property. At times, landholders receive incomplete information and the details are unclear. Maintaining a safe approach, most landholders prefer not to pursue a challenging path. Despite such assertions, most women agreed that joint titling would help guard against capricious action by one spouse; protect women from dispossession through abandonment, separation, or divorce; and increase women's bargaining power in the household and farm decision-making. Several *geuchiks*, NGOs, and informal leaders (e.g., *imeum meunasab*) asserted that mandatory joint titling for legally married couples provides the most secure land rights for women.¹²⁵ Evidence indicated that the issue of land titles to women, or joint ownership, is likely to become more important as men travel to urban centers for employment. Focusing on strengthening women's access to land rights is critical in the longer term. Joint titling would also reduce the continuous burden placed on local leaders and *adat* institutions about land matters.

124. For example, there was a view that formal credit should be accessed by men. When probed further, the researchers gathered that women were aware of the implications of a debt cycle and were cautious about getting into a trap, whereas men did not show such fears. This could be an area for future research.

125. It is important to note that joint titling is only compulsory for joint marital property (*harta bersama*), not for independent property (*harta bawaan*), as distinguished in the second paragraph on joint titling. The lack of clarity between these two forms of property ownership seems to have been a major challenge to ensuring that the land title register accurately reflects land ownership.

If gender equality is intended to be achieved, then there is a need to redesign the socialization process to ensure that all beneficiaries are informed about the importance of land rights (such as titling in the name of women generally and joint titling) and feel free to exercise those rights. It is imperative that the issue of women's access to land is given increased and critical attention by the Indonesian government and BPN. The challenge is to create a conducive and enabling environment for women to participate equally and benefit from the joint titling provisions.

On joint titling, researchers also interviewed several PPATs and *camats* and obtained their views. Most PPATs and *camats* responsible for preparing transfer (and mortgage) deeds, opt to follow local norms in deciding the names to be included. This attitude is consistent and seen as complying with *adat* procedures. They also pointed out that women and men continue to deal with property rights in accordance with their own customary norms, regardless of what title documents and registration records may state.¹²⁶ This indicates a desire to maintain the status quo among the professional groups, for whom socialization is also required.

On their part, in the FGDs and interviews, local governments and BPN officials argued that they would prefer to provide information that is gender-neutral, rather than influence the final decision in a particular direction.¹²⁷ In spite of widespread inaction to joint titling within the government environment, it is well recognized that property acquired during marriage is "marital property" and protected as such wherever cultural norms, customary practices and the *adat* tenure system are dominant. But they were also aware that the government will have to proactively work on pro-

126. The near absence of willingness to register subsequent transactions confirms this attitude and practice.

127. In general, all officials know that more than one name could be included in a title certificate as owners. BPN officials in two district land offices were of the view that including more than one name on a smaller plot (of less than 2 hectares) may result in the violation of government regulation in Lieu of Act 56/1960 on Fixation of the Size of Agricultural Land, Article 9. This regulation provides that only one person can own a plot smaller than 2 hectares, except in the case of joint ownership by heirs who inherit the land as a group. This is due to a wrong reading of the regulation by some officials and is preventable with orientation and training on a regular basis.

tecting women's land rights and in parallel make certain that there is no family or community resistance to conferring rights to women. The results of the RALAS project in 2008–09 demonstrated that if information dissemination is prioritized, it is possible to secure higher participation of women and men in the joint titling initiative.

In sum, women's and men's attitudes to joint titling range from enthusiasm to apparent indifference to outright rejection of women's rights. This variation seems to depend on cultural norms, efforts of titling teams to inform landowners about the titling process, and the objective of joint titling. Evidence shows that better informed landowners are more receptive to the notion of joint titling.

SECTION 5

CHANGING TRADITIONS IN LAND OWNERSHIP IN ACEH

5.1 Matrilineal Inheritance Practices

During the field surveys, the research team explored the continued relevance and acceptance of the matrilineal arrangements, the introduction of formal titling, and its impact on women's rights to ancestral and nonancestral land. In addition, discussions were pursued with officials of the *Shariah* court (*Mahkama Shariah*) in Banda Aceh and in Aceh Besar, Pidie, Bireuen, and Aceh Utara districts. As noted earlier, for the majority of Acehnese, land ownership and inheritance are not processed through formal institutions.

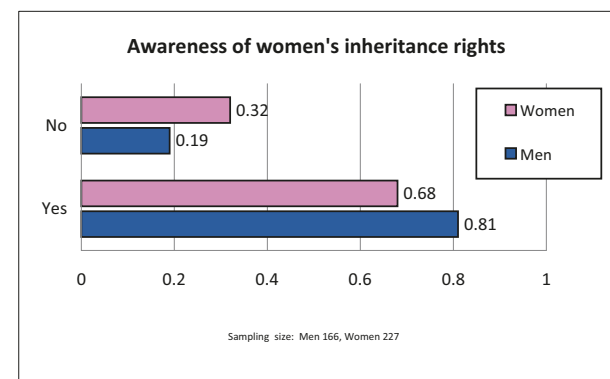
Data showed that a majority of the women (nearly 90 percent) were aware of their inheritance rights (division of property under Acehnese customary practices) (Figure 5.1). When asked to define the method by which ancestral property was shared, this study found that there was no single method of dividing the property as far as daughters were concerned. Most women narrated more than one method by which assets could be shared. In Aceh Besar, for example, per traditions, family property will be either divided equally among daughters or at a ratio in favor of the youngest daughter. The rationale is that all daughters would take care of parents and other family members equally during a time of need. Both men and women respondents asserted that this customary practice is beneficial to daughters, who inherit at par

with sons. It is also seen as offsetting the pro-male tendencies of Islamic law and *adat* practices.

To What Extent Does Aceh Follow Matrilineal Practices?

During the field survey, all informants reported reasonable familiarity with matrilineal practices and stated that these are being followed among the families. Nearly 70 percent of the women informants had received a share of assets through the matrilineal system. The remaining women had yet to receive any assets because their parents were still alive. Some respondents said there was no need for sharing assets because they were the only daughters of their parents and there was no need to divide the property.

FIGURE 5.1



Another dominant factor found in the division of inherited assets was the venue of postmarriage residence. In some areas, the man moves into the wife's village (Aceh Besar and Pidie), whereas in Aceh Utara, the reverse is the case. One *adat* leader explained that this difference was because in areas where land is scarce or less productive, a man may not be able to take his wife home. Therefore, in some coastal districts, where land is abundant, the man moves into his wife's residence. Such male migrations were always based on economic factors rather than social or cultural norms.

Anecdotal evidence indicated that sometimes fathers who have the means to purchase land or property will do so and give it to their daughters (obviously, this is only possible among more well-off segments of the society). This property would not be considered customary family land. NGO advocates reasoned that this may be the result of the growing instability of marriages in recent years. An interesting anecdote was the fact that among many newlyweds, women prefer to hold a land parcel before marriage. Although this may not always occur, it does indicate women's keenness to maintain some sort of economic independence. In general, such customary practices are beneficial to daughters, who inherit at par with sons. This practice, in some ways, offsets the pro-male tendencies of the Islamic law and *adat* practices. Parents consider each one of their children as equal and prefer to be fair to all.

An advantage for women in a matrilineal society as practiced in Aceh is that she has cultivation rights on her birth family's land, even after she marries, as long as she lives in the community. *Geuchiks* pointed out several cases in which a woman had married outside the community but opted to return to her place of birth and was able to reclaim her use rights. In the FGDs, women stated that such allowances in the matrilineal practices do give them some independence from the husband's household. Families were generally found to be sensitive to the needs of girls.

Does the Matrilineal System Empower or Disempower Women? Does It Absolve Males of Their Responsibility in Supporting Women's Inheritance Rights?

Available data and information show that women are not openly empowered in Acehnese society. However,

with husbands playing a large role in family affairs, it is common among Acehnese women to agree to a demand or "suggestion" from a male member in the household, in particular on property management. Based on narrations heard during the field surveys and data gathered, it can be said that the traditional practices and wedding gifts to daughters are very deep-rooted customs and have been around for several centuries because men were always away fighting battles or pursuing economic activities. So the care of the household and property was entrusted to the women. But this did not mean that the husband or male members were not active in managing matrilineal and inherited assets. Most women participants at FGDs tend to believe that although changes may come, the basic matrilineal and inheritance systems will remain strong and women will continue to hold property rights in general.¹²⁸

This study found that even in the traditional system wherein which women inherit land and other property rights, men have gradually emerged as decision-makers on land and property matters because of their presumed knowledge of the outside world or because of the gender-based division of labor in nuclear families. Every community had a story to narrate. It is a fact that the traditional and matrimonial practices will not disappear easily. However, with the increasing emergence of the nuclear family over the extended family system, men are taking the role of head of household and the system of handling property is likely to weaken in time. This may be due to the shift from sustenance to modern modes of livelihoods (such as wage employment or domestic sale and exports of fish and other produce). The other social factor to be highlighted here is that in practice, many marriages are now negotiated outside the community, and these marriages tend to allow more rational decision-making with regard to assets. However, the formation of new families and residences away from parents has also disadvantaged women when they become disconnected from their inherited land assets. The fallout from this trend is an emerging conflict between inheritance customs and

128. Local leaders such as Sakdiah, a resident in *desa* Lancang, *kecamatan* Kembang Tanjung, Pidie, believe that with education and other social changes, inheritance practices will also undergo a transformation.

inheritance practice, and hence between matrilineal systems and current reality.

The field survey also observed that there were gaps and lags in the institutional support to women's property and inheritance rights, particularly through *adat* traditions and inheritance. The findings of this study suggest that there is widespread confusion among land office and government officials regarding how matrimonial assets are inherited and how family property should be registered. Uncertainties exist on the role and responsibilities of the *adat* committees. Officials of the *Shariah* court¹²⁹ acknowledged overlaps among Islamic law, customary practices, and formal rights. They also noted that the quality of *adat* decision-making depends largely on the *geuchik's* understanding of formal and customary inheritance rules and knowledge of the family's personal circumstances (such as origins of a family's wealth and lineage). The situation is further complicated because, as stated earlier, close to one third of post-tsunami *geuchiks* were new and unfamiliar with such background information. These conditions could also be seen as an opportunity for the government to put in place a unified approach for village governance.

The field research made an attempt to assess the "disconnect" between various practices and laws and assess how much of it is due to lack of knowledge and understanding on the part of local authorities. It found that most institutions tend to forget the fact that landowners and communities, in general, are not holding a stereotyped view or obsession with a particular procedure/practice. The "disconnect" was found to be clearly on the governance side, especially in three areas:

- The customary practices tend to adapt to the changing socioeconomic environment, but these adaptations were not always well understood or

129. In Indonesia, religious jurisdiction is defined through the religious courts (*Pengadilan Agama*). These courts have jurisdiction over Muslims in the areas of marriage, divorce, inheritance, guardianship, and charitable trusts and endowments (*wakaf*). In Aceh, the religious courts were replaced by *Mahkamah Syariah* (or *Mahkamah Syari'ah*) in 2003 by way of Presidential Decree. These courts sit in each district, and appeals are heard by the provincial level *Mahkamah Syariah* in Banda Aceh, and finally by the *Mahkamah Agung* (Supreme Court) of Indonesia in Jakarta. The power to appoint, promote, and dismiss judges rests with the Indonesian Supreme Court and Judicial Commission (*Komisi Yudisial*).

well disseminated. For example, not many *geuchiks* were aware of recent changes in land use patterns and the close relationship between these changes and the land markets (including land acquisition for public purposes). As a result, *geuchiks* or local authorities were unable to provide clear guidance and leadership on some of the issues.

- As is common, customary practices are not always recorded and result in numerous misapplications or misinterpretations that in turn lead to unnecessary land-related disputes. In the changing institutional environment, greater involvement of other agencies in the area is called for. For example, in Nagan Raya and Aceh Jaya, post-tsunami, *geuchiks* and local leaders spent long periods of time identifying and clarifying the real owners of land parcels and deciding how land areas should be reallocated to families.¹³⁰ The disconnect of this nature delayed implementation of housing projects and reconstruction programs.¹³¹
- Misapplication (or nonapplication) of *adat* practices negatively affect governance (e.g., when local officials introduce a wrong set of precedents in property administration).

Almost all of the respondents in the FGDs were aware of the limitations of inheritance practices, as well as the growing limitations of *adat* institutions to enforce them. In the most tsunami-affected areas, women were able to narrate experiences. The government is aware of such cases and has seen the opportunity and need to strike a balance between customary practices and conferring formal property rights. However, the government is also aware that local functionaries such as the *geuchiks*, *mukims*, or *camats* are not yet fully prepared to handle such a task.

Traditional and religious arrangements and practices, including both *Shariah* and *adat*, have protected women's access to resources and property rights. The related capacity and knowledge gap is also well known, particularly in the

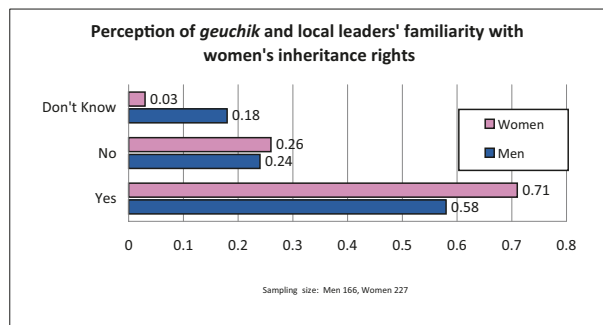
130. Although most women ultimately received their due share, the mixed-up process and impasse continued for more than two years, illustrating the serious disconnect.

131. Refer to discussions with former Director of Land, BRR, and Mulyadi, Head of Legal Unit, Aceh Barat *Bupati* office, and Erna Heryani, former Director of Land, BRR, Banda Aceh.

post-tsunami days. Old people with local knowledge (*orang tua*) have been lost to a considerable extent. Further, governance factors are beginning to have an impact on women more than men, as more women hold *adat*-type land parcels than men. The fact that *geuchiks* are all men, who tend to misread or misapply *adat* practices and potentially deprive women of their rights (Figure 5.2), remains as a challenge. Aceh's experiences illustrate how changing practices are affecting traditional or matrimonial assets. Some of the key findings could be summarized as follows: First, the introduction of formal titling and the adoption of the *bak milik* regime (full ownership) results in reinforcement of women's ownership. But how the assets will be managed over the longer term remains unclear. Second, officials at *Mahkamah Syariah* have shown their willingness to adopt modern social and economic trends that people are beginning to accept. Acehnese social analysts note that although *Mahkamah Syariah*, in recent years, has shown progressive thinking and the ability to perform a delicate balancing act, these socioeconomic changes are neither universal nor have affected all women in the same way. Variations have been found across districts; for example, Aceh Besar and Pidie, seem to follow a similar pattern of modified inheritance (matrimonial) practices, whereas Aceh Utara and Aceh Timur lean toward practices followed by communities living in neighboring Medan (North Sumatera). The matrilineal practices found in Aceh Besar, Pidie, and Bireuen appear to be of a piecemeal nature and are not comprehensive enough to be termed a matrilineal system. On the other hand, the province has no clear set of procedures for patrilineal customs either.

The new LoGA has ensured devolution of general land administration powers to the municipal, provincial, and district governments of Aceh (Article 213). The district and

FIGURE 5.2



BOX 5.1 Are Women Turning Their Backs on Traditional Inheritance Practices in Asset Sharing?

A case study from Pidie highlighted the gradual transitions now occurring.

It is not that Ernita isn't grateful to her family's traditional inheritance system under which she, rather than her brothers, will inherit the family's sprawling home lot and garden. It's just that she's not sure she wants all the responsibility that goes with it. "I know this is a privilege that the youngest daughter enjoys, but I have my own life to lead," said Ramla, 34, a teacher in a nearby primary school. "I can't be responsible for everything. The system should gradually change," she told the field researchers. Under the matrilineal system in Pidie, dating back more than 700 years, the youngest daughter inherits the ancestral home. The catch, however, is that while the property goes to her, so do all the responsibilities attached to running a large household. "Under our system the youngest daughter is obliged to look after her parents and any other family members who may fall on hard times," says an official at *Mahkamah Syariah* in Banda Aceh. This arrangement usually works well as long as the daughter stays with the traditional environment and culture. But it runs into difficulties once daughters receive an education and move out of the village and into the larger society. Erna, a resident in Lancang, *kecamatan* Kembang Tanjung in Pidie district, was forthright and said: "It is not that I want to turn my back on tradition, but I'm not sure whether I will be able to fulfill the responsibilities when I have a different way of life." Muin Kadir, a *Mahkamah Syariah* official added, "We feel that the system is gradually becoming irrelevant."

municipal governments will have responsibility for land administration within their respective areas of jurisdiction (Article 17), and the provincial government will be responsible for land administration matters that cut across the districts and municipalities. The provincial government is reported to be already taking initiatives to make these legal provisions operational. It will also call for significant strengthening of the *desa/kecamatan* levels in land administration.¹³² The systematic titling program, RALAS, was

132. Fitzpatrick advocated (Oxfam report, 24) "Given the primary dispute resolution role of the *keucik* (*geuchik*), there is also scope for greater resources and training in relation to record-keeping. The documents that are kept in *geuchik* offices include letters confirming

designed with a similar decentralized approach and should be readily applicable and adaptable to the new structure for land administration.

5.2 Inheritance of Property¹³³

Land inheritance is a key element that affects gender relations within families; therefore, attitudes and practices in this context were explored in detail. As noted earlier, Aceh has strong matrilineal tendencies in allocating assets for daughters and *hukum adat* procedures to protect and secure those rights for daughters and women. Specific survey questions were asked regarding women's inherited assets and how those assets were treated (or viewed) within the household. Evidence indicates that women do want formal registration of their inherited landholdings. The field survey examined the underlying reasons.

Most women respondents claimed that they had received a property share from their parents as inheritance (immovable property, jewelery, or occasionally cash). Nearly 70 percent received land of varying sizes. Such transfers to women were known to everyone in the village, and in the case of large households, the *geuchik* may have issued a certificate (or letter similar to the SSK) to the woman beneficiary with the knowledge of local leaders. Data showed that about 20 percent of the land parcels registered in the name of women were inherited assets (see Figures A.2 and A.3).

The research revealed that men respondents were generally supportive of registering inherited matrilineal assets in the name of their wives. However, there were occa-

land rights, letters of land sale and inheritance-related land subdivisions. These records are often incomplete and poorly indexed. There is relatively little coordination with sub-district offices and BPN in relation to record-keeping. As with sub-district offices, it is recommended that greater assistance be provided for record-keeping in relation to land in *geuchik* offices." PIBA research indicates that these recommendations may be valid, but this may not be feasible in the short to medium term and may require major investments. It was not clear if Oxfam would provide the funds required.

133. Also refer to earlier discussions on *adat pandulan*, customary practices on the distribution of inheritance property among women. Refer to E. Harper.

BOX 5.2 Migration and Inheritance

Mrs Nilawati in *desa* Kuala Jeumpa in *kecamatan* Blang Bladeh, Bireuen said, "In our family, we have norms that guaranteed and recognized inherited assets. That was adequate under normal conditions and most of us were able to provide for our families. However, with families increasingly moving out of the villages for employment or other reasons, most women tend to look into other ways of securing their ownership rights. Land registration is one such way." With this increase in tenure security, we also found that substantial numbers of women are able to independently manage their domestic and family economic affairs.

Nursimah, 37 years, a resident in *desa* Kuala Jeumpa in *kecamatan* Jeumpa, Bireuen district, has three children aged between 9 and 16 years. Ever since her marriage, her husband usually spends 4 months annually fishing in the high seas and another 3 months working at processing units in neighboring Medan. As a result, Nursimah is left with the burden of caring for her children and extended family most of the time. In the beginning, she knitted fish nets for her family but later found that it could earn her some income. She said, "With the formal land certificate, I was able to apply for a bank loan on my own and build this fish net knitting place. Today, everything changes so fast in our society and we can no longer depend on family-guaranteed to hold the land. I think the formal registration is strengthening the family traditions by providing more ways to access additional economic sources for our livelihood." She continued and said that she had secured a loan of IDR 10 million from the local commercial bank mortgaging her land certificate and hoped to use that money to raise cattle and livestock at her home and narrated her experiences. "Earlier, I could use my land holding only in one way i.e., just cultivate or keep it idle. With land registration, I have more opportunities. I hope to earn some additional income and with that money help my family. With some extra money on hand, probably, I could send my daughter to college in Lhok Seumawe or Banda Aceh." Women like Nursimah illustrate the most common coping strategies in life with respect to generational change and resisting male and family migration trends.

sional weaknesses in the system too. For example, the revalidation survey of July to August 2009 found that in some instances, inherited land belonging to a woman

was registered either as joint property¹³⁴ or in the name of the husband as head of the household.¹³⁵ To corroborate the results of the revalidation survey, a random sampling of the individual interviews and FGDs was conducted. It was found that in a small number of cases, the inherited land parcel belonging to the woman was registered either as joint property (0.4 percent of randomly sampled cases) or in the name of husband, as head of the household (0.3 percent of cases studied). In addition, close to 12 percent of the land parcels registered in the names of the men were acquired during marriage and could have been titled as joint property. Although these cases may represent a small minority, they reveal that women recognize the importance of more secure rights to land and take the initiative to secure them when the opportunity arises. When such instances were pointed out, there was passive response from women participants at FGDs. When prompted, however, close to two thirds of women participants stated that they were not informed of the advantages and benefits of joint titling and that they would have considered joint titling if that option was known to them earlier.¹³⁶ With further probing, *geuchiks* in those villages acknowledged that a better socialization program would have prevented errors in registration and produced a higher number of joint titles.

It is obvious that the welfare of a number of rural families depends on facilitating the ability of women to earn

134. This was the case in 4 of the total of 923 samples studied.

135. This was found in 3 of the total of 923 samples studied.

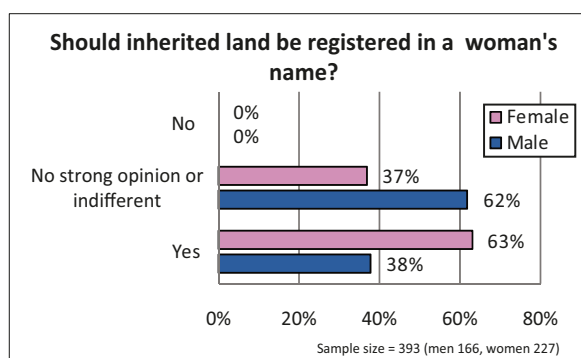
136. "In Acehese culture, husbands are allowed to take care of administrative matters including preparing deeds and the process does not demand the presence of woman. In many cases, I have noticed that a couple would walk into my office to prepare a deed but after a visit or two only the husband will visit alone and coordinate with me. He would submit a document from the *geuchik* or wife concerning the land history, or convey preferences of name on which the asset should be registered. If I have doubts, I always demanded more information before preparing a deed. This way, I make sure that the documentation is clean," said Erlina, a PPAT in Banda Aceh. Aminuddin, a *tuba peut* in Aceh Selatan, gave another reason. He said, "In Acehese families, we consciously avoid conflict within a family. This is done by emphasizing our ethnic and religious traditions and values. This is the reason women try not to freely publicize their family differences. Because of this, when confronted with a dispute, most women tend to rely on *adat* practices and *Sbariah* courts rather than formal courts as the primary sources of support for resolving family issues, including those related to inheritance."

sufficient income to support themselves and their families. Once that possibility is shown, as demonstrated by events soon after the disaster, an increasing number of women will claim their property rights formally. Cultural and social factors are not necessarily uniform across a project area, and may have differing implications depending on whether the household is headed by the man or the woman. Norms related to lineage, marriage practices, inheritance, and property rights are all critical variables. Although these changes may not represent the majority of women in Aceh, even minor shifts of this nature influence the transition from tradition to modernity, seeking to form a bridge between customary practices and requirements in contemporary everyday life.

5.3 Attitudes toward Women's Land Ownership Rights over Inherited Assets

To ascertain the attitudes of men and women about the value of women's ownership, respondents were asked the question: "Do women actually own the land they inherit?" Most women (close to 80 percent) stated affirmatively, but clarified that their formal ownership of land was "decided with men." When questioned further, the respondents indicated some sort of a household consensus before submitting documents supporting the registration of land parcels. When further probed, this "decision" with men appeared to differ according to the

FIGURE 5.3



method of acquisition of land areas, for example, documentation of existing rights or inherited or purchased land. Almost all of the existing rights or inherited assets were registered “as it was,” and purchased land areas were registered based on consensus between the couples. Most women preferred to “honor” their spouses and register their assets in the husbands’ name. Such comments pervaded most FGD deliberations. A large proportion of wives hold a clear view as to how they should serve as role models for their daughters in building a family. Parental expectations and encouragement are obviously strong in local communities and among women in particular.¹³⁷

The field researchers asked the respondents: “In the case of inherited land, should it be registered in the women’s name?” Almost 38 percent of the male respondents said “yes” and affirmed that a woman should be allowed to register land in her own name and be entitled to ownership rights, while a slightly larger number (42 percent) said they had no strong opinion (Figure 5.3). Among women, nearly two thirds stated that a woman should be allowed to register land in her own name, whereas the remaining women respondents did not have strong views on land ownership. It is interesting that respondents from all villages said women “own” land whether or not they hold documentary evidence. This indicates that, at a local level, the person named in the land documentation is not necessarily the perceived owner in the community’s eyes. It shows that local and customary forms of recognizing land ownership are still trusted.

Both men and women were of the view that traditionally ownership of assets is always assumed rather than formalized. This enthusiasm was tempered because women, with an equal level of fervor, reasoned that issues such as who “owns the land” would arise only where there is some sign of disharmony within the family. In discussions, there were statements such as “As long as we are married,

137. For example, Hasna, an FGD participant in Aceh Barat Daya said, “If I demand the titling in my name alone, my husband may feel that I may be preparing for a divorce. There is no reason for me to raise such doubts in his mind.” She continued and said, “I also want to be a role model for my daughters on how to better manage their social and family relationships with the male members.” “This is particularly the case in families, where women did not want their actions misinterpreted by an insecure husband,” explained a PPAT in Banda Aceh.

BOX 5.3 Women’s Attitude toward Potential Intrahousehold Conflicts

During discussions, women were asked a hypothetical question in order to explore women’s attitudes through situations of potential intrahousehold conflict. “How would you react if the husband unilaterally decides to sell your land?” The objective was to determine how far women were willing to go to assert themselves, express their opinion, and, especially, to protect themselves if their preferences were overlooked. Nearly three fourths of the women stated that they would actively resist if their spouse unilaterally decided to sell the land. At the FGDs, participants described this reaction in several ways. Responses generally varied according to women’s level of education; whether they live as part of the extended family environment or outside of it; whether or not they earn an income; and whether or not they have a proper record of land history. In addition, most women stated that they would find it easy to dissuade their husbands from selling off the land, but it would be more difficult to dissuade other male relatives. Ria Fitri said, “For Acehnese women, it is culturally easier to resist and reason with their husbands, but they may not enjoy similar levels of access and freedom to deal with other male-relatives. The social codes do not allow women to challenge a male relative in the public sphere.”

we do not see any difference between my husband and myself and there is no reason for me doubt him.” On the other hand, woman ownership was most favored among women who were engaged in independent economic activities, for example a small food stall or shop.¹³⁸

The survey questionnaire posed another question as to whether the respondents’ attitude toward women’s ownership of land had changed “post-tsunami.” An overwhelming majority of respondents (approximately 70 percent) stated that given their tsunami (and post-conflict) experiences, women should be given more visible and formal roles in resource ownership. In that sense, a majority noted a significant shift in their opin-

138. “I do most of the business transactions on my own and cannot depend on my husband at all times. It is easy for me to own part of the assets, maintain a bank account and deal with suppliers and customers. The fact is that my ability to manage land registration only adds to my knowledge and capacity, apart from security of land tenure,” said Yusriati, a resident in *desa* Lam Manyang, *kecamatan* Peukan Bada in Aceh Besar, who participated in an FGD.

ions about women's ownership rights. When asked to explain this view, both men and women gave similar responses. These are listed below, ranked in order of the frequency of the responses:

- To spread risk across the family
- To obtain better tenure security
- To reduce loss of resources for the family
- To empower women members in the household (to more courageously face challenging situations)

The reasons clearly indicate a change in the perception of both men and women toward land ownership. This study found that men's knowledge and acceptance of women's land rights became more pronounced after the tsunami disaster.¹³⁹ This indicates that with modest motivational or awareness programs, further gains could be made in enhancing avenues for more equitable gender relations in land ownership. The focus should be toward the provision of targeted support services for women members in the community and improving the quality of information provided.

Remarriage and Family Reconstruction in Post-tsunami Aceh and Their Impact on the Property Rights of Women

Large-scale disasters typically trigger adaptive behavioral changes in society. The tsunami led to discernible adaptations in Acehese society. Norms and practices held before the disaster were set aside to cope with the tragedies and trauma that enveloped the people of Aceh. This was especially evident in the extent and rapidity of post-tsunami remarriages in Aceh.

139. "Immediately after the tsunami, most women realized that they had no evidence to protect their land. Potential land grabbing was a troubling prospect. Most of the time, *geuchiks* (or *adat* leaders) do not maintain written records of their decisions on land allocation. This significantly impeded rapid resolution of land claims by both men and women." Based on her field research, Ria Fitri described that although the tsunami may have evoked more responses from women on land ownership, the same problems existed before the tsunami. However, she acknowledged that more women tend to seek ownership claims in the formal sense now than before the tsunami. This is possibly because of increased exposure to local institutions and land related issues now than in the past, and women's increased interest in securing land tenure," said an official at BPN office in Aceh Timur.

Traditionally, there is no restriction on the remarriage of widows in Acehese society and no cultural constraints against retaining children or family property after remarriage. Practically no institutional barriers exist either against remarriage of widowers. However, the pressures of public opinion and the mandatory approval of remarriage by the paternal family and clan head tend to slow such events from occurring too rapidly. The researchers examined why some widows and widowers from tsunami-affected communities quickly remarried, and the probable impact of remarriage on the post-tsunami experiences of women and their access to land and property rights. A discussion on this subject highlighted some noteworthy socioeconomic aspects.

Of the 23 FGDs conducted, almost every community had at least one couple who had lost a spouse and remarried after the tsunami. In some communities in Banda Aceh and Calang¹⁴⁰ more than 10 couples who had lost their spouses remarried immediately after the tsunami. Among them, a third of the marriages took place within a year and most of others took place by the end of the second year. In FGDs, both men and women were separately asked to rate the relative importance of key factors that might have influenced their decisions to remarry. More than half of the widowers and widows rated having a partner for economic support and social companionship as the most important factors in their decision to remarry. A smaller number of widowers and widows cited the need to support the young and the old as the primary reason for remarriage. That said, the study found that despite some isolated cases of forced remarriages, family reconstruction in general was seen as a good example of accelerated social response to the sudden impact of a natural disaster.

In Aceh, women carry the heaviest burden in terms of family care and are therefore more vulnerable to symptoms of stress from long-lasting homelessness and displacement. But factors such as intact family status, community support, and resilience developed through difficult life experiences help women to cope with a disaster and diminish the risk for losing economic assets and preventing long-term isolation and health is-

140. Names of villages and informants changed to protect their identities.

BOX 5.4**Reconstruction of Family Life through Postdisaster Remarriages**

“After the disaster, there was a need not only to reconstruct our economic lives, but also our social environment to overcome large-scale social dislocation of families. In parallel, there was a change in the general attitude of family members and friends towards remarriage, and even subtle encouragement for widowers and widows to remarry and reconstruct their family lives. I myself participated in at least 200 rites of remarriage in 2005-07. From what I have seen, I believe that these remarriages are based predominantly on socio-economic expediencies rather than on sentimental grounds,” said Ilyas, *tuba peut* member in *desa* Blang Teumeulek, *kecamatan* Simpang Mamplam in Bireuen district.

Cut Laiyan, a resident in *desa* Japakeh in Darul Imarah district, Aceh Besar, lost her husband and two children in the tsunami. During the relief phase, she lived in a temporary shelter but was eager to move out and resume normal life. Upon returning to her native village in Aceh Besar, she found that her family’s small farm land required significant work to restore its economic viability. She remarried and now the couple farm together. It was a practical solution to the problem at hand. “I had no other resources on hand and even survival became very hard. So, I felt remarriage was a practical way of relieving sorrow, reconstructing family life, and overcoming instability in economic conditions,” she said.

Zubaidah (called Kak Dah), currently living in Banda Aceh town, encountered similar experiences. However, in her case, remarriage did not lead to any significant positive gains. The burden to earn more multiplied, and she continued to work as a domestic to supplement family earnings. There was also the growing family size post-remarriage and the complexity of managing the reconstructed family. “There was no way we could have survived with my husband’s income alone. Therefore, I preferred to work and earn some money to meet our needs. On the social front, I had to learn more skills in balancing differences in family values and attitudes and that was not easy. But with time, we were able to overcome those difficulties,” Kak Dah said. Deliberations at the FGDs illustrated difficulties in the relationship between step-children and step-parents.

sues. These factors emphasize the importance of learning from post-tsunami socioeconomic processes that bear practical implications for improving recovery and reconstruction programs and for protecting women’s inheritance and property rights.

Did Women Lose Their Pre-tsunami Landholdings as a Result of Remarriages?

Although the communities encouraged widowers and widows to get remarried after the tsunami, there were apprehensions over women’s continued access and rights over their pre-remarriage assets. Only in rare instances did women lose their pre-tsunami assets as a result of remarriage. First of all, this study found that despite initial reservations—and even some subtle intimidation by in-laws—most women were able to defend their rights to property by invoking traditional practices. In some cases, children stayed back with the in-laws to support or to be supported by grandparents, and women allowed a share of the property to be maintained by in-laws as guardians. Certainly tradition played a part in finding such a balance. Common sense among families played

a greater part. Ongoing obligations were in place on the part of both women and men who got remarried toward their children. Obviously remarriages immediately elevated the social status of women, with their dual roles (as widowed mother and new bride) readily accepted and providing a secure environment for women to protect their assets.

5.4 The Role of Extended Families

The literature is growing on the role of extended families in postdisaster situations. In general, the extended family functions as an emotional support network during lifecycle events such as birth, marriage, and death or family crises. It often functions as an economic support network by providing loans during periods requiring exceptional personal expenses and in some cases, business investments. The extended family also functions as a social control mechanism that approves or disapproves a person’s social behavior. Understanding the extent and characteristics of risk-sharing within the extended fam-

ily is important for assessing the role of kinship ties and gender relations within the household. It is also useful for proper modeling of support in gendering policies.

Although nearly half of the households in Aceh are extended family units (or families living within a single housing unit with different cooking and other arrangements), the larger extended family continues to play an important social role, in every sense, in the lives of most individuals, particularly women.¹⁴¹ Many Acehnese consider parents and siblings of their parents to be part of the extended family, although they may not live with them *per se*. In post-tsunami Aceh, the extended family played a critical role, particularly in supporting families and women during the process of recovering and claiming access to lost resources. The need to find new housing and relocate outside their old neighborhood compounded the challenges of readjustment and recovery for affected families. The tsunami prompted such families to utilize extrafamilial linkages to augment their recovery capacities.

The role of the family as a unit in post-tsunami rehabilitation came up for discussion in every interview and FGD, and the discourse generally clustered around two themes: family behavior immediately after the disaster and emergency phase and variations in family relief and recovery needs (partly based on their demographic characteristics). The field research found that women have had a more difficult time than men in readjusting their roles during the emergency phase, for varying reasons. Data gathered suggest that one key issue confronted by women relates to problems linked to overcrowded resettlement camps and recovery sites. In addition, whereas men were comfortable in public spaces outside the residence, women were not accustomed to living in public spaces. Inadequate space was available for privacy as well. FGDs in fisher-folk communities and participants who lived along coastal villages appeared to have been better adjusted than others to the demands of living in temporary shelters. Camp life was new to most women and readjustment was not easy.¹⁴² This can be linked to

the intense trauma from the tsunami and the need to cope with other difficult living conditions.

Field research identified and assessed the factors that had impeded women's access to land and ownership rights within an extended family environment. This study found that the protective or security functions of the family (especially the extended family) took on heightened importance during disasters and provided important contributions to the psychological well-being of families. Most families had relocated to stay with family or friends and planned to eventually return to their original home. In fact, the desire to return to their old location was a recurrent theme in every discussion. Data indicated a very high incidence of kin-based aid in the recovery process (close to 57 percent of the respondents reported having received such aid).

The other issue confronted by some women relates to their personal life. Several men and women lost their spouses in the tsunami. Some of them are reportedly remarried now. Some women remarried within a year after the disaster, and others did not. Such remarriages triggered a new set of psychosocial issues, in addition to those related to pre-tsunami property rights. Of 237 women interviewed, at least 12 cited having heard of such issues from their siblings, family members, or neighbors.

At least one third of women who lost their loved ones claimed that they needed counseling and psychological support rather than immediate remarriage. They also talked about how remarriages caused a new set of issues when inheritance and guardianship cases came up. It was apparent that no one was really prepared for that in

141. However, in recent times more and more families are beginning to form nuclear style units.

142. Marnidhar, a woman in her mid-30s, in *desa* Suak Nie, *kecamatan* Johan Pahlawan in Aceh Barat district, said, "I do not know how I survived the four months I spent in the temporary

shelter. The shelter was poorly lit and equipped. Many women like myself were forced to live in this place for lack of better options." "To rebuild our lives, we had to be mobile, engage in public meetings and activities to get assistance, and at the same time protect our dignity as women. This was not easy to explain to men who usually managed the distribution outlets," said a woman who lived at a temporary shelter for nine months. She continued and said, "At the shelter, the supply items were basic. All those days, it was my family, though in similar situation, which cared for my children and me. Several days, my brother would bring me additional food from somewhere so that my kids were fed." Rosita, an official at the Women's Empowerment Bureau's office in Blang Padang, Aceh Barat Daya concurred and added that she had heard similar stories from women living in the western coastal districts.

a chaotic postdisaster environment. Although families may have pushed a woman to remarry soon, they were not as enthusiastic or generous when inheritance of pre-tsunami assets required resolution.

Although most of the people within a community were similarly affected, rendering them all in need of the same types of assistance and incapable of exchanging any resources, the majority stated that they relied on extended families outside the affected areas for temporary residence and to overcome immediate shocks. This study also noted that the extended family is a double-edged sword and that extended families were not always supportive of the needs of women (or children). Reports were given in every discussion that male members of the family had attempted to appropriate related entitlements.

Were There Instances of Denial of Women's Entitlements by Extended Families?

Nearly all of the informants responded negatively when asked (both individually and in FGDs): "Did any male member of your family deny your entitlements on land?" However, in private conversations, six women respondents recounted their experiences of property-grabbing attempts by in-laws. Listening to these stories, it is apparent that women were never denied their rights openly. It is always a subtle process of nudging and persuading a woman to give up her claims. Some intimidation was experienced, too, but the women did not talk about this in public. A lack of awareness about the laws that protect women's rights to land and an insufficient understanding of options for legal redress together prevent them from claiming their rights. These factors suggest that affirmative action is required to promote women's access to land and livelihood, especially single women, widows, and women with disabilities. Local governments should be provided with a set of guidelines for disaster situations, specifically to prevent denial of women's entitlements.

Taken together, it can be said that the attitudes and actions of male family members have a profound impact on women's ability to access their property entitlements. Times of confusion and crisis such as the tsunami in

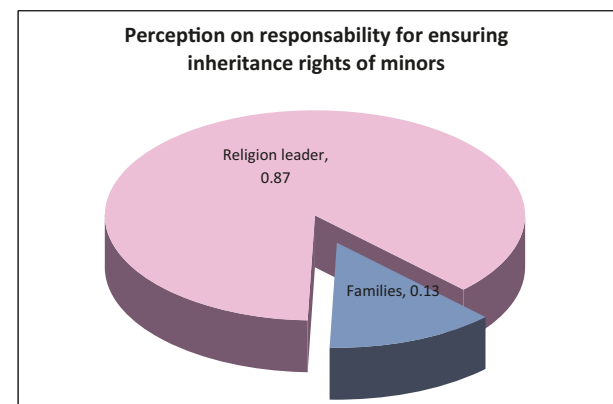
2004 provide an opportunity for unscrupulous family members to deprive women of their rights. Women's *adat* or matrilineal assets are particularly at risk from this type of abuse because of the lack of documentary evidence for these holdings. Acehese women are subject to cultural norms and traditions that are different from those followed by men. In many cases, women hesitate to seek assistance when wronged by a male family member.

Was There Denial of Claim for Guardianship Rights?

Shariah law and *adat* traditions have established "guardianships" for the specific purpose of protecting vulnerable individuals (called "wards") whose rights would be secured by a guardian (*wali*). A guardianship is particularly appropriate for people who are unable to care for their assets and needs, including minors and invalids. The field survey asked the informants who should be responsible for the minors and whether all the guardianship applications were resolved in an appropriate manner. (Figure 5.4; see Figures A.4 and A.5) This was followed by a question intended to highlight the issues confronted. The information gathered is summarized and analyzed below.

The field survey found that at least one third of the study villages have at least one inheritance case and the average occurrence was three cases per village. Most inheritance cases were found in the coastal communities that were worst hit by the tsunami.

FIGURE 5.4



Several women respondents reported that during the recovery phase (up to 9 months immediately after the disaster struck), they sent their surviving children to stay with relatives or at the *masjid madrasah* to enable the women to focus on rebuilding their homes and re-establishing their livelihoods. From a legal and social perspective, the nature and character of each guardianship case varied. Nearly half of the inheritance applications were reportedly filed by women seeking to be declared as guardians, and the rest were filed by a male of the surviving family (mostly paternal or maternal uncles) as *walis*.

Guardianship and Land Registration

Under the land registration programs, the procedures were clear and the field teams were instructed to immediately record unresolved (or pending) guardianship applications and to report these to local authorities and district *Shariah* courts. Thereafter, titling teams waited for a formal decision before adjudicating the particular land parcel. In areas where systematic titling was pursued, guardianship cases were detected by the adjudication teams and referred to local leaders for resolution. The Indonesian government’s titling program database indicates that after the tsunami, nearly 2,000 cases of inheritance were referred to *Shariah* courts for resolution before title certificates were issued to the concerned *walis*. However, there is no information available on the actual status of the cases—how cases were resolved and how many are still pending before the courts. Local leaders, *Shariah* court judges, and officials acknowledged that although the systematic titling program may not have covered or followed up in all the villages, it was at least able to detect and signal the issues to government institutions in areas where the program was undertaken. The field surveys show that had such a program not been available, there would have probably been a higher number of minors and women searching desperately for a solution.

Among families, there was an expectation that the field teams would resolve the guardianship issues, when it was not their responsibility. This misperception created some confusion in the beginning. Once the *Shariah* judges visited a village and clarified the procedures, families were prepared to wait. This study found that such visits had enhanced families’ confidence on their landholdings and they understood the process to be fair. This way the government was able to coordinate effectively with the *Shariah* courts and families who had applied for guardianship rights.

Fieldwork revealed lapses in protecting the rights of the minor children and women. Anecdotal evidence suggests that the procedures created for ensuring guardianship rights were not working in the frontlines. Nearly half of the informants asserted that there is no track record of *Shariah* courts or local leaders handling such a large number of cases and that several cases were complicated. Numerous questions were raised about the reliability of the claims. At some point, especially in dealing with complicated cases, the judges should have spoken face-to-face with the minors and the guardian



Photo 5.1: Brochures produced and distributed by the RALAS field team on guardianship.

BOX 5.5**Raising Concerns on the Outreach and Capacity of the Shariah Courts**

In recent times, the *Shariah* institutions confronted questions not only about their reputation and image, but also about their capacity to implement Islamic principles in a fair and transparent manner. This is beginning to have an impact on *Shariah* courts as well. Nurhasdiana, Director of a local NGO, Sri Ratu, said, “Although in recent months, more and more families are approaching *Shariah* courts for resolving land disputes and guardianship cases, it does not mean that the judges and officials, *imeum mukims* and others are knowledgeable or that this trend would continue. Families are realizing that there are other opportunities to resolve an issue and that they need not depend on *Shariah* courts alone. In most instances, we have noticed that only the poorer families approach *Shariah* courts and those who could afford seem to prefer secular institutions to resolve an issue. In addition, the weak knowledge of the *Shariah* judges is also known to families. There is a significant gap in their grasp of the issues and that remains to be filled in.”

There were serious criticisms within the *Shariah* institutions too. A judge for Banda Aceh’s *Mahkamah Syariah* (*Shariah* court), requesting anonymity, was forthright in her criticism of the work of the *Shariah* institutions and to some extent the court after the tsunami disaster. She observed that many of the cases at the family court were brought by women citing domestic violence, inheritance cases, or economic problems. “I have to say that there were violence-ridden marriages after the tsunami. However, the *Shariah* courts did not respond in a gender sensitive way.” She noted that the disproportionate number of male judges in the *Shariah* courts also hampered a fair deal for women. She said, “Our male judges did not understand women’s issues. Several men do not pay much attention to women’s position in divorce cases.”

Hausmini, an official at the Women’s Empowerment Bureau in Banda Aceh opined that a lack of systematic coordination between *Shariah* institutions and other local governance apparatus (e.g., Women’s Empowerment Bureau, judicial officials, or BPN) caused a division in women’s collective voices at the ground level. Two *Shariah* court judges, Masdarwaty and Hj. Hafidhah Ibrahim, in Banda Aceh, agreed that coordination and information dissemination remain critical issues. They sounded hopeful and said, “Many Islamic court judges are also its religious preachers. Because they preach, they have a ready-made audience for their views on Islam and its tenets. One will have to use this and such other opportunities in the most productive manner.” They also pointed out recent efforts to train *Shariah* judges, both by national and local institutions to enhance their capacities.

claimants. This did not happen all the time. As a result of the lack of socialization, there was no real opportunity for women to understand the process and react to it when they applied to be the *wali*.¹⁴³

NGOs and observers disclosed that there was no baseline survey immediately after the tsunami to identify and support children (or vulnerable women) at risk. Scant interagency arrangement was made to provide oversight or review the quality of support being provided by the *walis*. Scrutiny of safeguards at all levels required an understanding of the existing legal framework, as well as the opportunities provided by aid organizations. Such comprehensive knowledge and information was lack-

ing. Informants averred that *Shariah* courts lacked such skills and capacities.

Almost all of the respondents believe that the legal obligations of the *wali* and beneficiary are defined in *Shariah* law, and this was seen as completely sensible and necessary. Respondents were also aware that according to the law, minors or vulnerable groups need community assistance because their ability to decide is unreliable. They were all aware of the connection between the *wali* and the beneficiary as “fiduciary.” On their part, the *Shariah* judges acknowledged that their decisions do play an enormous role in local communities because they are seen as interpreters of family law in dealing with marital issues, divorce and its implications, inheritance, and child custody rights. During interviews, *Shariah* officials were unable to provide details about the number of land inheritance and property rights cases resolved by the courts over the last 5 years (see Figure A.7).

143. Elvida, who worked with the local NGO *Radio Komunitas Suara Perempuan* (RKSP) in Banda Aceh for several years said, “We have seen several cases which were not amicably resolved by the *Shariah* court or local leaders.” She cited several instances in which guardianship rights were denied to women.

BOX 5.6**Were There Any Denials of Women's Guardianship Rights?**

Mulyadi, Head of the Legal Unit of the *Bupati's* office in Aceh Barat, said, "In practice, religious leaders in the village played the key role in determining a guardian for the child. It was true that there was a general tendency among *geuchiks* to enter a man's name as guardian largely due to two factors. One, men attended the meetings and discussions; and two, they were immediately available to sign the documents. The situation was different only in case of pro-active women members. Having said that I have not heard of any denial of women's guardianship rights so far."

Tgk H. Abdullah, *imeum masjid* in *desa* Lam Ara in Banda Aceh, acknowledged that, "Some of the cases were too complex for us to handle. In order to speed up the process, we suggested a temporary solution. Unfortunately, several such *ad hoc* agreements (solutions) turned out to be permanent. But these were not large in number. In my village, we had only one case. In our *kecamatan*, we had only three such cases where the resolution was a bit mixed."

Erna Heryani, former Director of Land at BRR, recalled that, "Almost all of the guardianship cases were settled before we confirmed who would be beneficiary of the land and house provided. These were local decisions arrived after several meetings within the beneficiary community. Therefore, there was very little chance of depriving women of their guardianship rights. When I look back at the results, I have a couple of lessons from that four-year experience. First, the message on guardianship rights with regard to relocation areas could have been better conveyed to the communities and village leaders, particularly to the *imeum meunasah* and *imeum mukims*. We should have coordinated with local *Ulamas* also. The benefits of guardianship in the name of women remained unknown to most people. Second, there were cultural norms with men handling paper work – which is considered as respectful – and as a result most documents were prepared or signed by a male member in the family. In the relocation areas, we came across only rare cases where a woman was intimidated or threatened by a male member in her family preventing guardianship rights. Because of the long-drawn process in determining guardianship rights, there were not many disputes that I could say involved ambiguous decisions. If there were such instances, I believe they were largely due to lack of information among families and village leaders and cultural barriers."

Said Mustafa, Assistant to Provincial Governor said, "There is always a delicate balance for the local government to play its dual roles of protecting guardianship rights and respecting and nurturing *adat* practices and traditions. We should not be taking away family freedom also. I believe that only when the families are too poor or too stressed to manage guardianship rights without assistance and support, should the government step in to facilitate the process. It is in the best interests of women and children, of the community and society itself. Often times, *Shariah* courts and local religious leaders played a valuable role in several of the issues resolved and hence the direct engagement of the government was very marginal so far."

The NGOs stated that guardians were easy targets for unscrupulous people within the family or community. Equally unfortunate was the fact that the legal system, having established these processes, frequently fails to supervise how they actually work. Not surprisingly, there is a growing perception that with lack of oversight, the current system operates to trap the most vulnerable people. The system ends up supporting unethical officials and other fiduciaries appointed by the courts to protect minors, many of whom become nothing more than miscreants.

The field surveys concluded that there were instances of denial of claims by women as guardians in which village leaders were unable or unwilling to prevent rela-

tives from denying the legitimate claims of widows or daughters. These may have taken the form of implicit threats of violence by male relatives, counterclaims to ensure women claimants could not obtain access to land and property unless remarried (either within the family or outside of it), and denying widows their claim to land and property inheritance because the deceased had owned the property independently.

Based on the experiences of NGOs (e.g., PUTROe Kande, the Asian Foundation, IDLO, *Jaringan Komunitas Masyarakat Adat* [JKMA; Network of Community of Customs Society], and Sri Ratu), the study found that: (a) the *Shariah* court does not have the outreach capacity to resolve all of the cases in a

timely manner; (b) at the village level, the negotiation mechanism was always male-dominated and tended to support illegitimate claims from male relatives; and (c) there were instances of village leaders either abusing or not properly using their authority and women not receiving information or guidance on guardianship arrangements. The media was also found to be largely insensitive to the plight of women and at times oversensationalized issues. No clause exists for public disclosure on the part of the *Shariah* court judges and officials. As well, few opportunities exist for affected women to speak out.¹⁴⁴ Taken together, it is obvious that the procedures developed for protection of guardianship rights were not uniformly implemented. The limitations of locally managed dispute resolution mechanisms include lack of oversight, resources, and competent personnel. The *Shariah* courts may be able to remedy some of the cases they come across during normal times, but they are not geared to manage post-disaster demands. This situation seems to have resulted in some lapses in protecting guardianship rights. The guardianship arrangements, to be effective, need close scrutiny and oversight of the *Shariah* court officials and other government agencies.

In the resettlement and relocation areas, a number of guardianship cases arose. Field surveys found that these cases were identified and resolved by the respective housing provider, following the systematic titling methodology. The findings of this study suggest that there was widespread delay in resolving guardianship issues in most relocation and resettlement areas. Some of the religious leaders attributed this delay to several factors, including finding a proper resolution for competing claims within the family and determining the rightful heir. Some religious leaders seem to have taken an easy route and appointed a male member in the family as the “guardian.” Field surveys indicate that a majority of the women respondents were aware of procedures for securing guardianship, but it was a male member of the family who invariably assumed the responsibility.

144. Elvida and Nurhasdiana of Sri Ratu recalled several instances and reasoned that the process adopted for recruiting judges to the *Shariah* courts, in general, was faulty and “many judges have weak knowledge and this situation required improvement.” They also advocated regular training programs for the judges and other officials in upgrading their knowledge and capacities.

In several ways, after the tsunami, *Shariah* law was tactfully used to protect the rights of women and children in Aceh and tends to be care-giving. One of the key determinants in *Shariah* law for allowing divorce relates to children receiving their share of assets or support for maintenance. Therefore, it is not easy for divorcing couples not to consider their children’s rights when they decide to separate. When a couple approaches the *imeum* or *Shariah* court for a divorce, one of the key issues sorted out before issuing a divorce certificate relates to children’s share in the assets. With the declining role of Islamic leaders in everyday affairs, it is more important for *Shariah* courts to be proactive and demonstrate their capabilities and care-giving approach to vulnerable groups such as women and children. Hence, even for remarriages, before performing the second *nikah* (marriage), the *imeum masjid* generally checks the divorce details, particularly on asset control and transfers.

5.5 Relevance of Adat Traditions and Land Rights

Adat in Aceh¹⁴⁵ is strongly influenced by Islam, particularly compared to other parts of Indonesia.¹⁴⁶ The unwritten nature of *adat* traditions and its oral character make it relatively fluid and subject to varying interpreta-

145. The Soeharto regime made an attempt to replace traditional *adat* structures with a standardized village governance structure by introducing *kecamatan* (subdistrict) as the formal institution vested with executive powers. Although some *adat* leaders assumed newly created positions, *adat* institutions continue. In 1999, the Indonesian Constitution was amended to reverse this move and provide due recognition to *adat* legal units and their *adat* rights (Soesangobeng, 2009, pp.8-10).

146. In recent years, *adat* has been further regulated through local laws (*Qanun*). Key developments here include: (a) the *camat* having the authority to resolve land disputes, strengthen women’s empowerment, and promote *Shariah*; (b) the *mukim* headed by an *imeum mukim*, facilitates the resolution of village level disputes and implements the *adat* law; (c) the *gampong* leaders being empowered to promulgate and codify village level rules, guidelines, and *adat* customs, which are then forwarded to the *bupati* for endorsement; and (d) the *mukim’s* decision is final and binding. It is clear that Aceh’s Islamic legal institutions and customary practices will play a key role in the post-tsunami rehabilitation and recovery process. The vast majority of tsunami-related disputes concerning inheritance, guardianship, and access to and ownership of land fell within the purview of *Mahkamah Syariah*.

tions and applications in different areas. In parallel, the customs associated with *adat* practices also vary across regions and ethnic groups, although there are commonalities in some areas in terms of basic tenets. The application and strength of *adat* relied on the knowledge and skills of the *tuba peut* (village elders) rather than on formal village administration. The practices are easily modified according to people's need and sense of justice. With the increasing mobility of people and modernization, maintaining and promoting *adat* processes and values has become a challenge.¹⁴⁷ The assessment done by the UNDP in 2006 found that the population of Aceh continues to rely on the *adat* system for the allocation and management of social and natural resources.

The district-wise or subregional variations to *adat* practices¹⁴⁸ are mostly, but not always, subtle. Further, the variations have also raised questions regarding the sense of justice and purpose of the *adat* traditions per se. For example, a *geuchik* is empowered, under *adat* traditions, to allocate common land for cultivation, by issuing an SKK (cultivation rights). This responsibility is variously interpreted and applied across the province. In Bireuen (refer to experiences in *kecamatan* Jeunib), the *geuchik* can issue an SKK and the beneficiary has an obligation to cultivate the land and share a part of the produce. If he or she fails to cultivate the land for 2 continuous years, the land area will revert to the village administration. On the other hand, in Aceh Besar district, land areas can be held by an individual simply by planting certain productive trees (*Tanah Man Tua*). This typifies that *adat* practices in Aceh Besar have encouraged absentee landlordship.¹⁴⁹ It is also possible that in Aceh,

adat remains the favored and default legal recourse, applicable only informally or where regulations are silent. Some *geuchiks* manipulate the *adat* system and allocate land areas without any revenue or benefit for the community.¹⁵⁰ These issues highlight the need for harmonized *adat* guidelines.

Variations in *adat* traditions are found with regard to women's rights to land and property. The field surveys found that in Pidie district, under *adat* traditions, families provide daughter(s) the privilege of inheriting the house and the house's yard, and if the parent's land is large enough, then also some portion of the nonresidential property. This privilege is some sort of a balancing act for the parents with respect to their sons and daughters. In Aceh Utara, there exist *adat* traditions in which a widow who lives on her deceased husband's land is entitled to obtain the house and a small part of the husband's land to support her through her life or until she remarries outside the husband's family. This is called the *adat* of *ujung kafan* tradition. Generally, all *adat* practices recognize that a wife has the power and authority to own, control, and manage her inherited land and bequeath it to the children, independently of her husband, applying the principle that the house and its yard goes to the daughter(s).

The FGDs confirmed the growing perception that *adat* landholdings are vulnerable and there is a threat of losing one's asset. At the FGDs in Pidie and Bireuen, women participants underscored the changing demographic patterns (resulting from migration, family composition, household economic strategies) and approach of local institutions that govern formal (through the *geuchik* or *camat*) and informal (through the *adat* leaders) access to land. FGD participants in Aceh Singkil and Aceh Timur districts asserted that as many male members go fishing on the high seas for 2 weeks at a stretch, women must deal personally with formal and informal institutions regarding resource-related issues. With regard to protecting household's *adat* holdings, women are more disadvantaged because local leaders could easily change the interpretations of the traditions to take over assets. Almost all government staff and local lead-

147. Refer to Soesangobeng and Teluambanua.; and UNDP, 2006.

148. Some analysts have opined that community land rights in Aceh are similar to *bak ulayat* (communal rights) followed elsewhere in Indonesia. Recent scholarship revealed that this was a misreading of the existing literature. In reality, community land rights are assigned and governed in Aceh via the *geuchik* (or the *imeum mukim*), who has the right to allocate unused community land, approve the transfer of land, and determine the nature of land use. Application of these practices is considerably weaker in urban and peri-urban areas. In some areas, the system is also weakened as a result of past land conflicts.

Deliberations during the FGD held in Aceh Singkil and Aceh Timur districts, 2009.

149. Personal interview and also refer to IDLO's internal reports on this subject.

150. Staff at NGOs such as JKMA, Sri Ratu, and IDLO concurred with this view.

ers are men, and there is a need to negotiate with them to complete the land registration process. In dealing with male-dominated forums or institutions, women are expected to respect traditions and social norms. In this sense, they are subordinate to male leadership within the village context. This situation revealed the double-edge nature of the *adat*; that is, on the one hand, *adat* traditions are dynamic and community-managed, whereas on the other hand, its own dynamism can be misused and end up being disadvantageous to women landholders. A majority of *geuchiks* and *camats* supported the women's views that there may not be a "level playing field."¹⁵¹

Almost two thirds of the study's informants were of the view that a major problem for rampant inefficient use of land is government failure to respect communities when making land concessions and settlements.¹⁵² Most times, the government is seen as taking over customary land for projects and reducing people's access to traditional land areas.¹⁵³ On land allocation for plantations and commercial activities, the FGDs conducted in Aceh Timur and Aceh Singkil noted: "The Government has a poor record in negotiating land acquisition. We all know this is why the road from Banda Aceh town to Calang is still incomplete. The unfinished road causes significant economic losses."

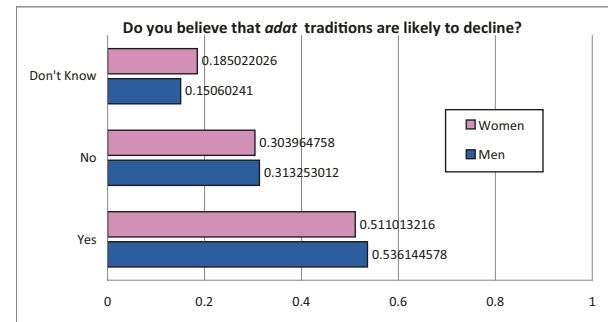
More than half of the respondents (52 percent), both men and women, and a majority of the FGD participants, including equal numbers of men and women, an-

151. Kurniawan referred to his fieldwork with Oxfam and IDLO on the subject and concluded that the variations in the application of *adat* traditions would have a more negative impact on women than on men. It is therefore necessary to ensure that women's landholdings under *adat* are secured through priority action. Refer to field notes on deliberations with Aminullah, *geuchik*, *desa* Gentong Barat, *kecamatan* Batee in Pidie; Maimun Saleh, *geuchik* at *desa* Lancang, *kecamatan* Keumbang Tanjung in Pidie; Sulaiman, *geuchik* at *desa* Matang, *kecamatan* Gandapura in Bireuen.

152. All families want to benefit from recent increases in the value of the land (mainly in the post-tsunami and post-conflict areas), and are also keen to secure access to credit, better compensation (in case of land acquisition) and better security of tenure. These are not always guaranteed under the *adat* traditions," said Darwis, a *geuchik* in Suak Puntong in Nagan Raya.

153. For example, refer to discussions at *desa* Gostel Timur, *kecamatan* Singkil Utara, Aceh Singkil district, Khatijah, in *kecamatan* Kembang Tanjung in Pidie and in Nagan Raya.

FIGURE 5.5



icipated a gradual decline of *adat* practices (Figure 5.5). In response to a specific follow-up question, 61 percent asserted that modernization and new practices will overwhelm *adat* traditions and practices in the future, whereas the remaining 39 percent believed that the lack of knowledge and seriousness on the part of *geuchiks* and local leaders will push families to move away from *adat* (see Figure A.6). This may be the main reason for many families indicating their willingness to seek registration and formal titling of their landholdings as protection against competing claims.¹⁵⁴

Officials at the Provincial Women's Empowerment Bureau and the *Shariah* court in Banda Aceh (and in Aceh Jaya) stated that customary tenure, in its various forms, imparts a certain degree of tenure security by providing a set of well-understood and respected rules

154. Seen from the postconflict perspective, the research suggests two possible reasons for declining trust in *adat* traditions in the province. One is the conflict significantly affected trust in formal institutions in Aceh both because access was difficult and because these institutions lacked legitimacy in the eyes of the communities. This lack of trust in formal institutions takes some time to change and would be a cause for the lower levels of trust that respondents reposed in formal institutions. For example, KPDT's recent MCLE shows lower levels of trust in formal institutions in Aceh compared to Maluku and in particular, on the role of the police. The second reason is that the limited interaction with formal systems led to increased dependence on village and customary leadership. Village leaders played an increased role as gatekeepers during the conflict. All community disputes went through them, and the village leader (either official or former GAM member) determined what would be resolved at the village level and what would be referred upward. Village leaders were also the main point of contact for formal government structures above to reach the community and as such were somewhat "squeezed" and sometimes compromised in these roles. This could be one of the reasons for the decreasing trust in village institutions. Their influential role during the conflict could not be challenged, and now communities are starting to realize that other alternatives are available.

governing land use and transfer within the community. However, it was not realistic to ignore the modern formal titling system. The formal system should be introduced after due education of landowners on the benefits of titling. On the other hand, establishing a modern property rights system, without legally recognizing informal rights, may expand the scope for rent-seeking behavior by outsiders and vested interests.

Weakening of the fundamental principles of *adat* and breakdown of the trusteeship ethos are occurring within the communities, resulting in general insecurity for women and families. The tsunami seems to have tested the endurance of *adat* practices. Although these practices have proved valuable in some places in recovering land rights, they have also raised some concerns. This study found that to be effective, *adat* traditions will have to be nurtured and *adat's* role in modern context understood by all. A general view is held that the government will not be able to create a formal land administration system without the support of the informal system existing in the village. All attempts to increase state authority and power over customary and religious leaders at the village level have only yielded mixed results so far. The *geuchik* is proving to be a weak executive body at the village level and is seen as not being able to protect the rights of women. After the tsunami, the situation became even more challenging with the death of many *adat* leaders in the disaster. Therefore, it is important to give due recognition to traditional institutions and to nurture and strengthen *adat* practices and its leaders such as *tuba peut* and *imeum mukim* rather than to reduce their stature to symbolic persons in a community setting.

This view regarding the *adat* system is supported by the fact that more than half of the informants acknowledged that there is a weakening of the fundamental principles of *adat* and a breakdown of the trusteeship ethos within the communities. Taken together, it may be useful for policy purposes to assess and register access to *adat* land to prevent anxiety among the communities. For this to happen, the formal system will have to prime itself to meet the challenges.

Are Owners Concerned about Registration and Certification of Adat Landholdings?

Almost all of the landowners and local authorities interviewed expressed the belief that in the long run, landholdings will have to be registered and certified by a formal institution to better ensure security of tenure. However, some concerns about land registration and certification by a government agency surfaced during the FGDs. The participants expressed concern about the extension of government control over land, and in particular, the possibility that certification could potentially trigger land appropriations by local leaders and other government entities without adequate compensation for *adat* land. However, both men and women were aware that irrespective of whether a parcel is registered, the government could appropriate the land for public purposes any time and a certified land parcel would lay the foundations for higher rates of compensation.

In discussions, *geuchiks*, *camats*, PPATs and other local authorities said that the root of the problem is that most of the existing regulations of the BAL failed to elaborate on, and are even contradictory to, local *adat* principles and practices.¹⁵⁵ With regard to what prevents women from seeking registration and certification of their landholdings, the principal reason that emerged relates to the lack of adequate information on procedures and processes and the difficulty in securing some required documents. Given the procedural complexities, everyone acknowledged that women do tend to be disadvantaged when converting *adat* holdings to registered land.

155. A *camat* participant in an FGD in Pidie, requesting anonymity, said, "The modern land registration system should educate owners about how registration can create risks and insecurities as family members or (peripheral) claimants jockey to see in whose name a parcel will be registered. For many people, therefore, registration can increase rather than reduce uncertainty and conflict over land rights. On the other hand, uncertainty induced by rent-seeking behavior in recent times (heightened during the conflict and post-tsunami periods) have created a demand for formalization of land ownership, as families increasingly find it difficult to withstand pressure from outside forces. Hence, land registration and certification has become more valuable these days."

SECTION 6

FORMAL INSTITUTIONS AND LAND OWNERSHIP IN ACEH

6.1 Gender Relations and Land Issues at the Community Level¹⁵⁶

Within the socioeconomic context explored earlier, this section covers a range of practices that define gender roles and shape gender relations within the family and community through women's land ownership rights. The information covered property and inheritance rights, the social environment, and attitudes of men and women on the critical aspects of the subject. The following paragraphs will attempt to summarize the data gathered.

Women's Access to Land Rights and Ownership

Gender relations pose a set of challenges to development and reconstruction projects that have been recognized in a number of research studies on Aceh.¹⁵⁷ Studies have documented the remarkable multiplicity of stakeholders and social actors operating at different levels and with

widely varying degrees of power. Community dynamics lead to constant negotiations of different kinds over the outcomes of women's access to new forms of land rights and ownership. In securing land rights and evidence of ownership, women are not only facing government agencies and business interests, but also significant differences in interests, perspectives and power within their own communities. Data gathered from the field survey and FGDs illustrated a number of factors that influenced women's willingness and ability to seek registration of the land parcels they owned¹⁵⁸.

This study found that the main source of information for respondents was oral, that is, public meetings, discussions with the village leader, or announcements over loudspeaker at the local mosque (Refer to Table 4.1 also). Women were less likely than men to have received information directly from the *geuchik* and more likely to have received information indirectly from a family member, loudspeaker announcement, or printed materials. During interviews and FGDs, participants were asked as to what type of information they would require

156. At a broader level, the research work of Dr. Arskal Salim on practices of formal and informal dispute resolution on land, inheritance, and guardianship in post-tsunami Banda Aceh and Aceh Besar (2005) is an excellent reference on the issue. This research illustrated subtle variations in customary practices and traditions with regard to property and gender relations across two districts in Aceh.

157. Fitzpatrick; Ani Anistar; RALAS, PIBA.

158. It would be pertinent to note here that the current procedures for systematic land registration rely heavily on information flow to prepare the families living in the adjudication areas and ensure their broad participation in the program. The quality of the information flow and the ability of beneficiaries to understand the materials presented and retain the knowledge not only affect the quality of the technical process but also educates people about their rights, helps to limit dishonest behavior from various stakeholders, and reduces disputes during the process.

BOX 6.1**Are Adat Traditions at the Crossroads?**

The lack of understanding on the part of *adat* leaders regarding their role in dispute resolution came up for discussion during several meetings and interviews during the field survey. On the current status and functioning of *adat* institutions in Aceh, JKMA officials shared their field experiences and cited findings from several research reports (UNDP, IDLO, World Bank) to support their contentions.¹ Although the law regulates the types of cases that *adat* leaders can deal with (refer to *Perda/2000*), our experience suggests that beliefs vary among *adat* leaders about the scope of their jurisdiction, most understanding that they can examine civil and family cases, land disputes, and sometimes even criminal cases. This situation was further complicated by the provisions of formal law. For example, *Qanun 5/2003* provides that the *mukim's* decision is final and binding and *Perda 7/2000* requires that disputants attempt to resolve their conflict through *adat* before approaching the formal justice system. This lack of clarity has led many *adat* leaders to believe that only they can resolve disputes, that their decisions cannot be appealed, and that villagers cannot directly appeal to other judicial mechanisms. This, in fact, contravenes the Constitution of Indonesia. The problem is that most *adat* leaders possess only a minimum understanding of *adat* traditions, law, and procedure but remain the primary source of information for the communities. The manner by which land disputes are resolved depends for the most part upon the perspectives of *adat* leaders themselves and agreements that landowners and those inheriting land may make between themselves. These factors highlight the need for putting in place standard procedures, budget allocations, responsibilities, and resources for the village government, in coordination with *mukims* and *adat* committees, to perform in a transparent manner.

Source: Interviews with JKMA officials in Banda Aceh.

1. Amerullah at JKMA summarized the field experiences as follows, "The transition from informal to formal system of land administration is not going to be an easy one. Even today, *tuha peut* continues to be sought on all matters. To be successful, the modern administration has to develop space for strengthening the participation of traditional governance structures and processes."

to understand the importance of land titling, Responses covered the following: (a) types of land parcels eligible for registration; (b) information on registering future land transactions and payment of taxes; and (c) reso-

lution of inheritance and other issues in the future. Access to information was reaffirmed as a critical factor. Information flow was the key bottleneck at the community level in the land registration system, particularly to guide women to register their holdings.

Saputra, former Coordinator of Cord-Aid's housing program in Lhok Seumawe said, "The primary bottlenecks may delay the process, but they also offered sufficient opportunities and time for women to better understand the positive and negative points of the process, which influence their decisions to seek registration of their land. If this information and support is available within the community, most women would seek ownership rights without hesitation or anxiety."¹⁵⁹

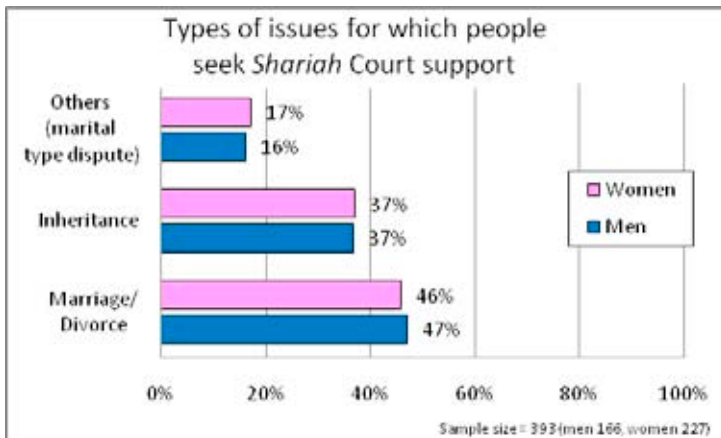
6.2 Land and Property Rights, Formal Institutions, and Inclusion of Gender Concerns

Women generally reported personal law issues (marriage, divorce, and inheritance) as the main source of legal grievance for which they would seek support from *Shariah* courts (Figure 6.1). On land disputes, the field research revealed that only a handful of cases were referred to government institutions such as BPN, *Shariah* courts, or the judiciary. It is to be noted that most disputes referred to BPN relate to already registered land parcels. This was more so in villages seriously affected by the disaster and where occasionally both *adat* and formal dispute proceedings were pursued in parallel to facilitate titling and housing programs. The systematic titling process in some ways served as a dispute resolution mechanism by clarifying ownership and security of tenure.

All families were aware that if the specific land issue is part of a wider inheritance or guardianship dispute, the mat-

159. Refer to FGD deliberations in Kuala Meuraxsa, *kecamatan* Blang Mangat, Kota Lhok Seumawe, and *desa* Meunasah Sago, *kecamatan* Seunoddon, Aceh Utara.

FIGURE 6.1



ter falls within the purview of the *Mahkamah Syariah*,¹⁶⁰ irrespective of whether the particular parcel is inherited or owned as *adat* or *hak milik* holding. A *Shariah* judge, Masdarwaty in Banda Aceh, quoted a proverb “*Hukom ngon adat han jeut cre lagee zat ngon sipheuet.*” This means that law and *adat*, although not identical, are inseparable. The Indonesian saying *zat dan sifatnya* similarly implies that the law and *adat* are like a substance and its characteristics and they cannot be separated. Such values are deeply embedded within Acehnese society.

The recent enactment of LoGA and amendments to other legislations has given additional authority to *Mahkamah Syariah*'s jurisdiction over family, civil, and criminal law matters involving Muslims. Given the small number of tsunami-related land disputes filed at either the state courts or *Mahkamah Syariah*, it was apparent that most land disputes were resolved at the *desa* level under *adat* practice, with the *geuchik* or *imeum mukim* taking a lead role. This study found instances of this in several areas where not many cases were reported to *Shariah* courts in the subdistricts.¹⁶¹ In these villages, efforts were made to resolve all of the disputes locally. It took a lot of time and some families were initially impatient, but in the

160. In discussions, officials and analysts cite Law no. 3/2006 regarding the Amendment Law 7/1989 On Religious Courts states that where the subjects are Muslim, ownership disputes concerning inherited land fall within the jurisdiction of the religious courts.

161. In *desa* Cot Masjid, *kecamatan* Samatiga in Aceh Barat, *desa* Pulo Bubece, Pidie; Hambani, Genting Barat, Batee, Pidie; *desa* Sawang, *kecamatan* Samudera, Aceh Utara; and *desa* Ulee Ribvee Timur, Seunoddon, Aceh Utara.

end, everyone expressed satisfaction with the outcome. Additionally, it is important to note that the Supreme Court regulations have provided for mandatory mediation but through Supreme Court–annexed mediation bodies (overseen by judges). Local regulations in Aceh, including the *Qanun* provide for compulsory mediation through *adat* bodies before referral to the courts, but it is unclear the extent to which the courts in Aceh follow these provisions.

Shariah courts did not maintain cumulative data on guardianship and inheritance cases registered and resolved since the tsunami disaster. The BPN provincial office maintains a database of registered cases. However, no gender-specific data were available for analysis. A quick examination of the data set for 2005 revealed that there were a total of 197 guardianship cases and 697 disputes handled by the courts, of a sample of 50,000 land parcels surveyed in the affected areas of the disaster. Based on this and data sets available for later years, one could estimate that reported cases on guardianship and inheritance may not be as highly concentrated as previously believed. This finding is consistent with other research done in Aceh,¹⁶² which found very few inheritance or guardianship disputes requiring resolution in *Shariah* courts.

To understand the dynamics of the process of change in addressing gender concerns, this gender study gathered data on the respondents' understanding of the actions of *Shariah* courts (and other religious entities) in resolving land issues and enhancing women's access to land and land ownership. The results of the cases brought before these courts were examined. The subject was raised during the FGDs, and considerable time was spent understanding the role of local mediation measures vis-à-vis *Shariah* courts and other institutions (also refer to the provisions in *Qanun* 9/2008 on compulsory mediation through *adat* before referral to courts). Field interviews and discussions confirmed that *Shariah* courts were generally useful to inform the public about procedures relating to inheritance and custody. In some areas in which systematic titling or relocation had taken place, informants cited information sessions conducted by *Shariah* courts as part of the mobile

162. IDLO; Oxfam Series on Aceh; and PIBA.

advisory activities. However, such information was not readily made available to women and this was seen as a key obstacle. This underscores one of the inherent weaknesses of formal institutions in protecting women's access to land. No regular mechanism existed or resources allocated for regular socialization in the work of the *Shariah* court. The other concern raised related to the limitations of locally managed conflict resolution mechanisms because these are seen as being unable to meaningfully resolve all land-related disputes and lacking oversight and resources. The common thread with land disputes is the battle over control of resources central to livelihood. Many inheritance and divorce cases also concern control over and access to land resources. The *Shariah* courts were also viewed as the only appeal-type institutions to be approached after local options fail.

How Far Do Landholders Trust Shariah Court Decisions?

This study found that despite continued reliance on *Shariah* courts, disaggregated responses to this question presented a mixed situation and some stated reasons related to *Shariah* institutions in general and not the *Shariah* Courts per se. In 2003, Aceh Province opened its first *Shariah* court. Aceh is the only province in Indonesia that has instituted the *Shariah* court system, with laws based on Islamic teachings. These laws cover almost all elements of family life, including obligating Muslim women to wear a head scarf (*jilbab*). The *Shariah* law covers a wide range of matters from codifying behavior during Ramadhan, banning gambling, and other immoral activities to family law issues such as settling divorce and inheritance matters. The *Shariah* court system in Aceh has been scrutinized by a series of negative media headlines over the past few years, including reports on the by-law that allows stoning as capital punishment for adultery and a local ordinance banning tight-fitting clothes for women in West Aceh. Those caught breaking the law can be reprimanded and advised on how to dress in the future or face *ta'zir* (penalty).¹⁶³ The alleged rape of a young student at the

163. The word *ta'zir* literally means to bring something to a halt. But it can also be translated as "to help, respect, or honor." Under *Shariah* law, *ta'zir* is defined as a sentence or punishment given to those charged with assault.

university campus in Meulaboh (November 2009) by *Wilayahul Hisbah* officers (*Shariah* police or monitors) was widely covered in the local press and generated intense, informal debate on the character and relevance of *Shariah* laws. Although *Shariah* courts have very little to do directly with *Wilayahul Hisbah*, they were seen as part of the same package of *Shariah* institutions. Against this somewhat sensitive background, the extent to which the *Shariah* court is respected by people was discussed and the responses are summarized below.

Trusting Traditional Leaders

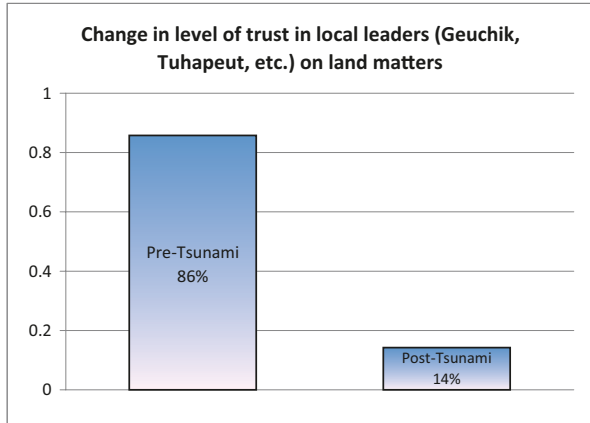
The traditional institutions and leaders comprise mostly the *ulamas*, *imeums*, *geuchiks* and *camats* in their traditional role, *adat* leaders, and other community-based facilitators. The most significant issue, for the purpose of this discussion, is to examine whether the traditional systems are meeting the needs of women and are supportive of women's land rights.

Women FGDs highlighted that local leaders maintain narrow perspectives on issues such as gender and women's access to land. On the whole, they felt that it was not a comprehensive and coherent system but rather a set of processes run by a range of influential individuals. FGD feedback indicates that in the absence of a mandated structure or agreed norms, important decision-making is left to the discretion of local leaders and religious figures. In addition, the field survey results and discussions indicate that the *geuchik* and village *imeum* did not always understand the provisions of *Shariah* law as they apply to complex inheritance cases. With regard to the functioning of local leaders and committees, nearly 60% of the FGDs—particularly in the western coastal districts¹⁶⁴—claimed that these committees have well-known procedures and practices but were sometimes unable to effectively prevent male relatives from denying widows and female-headed households their legitimate inheritance entitlements.

This study found that more women respondents (nearly two thirds) were likely to trust traditional leaders rather than local government officials and the differences were rather sharp in rural compared to urban areas. Traditional

164. Aceh Jaya, Aceh Barat, Aceh Selatan, and Aceh Barat Daya.

FIGURE 6.2



leaders were most trusted to resolve local disputes. However, the respondents also noted a decline in people's trust in *geuchiks* and *camats*, particularly post-tsunami (Figure 6.2). To understand this emerging situation, the relationship between the trusted sources and gender and trusted sources and village affinity were grouped and analyzed. Most women respondents qualified their views on *geuchiks* with statements such as: "There is no safeguard against his decisions; the *geuchik* is not a volunteer, but paid by the government and therefore his loyalty is unclear; his decisions are first discussed with male members in the community before we get to know of it." On the other hand, men qualified their views on *geuchiks* with statements such as, "They do not explain to us the policies, regulations and consequences; they have poor knowledge of the Islamic law; they succumb to pressures from local governments or investors." These statements highlight the fact that women anticipate *geuchik* and other local leaders to protect their land rights and livelihoods, whereas men were looking at their technical and administrative capacities. The lack of consistency in decisions delivered by the *geuchiks* and local leaders and absence of an oversight mechanism have eroded people's confidence in traditional structures.¹⁶⁵

More than half of the respondents, both women and men, were of the view that after the tsunami, all of the *geuchiks*

and local leaders were drawn into relief and reconstruction projects in which large amounts of money were involved and that some *geuchiks* and local leaders did receive occasional benefits for the services they provided. This cash income was new to the local leaders. Taking on that precedent, some *geuchiks* now expect money for services provided (in addition to the salary received from the government since 2008). The introduction of cash into the former system of voluntary community service has created expectations on both sides and resulted in some charges of nonperformance or even corruption among the *geuchiks* and local leaders. The respondents cited poor or inconsistent quality of work as the perceived reason for the decline in *adat* and diminished trust on *geuchiks* and local leaders.

In addition, the communities were also seen to have lost its *gotong royong* (communal affinity) feeling. In the past, village leaders were elected based on their skills, capacities, and charisma. Currently, most *geuchiks* and *camats* are elected because of their money, power, and political affiliation. This change is seen to have produced a number of unqualified and incompetent *geuchiks* and *camats*. The resulting tussle for self-survival versus *gotong royong* was obvious in the numerous disputes that came along after the disaster and the challenges faced by traditional leadership. In addition, although the *Majlis Adat Aceh* (Aceh Customary Council) has legal powers to intervene and resolve disputes, it has no presence at the community level and its outreach capacity is limited. As a result, village level mediation, although mandated by the government,¹⁶⁶ has not progressed as well as it should have.

Evidence indicates that people may still go to the *geuchik* for settling an issue. However, they may not stop there unless satisfied. In contrast, the *geuchik's* decision was deemed in the past to be final and conclusive. These days things are changing fast, and it is too early to say whether people will continue to lose faith in the *geuchiks* and local and traditional leaders. It may be useful to monitor the situation, because it may settle down in the

165. Women participants in the FGDs generally asserted that they do not directly express their opposition to the *geuchiks*. Yes, we do attend the meetings convened by him, but do not readily agree to any decision. After the meeting, they seem to talk among ourselves and with our family or neighbors. This was not the case before the tsunami.

166. Regulation No. 1 of 2008 issued by *Peraturan Mahkamah Agung* has mandated that all local disputes should first be referred to local mediation by village leadership. If the cases cannot be resolved at the village level, they can be referred to courts. The lack of knowledge and capacities among *geuchiks* has recently resulted in more cases being filed with *Sbariah* courts.

next two to three years, and it would be useful to revisit people's attitude and strategies to address their needs.

Those who expressed confidence in the *adat* leaders cited the latter's familiarity with the local conditions, easier accessibility and the highly community-based nature of the traditional system. Women living along the coastal villages showed a sharp inclination toward trusting the *panglima laot* (*adat* leader for coastal monitoring) and expressed less confidence in nontraditional leaders. Traditional structures are generally seen as simpler and as promoting harmony. On the other hand, the systems were also seen as lacking creativity or flexibility and not being able to resolve new types of issues. It is hardly surprising that the *adat* leaders were not really prepared for an emergency situation like the post-tsunami conditions in Aceh and that they were overwhelmed with demands during the reconstruction phase.

During the field discussions, most of the women expressed trust in *ulamas*, in particular senior individuals who have been trained in the old religious schools. They expressed reservations about the younger generation of *ulamas*. The participants in western coastal districts (Aceh Barat, Aceh Selatan, Aceh Barat Daya, and Aceh Jaya) were more critical of the younger generation of religious leaders. They argued that these younger religious leaders are less trained and engage in all types of worldly activities, but impose strict moral and personal behavior codes for women.

In sum, the tsunami has brought a new focus on local affairs in Aceh and on the role and responsibilities of the traditional institutions and their leadership. What each individual and community experienced post-tsunami will continue to shape their perceptions of traditional leaders. And women are quite adept at adapting themselves. Women will continue to show some trust in local, *adat* leaders, but will definitely look to modern, elected leaders within the formal systems as well.

Trusting Formal Institutions¹⁶⁷

The formal institutions comprise *Shariah* courts, state judicial entities, and authorities such as the *camats* as

167. As observed earlier in this study, the prolonged civil strife in Aceh strongly influenced local leadership and governance matters and some of its impact on land issues has been recorded. However,

BOX 6.2 Making Adat Relevant

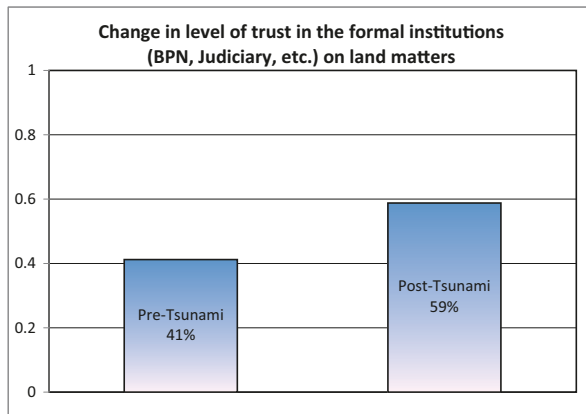
"The durability of the *adat* system was tested by the tsunami disaster. I should say that most *adat* leaders themselves were victims of the disaster and hence sought assistance from others – a unique situation. Therefore, their capacity to maintain fairness in decision-making was compromised. Second, in the past, their role was limited to local affairs. In the post-disaster situation, they were seen as competing against the local authorities. My view is that *adat* leaders will re-emerge and their current imperfections will be minimized when LoGA comes into full effect. However, I will not be able to say with certainty the future role of traditional leaders in community affairs," asserted Said Mustafa, Assistant to the Provincial Governor. He sounded optimistic, but some others did not. Kurniawan said, "It will be difficult to turn back the clock. Also, the end of the civil war after three decades, has given an opportunity for local governments to function more effectively and for people to explore other ways and means to protect their land and property. *Adat* leaders will have to become more socially and politically sensitive to create a new role for themselves and remain relevant in the days to come. This is not an easy task for them. Meantime, the provincial government has the responsibility to harmonize all of the current structures, assign executive mechanisms at the village level and provide standard procedures and resources for their operations. Unless this is done, there is bound to be overlaps between various layers of the local government, numerous committees."

representatives of local government. These entities are not always community-based.

In discussing the role of *Shariah* courts, it is important to note the separation between *Shariah* institutions and *Shariah* courts per se. Nearly half of the rural respondents expressed trust in *Shariah* courts, but perceived it as an institution for appeal when a familial or community mechanism fails to yield results. Many respondents were not aware of the role of local judicial officials in resolving land and other matters. This likely may be because only a handful of respondents have had any engagement with the formal courts thus far. Urban re-

because of the limited scope of the study, land issues that may have been triggered by conflict conditions were not investigated in detail.

FIGURE 6.3



spondents indicated marginally better understanding of the mandate of *Shariah* courts and seem to maintain mixed views on their competency, with no significant differences between the opinions of men and women. The research study also found that after the tsunami, there has been an increase in families trusting formal institutions on land matters (Figure 6.3). However, men were more skeptical about the knowledge and capacity of *Shariah* officials (about 56 percent), whereas women were more cautious in their responses, with one third (37 percent) of them stating so (see Figure A.10). This highlights the fact that formal religious institutions such as *Shariah* continue to play a role in social and community life in Aceh and are needed to help build a peaceful and prosperous society.

Nearly one third of the women respondents stated that the *Shariah* court system is currently confronting an image problem. This may be due to the fact that Acehnese women are the first to suffer the consequences of the wrong application of *Shariah* percepts, principles, and laws.¹⁶⁸ The essence of *Shariah* law was to focus on religious obligations and public order. However, several respondents were concerned that the religious police have no police power at all and can only bring about enforcement when they are supported by civil police officers. However, the *Shariah* police are seen as wielding functions that are generally mandated to law enforcement

168. "One cannot turn a blind eye to abuses that happen sometimes in the name of *Shariah* laws," concedes a senior *Shariah* official. At the same time, we can do very little about it." (Name of the respondents not cited upon their request.)

agencies. This lack of clarity and mix-up in perception has resulted in viewing *Shariah* police, also seen as part of *Shariah* institutions, as a law enforcement force. The respondents reasoned that whenever an institution confronts an image risk, it is important to take corrective measures immediately. The fact is that the decisions of the *Ulama* council (the *Shariah* court) cannot be appealed at the provincial level but must be appealed at the national level, ensuring some sort of independence from local interference. When two *ulamas* were interviewed on this issue, they did not agree with what was being done in the name of *Shariah*. Respondents stated that such views were stronger among *ulamas* in the eastern coastal districts compared to the western areas.

In discussing *Shariah* or the role of religious leaders in Aceh in the context of gender issues, the field surveys ascertained the position of *ulamas* in society. They are considered both as religious and, to an extent, political leaders. They are at the center of civil society, especially during times of conflict. In Aceh, the wife of the *ulama* is also recognized as a *ulama* (female). She is responsible for taking care of her husband's *dayah*, managing the *dayah* budget, giving suggestions to women who have problems, and continuing her husband's leadership if something happens to him. She teaches *Al Qur'an* to girls and women in the village. In this way, she influences the thought process among women and also shows that she cares about their welfare. In field surveys, and in several FGDs, the *ulama's* wife provided some background explanation about some of the issues related to Islamic principles, shared particular experiences to clarify issues, and served as the main source of information for women in several villages.

Even though there is a fairly high level of trust in *Shariah* courts, close to one third of the FGD participants expressed concerns suggesting that sooner or later *Shariah* courts will face a crisis of public confidence. As mentioned earlier, this may be due in part to some of the judgments delivered and *fatwas* issued by the *Shariah* courts or in their name by other *Shariah* entities that convey an antiwoman feeling. For example, if the *imeum* was to declare that the charges against the husband should be dropped, a woman has no choice but to comply. In property sharing, each son receives twice as much as each daughter, in keeping with the *Shariah*

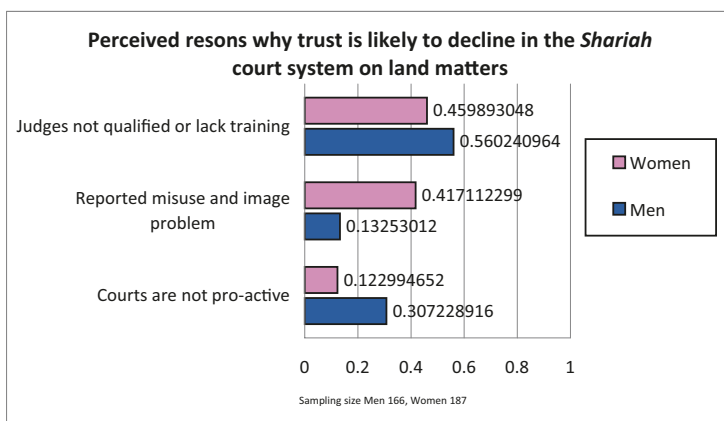
law). Recent events have also affected the courts' public image. The lack of capacity among judges and officials and weak community networks were also cited. Undoubtedly, if such perceptions are allowed to continue, *Shariah* courts will end up losing people's trust and goodwill.

Of note, nearly 29 percent of the respondents (among women, 42 percent) cited *Shariah* institutions' "reputation and image problems" as a key reason for its decline in trust on land matters (Figure 6.4). When this was probed, informants described Islam as a very compassionate religion and that the *Qur'an* has given a special place and respect for women in all affairs. The male religious leaders have a responsibility to interpret holy teachings. The new regulations such as dress codes imposed in the name of *Shariah* are seen as attempts to subdue by women and that hundreds of girls and women are deprived of fair and equal access in social spheres and influence within their communities. The new interpretation of the religious texts is causing serious obstacles for women's progress. The recent rape incident that involved *Shariah* police and nonaction by religious leaders is not helping either. It has clearly emerged among women respondents that in the past, *ulamas* presented themselves as men of wisdom and behaved in a mature fashion. They noted wisdom and maturity is not very common among the younger generation of *ulamas*. The younger *ulamas* will need more training and guidance to become good religious leaders, gain acceptance among the people, interpret religious texts in a positive manner, and ensure its relevance for everyone.

Based on these issues, a set of general views on the work of *Shariah* courts could be drawn. First, there is an emerging view that the *Shariah* judges and officials are not always recruited based on their knowledge of Islam and Islamic tenets. Secondly, the *Shariah* court is seen as a passive institution dominated by men, and therefore serious women-related issues (e.g., rape or reprisals by the *Shariah* police) cannot be referred to them. The perception exists, at least among some people, that *Shariah* court judges and officials are seen to be moving closer to fundamentalist elements in Islam. For example, when women's NGOs protested against the stoning of a woman, they were described as "secular" and intimidated with derogatory banners and posters by some students' associations, presumably groups propped up by religious leaders.

In regard to judicial officials, the majority of respondents did not have any direct contact with the formal courts—only 20 informants spoke about it. The field surveys found that whereas both men and women were equally poorly informed about the capabilities and mandate of formal courts, women were found to be less curious about the workings of these institutions. During an FGD in Pidie, the women participants reasoned that most land and property issues were based on the interpretation of social factors in the community and the formal courts would not be able to address them. The formal courts were also seen as a system that could be accessed only by the rich. This study found that the formal courts are not seen as an option by women. They feel that approaching courts would lower their social status and standing within the community.

FIGURE 6.4



NGOs and civil society groups are not considered part of formal institutions but are described as "nonstate actors." In addition, in the reconstruction environment, NGOs played an essential and particular role that may not be seen during normal times. In view of this, only general opinions were generated regarding the work of NGOs on postdisaster land issues.

The women participants in the FGDs were generally appreciative of the work done by NGOs and housing providers, particularly in advocating their access and rights to land and housing

support. The respondents mentioned information provided regularly, interactive sessions organized by NGOs, and availability of women staff to facilitate discussions. Respondents in Aceh Besar highlighted the support provided by Bungong Jeumpa, a local NGO that worked on inheritance issues, and IDLO and Oxfam, which organized a number of community-based programs using traditional story-telling *apa kaoy* to disseminate information on women's access to land and property rights. FGD participants in the coastal villages of Aceh Utara and Aceh Barat described the work of agencies such as Cord-Aid, Catholic Relief Services, Muslim Aid, and Islamic Relief in preparing CLMs in their area. LOGICA (an AusAID project) provided technical support to hundreds of tsunami-affected villages to facilitate the community mapping process and prepare community land maps.

Field surveys also revealed that local NGOs have responded to the complex conditions with regard to land and vulnerability of women and children immediately after disaster and demanded a reinterpretation and re-reading of the sources of *Shariah* law in order to initiate comprehensive legal reforms in Aceh. NGOs averred that rereading and reinterpretation of the *Qur'an* and *Hadith* should result in *Qanun* or provincial regulation supporting equality and justice for both men and women. In pursuing this agenda, NGOs such as Sri Ratu, Grassroots Foundation, LBH, and JKMA have all played an influential role in local social processes. Their advocacy strategies targeted local governments, and religious leaders or *ulamas*. Local NGOs also developed partnerships and networks with national and international NGOs as well as with international organizations. This partnership provided local women activists with opportunities to incorporate international norms of human rights and gender ideas in their efforts to promote higher levels of standards within the legal reforms. Having realized that some of the international norms are strongly linked to Western thought and do not correspond to the Acehnese *adat* traditions or Islamic tenets, some local NGOs argue for a balance that would embrace local approaches and enhance women's access to information and institutions.

Post-tsunami, several NGOs participated in preparing the CLMs to enable families to recover their land. However, the advocacy role of local NGOs in resource

management is limited in reach and capacity. In a formal sense, though local NGOs play a large role in advocating gender relations in land and natural resources through informal women's groups, they play a very limited role in land administration programs.

This study found that NGOs, like all other institutions in Aceh, are now at the crossroads. This is more so in the case of *geuchiks* and *Shariah* courts. Both of these entities are trying to shed their earlier images and reposition themselves to serve the requirements of the modern era within the context of *adat* and Islamic principles. However, it should be kept in mind that traditional practices seek to minimize risks and mitigate the negative impact on women and vulnerable groups; they have also mediated between individual and collective responses to a problem. The solution is to disseminate information to people, through direct, face-to-face contact programs.

At the end of the day, formal government institutions and systems are dependent upon traditional authorities for access to rural society. How far the traditional authorities fit into a modern political system becomes particularly serious at the local level, where these leaders exert the most influence on the daily lives of Acehnese and where the contest with government authorities for resources and responsibilities is most intense. In the longer run, one of them will survive simply because people accepted their capabilities to protect and nurture them, particularly the most vulnerable groups.

6.3 Knowledge and Role of Local Officials in Land Matters and Gender Concerns

The local government comprises *geuchiks*, *camats*, and *kabupaten*-level government entities that are important in both formal and *adat* land administration and management systems. In recognition of their roles, they were consulted principally as regulators of land administration and management in their respective localities. By the nature of their unique position in local networks, these officials function

as intermediaries in land administration. This subsection explores the role local governments play in the land sector and their understanding of related gender concerns.

The *geuchik* is the most visible formal power structure in a community. Therefore, *geuchiks* are extensively involved in many administrative functions, and because of their close proximity, people do not feel cut off from formal government structures. On the subject of land, *geuchiks* allocated areas to new families as a basic human requirement and as an important aspect of economic well-being. They have mobilized local partnerships with *adat* committees and religious leaders, community groups, and residents to develop safe, secure, and vibrant communities.

In theory, a *geuchik* has a pool of people to support his work on land. He is assisted by two village advisory bodies: *tuba peut* (in relation to law and religion) and *tuba lapan* (in relation to economy and development). In practice, these advisory bodies often do not exist in any formal sense. The *geuchik* is also assisted by the village secretary (*sekdes*) and *imeum* (*imeum meunasah*), who help determine heirs, appoint guardians, and consult on matters of inheritance.

Most *geuchiks* know the number of landholders in the village. Some of the villages in recently titled areas and in relocation settlements are better informed and hold additional data on land and female landholdings. Little guidance is available on application of minimum standards and procedures by *geuchiks* and local entities, even on serious land disputes. This study probed informants as to the reasons that would trigger the decline of the role of *geuchiks*. Apart from those stated earlier, it was found that there were numerous variations in the way public hearings were conducted and in the forms of evidence gathered by the *geuchiks*. It appears that they try to resolve land disputes relying more on their common sense and family arbitration. As experience in Aceh shows, such methods are not easy to implement in a large-scale reconstruction environment or in the case of land acquisition. There is also a relative lack of training, resources, and facilities available to village-level institutions.

Women's membership in local government structures is very limited. Inclusion of women and gender concerns in local development is still evolving and is at a nascent

stage. The situation is even more challenging in the land sector because there is clear domination by male members at the institutional and implementation levels. Most government authorities interviewed for this study admit that in modern society this imbalance will need to be corrected.¹⁶⁹

The general awareness of *geuchiks* and, to a large extent, *camats* on women's rights and gender issues is limited. Regulations and guidelines for implementation of laws and policies are often very technical and in many cases have not yet been written from a gender-sensitive perspective. As a result, forms for registration of land, for example, often simply lack the space to indicate the joint registration of both spouses. And officials having to work with these forms often lack any gender awareness. Persistent cultural and customary attitudes also work against implementation of women's rights. With the lack of gender awareness among *geuchiks* and *camats* dealing with land allocation, inheritance, and dispute settlement, a male bias among these officials will continue to stand in the way of women's enjoyment of their rights. Precisely for this reason, inclusion of women in local bodies such as *adat* committees and *Shariah* courts and as *geuchiks* and *camats* is critical.

All *geuchiks*, *camats*, *imeum mukims*, *tuba puets*, and other local leaders will have to be trained and updated on new laws, particularly LoGA and particularly on provisions that relate to the management of natural resources. Provisions for furthering women's participation and protection of their rights are included in LoGA, joint titling, and other provisions such as modification in the building code, coastal set-back standards, registering resettlement houses, and measures for disaster prevention. These provisions describe land administration and management in a broader sense and as a public good from a governance and development point of view. In addition, there is a need to implement constitutional and legal commitments to achieve

169. In discussions, Said Mustafa, Assistant to Provincial Governor, Aceh and Mulyadi, Head of Legal Unit at the Bupati Office, Aceh Barat, acknowledged such male-centered biases in government bureaucracy. "We are making all attempts to eliminate this predisposition among government officials and reiterated Government's commitment through the LoGA. Hopefully, we will be able to accomplish desired results in the years to come," Said Mustafa said.

gender equality. Most local authorities lack sufficient information about the composition and functioning of land-related regulations, gender components, and their respective roles in enforcement. Most of them do not understand the importance of land regulations and their effects on women. Although there have been a number of initiatives to orient local officials such as *geuchiks* or *camats* on gender issues after the tsunami, these have not been well communicated to the lower levels. These knowledge gaps affect the implementation of gender guidelines in a timely manner. As a result, women's land and property rights have remained illusory rather than substantive and the majority of women have therefore not been able to enjoy these rights. As a start, local officials need further clarity about information such as village boundaries, types of land available within their jurisdiction, and village land areas that they could potentially allocate to needy families. If these details are available, then one could expect local leaders to develop ways and means by which gender issues could be addressed within the village and different types of demands could be managed.

The general view is that the existing laws, regulations, and guidelines to accomplish gender parity are not being enforced, although the reasons for the same may differ substantially. Many of the respondents attributed lack of knowledge (or familiarity) about the regulations and guidelines to *kabupaten* and provincial-level institutions not disseminating details to them.

At least a third of the local authorities said some of the regulations were "overly prescriptive." Examples include resettlement locations for housing in the most affected areas and measures to enhance women's access to land and resource rights. These were issued by several layers within the government and also by international organizations. Some of these regulations either overlapped or appear inconsistent. At the village level, communities were forced to find compromises because of deficiencies in some of the regulations.¹⁷⁰ On inheritance issues, a small minority of local leaders raised similar concerns. The recent guidelines should have oriented *geuchiks* and

other local leaders and institutions regarding what steps they have to take at the village level to guarantee and implement women's existing property rights. Such an orientation would have helped them to understand the differences between the past and proposed practices and procedures. A concern exists that most government guidelines are formulated in dry, difficult-to-understand language and style and were not disseminated in a user-friendly manner. As a result, it is difficult for village officials to understand and implement them. In contrast, many of the *kabupaten* and provincial-level government officials focused on the lack of budget and resources for implementing the gender guidelines.

In summary, most local officials know their everyday role, but not their role in a disaster situation. Local officials are less prepared for the postdisaster environment and to cope with expectations from communities and relief agencies on gender mainstreaming as part of reconstruction projects and programs. In this environment, it is too difficult to introduce and implement new guidelines as part of reconstruction programs without sufficient ground-level support. For example, the demand for sorting out land areas required for reconstruction or mainstreaming gender concerns in land-related matters was an unfamiliar subject among the local officials. Not surprisingly, there were numerous hurdles and obstacles. In any case, an initiative is now in place to highlight gender concerns in postdisaster situations and in long-term development. However, continued input and support are needed to make this initiative sustainable.

The key issues and the range of views raised regarding lack of knowledge among *geuchiks*, *camats*, or other local officials can be summarized, in order of significance, as follows: (a) lack of knowledge and skills (e.g., ability to clarify *adat* procedures on land, familiarity with formal law or Islamic principles, knowledge of women's land and property rights according to various traditions, including modern systems, and lack of capacity to understand technical details required for tenure security); (b) lack of professionalism (e.g., instances of nepotism, unwillingness to reason out a decision made, *geuchiks* and local leaders finding it difficult to adjudicate land disputes involving third parties and seen as moving beyond their jurisdiction, inability to settle complicated

170. For example, the uncertainties created in *desa* Seunebek Baro in *kecamatan* Darul Amin, Aceh Timur, and *desa* Gunting Barat, *kecamatan* Batee in Pidie.

family disputes but not allowing referral to other mechanisms, and *geuchiks* and local leaders not exhibiting concern about personal feelings and views); and (c) lack of guidance and orientation (e.g., after the tsunami, the ongoing role and jurisdiction of the work of *geuchiks* and other local leaders on land matters was ambiguous, and information and data on land were not always updated).

Geuchiks stated that their visible role at the village level is issuing endorsements on land ownership. Other tasks such as promoting joint titling are minor concerns and not considered by their senior officials as a priority. Some NGOs, such as IDLO and JKMA, acknowledged this situation and were of the view that it is for national and provincial-level leadership to provide adequate resources and oversight support for enforcing gender policies. Unless this is pursued, *geuchiks* or *camats* will not be able to fulfill this task and support for continuity and stability cannot be sustained.

An area of concern among women relates to the lack of information and support on land acquisition (for reconstruction programs). For example, the task of handling a land acquisition was seen as men's role in most families. This leaves women out of the information loop and unable to play even a nominal role. This study found that gender issues in projects that require land areas for public purposes remains the most complex and loosely coordinated subject in Indonesia and more so in Aceh after the tsunami. For several months now, the recipients of support were clearly defined and agreed upon. The situation became more complex as land was identified and secured from the local government and other sources for public purposes. Land allocated for the housing project was to be donated by the local government to the respective owners through an order. This government order followed usual government procedures and ended up with more male recipients rather than women or joint holders. Efforts exerted by the officials of BRR, housing providers, and NGOs to educate and advocate with the local government officials have not yielded any results. Several reconstruction projects have been unable to achieve gender targets.

Local governments claimed that in most cases, *geuchiks* are the actual implementers of land acquisition plans for

public purposes and they were unfamiliar with gender concepts. In turn, women affected by resettlement programs may not be properly involved. Local officials also conceded that several *geuchiks* followed the usual practice of referring to the family card or other documents that commonly name a male as the head of the household. This became the determining factor for issuing land and house certificates to beneficiaries.

Several other concerns are to be raised about the implementation of gender policy. These included the extent of prior consultation on proposed modifications to existing regulations, the availability of an independent route for orientation and oversight, the burden of administrative work, and the coordination of formalities among government institutions. Paradoxically, the *geuchiks* also complained about the role of *camats* and *kabupaten* officials, who they claimed prevented them from being better informed about regulations and local development plans. It is fair to say that *geuchiks* were often the last to receive news of issuance of new regulations or modifications in the existing ones. No one recognized that *geuchiks* are the last men in the queue and all responsibilities for proper implementation stop with them. Several orders were issued without ascertaining the *geuchiks'* views on the future or the economic capacities of our people. There appear to be major asymmetries of information between the *geuchiks* and *camats* and *kabupaten* and provincial-level officials.

Both *geuchiks* and *camats* play a role in formal and *adat* systems of land administration. In terms of power and authority, there were mixed views and tensions about the role of *geuchiks* and *camats* on land matters. Field research found several instances in which *camats* acting in their capacity as a notary had prepared letters acknowledging physical control and customary ownership of land and received payment for their services. Such acknowledgement letters have secured better compensation to families whose land parcels were either acquired by the government or lost. This was not the case for land parcels acknowledged by the *geuchiks*.

The letter of acknowledgement provided by a *camat* as part of his duty as a public notary is given higher value and in most cases results in higher levels of compensa-

tion. This has been one source of tension between the *geuchik* and *camat* in several subdistricts. Unfortunately, most of the letters of acknowledgment are prepared in the name of male members of the household as a matter of routine and this has put female heads of households or women members at a disadvantage. Such a mechanical approach will be less helpful in securing gender equality in land ownership.

The other area of tension relates to the increasing role of *geuchiks* in local governance. FGDs with *geuchiks* suggested that at least 14 new tasks have been added to their job description over the last two years. Some of the new tasks relate to monitoring a variety of reconstruction projects and programs, joint titling, and inclusion of women in every forum. Although they may understand the spirit behind this and wish to do what is required of them, they may lack time and resources to do so.⁴ This overloading of the village government was raised even by provincial and district officials suggesting inefficiency in the allocation of work to the local government and therefore shortcomings in the delivery of public services. The need exists to develop standardized performance criteria both for *geuchik* and *camat*. Whereas most villagers get to observe the competency of a *geuchik*, they only occasionally observe the competency of a *camat*. Public officials such as *camats* are always seen pleading that they have done all that was possible under the circumstances and leave the local *geuchik* to deal further with the issue. This puts pressure on the *geuchik* to deliver. This study concluded that there is a need for the government to define the “core tasks” of *geuchiks* in addition to the routine administrative duties they are already performing. The expectation exists that *geuchiks* will be able to address all issues, including mainstreaming gender concerns about which they may have little knowledge and familiarity. That is not only an unrealistic expectation; it is unfair as well. In addition to administrative arrangements, fiscal arrangements are also a contested area by *geuchiks*. They feel that *camats* are given excessive powers in managing local development funds. This situation has created excuses for local officials to pursue self-interests, which could not be controlled by higher authorities.

One dominant theme among the officials was the lack of adequate resources and weak updates on regulations.

The majority of respondents thought the composition of the village government (including *adat*) and its lack of familiarity with state regulations partly contributed to ineffectiveness in land administration and their work in enhancing women’s access to land and property rights. They mentioned overrepresentation of some groups (e.g., *geuchik* in every forum), which could stifle efforts toward transparency and fairness. Some respondents felt that because *geuchiks* are part of the community, they cannot always maintain fairness in decisions and are susceptible to intrafamily or local dynamics.

“As a member of the local community, a *geuchik* may have a comparable standard of life but most of them are not rich or economically independent too,” observed Abdul Jalil. “This means all of them will have to engage in some supplementary occupation too. Therefore, increasing their tasks without adequate support and resources is likely to yield poor results.” In discussions conducted as part of this study, staff at JKMA and Sri Ratu pointed out that younger *geuchiks* are more inclined toward a project-type approach to their tasks and activities, rather than their traditional roles within the village. This changing perception among the *geuchiks* about their role and responsibility, seems to have increased after the tsunami, and more importantly it is also beginning to have an impact on families’ trust in these leaders and their work. This is an area for further research in defining future tasks within the communities and in the implementation of LoGA in light of local traditions and practices.

Geuchik’s Future Role on Land Matters: Between Tradition and Modernity¹⁷¹

With regard to land matters, this study found that the *geuchik* continues to play a significant role at the village level. This may be partly attributed to the fact that the three decades of civil conflict did not allow landholders in the eastern coastal districts of Aceh to explore other opportunities to obtain tenure security for their holdings (e.g., creation of a deed or formal registration with

171. Based on discussions with Mulyadi in Bupati office in Aceh Barat, Erlina, Ria Fitri, Kurniawan, and also local NGOs Sri Ratu, JKMA, Grassroots Foundation, and LBH.

the local land agency). This situation, combined with *adat* traditions, resulted in strengthening the role of *geuchiks* in the past. However, in recent times, with escalating economic values and sensitivities, land and resource governance structures are affected by factors outside the control of the village leadership. Hence, village heads themselves are not willing to assume additional responsibilities. Two-thirds of the *geuchiks* interviewed were happy to give up full responsibility on land matters and play a nominal endorsing role.

It is important to acknowledge that in Aceh province, as elsewhere in Indonesia, the general landholding pattern in a village is rapidly changing. In the past, a *geuchik* could manage land matters because most owners were residents in the locality and were either members of the extended family or known to him and were unquestionably part of the village. The *geuchik* could negotiate within this large circle of neighbors and family members to find an amicable solution. This was seen not merely as a service but as a traditional role.

Post-tsunami, with the commercialization of land, this situation gradually changed, with some *geuchiks* receiving (and some landholders willingly paying) cash for their services. Several landholders also reside outside the village or are new to the neighborhood. *Geuchiks* find that they are unable to negotiate with such outsiders. In some villages, absentee landlords are involved as well.¹⁷² As these new categories of landholders are beginning to emerge, there will be a declining role for an independent patron such as the *geuchik* if he especially continues to emphasize his traditional roles. To retain his relevance in the new social structure, the *geuchik's* role as a village-level government functionary interfacing between the formal and informal systems of land governance becomes critically important.

This study concluded that the enactment of LoGA, commencement of the peace process, the post-tsunami recovery and reconstruction work, and the changing socioeconomic patterns have all led to declining trust in *geuchiks* on *adat* matters. Hence, the provincial govern-

ment is of the view that *geuchik's* role over *adat* and land governance matters should be gradually phased out. Mustafa, a senior official at the provincial governor's office said, "In the context of LoGA and *adat* functions, we see the *geuchik's* role as a *transitional one, moving towards harmonization of the adat and state functions.*" In discussions, deputy governors and senior officials clearly stated that the role of *geuchiks* and *camats* in the changing scenario should be realistic and meet modern day demands.

All of the stakeholders involved in land issues—the provincial government, the *geuchiks*, and the people—agree that the village government is not in a position to manage issues relating to land and natural resources efficiently because of (a) fast-changing socioeconomic environs, lack of capabilities, and level of attention needed for land governance. Hence, there is a need to identify and build a new land regulatory mechanism that works from the village to the provincial level and is educated in all the systems of land governance, including *adat*, *Shariah*, and the Indonesian Constitution.

A clear consensus was found among the respondents that the current land-related regulations were ineffective; in particular, concerns were raised regarding the effectiveness of the regulations and their enforcement relative to the power of local officials (e.g., *geuchik*, *camat*, or *imeum mukim*). Regulations were also thought to be too cumbersome. The majority of local authorities felt that they could not carry out the monitoring functions well and therefore could not enforce government regulations. Quite interesting, field research found no cases in which complaints to provincial or district authorities were actually followed through. Clearly, the perception of regulation is rooted in the respondents' understanding of land administration and management.

In conclusion, there are certain government functions that require a local representative to act as a liaison between the government and communities. In this regard, a *geuchik* is a logical choice to fill that position. However, a less principled or power-driven *geuchik*, as seen in several cases of nontransparent functioning of a *geuchik* where land acquisition for reconstruction programs were planned, could seize the opportunity to seek

172. Refer to discussions on wrong use of SSK instruments issued by the *geuchiks* in Aceh Besar.

BOX 6.3***Geuchik*: Is He a Community-Based Facilitator or Service Provider Entitled to an Informal Payment?**

During individual interviews in *gampong* Miruek Taman (Aceh Besar) and Gampong Jawa (Banda Aceh), it emerged that the villagers had made an extra payment to the *geuchik* to collect their titles. Roswati, Miruek Taman, said that she paid the *geuchik* IDR 10,000 to collect her titles because BPN's base camp was located at Jantho, which is very far from her village. When reminded that the systematic land titling program was gratis (free), she reasoned that she does not mind paying that amount rather than herself going to Jantho and dealing with government personnel.

In Gampong Jawa, people entrusted the same tasks to their *geuchik* for a different reason. Given the unknown procedures and uncertain time schedule for collection of title certificates, they decided to assign that task to the *geuchik* and made a small payment for his services. The *geuchik* of Gampong Jawa admitted that several landowners were unwilling to deal with the titling teams and government personnel and assigned the task to him. At the FGD, participants further reasoned that most of them were engaged in occupations such as fishing or vending or were government employees and their work hours did not allow them to travel to the base camps or BPN offices to claim title certificates. Therefore, they preferred to assign the task to the *geuchik* and paid him for his services. Such instances were numerous.

The decision to pay the *geuchik* seems to have evolved during the titling process itself. Respondents stated that at the initial meetings there was no talk of payment to the *geuchik*. However, when land was mapped and surveyed, *geuchiks* were seen as “working” for the family and hence some “tea money” was offered. Soon it became a practice to give him “tea money” to do tasks for the landowners. It was apparent that more women landowners (approximately 70 percent) than men (approximately 30 percent) “outsourced” collection of title certificates to the *geuchik*. Women respondents at *desa* Rumpit in Aceh Jaya said, “The task of a *geuchik* is to protect village land areas and therefore, we feel he would do no harm to us.” However, there were a handful of skeptics who wondered why the titling teams or land offices did not go to the village and distribute the title certificates. They suspected that the *geuchiks* and titling teams were colluding to earn some “tea money” in the distribution of land certificates.

personal benefits. Based on field evidence, one could deduce that this may be happening in some areas, creating unequal relationships in community settings and more so in the case of women's access to land and resources. In the long run, if this tendency remains without a countervailing mechanism, communities may turn against the tradition of *geuchik* as the village leader. In terms of long-term effectiveness and efficiency, given the complexities of customary practices and formal law, it is obvious that *geuchiks* will not be the appropriate institution to anchor land administration.

6.4 Was There Evidence of Women Dispossessed of Their Landholdings?

The field research covered three different kinds of areas: (1) the RALAS program, (2) relocation housing program, and (3) nontitling areas (non-RALAS, non-

relocation villages). In the absence of a baseline study, it is not possible to produce data to show the direct impact of the RALAS program on women's access to land. However, the study inferred through observations, FGDs, and discussions with *geuchiks* and *camats* in relocation areas and nontitling villages that the level of awareness about women's rights to land was low among all the stakeholders (including women, men, and local authorities), with roughly only 20 percent having a clear understanding of the range of land rights and protection afforded to women under Indonesian law. When the responses of informants from non-RALAS areas were compared with those of informants from the RALAS area, their (i.e., non-RALAS sites) awareness of joint titling policy was found to be very weak. In most cases, women landholders were not aware of the procedure to register inherited land and obtain land title certificates.

Research conducted in 2008 for the PIBA study and research for this gender assessment (2009) found that women were overwhelmingly asserting their right to be included in the land titling process in RALAS villages.

Nearly two thirds of the women respondents in FGDs felt that the new land titles offered improved economic opportunities through easier access to credit and enhanced tenure security. Respondents also held that formal titles strengthened and reinforced their claims to land held under the *adat* practices. This indicates that women's awareness of their rights to land has been significantly higher under the RALAS program and empowers them to assert these rights despite social, cultural, and familial constraints.

As stated earlier in this report, cultural constraints affect women's willingness and ability to travel outside their community or engage in discussions with formal government institutions. Researchers found that RALAS represented one of the few government initiatives to provide a valuable service, virtually at the doorstep of poor women and tsunami-affected families. Recent data from BPN indicate that nearly 37 percent of the land title recipients were women. More title certificates were issued to women in the 2008–09 work program because of the enhanced focus on information dissemination relating to women's land and property rights and the participatory approach. By working in the villages directly with the landholders, RALAS was able to overcome some of these constraints.

The design of the RALAS process included specific measures to protect women's rights and provide equal access to economic resources, such as the right of inheritance and the ownership of land and other resources. It also introduced an important innovation to Aceh by advocating the use of joint land titling, which has been available in other parts of Indonesia for some years. The RALAS design included such features as monitoring compliance of joint titling and the maintenance of a database on distribution of titles in the name of women (or jointly) and their participation in the titling process. These features were intended to promote women's legal ownership and inheritance and guardianship rights. Further, BPN made clear commitments in providing secure access for women to obtain and use land titles. By the end of 2006, BPN, along with the BRR and provincial government, formulated the Joint Land Titling Policy, which was adopted for implementation. The field teams were responsible for explaining the value of the joint titling to communities (at the socialization events) and offering this as an option for registering land jointly held, for

couples' land purchased after marriage and for land jointly held among siblings or other family members.



Photo 6.1: Women landholders examining cadastral maps produced by the adjudication teams, Aceh Utara, 2008.

Despite some shortcomings in the implementation of the program, the impact of information dissemination on recovery of land rights after the tsunami illustrated clearly that without the low-cost, easily accessible program of systematic land registration provided by RALAS, the vast majority of the RALAS beneficiaries would never have received the official registration and recognition of their landholdings. The resulting land titles are not only seen as providing secure land tenure, but also can be a tool to lift families out of poverty by allowing landholders to use their assets to secure credit at reasonable rates in many areas.

During field research, it was discovered that immediately after the tsunami, with dislocation of households, family control over land weakened and surviving land owners were anxious to protect and restore their land rights. Additionally, there were issues such as widows returning to their maternal family and seeking allocation of land for their livelihood. It was feared that women's rights could be curtailed by *de jure* direct discrimination. Some dispossessory acts were also reported, including implicit threats of violence by male relatives, arguments that female claimants could not claim land unless they married (or remarried), and arguments that widows could not claim land because the land had been independently owned by their husband (i.e., it was not marital land). Such concerns were particularly high when *Shariah* law was expected to be applied without adequate information.¹⁷³ In our field inter-

173. Fitzpatrick (2006) stated that some village leaders and religious leaders expressed uncertainty as to the applicable law in the following types of cases: (a) rights of female orphans; (b) distinction between joint and independent property; (c) rights of residual heirs when an entire family had died; (d) relative rights of daughters and uncles; (e) rights of widows, particularly in relation to the rights of the brothers of the deceased husband; (f) relative rights of granddaughters and sons; and (g) status of marital property after divorce when there has been no divorce settlement.

views, at least one third of the *geuchiks* and *imeum meunasah* acknowledged uncertainty concerning proper application of *Shariah* law in complex cases.¹⁷⁴ Even though evidence that surfaced later proved that such fears were at times premature, one cannot deny the concerns generated by the inheritance and guardianship cases that remained pending for long periods; however, there were defenses. Field surveys did not detect any systematic patterns of women being deprived of land areas or control over land.¹⁷⁵ Many of the reported cases of intimidation of women landholders could not be confirmed.

In discussions with the researchers, the local leaders and even elders in a community stated that the year 2005 was full of uncertainties and there were concerns about safety and security, particularly in the eastern coastal districts, because there was no information on the peace agreement signed between the Indonesian government and the separatist movement in August 2005. In this environment, there were fears of dispossession. The situation began to stabilize by early 2006, allowing people to sort out their claims.

The majority of women respondents reported being actively involved in land transactions over the past three years, mostly in connection with inheritance or subdivision of family assets. Only 7 percent of the women reported selling their holdings for cash. Further, of the total number of women interviewed individually, only four reported that when land was transferred through inheritance, a loss of area was observed compared with the original land size.¹⁷⁶ Further probing revealed that it was a family negotiation on subdivisions that resulted in the loss of land areas. Questioning also revealed that in these cases women dropped their claims against another family member to maintain domestic peace. Although small in number, such cases highlight the fact that

women mostly lose their land rights in private spaces rather than in the public arena.

One study hypothesized dispossession of women landowners post-tsunami,¹⁷⁷ and a second study highlighted the loss of landholdings through the titling process.¹⁷⁸ Field research attempted to verify both of these hypotheses. Informants were asked if they had heard of households having lost land because they lacked proper documentation or other reasons. Nearly 75 percent of the respondents had “rarely or never” heard of such losses. They also had not heard of any women dispossessed of landholdings post-tsunami or post-titling. Of those who had heard of such cases, 69 identified *geuchiks* or government officials as the instigators of the land conflict and added, “Such abuses were more common just after the tsunami and largely related to land required for the reconstruction programs. The delays experienced in satisfactorily resolving inheritance and guardianship cases also generated further concerns on abuses.”¹⁷⁹ Such responses reflect an underlying perception of rent-seeking behavior and corruption in the local administration system, including land offices, that often emerges in field

174. Details on the informants were withheld because of the sensitivity of the issues. Also, refer to PIBA (2008) and discussions with informants in Banda Aceh and Aceh Besar.

175. This finding is consistent with data gathered by PIBA (2009) and relevant except in case of submerged land.

176. Such losses seemingly occurred as a result of faulty measurement or the women’s lack of knowledge about land surveys.

177. D. Fitzpatrick and J. Zevenbergen.

178. International NGO Forum on Indonesian Development (INFID).

179. Land acquisition for public infrastructure projects has been very problematic in post-tsunami Aceh. In donor-funded projects, land acquisition is generally the responsibility of the Provincial Government and district authorities. Two contentious cases in particular (Ulee Lheue land network in Banda Aceh and Banda Aceh–Calang road) were well publicized. These cases caught the attention of many landowners and other parties in the reconstruction efforts. This situation distorted many families’ views on the land titling program. Reactions included the fear that land areas may be acquired by the government without due compensation or a fair process and the issuance of fictitious titles could allow influential people to dispossess small landowners of their *adat* or deed-assigned landholdings. In many cases, the underlying problem was that landowners could not be found because they had died in the tsunami. The land acquisition process was seen by some *geuchiks* and others local interests as a way of rent-seeking or land-grabbing. After three years of protracted negotiations between various parties, the government placed compensation funds in the *Baitul Mal* (Islamic Treasury Institution) of Banda Aceh. If the owner or family of the owner appeared, the *Baitul Mal* would process the compensation after verifying the claims. Similar issues were raised in the construction of a road near the city of Meulaboh (Aceh Barat), where land acquisition hurdles prevented land mapping and titling until the resolution of the anxieties and claims of landowners.

BOX 6.4**Women's Efforts in Securing Access to Their Land and Property Rights**

Jariah Zamil, a resident in *desa* Suak Nie in *kecamatan* Johan Pahlawan, Aceh Barat, counterargued, saying, "Many families eagerly participated in the preparation of CLMs to temporarily secure their land. We were not technicians, and not equipped with technical facilities. As a result, there were measurement errors and these cannot be called a denial of their rights." When asked for details for further examination, Zamil agreed that there may be instances of families exerting pressure and denying women their rights.

"After the tsunami, restoration and protection of landholdings was a concern. Numerous cases of inheritance and land ownership needed clarification," said Asmanidar, a resident in *desa* Kuta Blang, *kecamatan* Samadua, in Aceh Selatan, during the FGD with local leaders. "It was a time when we could not afford to take a backseat and depend on relief support alone. Every woman in our *desa* worked hard to rebuild our lives. Reconstructing our lives and livelihoods certainly involved some engagement on land issues."

"It was true that village-level uncertainty during relief and recovery phases did lead to claims of potential dispossession of land. In the long-run, we saw very few cases of real deprivation. If anything, what posed the biggest threat to women were internal family conflicts or *geuchiks* favoring male family members. This type of pervasive discrimination was neither built into the system nor expressly combated in the existing system. If safeguards are not built now, it could be a threat in the long-run," said Philip Visser.

"Among women, the principal fear was that land areas may be acquired by the government without due compensation or fair process. The other fear related to inheritance and guardianship procedures. Although information on those subjects were disseminated, it was not enough. The lack of knowledge among *geuchiks* on those matters also proved to be a major hurdle. Discussions relating to matters like land acquisition and related issues were most often handled by male members in the family who attended meetings with officials (often lengthy and held outside the community) and liaised with the local authorities. This process of external negotiations invariably left female members with no significant follow-up information and dependent on the support of male members in the family," said Erna Heryani, former Director of Land in BRR.

interviews. Systemic loss of land or systemic denial of women's rights were not reported.

Did Delays Caused by Restoration of Land Parcels Registered and Titled before the Tsunami Trigger Stories of Dispossession of Women?¹⁸⁰

The answer to this question is probably "yes." Immediately after the tsunami, the Indonesian government announced that all pre-tsunami rights to land in affected areas would be respected during the process of rehabilitation and reconstruction. Early in January 2005, to protect the most vulnerable sections of society (surviving heirs and female-head households) from land-

grabbing and speculative deals, the Indonesian government developed a two-pronged strategy: (a) to launch a high-profile public campaign on land issues with support from the World Bank and other stakeholders and (b) CLM. This strategy was further strengthened by the Indonesian government decree preventing land transfers in affected provinces over a specific period.

Despite this, the process of restoring pre-tsunami land rights confronted some major challenges. One particular challenge¹⁸¹ related to the fact that although CLMs (or

180. This situation was found during field surveys of gender study, PIBA and the World Bank's monitoring visits in 2008–09: *desa* Panjang Baru (Aceh Barat Daya district), *desa* Keude Susoh (Aceh Barat district); *desa* Payah Baru and Teupu Ara (*kecamatan* Teunom, Aceh Jaya district); *desa* Kuta Padang; and *desa* Ujong Kalak (*kecamatan* Johan Pahlawan, Aceh Barat district).

181. Immediately after the tsunami, some women identified their land parcels and placed temporary placards claiming their rights to prevent grabbing by others. In some cases, particularly in areas closer to the coast, women landowners included the name of a male family member on the placard in the belief it would enhance security and prevent grabbing or claims from others. However, some independent visitors and NGOs interpreted such placards as men taking over land areas owned by women. Later investigations revealed these assumptions were not supported by facts. Refer to World Bank's monitoring mission reports (2006–07 and 2008–09) in Cot Me and Padang Rubek (Kuala) in *kabupaten* Nagan Raya; Seunoddon and Samudera in *kota* Lhok Seumawe; Susoh and

settlement plans, in the case of relocation/housing programs) were produced, there was progress in formally acknowledging the results of community-based land recovery efforts, and in formally registering and certifying the land parcels with the government and BPN. This delay fueled suspicions regarding the intentions of the government and local authorities. This was particularly true by late 2006 and early 2007, when titling programs made very little progress and there was no communication from local governments or BPN to communities. Among the respondents interviewed for this study, almost two thirds of landowners interpreted the delay

and unclear bureaucracy as a ruse by the government to eventually take over their land without due compensation. These fears apparently generated stories of landowners potentially being dispossessed (or deprived of their due rights). However, the interim arrangements and completion of most of the housing programs minimized such fears, and by late 2008 the anxieties had receded. In due course, most families realized that their fears were exaggerated.

Did Definition of a “Beneficiary” by Aid Organizations Create Uncertainty?

This study found that early during the relief operations, most agencies “defined” their target groups, that is, who would be eligible to receive aid. Unverified reports

Tangan Tangan in Aceh Barat Daya; Lapang Timur (Gandapura), Cot Batee and Cot Unroe (Kuala) in *kabupaten* Bireuen; Pasi Raja (*kota* Sigli), Tungkleut (Trieng Gading), Pante Raja, Simpang Toga, Meureudu and Laweung (Pidie).

BOX 6.5

Personal and Property Losses and Recovery of Life and Livelihoods

Rahma (Samatiga, Aceh Barat) lost her two children when the tsunami struck. She and her husband moved to a nearby temporary shelter, exhausted from searching for their children and realizing that their hopes of their children safely returning home had faded. She said that the villages in *kecamatan* Samatiga were one of the worst affected settlements and most of pre-tsunami boundary markers (or land marks) were wiped out. Once the water receded, families returned to recover their land parcels. She returned to her village after four weeks. Only the remnants of her house’s foundation remained. “It was a long journey rebuilding our lives and we started with our bare hands,” she said. “Restoring our land was the only hope we carried.” On returning from the temporary shelter, she located her ancestral land parcel near the coast and placed a temporary placard claiming her ownership over that piece of land. Rahma said that with support from the Australia-Indonesia Partnership for Reconstruction and Development (AIPRD; Logica) and the BPN teams, families in her village prepared community land maps in late 2005. Her husband, Amani, was aware of titling done under a PRONA-type program 20 years ago in his village (covering not more than 20 parcels out of the current 800) but considered that post-tsunami CLM was more comprehensive and useful for village administration. Systematic land titling was completed in 2007 and the land parcel certified in Rahma’s name. Both Rahma and her husband were aware that the BPN teams left a copy of a land map and parcel list with the new *geuchik* after completion of the assignment. Amani said that every village needs this type of land details to optimally use and manage the resources and to avoid excess pressure on the *geuchik* or *camat*.

Now after several years, Rahma’s face shows her relief that she did not lose her ancestral property. She can reside close to her extended family, cultivate her home garden, and raise some vegetables and flowers. She received the title certificate to her matrilineal property, and getting her rights reinforced through a formal institution is a blessing that has emerged from a disaster, she said. She was not alone in expressing such happiness in earnest. At least 70 other women landowners in her village hold a government-certified title for their lands. They see this as a stepping stone toward having all their dreams for a better future come true.

“For most women, recovering land rights after the tsunami was an education and they came out not only without losing land areas but also gaining more confidence in themselves,” said Keswanto, an official with YEU-CD Bethesda in Meulaboh, an NGO that facilitated the preparation of CLMs and education of families on protection of land and resources in Samatiga and other subdistricts in Aceh Barat. Abdul Jalil, head of a local NGO, and Alhamda, an official with a local NGO, *Lembaga Bantuan Hukum* (LBH) Meulaboh, both agreed and said, “While women were severely affected by the tsunami, they also gained unique opportunities to change their status in society through active participation in the aid distribution process. This is a positive development post-tsunami.”

arose of families being denied land and housing support. Although questions can be raised against any set of criteria for selecting beneficiaries, it is apparent that the definition of the term “an eligible beneficiary” did create anxiety among the affected population and more so among women who were the sole breadwinners for the surviving members of the household and who were afraid of losing their land or reconstruction support. For those who lost their homes, the housing projects deemed that a beneficiary would be eligible for a core unit. Despite detailed damage assessments both by the government and aid agencies, the definition and scope of the term “beneficiary” assumed bureaucratic features as well. No doubt it ignored the fact that before the disaster, for Acehese families, a home included not only a residential unit but also areas for gardening, a small fish pond, and space for daughters who were married but residing with parents.

One of the key lessons learned from Aceh’s post-tsunami experiences would be not to rush with the template definition of “beneficiaries” of reconstruction programs. The rush was partly due to poor understanding of the sociocultural factors and partly because of the bureaucracy that came with the reconstruction programs. Evidence suggests that there were too many agencies producing far too many assessment reports and strategies, which created confusion and an uncertain environment. NGOs and other stakeholders attributed this to men’s visibility in the reconstruction process that resulted in entering man’s name in the record from the very start of the process.¹⁸² Kuntoro Mangkusubroto, Head of the former BRR, described a lack of coordination among the aid agencies (refer to media reports dated April 19, 2009) and reported impatience on the part of some agencies who were keen to move forward with their reconstruction plans. Such factors could have contributed toward some initial compromises in programming. Precisely for such reasons, it is important to encourage women’s active participation from the very beginning in the recovery and reconstruction activities and that unified definitions and strategies for recovery and reconstructions programs be put in place.

182. Also refer to discussions with UN-Habitat, Cartias, Switzerland, Sri Ratu, Flower Aceh, and LBH.

6.5 Origin and Type of Land Disputes Post-tsunami

Immediately after the disaster, threats to the security of individuals remained high and women were seen as especially vulnerable. The tsunami disaster triggered a real threat of the possibility of losing resources. In addition, when families began to return to their villages and recover the land parcels they owned before the disaster, frequent disputes and counterclaims arose. The situation was exacerbated by the loss of legal documents in the most affected areas, submersion of land areas along the coast, and a total breakdown of community arrangements in some areas. There were fears that some people may might exploit the situation and grab land that had no immediately visible owners or that was not under immediate supervision. Many returnees therefore encountered problems reclaiming or accessing their land and assets that survived the disaster.

Some of these problems were foreseen, and preventive measures were taken by the government. For example, the Indonesian government issued an order early in 2005 to prevent the transfer or sale of land parcels. The results of this campaign are well-documented in several independent reviews and reports.¹⁸³ These reviews concluded that the government order, along with a high-profile publicity campaign launched by the international agencies on protecting land areas, were successful in preventing land-grabbing or speculation by social miscreants. In addition, the local government launched a campaign to establish village land administration committees and train the local leaders.

Not surprisingly, in the rural areas, land disputes confronted by women involved both residential and farm land (and often other household assets as well). Nearly 6 in 10 cases were family disputes, and the remainder involved neighbors or village institutions. Field surveys found that there were joint families or families living within a compound and in several cases, it was not easy to resolve disputes quickly.¹⁸⁴ The situation described by

183. For example, refer to UN-Habitat’s report (2008) on this effort.

184. For example, refer to the case of Yusnidar, a resident in *desa* Sibliah Coh, Pidie. At the FGD she explained her experiences in

BOX 6.6**More Challenges Confronted in Land Matters**

“After the disaster, women land holders confronted many types of problems. In some areas, *geuchiks* issued alternate documents without verification and that led to cases of duplication of ownership. There were some mortgages and liens claimed by commercial banks too. There were counter claims from persons who produced a copy of a deed to claim ownership. Resolving the first type of case required considerable time. However, the second set of cases were mostly due to the destruction of land markers and boundaries. These problems were exacerbated when several subvillages were mixed up in the new maps produced during relief phase. These issues were gradually resolved when communities began to settle down and major tussles did not develop,” said a PPAT in Banda Aceh. Women in both rural and urban areas listed ethnic differences as a distant second reason for being involved in a land dispute. None of the disputes reportedly turned violent. In the case of men, the situation was marginally different. Men were more concerned with reconstruction programs and projects per se, and were keen to secure benefits from all possible means against securing a property or two.

The head of the provincial Women’s Empowerment Bureau explained the situation thus: “The tsunami impacted heavily on the coastal villages causing loss of land areas. Affected families were also unable to immediately recover their goods and properties. In the intervening period, many local leaders and unethical elements took advantage of the uncertain conditions and endorsed land documents, mostly relating to women, without sufficient verification. It took at least two years for the situation to calm down and return to normalcy.” Hendrawan Saragi at the Canadian Red Cross described the difficulties faced by the reconstruction agencies, “The credibility of the documents produced for support through reconstruction programs and statements made by the claimants were serious issues reported both in the media and known to communities. There were families who claimed multiple houses. There were instances of non-poor households securing benefits intended for the poorer groups in the area. Such instances raised concerns about the credibility of any document submitted.” He continued, “In my observation, urban disputes were more intense and heated than those in rural areas. The town dwellers wanted to find a quick resolution to their problems and recover the land quickly. In the villages, the trauma of tsunami and fear of its return haunted the people and prevented any immediate land related disputes.”

both women and men respondents were not significantly different. The main difference was that men tended to highlight family disputes more elaborately than the women. This may sound odd, but women spent considerable time discussing and clarifying issues in detail, whereas the men appeared less familiar with such details. This may be attributed to cultural aspects, because women tend to accommodate the wishes of joint family members more readily than men. As observed earlier in this section, there is always a tendency among women to relinquish their rights in an attempt to maintain peace within the family rather than challenge established authority. This may have prevented women from publicly elaborating on details out of fear of repercussions.

Data gathered revealed that most disputes faced by women living in urban centers related to residential land and loss of legal documentation. Because of the land

values and the lack of strong community-based mechanisms to resolve problems, most women preferred a formal mechanism to resolve the disputes. Most women living in urban centers hold land parcels that were purchased and for which they would have created a deed at some point in time.

The other source of disputes over land was related to reconstruction work itself. This study found that early in the recovery operations, several agencies announced their plans and programs for reconstruction and even identified sites for intervention, without adequate consultations and macro agreements. This definitely led to uncertainty and chaos among the communities, with some local actors (e.g., surviving *geuchiks* or *camats*, local businessmen, or extended family members) exploiting the situation. Families were afraid of losing land, and some influential local individuals such as *geuchiks* and *camats* were observed taking advantage of the prevailing uncertainty. Once the recovery phase ended and normalcy was reestablished, the situation altered. This

attempting to rapidly resolve a case concerning sharing of a large parcel of land family land.

BOX 6.7 **Importance of Government-Led Coordination**

“It needed enormous effort and coordination,” said Kuntoro Mangkusubroto, former Head of BRR, in closing comments on the work of BRR in 2009 (Indonesian government/BRR, 2009; also refer to media reports dated April 16, 2009 on the closure of BRR). On land issues he asserted that the post-tsunami situation underscored the relevance of formal means of determining land rights both for men and women. Because of social and cultural constraints, the government found that men had more opportunities than women to clarify their land holdings. Through the joint titling policy and by encouraging information dissemination through the media and local NGOs, such deficiencies were remedied. However, that was not always sufficient and did not help to resolve site-specific disputes confronted by women. He said, “Learning from those experiences, I assume, these days, more and more women land owners are keen to register their holdings both in urban and peri-urban areas. With village institutions feeling a bit over-burdened with cases of land disputes, there is a growing tendency among rural land owners to register parcels owned by them whenever an opportunity is provided.”

(Source: Media reports dated April 19, 2009 on the closure of BRR after four years of work in Aceh; also refer to BRR Book Series Volume 0 to 12, 2009).

was best illustrated in case of anxieties expressed with respect to denial or dispossessing women of their land rights in late 2005 and 2006.

This study confirmed that the establishment of BRR led to some coordination among numerous agencies after mid-2005. However, stress induced by uncertainties before BRR continued to haunt people, particularly women and more so women living in temporary shelters, who were forced to move around seeking information and help. NGO representatives and academics stated that although men and women may have faced similar problems with regard to recovering their land rights, the problems were more pronounced and noticeable among women, who lacked experience and familiarity in dealing with land disputes in such demanding conditions and in public places. Recognizing this socio-cultural context, BRR, along with the provincial gov-

ernment, BPN, the RALAS project, and other stakeholders agreed to develop a “joint titling policy” so that land history is clarified, women’s property rights are secured, and future disputes are averted.

6.6 Gender Variations in Land Disputes

Field surveys gathered data on types of land disputes faced by women landholders, their categories of disputes, and their origin and characteristics. The details are summarized below.

Types of Land Disputes

The field survey revealed that the reported instances of land disputes can be classified into three broad types: (a) complaints (e.g., on services delivered such as errors in measurement or boundaries, or certification errors); (b) grievances (e.g., *geuchiks* wrongly endorsing a parcel of land to another person); and (c) disputes (contested ownership and in most instances, these are first referred to the *geuchik* and later to religious forums, and rarely to formal courts).

In general, most informants stated that even during normal times, land-related disputes, as summarized earlier, formed a major share of conflicts within their community or district. In the case of women, the majority of land disputes were first referred to the *geuchik* and *adat* committee for advice because women invariably hold *adat* land. Almost 90 percent of land in the villages is administered under *adat* traditions or customary practices such as matrilineal inheritance received by women. As a result, not surprisingly, everyone believes that land issues could be easily resolved at the village level. Data gathered showed that almost two thirds of the women and one fifth of the men believe that the remaining mechanisms for dispute resolution are more distant (and therefore less desirable) and tend to be used only for serious disputes (e.g., which cross village boundaries or when resolution attempts fail at the lower levels). For third-party external cases, such as disputes between villagers and local business persons, subdistrict

and district government officials can become involved. Appeals against the decisions of *adat* committees or *Shariah* courts were seen by the families as follow-up rather than a new dispute. Although land disputes were not unknown to both men and women in Aceh, the nature and character of disputes that emerged after the disaster did raise new issues that even the *geuchiks*, *camats*, or local institutions were not prepared to address.

A disaster of the magnitude of the tsunami creates issues such as destruction of physical identification points, submergence of areas, large-scale dislocation of families, and resurvey of land areas as part of reconstruction programs. All of these were new to everyone in the village, and the traditional knowledge or familiarity with land issues also influenced the situation. These were not issues previously covered by *adat* practices or local knowledge. Time was needed even by the most knowledgeable people in the village, such as the *imeum mukim* or *tuba peut*, to mobilize their *desa tua* (local wisdom) in order to move forward.¹⁸⁵

With regard to the nature of disputes, data gathered indicated that men and women confronted similar types of disputes over their landholdings: (a) close to two thirds of disputes were between family members or neighboring landowners; (b) approximately 15 percent involved the village government, such as boundary disputes between neighboring villages, incorrect endorsement or documentary evidence, or *geuchiks* not willing to provide supporting documentation to owners; and (c) about 20 percent involved BPN and adjudication officials and related to performance of the field teams and their ability to provide services.

Categories of Land Disputes Confronted by Women

Data show that gender-specific disputes confronted by women landholders could be categorized into three broad groups: (a) divorce or marital cases, (b) inheritance and

guardianship, and (c) mix-ups in land history (records or knowledge of the physical aspects of the area to identify and recover lost parcels). All three categories were not uncommon even before the disaster, and there was a post-tsunami increase of cases for each of them. In all of these categories, the extended family and the role of male relatives in the household always came up as a cause for concern. About one third of the women respondents reported as major obstacles the difficulties they faced in getting the history of their landholdings right. When probed, respondents indicated that women, compared to men, always took for granted the ownership rights for property that belonged to their families for many years. It became more challenging when relief agencies asked women, particularly single women, to produce a document for housing or other support, for which they were not certain as to what should be presented. It apparently caused women to panic, more so in view of changes that occurred in many families after the tsunami (e.g., remarriages) and uncertainty about the location of the reconstruction projects.¹⁸⁶

Individual versus Group Conflict over Land Areas

When the reconstruction works commenced, some of the village leaders were seen busy negotiating a deal or two with outside agencies about how to invest reconstruction support and who should receive the benefits. Such discussions were often seen as an attempt to garner some private income rather than help the community.

Field research shows that nearly two thirds of the disputes reported by women were individual issues, and the remainder involved group (or family) conflicts. Among women landholders, the majority of individual disputes related to inheritance or guardianship-type issues or determination of boundaries. On the other hand, most of the group conflicts illustrated lack of trust, particularly in the surviving village leaders, or the inability

185. Listening to the enormity of the reconstruction demand after the tsunami, Gus Dur, former President of Indonesia was quoted in the media saying, "Do not look for magic solutions. An ocean like Indonesian society can absorb all of these issues," meaning Indonesians are very resilient and would bounce back to normalcy.

186. Nurdhani, a PPAT in Banda Aceh, elaborated those ground conditions and said, "One of the positive lessons most women learned from the tsunami relates to the importance of land history. What was taken for granted in the earlier days became a critical tool to recoup losses. It was not an easy phase but when I meet women today, they are more aware of their land history. This change came about precisely due to their post-tsunami experiences." A similar viewpoint was expressed by respondents like Yuslimi, a resident in *desa* Dayah Baro, Meuraxsa, Banda Aceh.

of leaders to help to amicably resolve issues. All of the group conflicts in the rural areas were resolved at the community level and mostly through *adat* proceedings. Anecdotal evidence indicated that almost all group conflicts involved a larger element within the community's own internal dynamics and tended to be interfamily or intrafamily affairs in many ways. It took considerable time to settle such problems, which affected reconstruction work and time schedules. In some cases, the systematic titling program speeded up the process.

Based on field surveys, it can be concluded that *adat* proceedings did not trigger a dispossession of women landholders. However, in coastal and rural areas, because land remains the sole source of nonfishing income for many families, especially after the tsunami, the uncertainty over grants from reconstruction programs would have induced anxiety, because villagers were all eager to recover whatever survived of their properties. The mismatch between local leaders' ambitions and the communities' focus on survival left cases of group conflict unresolved for a long time. No doubt, the intervening period left most women wondering about their future.

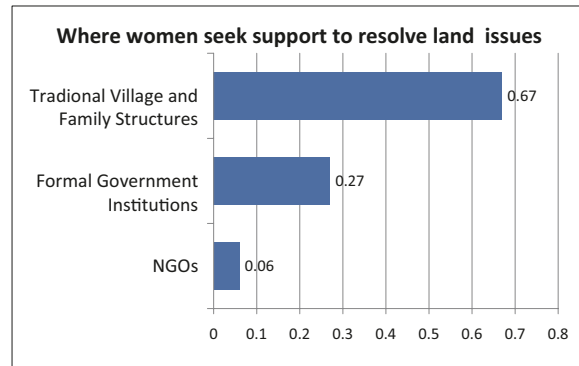
Field research also shows that most land disputes reported by men related either to land acquisition for public purposes and payment of compensation or to larger cases involving significant parcels of land or number of claimants.¹⁸⁷ Such cases may or may not have included women as a party to the contest. Despite the fact that men were seen as managing the "external" issues, active engagement of women counterparts was also reported. Meanwhile, women generally reported cases pertaining to inheritance or guardianship and these were often resolved within the purview of local leaders or with help from *Shariah* courts.

6.7 Options Available for Land Dispute Resolution

Post-tsunami Aceh was confronted with a unique challenge when people started returning to their

187. The field surveys have illustrated that men tend to rely less on local leaders and their advice.

FIGURE 6.5



original settlements in late-2005 and 2006. Although no verifiable data are readily available, anecdotal evidence suggests that the number of property disputes apparently increased as large numbers of people left temporary shelters, returned to their land, and demanded confirmation of their rights (and titles in some cases). Efforts have been made to understand postdisaster, postconflict insecurity as it relates to gender and property rights; however, the experiences of women have not been fully studied. The field research conducted under this study attempted to fill this gap by asking: "What constitutes security for women in Aceh? What are the threats to their security?" To understand how men and women respond to such issues, the field survey gathered data on a set of factors that trigger land disputes and how people sought to resolve them.

In general, mechanisms available for land dispute resolution are two-fold. On the formal side, judicial courts, *Shariah* courts, certified *camats*, the services of PPATs, and BPN's administrative mechanisms were available. On the informal side, customary and *adat* institutions (including *imeum mukim*), religious leaders, and family mechanisms exist. These mechanisms are available in both rural and urban areas, although access to formal institutions, based in the urban centers, is restricted by distance in the case of rural residents.

In Indonesia, determining who has the authority to adjudicate land disputes is not always straightforward. Broadly, there are two methods by which land disputes are being addressed: (a) resolution through the formal le-

BOX 6.8**Women's Views on the Work of Geuchiks**

Ainiyah (45 years) and Nursyiah (35 years) are from *desa* Matang Pasi in *kecamatan* Peudada in Bireuen district. The two women traveled to Banda Aceh in February 2010 to participate in a public demonstration that was organized in support of the provincial governor and highlighted the significance of local governance in Aceh. In a discussion with the researchers during the demonstration, the two women narrated the challenges faced by women in securing access to land and property rights in their village and neighborhood. They underscored the poor support provided by *geuchiks* in resolving cases referred by women.

Ainiyah and Nursyiah claimed that *geuchiks* turn a blind eye to appeals made by women for restoring their property rights. "A woman in our village was to inherit a fish pond from her deceased husband's family. The *geuchik* did not pay sufficient attention to her case and later she approached the district court. Unfortunately, the district court declined to consider her case for lack of documents from the *geuchik*. In our village, we have a few more cases like that," Ainiyah said. They asserted that women lack access to legal aid and, as a result, many of their appeals were found unacceptable under law.

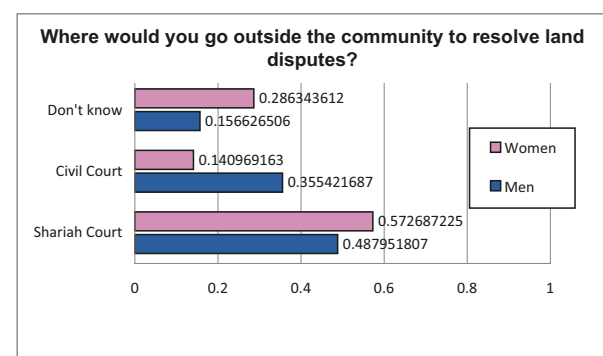
Other women from Ainiyah's village supported her view that divorce rates in their village and neighborhood significantly increased after the tsunami, and that more women became the sole bread-winners for their families. Ainiyah summarized, "*hek tamita peng, ureung agam hana kerja. Lon plah dua menyo hareuta hareukat. Han lon tem meunyo plah lhee.*" (We work harder than men. Women like me deserve an equal share of the common property. I do not want it divided up by three because of divorce or the husband's remarriage). She also cited a divorce case in her village in which the former husband faked a death certificate for the ex-wife to the *geuchik*, when in fact, the former wife is still alive and living in poverty with four children from the marriage. Unfortunately, the *geuchik* colluded with the husband and approved the certificate. As a result, the woman lost her property rights and is living in extreme poverty.

Nurhasdiana concluded, "With *geuchiks* showing signs of nepotism and openly favoring men in inheritance and guardianship cases, most women are vulnerable. Also, the tendency among *geuchiks* and *imeums* to mix *adat* practices with Islamic law has further worsened the situation. There is a need to develop a mechanism to protect women and children's property rights at the community level."

gal system¹⁸⁸ and (b) resolution at the village level. With regard to the formal court system, most women viewed it as slow, distant, and incompetent. Further, only 25 percent expressed trust in the formal justice system, 29 percent did not trust it, and 43 percent had no opinion.¹⁸⁹ Women expressed a clear preference for informal systems, founded on the principles of mediation and reconciliation. Data presented in Figure 6.6 show that only 27 percent of respondents have had contact with formal institutions, and of them only 3 percent had any contact with formal courts, including *Shariah* courts, since the tsunami. Some families had approached NGOs for advice

as well, indicating the need for strengthening legal counseling through those agencies. In addition, *adat* practice is often perceived as easier, cheaper, and more culturally relevant than formal adjudication courts, which are seen as expensive, bureaucratic, and even corrupt.¹⁹⁰ On the

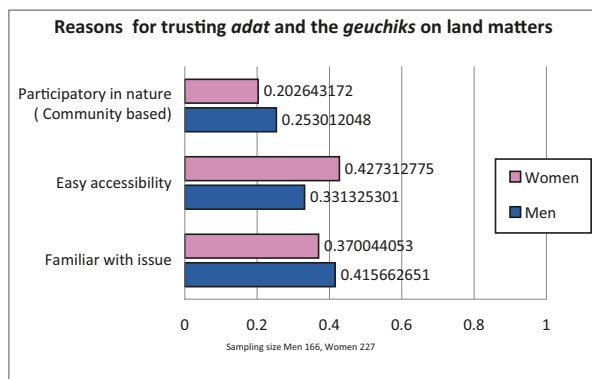
190. Refer to UNDP, "Access to Justice in Aceh: Making the Transition to Sustainable Peace and Development,

FIGURE 6.6

188. Article 50 of Law No. 7/1989 provides that all cases of ownership, including land, cannot be resolved through the religious courts unless the case has been heard and a final decision delivered by the sate Ccourt.

189. As elaborated elsewhere in this section, women demanded clear procedures, accessibility to the land registration offices, efficient processes, and low cost (affordability) to enable their participation in the formal system.

FIGURE 6.7



other hand, two thirds of the male respondents expressed trust in the formal system, despite the fact that only approximately 10 percent had with the formal courts since 2004. Nevertheless, there was a general tendency to view the formal court system as meant for Banda Aceh and other urban centers only. Despite the above trend, both men and women are unwilling to rely entirely on the *geuchik* or on local practices.¹⁹¹

Although men and women both generally prefer to contact the *geuchik* for advice on land rights and ownership issues, more women seem to have actually contacted the *geuchiks*. The difference in men's and women's preferences was attributed during field discussions to their traditionally perceived roles in land registration, in which men are seen to liaise with outsiders, whereas women limit themselves to community-level networks. The responses from men reflected cultural norms and practices, including that "women need not communicate with outsiders on resource-related matters"; "women need not participate in the discussions because of cultural practices"; "women may not have all of the details on hand to get things done correctly"; and "women are busy at home tending to domestic chores." However, this was not always the case.

At least two thirds of women reported that they would take up any issue outside their villages, if there is a need, and that they always preferred to first approach the *Shariah* court (Figure 6.7). Data and information gathered indicate that on matters that relate to land or assets,

191. Refer to discussions on the relevance of *adat* practices on land ownership.

women do not always let men do what they want or are not willing to take up issues in public. They always seem to follow a social process in which they first appear to protect the household and community reputation. Only when things get out of hand in their assessment, do they go public. This may also be attributed to the three decades of civil strife that compelled them to maintain a low public profile, despite an ancient tradition of women's bravery. The tsunami has definitely taught women lessons and given them opportunities to freely engage with local institutions and outsiders for advice on land issues.¹⁹²

All women respondents believe that they have a range of options to find a resolution to their grievances. Nearly two thirds of the respondents said that village leaders are usually involved in resolving inheritance and land disputes and in confirming customary land rights (*adat* landholdings). Other main actors included local religious leaders, respected community figures (*tokoh masyarakat*), and *adat* leaders (together, 34.8 percent). Government officials were less frequently contacted by women. As far as property issues are concerned, most families request individual advice. They always look first for community-based support and then look outside the community. This situation was found to be true in the case of men too. However, the difference was that men tended to quickly move out of the community and look for advice from other sources, whereas women took time to do so.

Both positive and negative implications can be seen for the plurality of options available to villagers for protection of their land rights (and dispute resolution). The broad freedom of choice gives community members the ability to select an appropriate and socially legitimate actor for each type of dispute. On the other hand, FGD participants tended to disagree about who has authority to resolve a particular dispute, complicating the search for a consensus.¹⁹³ An opinion exists among communi-

192. Discussions with UNIFEM office in Banda Aceh and at the Aceh Institute confirmed some of these assertions. At the FGDs, several women participants expressed similar viewpoints.

193. Most respondents prefer an approach that would bring in compromise without hardship to any party. Quite often, such decisions are not well documented, leading to fresh disputes at a later date.

ties that there is no standard way to resolve disputes, and it should be left to the individuals to decide who will be best suited to resolve it. In situations such as this, there will always be a need for an interface between formal and informal systems and practices.

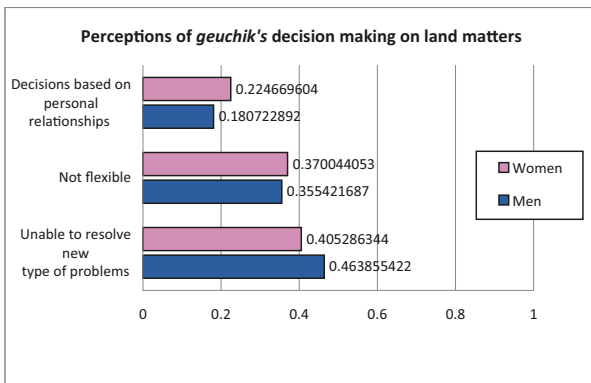
In response to specific questions, both men and women felt more comfortable with community-based mechanisms (local processes through *hukum adat*) rather than formal institutional ones. Data gathered show that, to date, local institutions (*geuchik* or *camat*) remain the primary mechanisms for dispute resolution on land and related matters in rural areas, more so for women (Figure 6.8). Further, both men and women see *geuchiks* as the first stop for landholders to seek advice on land-related matters and on documentation for their holdings. Such positive reactions were also mostly found in communities with a “dense family network” (in areas where more than two thirds of the families are related). In such communities, the *geuchik* invariably will be a member of the extended family itself, in what could be termed an “extended family mechanism.” This does not mean that he would be fair in his dealings, because there will be some family persuasion, particularly in asking a woman to give up her claims. Such incidents were not uncommon even before the tsunami disaster, but were reported more often thereafter. It also shows the limits within which a *geuchik* would function. It is here the differences in the way *adat* is practiced across the province raised concerns about the ability of *geuchiks* to resolve issues in a fair manner.

Women appeared to have a higher sense of acceptance of *geuchiks*, by virtue of their proximity to the commu-

nity (see Figure 6.4). The *geuchik* guarantees minimum social protection for the land parcel occupied or owned by the family. In contrast, formal institutions are of little help in curbing opportunistic behavior at the community level. This may be the reason why more women seek advice from a *geuchik* or *imeum* rather than, say, a *camat*. But a word of caution: A *geuchik*'s decisions are local and cannot extend outside the village. Women thus go outside the community structure when the issue is “big enough” to be referred to authorities outside the village. Such issues are referred either to the *camat* or to formal institutions. In such cases, women will require advisory support not only from the *geuchik* or *imeum*, whose knowledge may be limited, but also from a civil society group.

Both male and female respondents equally described *geuchiks* as “weak,” more favorable to influential outsider forces, and unable to prevent misuse or abuse of land. In the FGDs, numerous cases of village elites and other vested interests appropriating or selling land without community consent were reported.¹⁹⁴ This may probably be due to the fact that after the disaster, relief and reconstruction agencies relied on *geuchiks* for their work. Most agencies invariably provided monetary tips and incentives for services of *geuchiks*. These working arrangements were new to the local leaders, and several *geuchiks* started to unilaterally speak on behalf of the communities or convince families to agree to projects and programs proposed by the agencies. As the decisions (or actions) of *geuchiks* started affecting the families, many communities started to resent such practices and clamored for services to be rendered in a fair manner. Community resistance toward such projects was visible and loud. In circumstances such as this, one could question the male-domination of local institutions in public spheres, which probably perpetuates their command over women in subtle ways.¹⁹⁵ It firmly illustrates the need for enhanced government coordination and more women leaders within the formal govern-

FIGURE 6.8



194. Local media frequently reported instances of *geuchiks* abusing their powers in general land transactions and more so within the reconstruction context. Further, these officials were seen as manipulating aid programs to personally accumulate resources or favor their relatives, friends, and neighbors.

195. Several NGOs and international organizations acknowledged such a view.

ment institutions engaged in rehabilitation and reconstruction activities.

Another issue relates to local authorities not being able to secure adequate compensation for land areas acquired for public purposes. Elaborating on the attitude of *geuchiks*, several FGD participants and informants cited the hurdles that confronted the USAID-funded Banda Aceh–Calang Road project, which suffered numerous delays and problems finding the correct owners and obtaining the right of way easements (and payment of compensation for the land parcels acquired). The role of *geuchiks* in securing land areas for such reconstruction projects was severely criticized by several informants, particularly women. Anecdotal evidence indicated that poor communities, particularly female-headed households, paid serious economic costs for merely relying on local mechanisms with limited reach and relevance. The inability of the *geuchik* to prevent misuse or abuse of village resources is a good example. Continued dependence on *geuchiks* and local leaders was reexamined by people who were seeking a mature engagement between equals, taking into account the role being played by *geuchiks* in local affairs. The *geuchik* who participated in the FGDs conceded that there were slip-ups in taking care of land issues in reconstruction sites. They admitted that in the future they should function as a fair player, and not as a biased arbitrator favoring a particular group or institution¹⁹⁶ in land administration and in the management of village affairs in general.

Unlike their rural counterparts, the majority of urban women interviewed felt comfortable dealing with formal institutions. This is largely due to the fact that the local institutions are more readily accessible in urban areas and the services of the *geuchik* and *adat* committees are probably sought for noneconomic matters such as acquiring birth or domicile certificates and presiding over

196. Nurdhani and Erlina, both PPATs in Banda Aceh, said, “At times, as PPATs we were drawn into land acquisition and compensation battles. We found that women landholders needed more time and information on the subject to receive full compensation. There was no local mechanism to do that. Even at district or provincial levels, there was little capacity to take care of such concerns. This shows the limitations of the *adat* practices. One could only hope that under the LoGA, *adat* systems and structures are more resourceful and strengthened to address such issues and challenges.”

ceremonies or rituals. Urban women are more exposed to government institutions compared to women in rural areas. More women in towns seek help from PPATs or formal institutions such as BPN.

After the tsunami, the formal institutions started playing a more visible role in land matters in the urban areas, as illustrated by the fact that almost all land-related cases filed were referred by the *geuchiks* and other local forums to formal institutions. This situation was attributed to transitional factors such as the excessive demand for resolving postdisaster inheritance cases and communities moving from *adat* practices into more modern dealings, with formal institutions deemed to be a more suitable forum for securing a lasting solution to land dispute.

The PPATs interviewed claimed that nearly 80 percent of their clientele, both men and women, from the peri-urban areas wanted to prepare a deed (*jual beli*) and protect their transactions. Not very long ago the same people would have preferred a *geuchik* or *camat* notarizing their transactions. This gradual shift toward a “higher type” of documentation is primarily linked to families opting for better security after the disaster. The PPATs mentioned that several of these new clients are women from coastal villages who wanted to protect their inherited assets, particularly after the tsunami experience. Although their numbers are currently small, the shift to formal titling is clearly seen to be a growing trend.

Officials at the district and provincial offices described this trend as being largely the result of a lack of community-based institutions or *adat* arrangements within the cities. The view exists among urban landholders, including women, that it is important to go to a court or government office to seek resolution to a dispute. It is just that sometimes they may be personally familiar with the person’s abilities and skills. Some eventually approach the court to get proper documentation, which seems to offer some kind of psychological security to them. During the field research for this study, the majority of respondents, both men and women, considered government institutions as complicated and excessively bureaucratic. Government procedures transform decisions into something exclusive, which only “experts” can understand. The views were sharper among women re-

spondents. Male domination of government institutions definitely came across as an issue.

Despite reservations about formal institutions, both men and women sought support from these institutions for three key reasons. First, disputes arising out of serious differences within a family group were seen as complex and hence it was considered safer to consult someone from outside the community. More men preferred to consult outside the community than women. The subordinate roles that women learn at home are reflected in such behavior, and it is apparent that a girl's public behavior gets codified within the family and expressed among others in the reluctance to liaise with outsiders.

Second, in cases in which the issue involves land acquisition for public purposes and determination of compensation, the *geuchik* himself could be a beneficiary or may not be capable of negotiating the best possible

BOX 6.9 Variation in Adat and Its Impact on Landholders

The reported land-grabbing instances in *desa* Krueng Lam Krueng in *kecamatan* Indrapuri, Aceh Besar district, appeared to be the result of wrong interpretations of land-related regulations and highlighted the risks for property alienation for women landholders. This village had *adat* practices that allowed families to own up to 2 hectares in the foot hills if adjacent to the person's rice paddy land. After the tsunami, the local *camat* claimed and registered 3 hectares of land in his name without any agreement from the concerned family or the community. Later, families filed a police complaint with the help of local NGOs such as Flower Aceh, LBH, and Bungong Jeumpa. However, fearing reprisals, most households withdrew active engagement on the issue, except Fauzi, a woman landholder in the village. Later, however, the district court ignored the regulation issued by former President Soeharto on full ownership rights to *adat* land after continuous use of the land area and allowed the *camat* to own the land areas in his name. Instances of this nature negatively affect the level of trust communities have in informal and formal dispute resolution structures.

Source: Discussions with Sarwiyah, a staff member of Flower Aceh, a local NGO, and Fauzi.

compensation. In such circumstances, women wanted to liaise with an external agency, but first attempted to communicate through the *geuchik* himself. Women believe that the *geuchik* can elaborate their concerns, present the case and claims, and get them their due share of compensation. However, working through the *geuchik* was seen only as the first step to receiving a fair compensation. In the case of unsatisfactory resolution of the issue, women brought their cases to higher level institutions.¹⁹⁷

Third, there were a handful of instances involving intravillage disputes and similar issues that required an outside mechanism to amicably settle.

Taken together, despite the shortcomings, people do respect local leaders and *adat* practices. On the other hand, they do not readily accept government officials' competency on any subject. To win that acceptance, the government official or office will have to get involved in some way with the communities, before implementing a plan or presenting a plan to acquire land areas. Unfortunately, most government offices do not get involved. This is beginning to happen even at the village levels, where people's confidence is beginning to wane. Ultimately, people see these offices as a burden on them. This condition scares away less influential and poor people, particularly women.

6.8 The Role of Media in Promoting Women's Land Rights

A content analysis of local newspapers and magazines illustrates two main trends: (a) the portrayal of women almost exclusively as victims, with the loss and grief associated with catastrophes conveyed in terms of female deprivation and suffering; and (b) occasional portrayal of women as strong, capable organizers and managers. Gender issues were highlighted at the level of household conflicts (e.g.,

197. For example, refer to the case of women landholders in *desa* Masjid Ujung Blang Manee in *kota* Lhok Seumawe; many villages lie along the proposed primary road between Banda Aceh and Calang.

BOX 6.10**Aid Agencies and Missed Opportunities**

“Most aid organizations were focused on getting mileage for their work. For example, many aid organizations claimed that they spent their resources to address women’s issues. When we examined their claims, we found that some of their work simply reinforced existing social norms and traditions or called for implementation of international commitments. There was no effort to understand the local cultures and social norms. Women were simply treated as targets for intervention and passive characters in the reconstruction phase. When we asked for more information, the responses from aid agencies tended to be stereotyped or simply reinforced existing social norms that were largely pro-male. After several years of work through the local radio on development issues and empowerment of women, I do believe that although aid agencies may exploit women’s issues to pursue their own agendas, there is a potential for resistance if the local media are vigilant and challenge stereotyping by aid agencies and turn that into positive actions. But this did not happen. In short, the local media failed to provide insights into the structures of power that operate in institutional as well as social contexts during the reconstruction phase,” said Elvida, who worked with the local NGO *Radio Komunitas Suara Perempuan* (RKSP) in Banda Aceh for a decade.

guardianship and inheritance; property rights in terms of remarriages, divorce, and common assets). Little attention was paid to women’s capacities to participate in efforts to obtain secure land tenure. Further, no media consistently published gender-specific information or women’s experiences regarding access to land rights.

The review highlighted how the media has perpetuated the traditional division of space between the sexes. It found that women’s subservience is consistently broadcasted. Although popular television programs raise controversial issues such as the dress code for women, the harsh enforcement of *Shariah* law, or women having a say in family matters, the television programs often suggest that the woman who strays from traditional norms faces insurmountable problems and is eventually alienated from her family.

In general, mainstream media did not manage to communicate that the principles of relief and reconstruction include protection of access to land, including guardianship rights, particularly for female members in a community. They also did not make an attempt to raise awareness about the various methods that could be used to recover landholdings. Informative stories occasionally appeared in the local media. But by and large, given the popular media image of women as submissive, they are rarely portrayed as leaders. The local media also did not proactively work with aid agencies in promoting gender concerns and at best may have remained a publicity vehicle for international organizations and occasionally served as whistleblower on corrupt practices.

6.9 Summary

A fundamental transformation is currently in process in Acehnese society. The larger processes of economic, social, and political changes include commercialization, increased foreign investment and trade, declining roles for the military, increasing functional specialization among the people, growing civil society groups, and the shifting political context of Aceh in the post-tsunami and postconflict period. These seem to be occurring without fundamentally altering the elastic nature of the Acehnese social structures, was is evident when land matters vis-à-vis gender relations and women’s rights to land and property were examined after the disaster.

Section 4, 5, and 6 have discussed several trends in the land sector with regard to women’s access to and control over land and property rights. Immediately after the disaster, women were at greater risk for losing their access to land and property rights. However, the study revealed that initial government efforts, after the tsunami, were generally effective in preventing large-scale dispossession of land rights among men and women. Efforts of the *Shariah* courts aimed at naming guardians and clarifying inheritance were likewise generally successful. But the work of *Shariah* institutions, in general, and *Shariah* courts and laws, to an extent, were increasingly seen as enshrining the existing male-preferences and gender conflict in society. The action of *Shariah* courts

and institutions risk alienating women and other progressive segments of the population and favoring patriarchal norms. These changes are all having an impact on land and the way people tend to protect their land and property rights and more so for women.

This trend has gradually eroded women's control over and access to land. This study revealed some reports of male relatives coercing women not to seek guardianship and inheritance rights. Women tend to acquiesce to strong male demands in these situations. In all such instances, the fortunes of women have been tied to benevolence of the family, village, and local leadership, which are all predominantly male. This highlights the continued need for reforms to attain gender equity in the province.

Traditionally, women received land and property through inheritance, mostly at the time of marriage, and held these without formal documentation. The findings of the study indicate that the *adat* still has a major influence, but that could be waning as society changes and as new ideas are introduced and formal government structures gain acceptance. Women residing in towns and urban centers were holding formal land certificates, and so the concern is more with rural Acehnese women as decisions over how land is used or allocated, both in rural and urban households, which are often under the control of a male family member. This was illustrated by many cases discussed in the findings, particularly the ones relating to inheritance and guardianship. In this regard, male dominance of the village and formal structures are a constricting factor. Social norms do not encourage women to engage in public affairs such as dealing with land documentation officials (e.g., PPATs). However, after the tsunami, at least partly, women have taken an increasing role and have been assertive in claiming their rights.



Photo 6.2: A *geuchik* in Pidie district with his family alongside copy of a community land map, 2008.

Community-based activities elicited increased participation of women, and CLM was seen as a significant approach in three aspects: its scale, the extent of community involve-

ment, and the extent to which it seeks to institutionalize community-driven solutions speeding up recovery and reconstruction work. It also demonstrated how *adat* and customary landholdings could be regularized, taking into account requirements of women and their participation in the process. The government, through the RALAS project, reached out to a very large number of tsunami-affected areas and introduced systematic land titling designed to protect and reinforce land rights. Field data indicated that women were active in the introduction of formal, systematic land titling programs but often were not adequately informed about their rights to enable them to enjoy the full benefits of the law. This was noted particularly in the case of lack of information about the option to request joint titling of land.

Village institutions, both formal and informal, including *geuchiks*, *tuba peuts*, and *imeums*, are still the closest form of authority to a vast majority of residents in the province and are seen as the first point of contact for most government matters, including land. *Adat* and local leaders continue to elicit wide support and remain the favored forum on land matters. However, their knowledge of land law and women's rights (including traditional rights) continue to remain an obstacle. After the disaster and as a result of recent government reforms, newer responsibilities have been added to local institutions that seem to have increased the burden on *geuchiks*, *camats*, and other officials, thus affecting efficiency and effectiveness of their operations. Hence, in the long run, it is expected that *geuchiks* and *camats* will not be able to independently manage land administration equitably and in an efficient manner.

NGOs and civil society groups have strived to introduce gender concerns into the local agenda, with a particular focus on women's access to land and property. However, they were also constrained by existing practices and social structures. Both men and women confronted cases of land conflicts in the post-tsunami environment. Women tended to be more subordinate to men and generally tried to resolve issues within the family or community; on the other hand, men were more ready to seek outside help.

Efforts taken after the tsunami to recover and reconstruct property rights has demonstrated how *adat* and custom-

BOX 6.11**Were There Any Instances of Breach of Trust?**

The work of the *geuchik* in such instances was not always transparent or straightforward. Some landowners reported abuse of trust by the *geuchik*, who delayed collection, demanded an additional amount, or created needless hurdles in completing the titling process. This was mainly heard from people living along the busy roadside settlements (e.g., Jantho-Keumala Route and Lamno-Calang Road). Many respondents also asserted that villagers were expected to make in-kind contributions to get assistance with land issues. Although today a *geuchik* is an elected representative, he also functions in some form as an *adat* leader. The absence of very rigid hierarchies, combined with little or no differences in socioeconomic status between the *geuchiks* and other families, has helped build collective action based on trust between the villagers and the *geuchik*.

Acknowledging the prevalence of informal payments, a senior official at the *bupati's* office in Aceh Jaya concluded thus: “Unfortunately, once you remove the *geuchik* from the community, the community has no face and therefore people tend to see payment for such tasks differently. He is not only the interface between the government institutions and people, but also the face and ambassador for the respective village.”

They further said that one has to recognize that because of the unique conditions of governance in Aceh, particularly post-tsunami and postconflict, many families have been forced to engage with outside institutions in ways that are new and challenging to them. “We always see the *geuchik* as a community-based volunteer,” said a respondent in Aceh Selatan.

Source: Individual interviews in desa Miruek Taman (Aceh Besar), desa Gampong Jawa (Banda Aceh), and desa Rumpit (Aceh Jaya district).

ary landholdings could be regularized, taking into account the requirements of women and their participation in the process. This study also underscored some trends, notably the decline in trust of the *geuchiks* and local leaders. The growing importance and awareness about formal land titling in the absence of a clear interface between informal and formal systems, particularly with respect to jurisdictional authority on property matters, is creating ambiguities. At the same time, these local leaders have also often demonstrated their lack of objectivity and lack of knowledge about *adat*, *Shariah*, and land-related laws in the course of promulgating postdisaster recovery and reconstruction decisions. The matrilineal *adat* and *Shariah* were both interpreted differently by different leaders. The resulting uncertainty is leaving women and poorer sections of the society, who are not adept at understanding

or moving between the systems, open to exploitation. This should be addressed through a set of measures to enhance women’s inclusion in land and property recovery, taking into account what women want. This can be aided by increasing the ability of women to have a “voice” in local forums. These measures will not only give women a voice in planning the support provided, but will also help society recover faster from the disaster.

The tsunami disaster has proved to be a watershed event in Acehese society. In the last few years, Aceh has moved toward the cusp between tradition and modernity. It is this position at the cusp that offers Acehese the opportunity to look beyond the village to enhance women’s access to property and land rights by opening up options and enlarging the shadow of the law.

SECTION 7

CONCLUSIONS AND RECOMMENDATIONS

This study documented and analyzed women's access to land and property rights after the tsunami along four key dimensions: (a) women's landholdings and methods by which they secure their land; (b) the challenges confronted by women in securing their land rights in the postdisaster environment; (c) the role of family and gender relations; and (d) the role of various institutional and informal actors.

Conclusions

Aceh is characterized by a large number of local-level traditions and practices in the management of land and natural resources. As a result, as is common in other parts of Indonesia, multiple land tenure regimes, both traditional and formal, operate at the same time. Some of these systems are gender-neutral. The landscape of these local practices and institutions are dominated by *adat* and Islamic principles, which in theory afford women a number of rights and safeguards. The traditional *adat* gave women and men separate and complementary spheres of authority and influence. Property belonged to the lineage and not to individual women and men. The last daughter was the owner of the property (homestead and rice fields) and was also the main caretaker of the lineage. Her brother, meanwhile, interfaced with the external world and supported her with physical labor. In return, he held moral authority over all members of the lineage. Despite the strong communal orientation and people's preference for local and traditional practices,

the study found evidence that households are slowly moving toward the nuclear family model and away from communal control of resources. This is resulting in the gradual erosion of the role of *adat* and local practices. Women were socialized to be good wives who prioritize peace and harmony in the family and care-givers. This system of checks and balances supported both women and men in their social roles. However, as the conditions after the disaster have shown, these land tenure regimes at the level of compliance were not necessarily gender-equitable. Reported instances of the arbitrary denial or dispossession of claims and rights of women highlight the fact that land issues can stymie reconstruction and development.

The main conclusion from the field surveys is that the three decades of civil conflict and the tsunami disaster have seen Acehnese women play a key role in the survival of their families and communities, even when faced with difficulties in temporary shelters, separation from extended families, and recovery from the devastation of the villages. It shows that post-tsunami Acehnese women have been assertive in the recovery and reconstruction process. Their assertiveness was generally obvious in fishing villages and communities in which women traditionally had visible economic roles compared to the hinterland or predominantly agricultural areas. For example, women took an active role in the preparation of CLMs and housing programs, particularly in the fishing villages that experienced the worst of the disaster. This assertiveness among women living in the coastal villages could also be attributed to their

higher levels of suffering caused by the disaster and their determination to rebuild and regain their lives and livelihoods. A number of traditional practices pertaining to inheritance are favorable toward women's rights. They can be described both as ensuring women's rights and subtly forcing women to conform to traditional gendered roles. However, these traditions and practices, including those relating to *adat*, are not homogeneous within the province and are also seriously affected by the level of understanding by local leaders. The tsunami disaster has also created unequal relationships in the community setting and more so in the case of women's access to land and resources. Evidence indicated that social norms at times can be selectively applied to benefit an influential disputant or claimant, by-passing the claims of women.

This study has shown that after the disaster there is an emerging market for land. Formal land titling has concentrated power by handing over ownership to the interfacing men. Into this situation the *Shariah* inheritance laws are bringing the notion that women are not equal to men, by giving daughters only half the share that sons inherit. However, women continue to be socialized into good mothers and wives who prioritize peace and harmony in the family. This is a lose-lose situation for women who lose their inheritance and control over property just to keep peace and harmony in the family. At the same time, men now gain control over property in a fast commoditizing market. However, they do not have primary responsibility as caretakers of their families. That responsibility continues to rest with the women.

In the backdrop of the economic changes that occurred after the tsunami, field surveys confirmed that women's access to land and property rights was dependent on information dissemination and understanding of gender issues that shape public opinion and drive social policies regarding women. NGOs and civil society groups have strived to introduce gender concerns into the local agenda, with a particular focus on women's access to land and property. Nevertheless, they were also constrained by existing practices and social structures. The recovery of land rights and rebuilding of the province's land administration depended to a large extent on the smooth progress of reconstruction work itself. The gov-

ernment-led coordination played a major role in disseminating information in a timely manner, promoted dialogue, and provided a framework in which the various actors can work. It illustrated the importance of both macro-levels and micro-levels of assistance that must be addressed throughout the recovery period and in tracking and providing postdisaster support for women.

The second conclusion that can be drawn from the field survey relates to discrimination against women that is subtle, although the impact is not insignificant at all. After the tsunami, women were on the verge of losing not only assets and livelihoods, but in some cases even their social status. This is partly due to male preference in inheritance, male privileges at the community level, and male bias in government departments providing land for relocation and housing.

The third conclusion relates to *adat* traditions and practices, which taken as a whole remained popular, including giving a prescribed share of assets for daughters at the time of marriage. This reflects the inherent strengths of the social norms and their relevance to people's sensibilities. However, the field surveys found significant shortcomings in the actual application of *adat* practices in recent times. Cases reported in the western coastal districts (e.g., land acquisition for public infrastructure) illustrated that at times, social norms can be selectively applied to benefit an influential disputant or claimant, by-passing the claims of women. This lack of consistency in decisions and absence of an oversight mechanism has eroded confidence in the traditional structures. This problem appears to be more acute in the post-tsunami environment because many experienced local leaders lost their lives. In some cases, the *adat* leaders were unable to reconcile Islamic principles and civil law with *adat* practices. This was primarily due to the lack of training and the extreme conditions left by the disaster. The inability of *geuchiks*, *adat* committees, and local leaders, after the disaster, to resolve complicated cases sometimes pushed women to seek support outside the village, whereas earlier they would accept local resolutions. It clearly exposed the lack of defined norms and structures and the absence of accountability of village leaders, including *geuchiks*, *imeums*, and others. This can have a significant negative impact on respect for gender balance in land management. To address this, a well-

functioning system for property and resource administration is long overdue in Aceh. However, any new system must not ignore *adat* traditions and practices that are gender-progressive. It demands establishment of a clear interface between informal and formal systems, particularly with respect to jurisdictional authority on property matters and clarifying ambiguities.

The fourth conclusion confirmed that most property issues are settled through family agreement, and only when they could not arrive at a consensus were cases referred to the *geuchik*, *adat* committees, or *Shariah* courts. Women's response to land disputes is often markedly different from that of men. In case of intrafamily disputes, women often accept unfavorable decisions just to maintain peace and harmony within the family. More serious still, for sensitive cases such as intimidation by male relatives from extended families, many women simply do not complain at all for fear of social repercussions. It was also found that men were much more likely to appeal an unfavorable decision on land matters to a higher authority outside the village. This may be due in part to their easier access to communication and transportation and more confidence in dealing with the institutions involved. Social constraints on women tend to discourage them from taking similar levels of action. These are often compounded by conservative interpretation of religious traditions that are male-biased. In all, many of these experiences after the disaster have shown the risks inherent in the traditional and village level systems and the reluctance of formal institutions to intervene proactively to protect women's claims and rights.

The fifth conclusion showed how the subjective assessment of the *geuchik* and community leaders, who lack thorough knowledge of state law, customary practices, religious principles, civil law, and family law did not give women their full rights under the law. Taken together, the community-level and family-level situation is likely to continue as long as village institutions and *geuchiks*, along with other traditional leaders, remain primary figures in property administration without adequate training (e.g., Islamic principles, land law, and gender mainstreaming) and oversight. If this situation is not addressed, it is likely to further favor and perpetuate a gender imbalance in land and property matters.

This point is illustrated by the declining public trust in *geuchiks* and other local leaders.

The sixth conclusion is that there is a growing trend for converting traditional holdings (including *akte jual beli*) into formal land titles. The latter are seen to provide greater security of tenure and allow the holder to use the land as a guarantee to access credit. But the fact that women hold fewer than one third of the formal land titles indicates that the benefits of modern property and land administration are yet to spread evenly and benefit women to the same extent they benefit men. Recent RALAS experience indicates that active socialization and education activities can increase women's participation in and benefits from the formal land registration system.

The seventh conclusion confirms that the prevailing rules, social norms, and conventions and hierarchical relationships impeded women's access to essential information in claiming their land and property rights. The reported weaknesses in protecting women's claims and property rights in cases of remarriages, guardianship, and inheritance, highlight women's vulnerability. The situation was further compounded by the patriarchal mindset of some local leaders. Women's rights are also constrained by government procedures and bureaucratic processes that discourage them from fully participating. It was also found that women's search for survival and security of tenure after the disaster was largely contingent on the support of male relatives and men in various decision-making positions. As a result, women's legal problems are more likely to be overlooked or not taken seriously.

The eighth conclusion relates to the functioning of *Shariah* courts and the fact that although they made considerable contributions to the recovery and reconstruction efforts, there is a significant risk for erosion of public support for this institution because of the perception that the judges are not adequately qualified or are poorly trained, reported misuse of *Shariah* institutions against women, other image problems and public perceptions, and lack of proactive measures to protect women's rights. On the institutional side, the continued lack of women judges and lack of gender sensitivity reported among judges and other *Shariah* officials are

cases for concern. If these issues are not addressed, in the long run the confluence of modernity and the globalized, imported, conformist interpretation of Islam will together further undermine the *adat* practices and women's claims to land and property rights. A failure to act on the part of the *Shariah* court is at the risk for alienating women and other progressive segments of the population and favoring the patriarchal norms.

The ninth conclusion points out that the formal land administration system (BPN) had both positive and negative influence on protecting women's access to land and property rights. BPN took some proactive measures to limit dispossession of land and protect women's claims to their property, including introduction of joint titling. However, the institutional failure to fully implement the policy measures and the lack of sustained cooperation between BPN and NGOs and community groups implies that BPN did not optimize the opportunity to promote and protect women's access to land and property rights.

The tenth conclusion is that women continue to be underrepresented in almost all of the village institutions and government apparatus. As a result, women's issues are likely to not be taken seriously by the authorities. This highlights the urgent need for women's representation and a voice in village institutions and formal government structures that cover land administration. Although recent efforts under the LoGA to enhance women's formal participation in *adat* and other committees are taking root, it may be a long time before gender equality will attain prominence in property matters and resource management. This is an area in which the government should proactively engage and seek partnership with international organizations, NGOs, and civil society groups.

Taken together, the reluctance of both officials and women to confront gender-biased cultural values, not to mention the outright rejection by some men in subtle and not-so-subtle ways, to grant women their full rights, highlights the depth of the cultural barriers to be overcome. If these barriers are not acknowledged at the local level and addressed, they can sabotage efforts to extend women their legal rights to land. From this study, one can conclude that the systematic titling programs,

despite the well-thought-out design, have generally not been able to target women. The reasons include legislation that guarantees women's rights but lacks concrete steps to implement gender provisions, titling processes that are biased toward men, and specific constraints that women face in dealing with public institutions and officials. The joint titling also faces the same difficulties and constraints that other methods of certification to women do (including *adat* holdings).

Progressive Trends

On a positive note, this study identified some innovative work done by the government and NGOs in protecting and promoting women's access to land and property rights after the disaster. One example was the work done by the Land Forum, in which the government was able to communicate important information about land tenure and preserving land rights in the face of the severe upheaval caused by the tsunami. The NGOs, in turn, were quite effective in disseminating this information at the community level through their various outreach and reconstruction assistance programs. Another example of positive outcome from innovative collaboration relates to government-NGO-community cooperation in preparing the CLMs. This was effective in providing an early start for the reconstruction work, giving local voices a space in reconstruction planning, and was successful in allowing communities to acknowledge and reinforce the rights of women and vulnerable members. CLMs also served as an effective supplementary tool for dispute resolution in a transparent form.

The work of *Shariah* courts in determining guardians for tsunami orphans and resolving inheritance and other family disputes was complemented by legal training and some logistical support provided by NGOs, international organizations, and the government. This allowed the courts to resolve some of the cases and provide services directly in the affected areas. This was a good example of concerted and coordinated efforts by all the agencies.

The tsunami also opened a space for public discussion involving government actors, NGOs, and academ-

ics on women's access to land and resources, respect for traditions, and how to protect women's property rights. This resulted in the development of the joint titling policy, as part of the reconstruction program, which was adopted by the provincial government and BRR. This will serve as a model for future work on the subject.

The joint titling, though successfully completed only in small numbers, has demonstrated its potential to secure women's rights to matrimonial property. It also helps to reinforce women's sense of security, self-esteem, and the respect they receive from their spouses and family members, while affording enhanced protection of their land rights in the case of death of a spouse, divorce, or remarriage. However, the prevailing conservatism in the land offices and lack of field staff orientation resulted in small numbers of landholders opting for it. If this situation is not addressed, the intended benefits of joint titling will not be realized equally by all citizens.

This study confirms that in the absence of RALAS and the implementation of the systematic titling program, the dispossession of women in terms of their access to land and property rights (including their entitlements under guardianship and inheritance) would have been more widespread. The field research covered three different kinds of areas: (1) RALAS program, (2) relocation housing program, and (3) nontitling areas (non-RALAS, nonrelocation villages). In the absence of a baseline study, it is not possible to produce data to show the direct impact of the RALAS program on women's access to land. However, this study inferred through observations, FGDs, and discussions with *geuchiks* and *camats* in relocation areas and nontitling villages that the level of awareness about women's rights to land was low among all of the stakeholders (including women, men, and local authorities), with roughly only 20 percent having a clear understanding of the range of land rights and protection afforded women under Indonesian law. When the responses of informants from non-RALAS areas were compared with those of the RALAS area informants, their (i.e., non-RALAS sites) awareness of joint titling policy was also found to be very weak. In most cases, women landholders were also not aware of the procedure to convert inherited land into title certificates. Women living in the systematic land

titling program areas said that the program increased their awareness about their land rights and the processes to secure their land rights, as well as giving them the courage to assert their land rights when they were under threat. Taken together, it is reasonable to conclude that in the absence of RALAS and the implementation of the systematic titling program in post-tsunami Aceh, the dispossession of women in terms of their access to land and property rights (including their entitlements under guardianship and inheritance) would have been more widespread.

Looking Forward

The objective of this study was to document the experiences in the restoration of land and property rights in post-tsunami Aceh, with a particular focus on gender concerns and women's access to land rights. This study also sought to understand the dynamics of change and analyze if they may be translated into a framework that is both sustainable and replicable, embracing the strengths, and addressing some of the shortcomings of local and customary arrangements in land ownership. Arising from this study, lessons can be drawn and recommendations proposed for mainstreaming gender concerns in land administration.

The primacy of *adat* practices and local traditions demands that a comprehensive balance be forged between the current practices of nonstate methodologies and the relatively new practices of modern land administration. Such an approach should integrate the social and cultural factors, social accessibility, authority, and legitimacy of the informal processes with accountability to the community and the state. In proposing so, it recognizes that a blanket model is not realistic, given the legal pluralism and heterogeneity of *adat* traditions in Aceh and in Indonesia in general. In other words, it would be unrealistic to ignore *adat* practices, but at the same time it would be prudent to recognize that the past traditions are beginning to lose ground with increased urbanization and emergence of a younger generation of poorly trained *geuchiks*, *ulamas*, and other religious and local leaders. This balanced approach should accommodate different sociocultural contexts and customs, building on good and positive experiences, but at the same time

introduce common principles to protect women and enhance gender equity in men's and women's access to land and property rights. In this final section, this study lays out some recommendations to forge this middle ground.

Designing a strategy to do this is complicated by the vast array of actors, institutions, and processes involved. Such reform would inevitably impinge on established social norms and power structures which cannot be simply legislated out of existence by regulations or policy statements. Recommendations to reform *adat* and local institutions can also easily be dismissed as unfeasible or centrist social engineering and meddling in well-established social structures. Indeed, it is also argued that the complexity of *adat* traditions and social customs in Aceh is such that nothing should be done. According to this view, current *adat* and other practices are sufficient to meet gender parity in property rights. However, this study has shown this is not the case. Supporting this view would merely leave women at the mercy of entrenched male leaders and relatives and insufficiently informed *geuchiks* and local leaders.

And although concrete examples on the ground are limited, discussions with several of government officials, policy-makers, village leaders, community members, NGOs, and academics during the course of this study demonstrated that there are constituencies for change and they should be supported.

Recommendations

The objective of this study was to document the experiences in the restoration of land and property rights in post-tsunami Aceh, with a particular focus on gender concerns and addressing women's access to land rights. This study also sought to understand the dynamics of change and analyze whether they may be translated into a framework that is both sustainable and replicable, embracing the strengths and addressing some of the shortcomings of local and customary arrangements in land ownership.

Based on the detailed study and conclusions above, the following recommendations have been formulated:

Government-led coordination is essential to ensure timely delivery of support and to eliminate legal and institutional uncertainties. Immediately after the disaster, the government should coordinate the work of aid agencies, NGOs, and other nongovernment institutions and enlarge the support network for women and vulnerable groups, with particular attention to land and property rights. Coordination should not limit the speed of delivery or innovative approaches to restoration of property rights, and recovery or reconstruction work in general. Rather, it should promote dialogue and provide a framework in which the various actors can work. Both macro levels and micro levels of assistance must be addressed throughout the recovery period, and thus it is critical to promote community-based operations for the recovery and reconstruction phases of work. The government should also coordinate tracking and provision of postdisaster support for women. At the same time, efforts should also be made to work at the national levels to support and enhance upward accountability and mainstream gender concerns in reconstruction work.

Immediately after a disaster, the responsible government agencies should initiate action to freeze land transactions and transfers to prevent land-grabbing and dispossessions. This can be done by enacting legislations to protect predisaster property rights and endorsing guidance for restoring those rights in postdisaster situations. This action, along with timely information sharing, was the key in Aceh to avoid large-scale dispossessions seen in some other countries affected by the 2004 tsunami. It is important that people be given time to reestablish their lives and traditional land use and holdings are investigated and clarified in a fair and transparent manner.

Recognize gender-balanced traditional, customary, and religious practices that support women's land and property rights. Practices that are gender-sensitive in the local culture, tradition, and religion need to be researched and disseminated to the local authorities and land registration field teams, who in turn will highlight the confluence of tradition and the recovery and rehabilitation process in the villages. For example, efforts should be taken to ensure that local leaders and stakeholders are oriented in a timely and transparent manner so that they support women's claims to land.

Information should be couched in the language of local norms and cultures. It is also important to include the *Shariah* courts and the judiciary in these efforts and strengthen their independent roles.

Increase women's representation in traditional, informal, and formal institutions. The provincial government should expand on recent innovations requiring women to be represented on *adat* committees by stipulating minimum levels of women's participation in all local committees and institutions (e.g., implementing the provisions of laws and regulations that facilitate decentralization, such as LoGA in Aceh, and empowerment of women). This representation should be made compulsory to provide women with a focal point for their land- and property-related concerns. It will open up a long-term opportunity for women's empowerment. More women should be included in all relief and reconstruction teams in both decision-making positions and field roles. It will require targeted empowerment and capacity-building activities. Provincial authorities should coordinate with NGOs to ensure that quality gender training is available to all *adat* members and local institutions. Further, in all cases provide gender awareness training to all to *adat* committee members in cooperation with NGOs and civil society groups.

Undertake a rapid assessment of gender-specific risk factors and prepare check-lists for the integration of women in the recovery and reconstruction process and monitor their compliance. This should result in developing immediate measures to enhance women's access to assistance and to enable them to recover their assets and feel secured. This should also eliminate social isolation of women and reduce the risk factors associated with the social dislocation caused by the disaster.

All recovery and rehabilitation work should be community-based. Women are more comfortable and actively participate in community-based initiatives. It helps to create a level playing field for women. This ensures the representation of women in the decision-making process and reaches women who are usually less mobile when compared with men, more so in the case of a disaster. A community-based effort such as the preparation of CLM is a collective activity that helps rebuild the sense of community and assists in developing community voices in the reconstruction initiatives. This is

critical in opening avenues for qualified women to enter areas previously closed to them.

Given the male-bias inherent in the system and that reconstruction programs trigger demand for land, the existing safeguards should be examined with a particular focus on area-specific and culture-specific factors. A compulsory social assessment of areas affected should be completed before further steps are initiated to design and implement a reconstruction or development plan (including proposals for relocation or land acquisition). In this process, women's participation should be fully integrated. Where relocation is required, the new sites should have similar geographic terrain, ensuring that cultural and community identities are respected. Even a single affected family should be sufficient to trigger prescribed social safeguards.

The continued primacy of *adat* practices and local traditions demands that a balance be established between the current practices of informal systems and the need for the benefits of formal, modern land administration. This should integrate the social and cultural factors, enhance social accessibility, and strengthen authority and legitimacy of the informal processes, thereby building upward and downward accountability to the community and the government. Such an approach recognizes that a blanket model is not realistic, given the legal pluralism and heterogeneity of *adat* traditions in Aceh and in Indonesia in general. In other words, it would be unrealistic to ignore *adat* practices but at the same time it would be prudent to recognize that the past traditions are beginning to lose ground with the increased urbanization and declining community trust in religious and local leaders. This middle ground approach should accommodate different sociocultural contexts and customs, but at the same time introduce common principles to protect women and enhance gender equity in access to land and property rights.

Reengineer *Shariah* courts to deal on support women's access to land and property rights. The *Shariah* courts should be made accessible to all people and particularly women. The services provided should not be limited to delivery of judgments but should also have educational functions. Support for gender balance and proactive en-

gagement of *Shariah* court officials should be provided. There should be targeted activities for women judges to travel and disseminate information about the courts and interpretations of the Islamic law that are supportive of women's rights.

Mainstream gender concerns within BPN and the land administration system. As the primary agency responsible for restoring and protecting land rights, BPN should initiate systematic land registration across the province to safeguard and promote women's rights to land in the most cost-efficient and effective way, reaching all women, including the most disadvantaged. To further gender-sensitize this process, BPN needs to: (a) prepare a strategy to build in-house awareness on women's land rights and gender concerns; (b) support community-based efforts such as CLM and work through a participatory process; (c) increase the number of women staff in the field, in the back office, and in decision-making positions; (d) reach out to various actors, within and beyond the government, through constant information dissemination activities to foster public support and build confidence in the concept and process of land certification; (e) maintain regular monitoring, quality control, and gender audit; and (f) establish and manage gender-specific databases and gender-related indicators on land and property rights at the grassroots level with aggregated results available for management and policy decisions.

Rebuild the local capacity and facilitate change at the local level to address gender concerns. Information about gendered laws has to be disseminated to all the people—women and men, government, officials, local authorities, religious leaders, and so forth. In relation to land and property, it is critically important to disseminate adequate information to reduce fears of dispossession. The recruitment of more women staff in government (more so in BPN) and aid agencies will ensure that affected women's voices are heard and their needs and concerns dealt with. This is also critical for the success of rehabilitation efforts.

Disseminate, disseminate, and disseminate. Often the lack of adequate information leads to rumors, fears, and panic. This can be effectively controlled by disseminating information about the disaster, the emergency

measures, and who to contact for assistance and support. In relation to land and property, it is critically important to disseminate adequate information to reduce fears of dispossession. A primer or handbook should be in place to engage on such matters as development of standards and training manuals. All information materials should be prepared in local language and widely disseminated. An information board (posters) on service standards and procedures for registering land rights or resolving land disputes should be displayed at all the offices of *geuchiks*, *camats*, BPN land offices, local authorities, and *Shariah* courts.

Building awareness on land rights. Establish legal literacy programs targeting *geuchiks*, local leaders, and local institutions to orient them on the main types of land-related issues, women's rights, and a discussion of *adat* practices in their area (e.g., on matters such as inheritance, guardianship, family agreements). This program should orient the participants, enhance their understanding of the rights of men and women, and disseminate information on joint titling of martial property and how to enforce it. It should also describe available ways and means, in a positive manner and where possible citing good practices, to protect the weak and marginalized against dispossession of their land to more powerful persons. The capacity and skills of NGOs could be tapped to build community capabilities to identify and advocate their land rights (including compensation for land lost, village border disputes, land acquired, clarification of ownership, etc.).

A major new dialogue that needs to be raised is targeting government's land registration and titling functions for women. Currently, most government policies are gender-neutral. Although this will capture some of the women's issues, these blanket policies do not distinguish between the groups who are vulnerable and those who are relatively protected, and do not consider the limitations of local and informal practices and institutions. Therefore, immediately after a disaster, government and aid agencies need to have dialogue on emerging opportunities for enhancing women's recovery of land and property rights.

Prevent stereotyping that would lead to flawed policy prescriptions for the recovery and enhance-

ment of women's access to land and property rights.

Government regulations and statements are filled with prohibitions against discrimination in any form. However, the government's own actions in disaster planning and recovery often fail to prevent a disparate differential impact when it comes to restoration of women's land rights. Traditional leaders and government institutions are less inclined to stereotype women's roles and rights and less willing to adopt creative options and support women's claims. At the very start of recovery operations, the respective government agencies should make heightened efforts to challenge misconceptions and stereotyping of women's access to land and property rights by local institutions and stakeholders.

This study has illustrated that developing a strategy for reaching a balanced-gender approach to land administration, particularly in a postdisaster situation, is complicated by the vast array of actors, institutions, and processes involved. Any effort will inevitably impinge on established social norms and power structures, which cannot be simply legislated out of existence by regulations or policy statements. These social norms and traditions are to be respected in building recovery and reconstruction process. Bearing in mind that local culture and traditions may not necessarily be supportive of equal rights for women in land issues, efforts are required to educate and disseminate information from the start of the recovery operations.

Recommendations to reform *adat* and local institutions can easily be dismissed as unfeasible or centrist social engineering and meddling in well-established social structures. Indeed, it could be argued that the complexity of *adat* traditions and social customs in Aceh is such that nothing should be done. According to this view, current *adat* and other practices are sufficient to meet gender parity in property rights. However, as the study has shown, this was not the case. Supporting this view would merely entrench women in the hands of the male leaders and relatives and insufficiently informed *geuchiks* and local leaders. Therefore, there is a need to increase the focus on capacity-building of women and women leaders in the community so that they are better able to understand and facilitate the change process, particularly with regard to removing the barriers to women's participation. It is important that political will

at the national level is galvanized to ensure that legislation within and across sectors is coherent with regard to gender equity.

Field-level Measures

- Practices that are gender-sensitive in the local culture, tradition, and religion need to be researched and disseminated to local authorities and land registration field teams, who in turn will highlight the confluence of tradition and the recovery and rehabilitation process in the village.
- Information about gendered laws has to be disseminated to all people—women and men, government, officials, local authorities, religious leaders, and so on. In relation to land and property, it is critically important to disseminate adequate information to reduce fears of dispossession.
- All recovery and rehabilitation work should be community-based. This ensures the representation of women in the process of decision-making and ensures that the process reaches women. The focus on reaching support to women also opens avenues for qualified women to enter areas previously closed to them.
- More women staff, particularly in decision-making positions, should be recruited to the recovery and reconstruction teams to ensure that affected women voices are heard and their needs and concerns dealt with. This is also critical for the success of rehabilitation efforts. In addition, the staff needs to be trained in gender-sensitive aspects of the recovery and reconstruction process.

Specific Policy Recommendations to Support Field-Level Implementation

- Measures should be put in place from the beginning of the emergency, through the relief and recovery process to integrate checklists for gender-sensitive, rapid assessments. This should result in developing immediate measures to enhance women's access to assistance and enable them to recover their assets and feel secure. This should also eliminate social isolation of women and reduce the

risk factors associated with the social dislocation caused by the disaster. Effort should be made to gather and analyze gender-disaggregated data so that appropriate measures to protect land and property rights of women are put in place and used as a tool for land governance.

- The work of aid agencies, NGOs and other non-government institutions should be coordinated and the support network for recovery and restoration of land rights enlarged, with particular attention to women and vulnerable groups and to socialize on joint titling options for marital property. At the same time, coordinated efforts should also be made to work at the national level to support and enhance upward accountability and mainstream gender concerns in reconstruction work.
- Measures are required to enhance representation of women in traditional and village-level institutions. The provincial government should expand on recent innovations requiring women to be represented in *adat* committees by stipulating minimum levels of women's participation in all committees and institutions, including recovery and reconstruction operations.

Develop Capacity and Facilitate Changes at the Local Level

- Specific training programs on women's property rights, mainstreaming gender concerns, and documentation of experiences are needed for all major actors in the relief and reconstruction effort. In particular, there should be compulsory training, accreditation, and periodic refresher programs for *geuchiks*, *camats*, *adat*, and local leaders on land affairs and gender concerns.
- Legal literacy programs targeting the *geuchiks*, local leaders, and local institutions should be established to orient them regarding land-related policies, rights of women, *adat* practices, and Islamic principles in their area, including matters such as inheritance, guardianship, and family agreements on property sharing. NGOs and civil society groups should also be oriented on these aspects.
- As the reconstruction programs trigger the demand for land, the existing safeguards should be

examined and strengthened to ensure that the capacity of village-level administration is adequate to protect community rights and promote gender equity. This should include community participation in compulsory social assessment of areas affected, particular issues confronted by women, as well as an open discussion on the findings and conclusions with the community before further steps are initiated to design and implement a reconstruction or development plan.

The continued primacy of *adat* practices and local traditions demands that a balance be established and an interface built between formal and informal systems of land administration. This should integrate the social and cultural factors and enhance social accessibility, authority, and legitimacy of the informal processes, thereby building upward and downward accountability.

If the letter of the law is to be implemented in spirit, strong political will is a critical component because entrenched male-bias and patriarchal norms need to be uprooted. This is particularly important to enhance women's rights to land in the case of post-disaster recovery and reconstruction work.

Areas for Follow-up and Further Research

- Gender concerns are often perceived to be culturally confrontational, and hence there is a need to localize gender-sensitive interventions. Therefore, research is required into gender-sensitive norms and traditions in the local culture (and in land and property rights).
- Research and documentation of gender and land issues in other provinces (or traditions) of Indonesia are urgently needed, particularly in areas at high risk from natural disasters. This should include identifying measures required for the establishment of gender-specific data bases and monitoring their implementation (including archiving) and management at all levels.
- Explore opportunities for strengthening local governments' capacity in land administration and management and measures required to enhance them.
- Explore opportunities for mainstreaming and strengthening the interface between *adat* and

formal systems, particularly with reference to women's property rights and in addressing gender concerns.

- Explore the potential for expanding the CLM approach to other conditions and situations so that community-based and gender-focused initiatives are internalized within government agencies.

Taken together, the effects of conflicting legislation, often the result of political struggles and interests, and the lack of political will to adequately address gender inequities and bias are major barriers in addressing the needs and rights of women in postdisaster situations. In this regard, there is a need to increase the focus on capacity-building of women and women leaders in the community so that they are better able to understand

and facilitate the change process, particularly with regard to removing the barriers to women's participation. It is important that political will at the national level is galvanized to ensure that legislation within and across sectors is coherent with regard to gender equity. The national-level government agencies need to disseminate and communicate on gender strategy in a user-friendly and positive way, building on good practices. The measures should identify simple and field-relevant practices that can be easily understood by informal and formal institutions and their staff. If the letter of the law is to be implemented in spirit, strong political will is a critical component because entrenched male-bias and patriarchal norms need to be uprooted. This is particularly important to enhance women's rights to land in the case of postdisaster recovery and reconstruction work.

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A general review of all published media information was carried out and details and discussions with stakeholders summarized in Section 4.7. The specific references cited were:

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- Reuters and other international wire agencies (April 16, 2009). These reports were on the closure of BRR, the reconstruction body in Aceh, after four years in 2009.

ADDITIONAL CHARTS AND GRAPHICS

FIGURE A.1

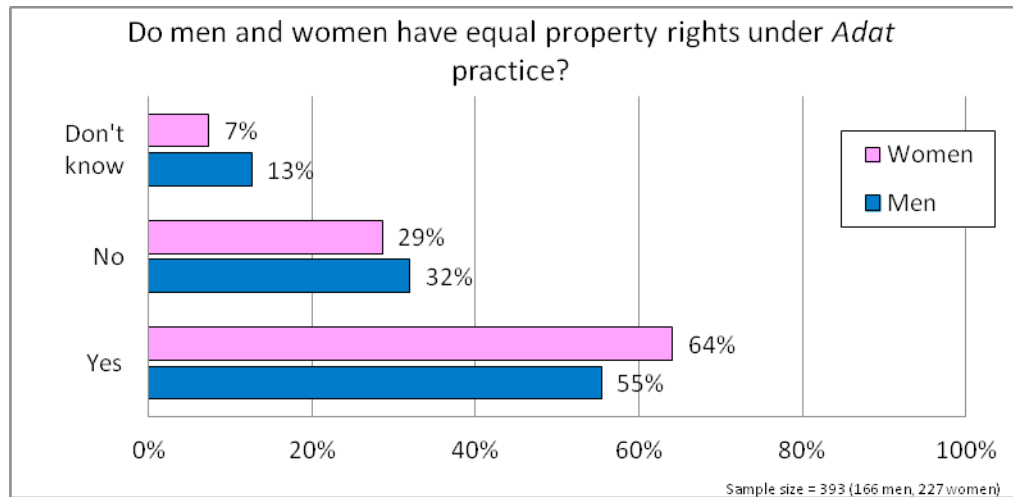


FIGURE A.2

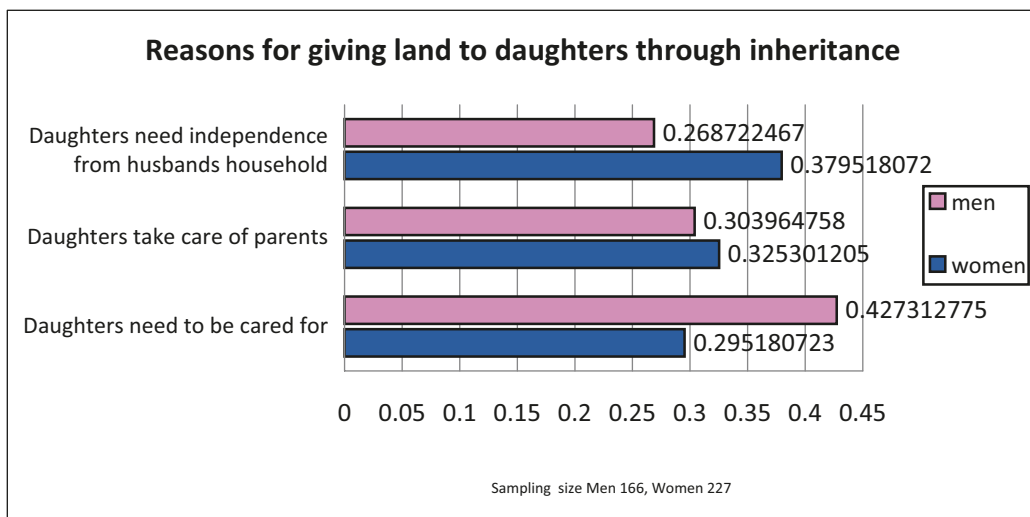


FIGURE A.3

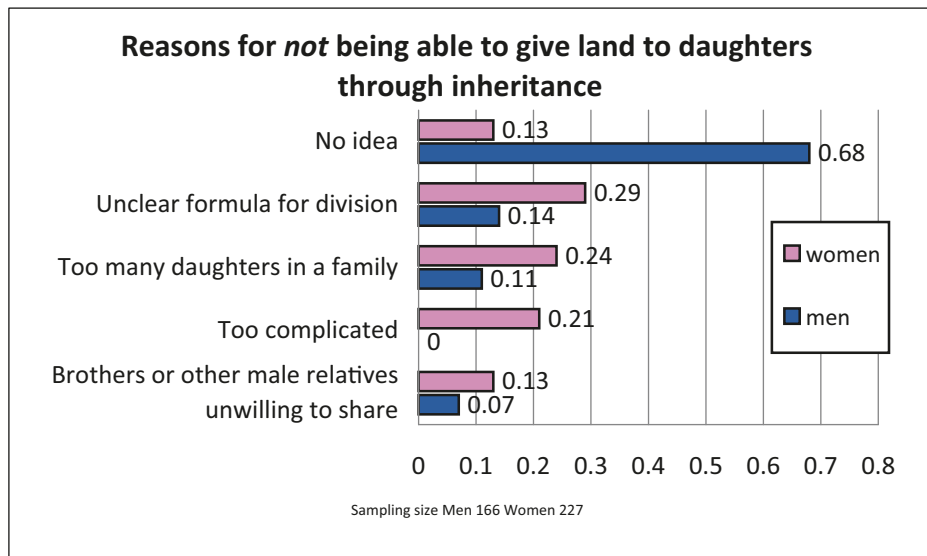


FIGURE A.4



FIGURE A.5

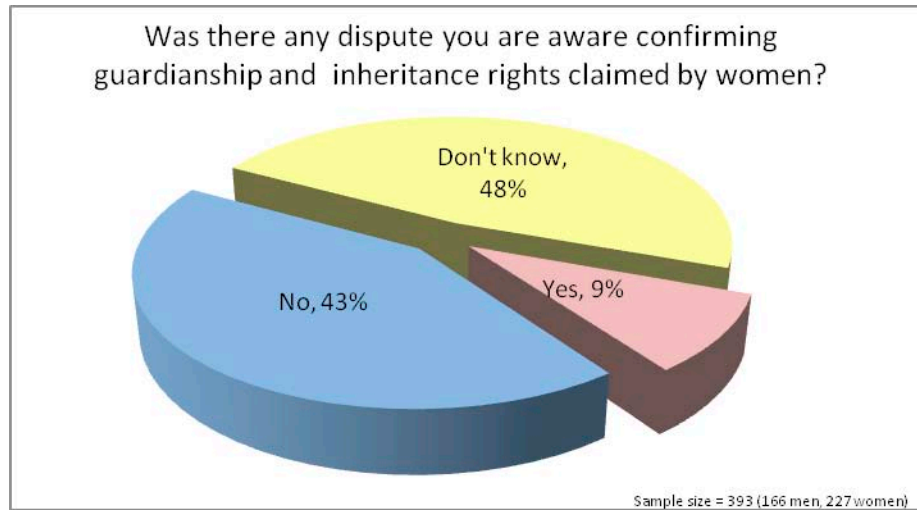


FIGURE A.6

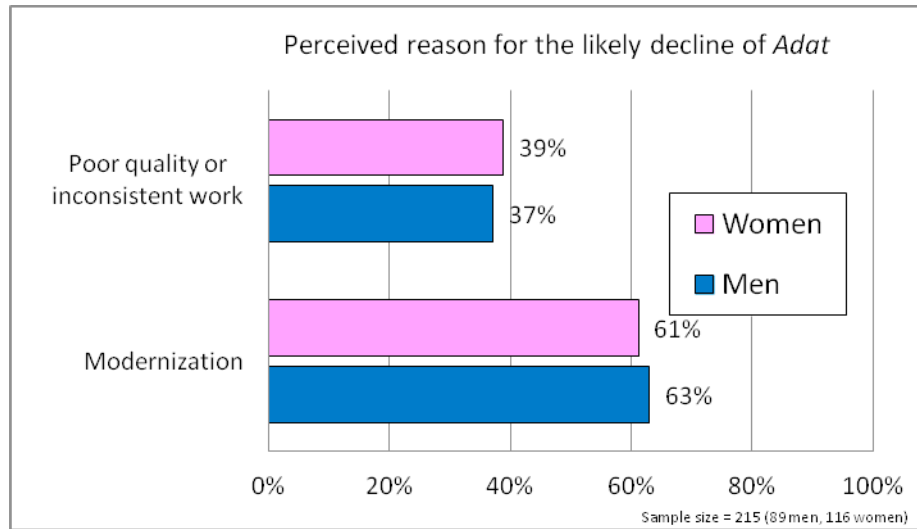


FIGURE A.7

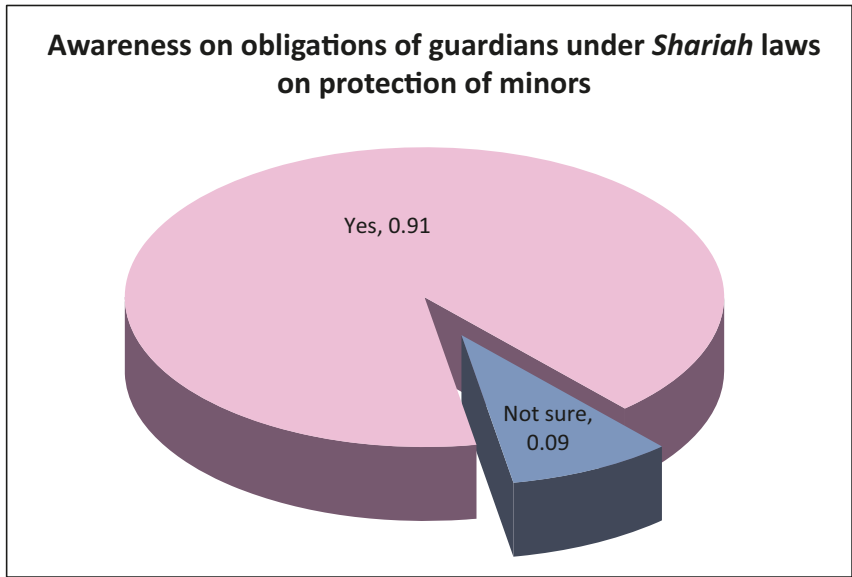


FIGURE A.8

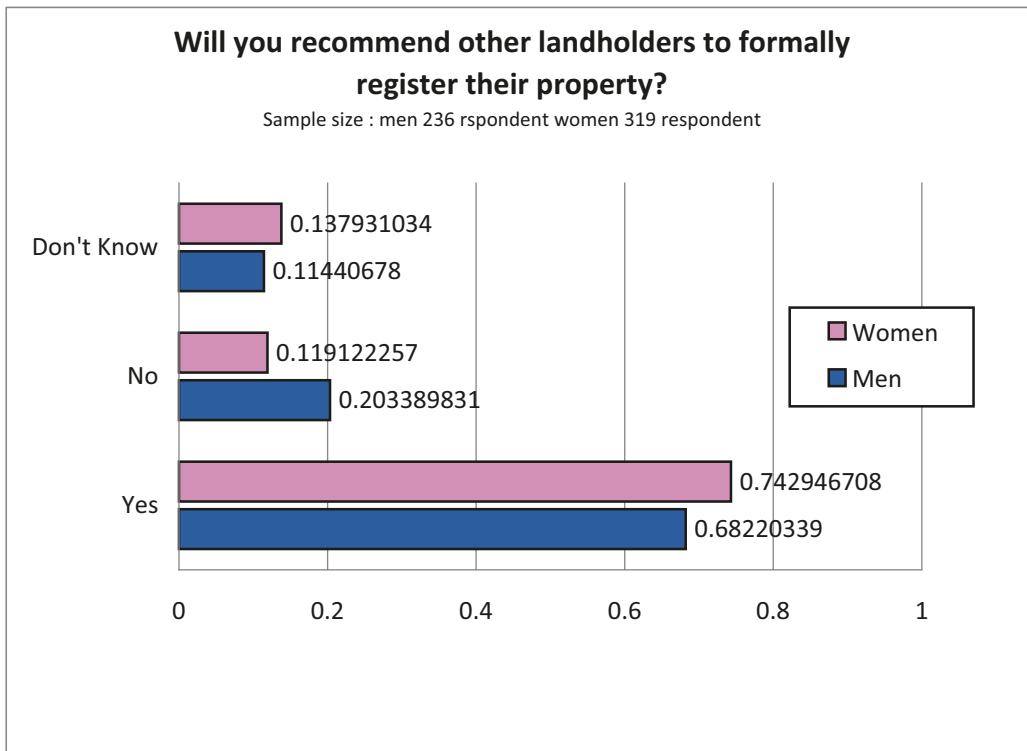


FIGURE A.9

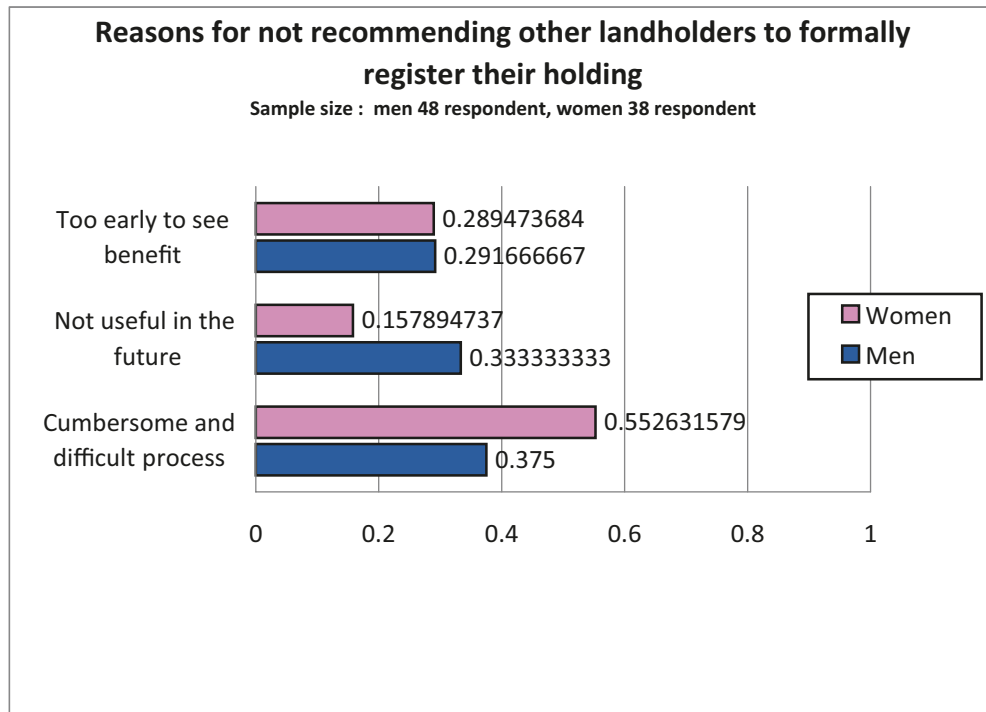


FIGURE A.10

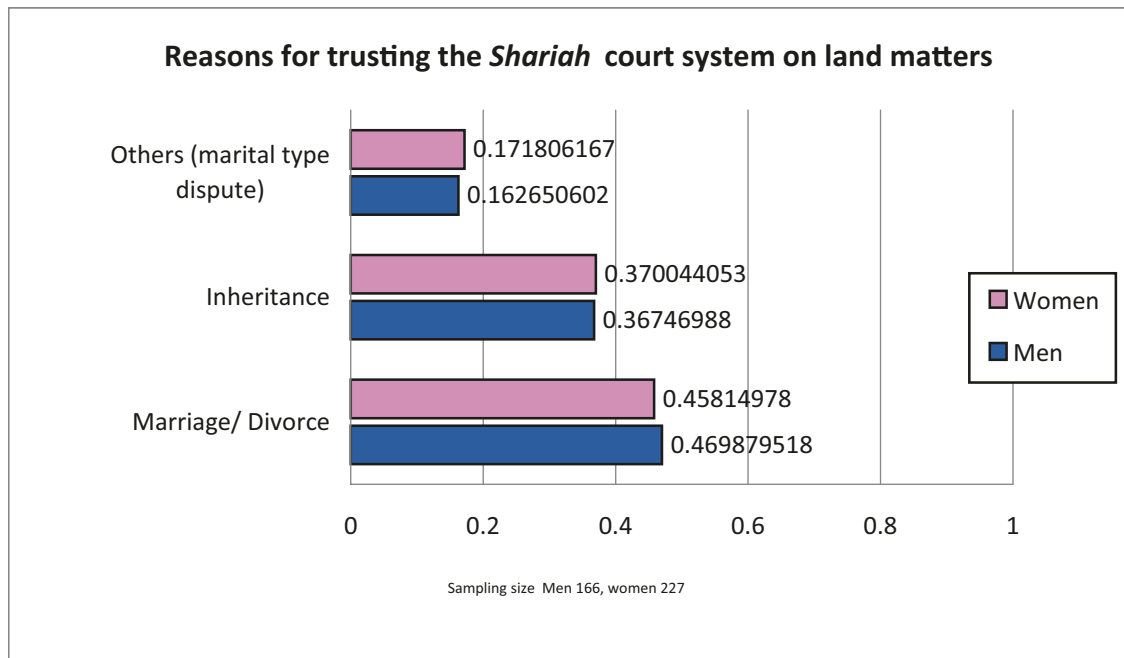


FIGURE A.11

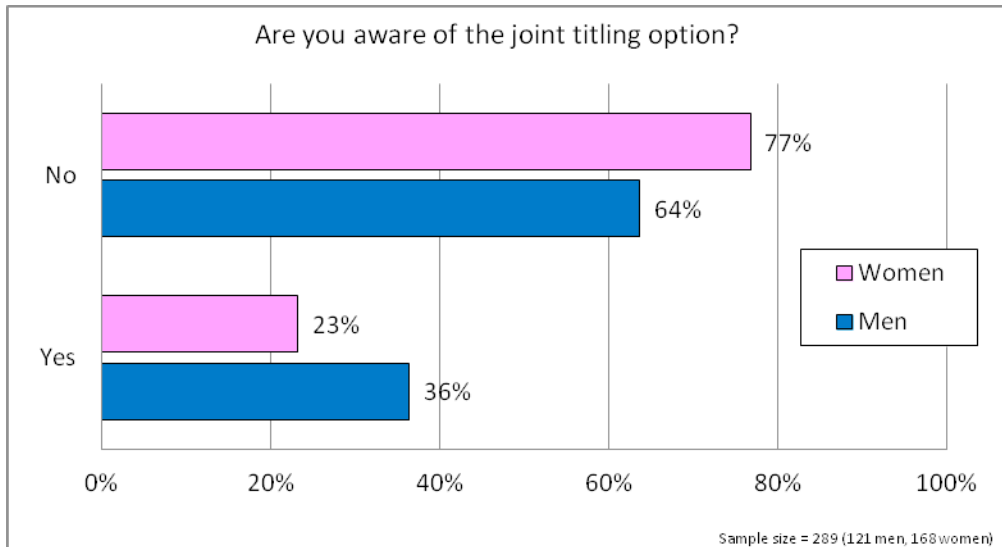


FIGURE A.12

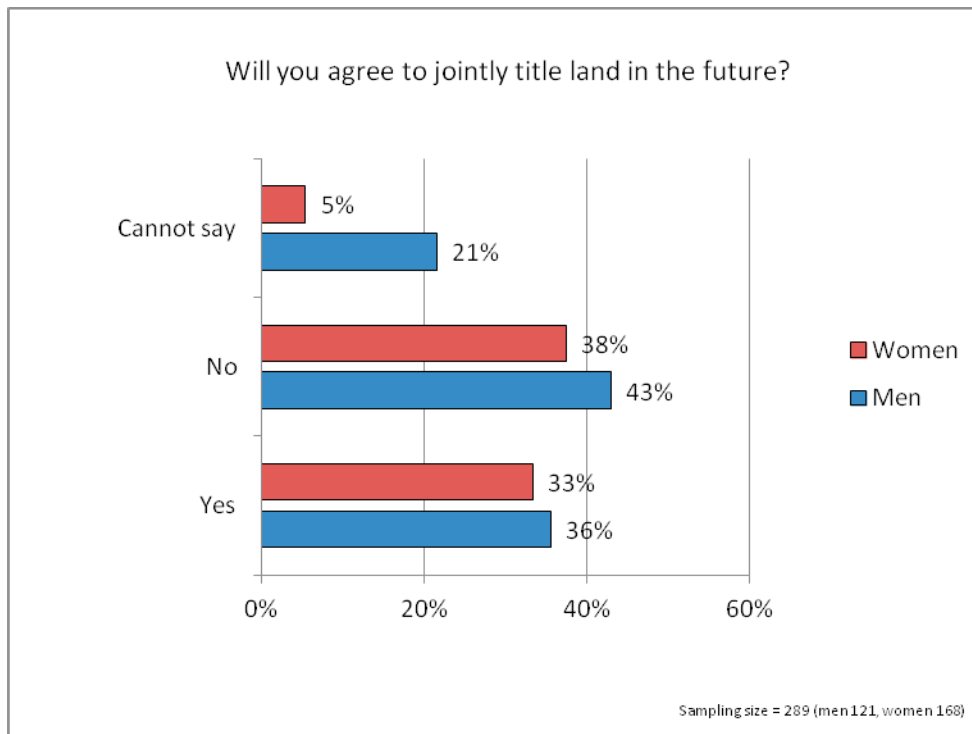
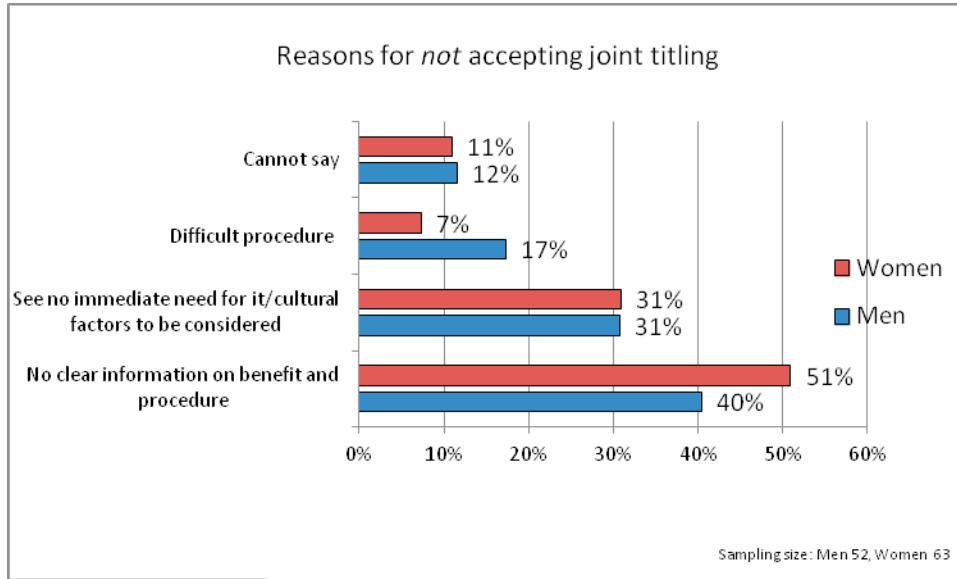


FIGURE A.13



APPENDICES

Appendix 1. List of Study Villages

Appendix 2. Names of Persons Interviewed

Appendix 3. List of Villages Where FGDs Were Conducted

Appendix 4. Names of Geuchiks Interviewed

Appendix 5. Names of Persons and Institutions Interviewed

Appendix 6. Names of NGOs Interviewed

Appendix 7. Names of Indonesian Government/BPN Adjudication Team

Appendix 8. Names of FGD Participants

APPENDIX 1. List of Study Villages

<i>Kabupaten / No.</i>	<i>Name of the Village/ Community</i>	<i>Subdistrict</i>	<i>Geuchik's Name</i>
BANDA ACEH			
1	Gampong Jawa	Kuta Raja	Sulaiman Ahmad
2	Dayah Baro	Meuraxsa	Ibnu Sakdan
3	Gampong Pie	Meuraxsa	Amiruddin Juned
ACEH BESAR			
4	Klieng Meuria	Baitussalam	Yusri
5	Lam Manyang	Peukan Bada	Ridwan
6	Miruek Taman	Darussalam	Zamri
7	Krueng Lam Krueng	Indrapuri	Abdullah
PIDIE			
8	Siblah Coh	Ulim	Sulaiman
9	Lancang	Kembang Tanjung	Maimun
BIREUEN			
10	Blang Kubu	Peudada	Sulaiman
11	Matang Pasi	Peudada	Ali Basyah
12	Kuala Jeumpa	Blang Bladeh	Maimun
LHOK SEUMAWA			
13	Kuala Meuraksa	Blang Mangat	M. Nasir N.
14	Keude Peuntet	Blang Mangat	Nurdin Hasan
15	Ule Jalan	Banda Sakti	Abubakar, S. H.
16	Ulee Blang Manne	Blang Mangat	M. Nasir
17	Ujong Blang	Banda Sakti	T. Basyir Husaini
18	Blang Crum	Muara Dua	Marhaban
ACEH UTARA			
19	Meunasah Lhok	Muara Batu	Iqbal Abdullah
20	Kuta Krueng	Samudera	Fauzi
21	Teupin Kuyun	Seunuddon	Harimuddin Ali
22	Pulo Blang Asan	Syamtalira Aron	Abdullah Abbas
23	Bangka Jaya	Dewantara	H. Razali H. M. Sanif
24	Paloh Gadeng	Dewantara	Nurdin (Sekdes)
ACEH TIMUR			
25	Blang Glumpang	Idi	Mustafa
26	Seunebok Rambong	Idi	Hasan, A. B.
27	Alue Bugeng	Peureulak	Azhar
28	Seuneubok Punti	Peureulak	Muhammad Amin
29	Lhok Bani	Langsa Barat	M. Ayub
ACEH JAYA			
30	Lhok Timon	Setia Bakti	Abdullah, Spd
31	Gampong Baroe	Teunom	Abd. Halim
32	Rumpit	–	Abdullah

(continued)

APPENDIX 1. List of Study Villages (continued)

<i>Kabupaten / No.</i>	<i>Name of the Village/ Community</i>	<i>Subdistrict</i>	<i>Geuchik's Name</i>
ACEH BARAT			
33	Suak Nie	Johan Pahlawan	Tgk. Ramadhan A. B.
34	Lhok Bubon	Samatiga	Husaini
NAGAN RAYA			
35	Kuala Tuha	Kuala Pesisir	Hamdan
36	Purworejo	Kuala	Sugiran
ACEH BARAT DAYA			
37	Gampong Pinang	Susoh	M. Yani
38	Rumah Panjang	Susoh	Dasrul
ACEH SELATAN			
39	Kuta Blang	Samadua	Tamlika
40	Limo Purut K. Fajar	Kluet Utara	Tgk. Hasbi Ibrahim
SINGKIL			
41	Gostel Timur	Singkil Utara	Amril Harahap
42	Lae Pinang	Singkohor	Lanjar Purnomo
SIMEULUE			
43	Maudil	Teupah Barat	Kasmuridin (<i>Imeum Meunasah</i>)
44	Inor	Teupah Barat	Khaidin (<i>Imeum Mukim</i>)
45	Kebon baru	Teupah Selatan	Sulmar
46	Latiung	Teupah Selatan	Sahwan Masarah
47	La Buah	Simeulue Timur	Laksani/Rasni (beneficiaries)

APPENDIX 2. Names of Persons Interviewed

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
1	Rasyidah	F	Suak Nie	Johan Pahlawan	Aceh Barat
2	Muslem B	M	Suak Nie	Johan Pahlawan	Aceh Barat
3	Abubakar M	M	Suak Nie	Johan Pahlawan	Aceh Barat
4	Marnidhar	F	Suak Nie	Johan Pahlawan	Aceh Barat
5	Suardi Saleh	M	Suak Nie	Johan Pahlawan	Aceh Barat
6	Jariah Zamil	F	Suak Nie	Johan Pahlawan	Aceh Barat
7	Hendri Maulidar	M	Suak Nie	Johan Pahlawan	Aceh Barat
8	Badrun	M	Suak Nie	Johan Pahlawan	Aceh Barat
9	Mukhtar	M	Suak Nie	Johan Pahlawan	Aceh Barat
10	Nurbaiti	F	Suak Nie	Johan Pahlawan	Aceh Barat
11	Hj. Nurhayati	F	Suak Nie	Johan Pahlawan	Aceh Barat
12	Nurhayati Ahmad	F	Suak Nie	Johan Pahlawan	Aceh Barat
13	Kasumah	F	Samudra	Johan Pahlawan	Aceh Barat
14	Kurnia Fajar	M	Lhok Bubon	Samatiga	Aceh Barat
15	Yusniar	F	Lhok Bubon	Samatiga	Aceh Barat
16	Cut Ainal Mardhiah	F	Lhok Bubon	Samatiga	Aceh Barat
17	Salman Husein	M	Lhok Bubon	Samatiga	Aceh Barat
18	Nyak Maneh	F	Lhok Bubon	Samatiga	Aceh Barat
19	Nuraini	F	Lhok Bubon	Samatiga	Aceh Barat
20	T. Syahbuddin	M	Lhok Bubon	Samatiga	Aceh Barat
21	Yuswar	M	Lhok Bubon	Samatiga	Aceh Barat
22	Herwanto	M	Lhok Bubon	Samatiga	Aceh Barat
23	Mahdi	M	Lhok Bubon	Samatiga	Aceh Barat
24	Rahma	F	Lhok Bubon	Samatiga	Aceh Barat
25	Amani	M	Lhok Bubon	Samatiga	Aceh Barat
26	Ahmad Saifuddin	M	Pinang	Susoh	Aceh Barat Daya
27	Safrizal	M	Pinang	Susoh	Aceh Barat Daya
28	Hayatun	F	Pinang	Susoh	Aceh Barat Daya
29	Susi Ariyanti	F	Pinang	Susoh	Aceh Barat Daya
30	Nurjanah	F	Pinang	Susoh	Aceh Barat Daya
31	Armianti	F	Pinang	Susoh	Aceh Barat Daya
32	Mursyidah	F	Pinang	Susoh	Aceh Barat Daya
33	Mursalin	M	Pinang	Susoh	Aceh Barat Daya
34	Nurjamali	F	Pinang	Susoh	Aceh Barat Daya
35	Nurjamali	F	Pinang	Susoh	Aceh Barat Daya
36	Donisah	F	Rumah Panjang	Susoh	Aceh Barat Daya
37	Yusmiati	F	Rumah Panjang	Susoh	Aceh Barat Daya
38	Yusi	F	Rumah Panjang	Susoh	Aceh Barat Daya
39	Zahlul Amri	M	Rumah Panjang	Susoh	Aceh Barat Daya
40	Azahari Ali	M	Rumah Panjang	Susoh	Aceh Barat Daya
41	Yasni	F	Rumah Panjang	Susoh	Aceh Barat Daya
42	Nurbaiti	F	Rumah Panjang	Susoh	Aceh Barat Daya
43	Asriadi	M	Rumah Panjang	Susoh	Aceh Barat Daya

(continued)

APPENDIX 2. Names of Persons Interviewed (*continued*)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
44	Hendra	M	Rumah Panjang	Susoh	Aceh Barat Daya
45	Syarifuddin	M	Rumah Panjang	Susoh	Aceh Barat Daya
46	Khairina	F	Rumah Panjang	Susoh	Aceh Barat Daya
47	Yusriati	F	Lam Manyang	Peukan Bada	Aceh Besar
48	Azhari Abdurrahman	M	Lambada Peukan	Peukan Bada	Aceh Besar
49	Usman AR	M	Kajhu	Peukan Bada	Aceh Besar
50	Arnif	M	Klieng Meuria	Baitussalam	Aceh Besar
51	Syazidin	M	Klieng Meuria	Baitussalam	Aceh Besar
52	Roswati	F	Klieng Meuria	Baitussalam	Aceh Besar
53	Juairiyah	F	Klieng Meuria	Baitussalam	Aceh Besar
54	Fitriah	F	Klieng Meuria	Baitussalam	Aceh Besar
55	Irawati	F	Klieng Meuria	Baitussalam	Aceh Besar
56	Kasturi	F	Klieng Meuria	Baitussalam	Aceh Besar
57	Dedi Wahyudi	M	Klieng Meuria	Baitussalam	Aceh Besar
58	Roswati	F	Klieng Meuria	Baitussalam	Aceh Besar
59	Zuhrawati	F	Klieng Meuria	Baitussalam	Aceh Besar
60	Basri	M	Klieng Meuria	Baitussalam	Aceh Besar
61	Nova Nurmalawati	F	Klieng Meuria	Baitussalam	Aceh Besar
62	Yuslinawati	F	Klieng Meuria	Baitussalam	Aceh Besar
63	Rusnidar	F	Klieng Meuria	Baitussalam	Aceh Besar
64	Rusmini	F	Miruek Taman	Darussalam	Aceh Besar
65	Nuraini	F	Miruek Taman	Darussalam	Aceh Besar
66	Cut Intan	F	Miruek Taman	Darussalam	Aceh Besar
67	Rasyia	F	Miruek Taman	Darussalam	Aceh Besar
68	Yuridin	M	Miruek Taman	Darussalam	Aceh Besar
69	Nurismi	F	Miruek Taman	Darussalam	Aceh Besar
70	Yunita	F	Miruek Taman	Darussalam	Aceh Besar
71	Roswati	F	Miruek Taman	Darussalam	Aceh Besar
72	Cut Nurlaili	F	Miruek Taman	Darussalam	Aceh Besar
73	Lis	F	Lambada Lhok	Darussalam	Aceh Besar
74	Cut Laiyan	F	Japakeh	Darul Imarah	Aceh Besar
75	Umar	M	Gampong Cot	Darul Imarah	Aceh Besar
76	Sufiayani	F	Gampong Cot	Darul Imarah	Aceh Besar
77	Rosmiati Y.	F	Lhok Timon	Setia Bakti	Aceh Jaya
78	Muhammad	M	Lhok Timon	Setia Bakti	Aceh Jaya
79	Aminah	F	Lhok Timon	Setia Bakti	Aceh Jaya
80	Syahriati	F	Lhok Timon	Setia Bakti	Aceh Jaya
81	Nurbaidah	F	Lhok Timon	Setia Bakti	Aceh Jaya
82	Murhaibah	F	Lhok Timon	Setia Bakti	Aceh Jaya
83	Bungsu Johari	F	Lhok Timon	Setia Bakti	Aceh Jaya
84	Zasmah	F	Lhok Timon	Setia Bakti	Aceh Jaya
85	Yusnan	M	Gampong Baro	Teunom	Aceh Jaya
86	Salmadi	M	Gampong Baro	Teunom	Aceh Jaya

(continued)

APPENDIX 2. Names of Persons Interviewed (*continued*)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
87	Samaini	F	Gampong Baro	Teunom	Aceh Jaya
88	Abidah	F	Gampong Baro	Teunom	Aceh Jaya
89	Ainun Mardhiah	F	Gampong Baro	Teunom	Aceh Jaya
90	Aminah	F	Gampong Baro	Teunom	Aceh Jaya
91	Yusnidar	F	Gampong Baro	Teunom	Aceh Jaya
92	Yusnan	F	Gampong Baro	Teunom	Aceh Jaya
93	Samaini	F	Gampong Baro	Teunom	Aceh Jaya
94	Abidah	F	Gampong Baro	Teunom	Aceh Jaya
95	Anita	F	Gampong Baro	Teunom	Aceh Jaya
96	Aminuddin	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
97	Martunis	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
98	Abu Samah	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
99	Marhaban	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
100	Azhar	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
101	Maria Ulva	F	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
102	Misbahul Zannah	F	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
103	Mideun	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
104	Tgk. Abdullah H.	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
105	Yusni	F	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
106	Fazli Sahmi	M	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
107	Zubaidah	F	Limo Purut Kota Fajar	Kluet Utara	Aceh Selatan
108	Masni	M	Kuta Blang	Samadua	Aceh Selatan
109	Nurhayati	F	Kuta Blang	Samadua	Aceh Selatan
110	Arkadius	M	Kuta Blang	Samadua	Aceh Selatan
111	Rusni	F	Kuta Blang	Samadua	Aceh Selatan
112	Ahmad Basri	M	Kuta Blang	Samadua	Aceh Selatan
113	Arahnidar	M	Kuta Blang	Samadua	Aceh Selatan
114	Rusleni	F	Kuta Blang	Samadua	Aceh Selatan
115	H. Zaenuddin	M	Kuta Blang	Samadua	Aceh Selatan
116	Mursibah	F	Gostel Timur	Singkil Utara	Aceh Singkil
117	Mitani	F	Gostel Timur	Singkil Utara	Aceh Singkil
118	Sarah	F	Gostel Timur	Singkil Utara	Aceh Singkil
119	Sumarni	F	Gostel Timur	Singkil Utara	Aceh Singkil
120	Hj Nurlian	F	Gostel Timur	Singkil Utara	Aceh Singkil
121	Jusnidar	F	Gostel Timur	Singkil Utara	Aceh Singkil
122	Nurhayati	F	Gostel Timur	Singkil Utara	Aceh Singkil
123	Sandrina	F	Gostel Timur	Singkil Utara	Aceh Singkil
124	Rasyidin	M	Lae - Pinang	Singkohor	Aceh Singkil
125	Siti Asminar	F	Lae - Pinang	Singkohor	Aceh Singkil
126	Ida	F	Lae - Pinang	Singkohor	Aceh Singkil
127	Murniati	F	Lae - Pinang	Singkohor	Aceh Singkil
128	H. Ralil	M	Lae - Pinang	Singkohor	Aceh Singkil
129	Rasyidin	M	Lae - Pinang	Singkohor	Aceh Singkil
130	Tedek Sinaga	M	Lae - Pinang	Singkohor	Aceh Singkil

(continued)

APPENDIX 2. Names of Persons Interviewed (continued)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
131	Azhar	M	Alue Bugeng	Peurelak	Aceh Timur
132	Djakfar Abidin	M	Alue Bugeng	Peurelak	Aceh Timur
133	Surti	F	Alue Bugeng	Peurelak	Aceh Timur
134	Elisa Siregar	F	Alue Bugeng	Peurelak	Aceh Timur
135	Yustina	F	Alue Bugeng	Peurelak	Aceh Timur
136	Nuraini	F	Alue Bugeng	Peurelak	Aceh Timur
137	M. Ridwan	M	Alue Bugeng	Peurelak	Aceh Timur
138	Laksani	F	Alue Bugeng	Peurelak	Aceh Timur
139	Rasni	F	Alue Bugeng	Peurelak	Aceh Timur
140	Lina	F	Alue Bugeng	Peurelak	Aceh Timur
141	Aminah	F	Alue Bugeng	Peurelak	Aceh Timur
142	Anwar	M	Blang Glumpang	Idi	Aceh Timur
143	Yusuf Ali	M	Blang Glumpang	Idi	Aceh Timur
144	Mariani	F	Blang Glumpang	Idi	Aceh Timur
145	Juairiyah	F	Blang Glumpang	Idi	Aceh Timur
146	Nurma	F	Blang Glumpang	Idi	Aceh Timur
147	Abdullah	M	Blang Glumpang	Idi	Aceh Timur
148	Mariani	F	Blang Glumpang	Idi	Aceh Timur
149	Yunus	M	Blang Glumpang	Idi	Aceh Timur
150	Mawiyah	F	Blang Glumpang	Idi	Aceh Timur
151	Suriani	F	Blang Glumpang	Idi	Aceh Timur
152	Hafiah	F	Seunebok Rambong	Idi	Aceh Timur
153	Murtala	M	Seunebok Rambong	Idi	Aceh Timur
154	Abd. Kasim	M	Seunebok Rambong	Idi	Aceh Timur
155	Basri	M	Seunebok Rambong	Idi	Aceh Timur
156	Hasballah	M	Seunebok Rambong	Idi	Aceh Timur
157	Asmah Hasan	F	Seunubok Rambong	Idi	Aceh Timur
158	Erni	F	Seunubok Rambong	Idi	Aceh Timur
159	Jalaluddin	M	Seuneubok Rambong	Idi	Aceh Timur
160	Muchtar Ubit.	M	Seuneubok Rambong	Idi	Aceh Timur
161	Abduh Abdullah	M	Seuneubok Rambong	Idi	Aceh Timur
162	Maryani	F	Seuneubok Rambong	Idi	Aceh Timur
163	Halimah Uswa	F	Seuneubok Rambong	Idi	Aceh Timur
164	Weni	F	Bangka Jaya	Dewantara	Aceh Utara
165	Aisyah	F	Bangka Jaya	Dewantara	Aceh Utara
166	Nilawati	F	Bangka Jaya	Dewantara	Aceh Utara
167	M. Ayub	M	Bangka Jaya	Dewantara	Aceh Utara
168	Sulmar	M	Bangka Jaya	Dewantara	Aceh Utara
169	Zulfikar	M	Bangka Jaya	Dewantara	Aceh Utara
170	Hendra	M	Bangka Jaya	Dewantara	Aceh Utara
171	Sahwan Masarah	M	Bangka Jaya	Dewantara	Aceh Utara
172	Nilawati	F	Bangka Jaya	Dewantara	Aceh Utara
173	Osma	F	Bangka Jaya	Dewantara	Aceh Utara
174	Nurdin	M	Paloh Gading	Dewantara	Aceh Utara

(continued)

APPENDIX 2. Names of Persons Interviewed (continued)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
175	Ernawati	F	Paloh Gading	Dewantara	Aceh Utara
176	Siti Fatimah	F	Paloh Gading	Dewantara	Aceh Utara
177	Cut Erly	F	Paloh Gading	Dewantara	Aceh Utara
178	Siti Chotimah	F	Paloh Gading	Dewantara	Aceh Utara
179	Siti Masyitoh	F	Paloh Gading	Dewantara	Aceh Utara
180	Hamdi	M	Paloh Gading	Dewantara	Aceh Utara
181	Muslim	M	Teupin Kuyun	Seunoddon	Aceh Utara
182	Muslimah	F	Teupin Kuyun	Seunoddon	Aceh Utara
183	Djakfar Muslim	M	Teupin Kuyun	Seunoddon	Aceh Utara
184	T. Hanifah	M	Teupin Kuyun	Seunoddon	Aceh Utara
185	Cut Erliana	F	Teupin Kuyun	Seunoddon	Aceh Utara
186	Hasdiana	F	Teupin Kuyun	Seunoddon	Aceh Utara
187	Hasballah	M	Teupin Kuyun	Seunoddon	Aceh Utara
188	M. Lutfi	M	Teupin Kuyun	Seunoddon	Aceh Utara
189	Muhammad Adnan	M	Teupin Kuyun	Seunoddon	Aceh Utara
190	Solichah	F	Teupin Kuyun	Seunoddon	Aceh Utara
191	Salamah	F	Teupin Kuyun	Seunoddon	Aceh Utara
192	Hasan Syam	M	Teupin Kuyun	Seunoddon	Aceh Utara
193	Barinsyah	M	Teupin Kuyun	Seunoddon	Aceh Utara
194	Zulkifli	M	Teupin Kuyun	Seunoddon	Aceh Utara
195	Ramlah	F	Kuta Krueng	Samudera	Aceh Utara
196	Mukhtaruddin	M	Kuta Krueng	Samudera	Aceh Utara
197	Nur Dian	F	Kuta Krueng	Samudera	Aceh Utara
198	Maryam	F	Kuta Krueng	Samudera	Aceh Utara
199	Zakaria Amin	M	Kuta Krueng	Samudera	Aceh Utara
200	Nasruddin Syah	M	Kuta Krueng	Samudera	Aceh Utara
201	Nur Azizah	F	Kuta Krueng	Samudera	Aceh Utara
202	Kasumah	F	Kuta Krueng	Samudera	Aceh Utara
203	Rubiah	F	Kuta Krueng	Samudera	Aceh Utara
204	Juwariyah	F	Kuta Krueng	Samudera	Aceh Utara
205	Nuraini	F	Kuta Krueng	Samudera	Aceh Utara
206	Nurmala	F	Kuta Krueng	Samudera	Aceh Utara
207	Sofyan Mahdi	M	Gampong Jawa	Kuta Raja	Banda Aceh
208	Mahdi Harun	M	Gampong Jawa	Kuta Raja	Banda Aceh
209	Ernawati	F	Gampong Jawa	Kuta Raja	Banda Aceh
210	Tauhidiyah	F	Gampong Jawa	Kuta Raja	Banda Aceh
211	Muzakir	M	Gampong Jawa	Kuta Raja	Banda Aceh
212	Hendri Permana	M	Gampong Jawa	Kuta Raja	Banda Aceh
213	M. Shaleh Taher	M	Gampong Jawa	Kuta Raja	Banda Aceh
214	Rubama	F	Gampong Jawa	Kuta Raja	Banda Aceh
215	M. Isa	M	Gampong Jawa	Kuta Raja	Banda Aceh
216	Syarwan	M	Gampong Jawa	Kuta Raja	Banda Aceh
217	Yuni	F	Gampong Jawa	Kuta Raja	Banda Aceh
218	Zainuddin	M	Gampong Jawa	Kuta Raja	Banda Aceh

(continued)

APPENDIX 2. Names of Persons Interviewed (continued)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
219	Syukri	M	Gampong Jawa	Kuta Raja	Banda Aceh
220	Irmawati	F	Gampong Jawa	Kuta Raja	Banda Aceh
221	Abubakar Aziz	M	Gampong Jawa	Kuta Raja	Banda Aceh
222	Murdisyah	M	Dayah Baro	Meuraxsa	Banda Aceh
223	Tgk. H. Abdullah	M	Lam Ara	Banda Raya	Banda Aceh
224	Wahyudi	M	Dayah Baro	Meuraxsa	Banda Aceh
225	Iwan Arsyad	M	Dayah Baro	Meuraxsa	Banda Aceh
226	Afrizal	M	Dayah Baro	Meuraxsa	Banda Aceh
227	Nurjati	F	Dayah Baro	Meuraxsa	Banda Aceh
228	Nuzul Fadli	M	Dayah Baro	Meuraxsa	Banda Aceh
229	Rohani	F	Dayah Baro	Meuraxsa	Banda Aceh
230	Hj. Raliyah	F	Dayah Baro	Meuraxsa	Banda Aceh
231	Anisah	F	Dayah Baro	Meuraxsa	Banda Aceh
232	Maksalina	M	Dayah Baro	Meuraxsa	Banda Aceh
233	Yuslaini	F	Dayah Baro	Meuraxsa	Banda Aceh
234	Ersi	F	Dayah Baro	Meuraxsa	Banda Aceh
235	Zubaidah	F	Dayah Baro	Meuraxsa	Banda Aceh
236	Ainiyah	F	Matang Pasi	Peudada	Bireuen
237	Nursyiah	F	Matang Pasi	Peudada	Bireuen
238	Aisyah	F	Kuala Jeumpa	Blang Bladeh	Bireuen
239	Nursimah	F	Kuala Jeumpa	Blang Bladeh	Bireuen
240	Nilawati	F	Kuala Jeumpa	Blang Bladeh	Bireuen
241	Nasruddin	M	Kuala Jeumpa	Blang Bladeh	Bireuen
242	Jamaluddin	M	Kuala Jeumpa	Blang Bladeh	Bireuen
243	Zulkifli	M	Kuala Jeumpa	Blang Bladeh	Bireuen
244	Ramli	M	Kuala Jeumpa	Blang Bladeh	Bireuen
245	Ishak	M	Kuala Jeumpa	Blang Bladeh	Bireuen
246	Ramlah	F	Kuala Jeumpa	Blang Bladeh	Bireuen
247	Ishak	M	Kuala Jeumpa	Blang Bladeh	Bireuen
248	Ramlah	F	Kuala Jeumpa	Blang Bladeh	Bireuen
249	Razali Affan	M	Kuala Jeumpa	Blang Bladeh	Bireuen
250	Nurmasyithah	F	Kuala Jeumpa	Blang Bladeh	Bireuen
251	Meliyana	F	Kuala Jeumpa	Blang Bladeh	Bireuen
252	Abu Bakar Sulaiman	M	Kuala Jeumpa	Blang Bladeh	Bireuen
253	Azhari	M	Blang Kubu	Peudada	Bireuen
254	Samsudin	M	Blang Kubu	Peudada	Bireuen
255	Ilyas	M	Blang Kubu	Peudada	Bireuen
256	Marlina	F	Blang Kubu	Peudada	Bireuen
257	Nurhayati	F	Blang Kubu	Peudada	Bireuen
258	Nur Naimi	F	Blang Kubu	Peudada	Bireuen
259	Ishak	M	Blang Kubu	Peudada	Bireuen
260	Ramlah	F	Blang Kubu	Peudada	Bireuen
261	Zulkifli	M	Blang Kubu	Peudada	Bireuen
262	Saifuddin	M	Blang Kubu	Peudada	Bireuen

(continued)

APPENDIX 2. Names of Persons Interviewed (*continued*)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
263	M. Yasin Hanafiah	M	Blang Kubu	Peudada	Bireuen
264	M. Isa Adam	M	Blang Kubu	Peudada	Bireuen
265	Tarwiyah	F	Blang Kubu	Peudada	Bireuen
266	Ilyas	M	Blang Teumeulek	Simpang Mamplam	Bireuen
267	Amril	M	Ulee Jalan	Banda Sakti	Lhok Seumawe
268	T. Abdul Khidir	M	Ulee Jalan	Banda Sakti	Lhok Seumawe
269	M. Idris	M	Ulee Jalan	Banda Sakti	Lhok Seumawe
270	Rohana	F	Ulee Jalan	Banda Sakti	Lhok Seumawe
271	Fitriana	F	Ulee Jalan	Banda Sakti	Lhok Seumawe
272	Zainuddin	M	Ulee Jalan	Banda Sakti	Lhok Seumawe
273	Firman	M	Ulee Jalan	Banda Sakti	Lhok Seumawe
274	Usman	M	Ulee Jalan	Banda Sakti	Lhok Seumawe
275	M. Ali	M	Ulee Jalan	Banda Sakti	Lhok Seumawe
276	Munawaroh	F	Ulee Jalan	Banda Sakti	Lhok Seumawe
277	Cut Putri	F	Ulee Jalan	Banda Sakti	Lhok Seumawe
278	Cut Erni	F	Ulee Jalan	Banda Sakti	Lhok Seumawe
279	T. Basyir Musain	M	Ujong Blang	Banda Sakti	Lhok Seumawe
280	Sakban	M	Ujong Blang	Banda Sakti	Lhok Seumawe
281	Ramadhan	M	Ujong Blang	Banda Sakti	Lhok Seumawe
282	Erna	F	Ujong Blang	Banda Sakti	Lhok Seumawe
283	Haslinda	F	Ujong Blang	Banda Sakti	Lhok Seumawe
284	Hasnidar	F	Ujong Blang	Banda Sakti	Lhok Seumawe
285	Muhammad Saragih	M	Ujong Blang	Banda Sakti	Lhok Seumawe
286	Murdani	M	Blang Crum	Muara Batu	Lhok Seumawe
287	Zubaidah	F	Blang Crum	Muara Batu	Lhok Seumawe
288	Abdurrahman	M	Blang Crum	Muara Batu	Lhok Seumawe
289	Cut Yuni	F	Blang Crum	Muara Batu	Lhok Seumawe
290	Zulfahmi	M	Blang Crum	Muara Batu	Lhok Seumawe
291	Ramli	M	Blang Crum	Muara Batu	Lhok Seumawe
292	Zulhenny	F	Blang Crum	Muara Batu	Lhok Seumawe
293	Razali	M	Blang Crum	Muara Batu	Lhok Seumawe
294	Linawati	F	Blang Crum	Muara Batu	Lhok Seumawe
295	Cut Farida	F	Blang Crum	Muara Batu	Lhok Seumawe
296	T. Johan	M	Blang Crum	Muara Batu	Lhok Seumawe
297	Putriyasa	F	Blang Crum	Muara Batu	Lhok Seumawe
298	Zuraida	F	Blang Crum	Muara batu	Lhok Seumawe
299	Nurmala	F	Blang Crum	Muara batu	Lhok Seumawe
300	Muslim	M	Keude Peuntet	Blang Mangat	Lhok Seumawe
301	T. Nazib	M	Keude Peuntet	Blang Mangat	Lhok Seumawe
302	Cut Zahrawati	F	Keude Peuntet	Blang Mangat	Lhok Seumawe
303	Dinda	F	Keude Peuntet	Blang Mangat	Lhok Seumawe
304	Ti Arfah	F	Keude Peuntet	Blang Mangat	Lhok Seumawe
305	Fahrul	M	Keude Peuntet	Blang Mangat	Lhok Seumawe

(continued)

APPENDIX 2. Names of Persons Interviewed (continued)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
306	Idrus Ali	M	Keude Peunteut	Blang Mangat	Lhok Seumawe
307	Maryam	F	Keude Peunteut	Blang Mangat	Lhok Seumawe
308	Bachtiar Yusuf	M	Keude Peunteut	Blang Mangat	Lhok Seumawe
309	Nurbaiti Hanum	F	Keude Peunteut	Blang Mangat	Lhok Seumawe
310	Rasyidin	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
311	Juraidah	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
312	Yusra	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
313	Nurhayati	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
314	Zubaidah	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
315	Ilyas	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
316	Zaman Huri	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
317	Baiduri	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
318	Tgk.Hanafi	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
319	Hafsah	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
320	Syarifah	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
321	Abdul Gani	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
322	Badriah	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
323	Maimunah	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
324	Hasanah	F	Meunasah Lhok	Blang Mangat	Lhok Seumawe
325	Marhamah	F	Meunasah Lhok	Blang Mangat	Lhok Seumawe
326	Muzakir	M	Meunasah Lhok	Blang Mangat	Lhok Seumawe
327	Zainal Arifin	M	Meunasah Lhok	Blang Mangat	Lhok Seumawe
328	Jamaluddin	M	Meunasah Lhok	Blang Mangat	Lhok Seumawe
329	Maulita	F	Meunasah Lhok	Blang Mangat	Lhok Seumawe
330	Nurtati	F	Meunasah Lhok	Blang Mangat	Lhok Seumawe
331	Zulkifli	M	Meunasah Lhok	Blang Mangat	Lhok Seumawe
332	Nurbasyariah	F	Meunasah Lhok	Blang Mangat	Lhok Seumawe
333	Nurlailawati	F	Meunasah Lhok	Blang Mangat	Lhok Seumawe
334	Rukiah Sulaiman	F	Meunasah Lhok	Blang Mangat	Lhok Seumawe
335	Tukimin	M	Purworejo	Kuala	Nagan Raya
336	Selan	M	Purworejo	Kuala	Nagan Raya
337	Ruminah	F	Purworejo	Kuala	Nagan Raya
338	Megawati	F	Purworejo	Kuala	Nagan Raya
339	Ratinah	F	Purworejo	Kuala	Nagan Raya
340	Sugiarti	F	Purworejo	Kuala	Nagan Raya
341	Suryadi	M	Purworejo	Kuala	Nagan Raya
342	Suprapti	F	Purworejo	Kuala	Nagan Raya
343	Runtah	F	Purworejo	Kuala	Nagan Raya
344	Kansiani	F	Purworejo	Kuala	Nagan Raya
345	Mulyadi	M	Purworejo	Kuala	Nagan Raya
346	Jumiatun	F	Purworejo	Kuala	Nagan Raya
347	Jumike	M	Purworejo	Kuala	Nagan Raya
348	Bambang Suwetno	M	Purworejo	Kuala	Nagan Raya

(continued)

APPENDIX 2. Names of Persons Interviewed (*continued*)

No.	Name	M/F	Village (Desa)	Subdistrict (Kecamatan)	District (Kabupaten)
349	Nurhayati	F	Kuala Tuha	Kuala Pesisir	Nagan Raya
350	Sumarni	F	Kuala Tuha	Kuala Pesisir	Nagan Raya
351	Abdul Wahab M	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
352	Sugirman	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
353	Zahara	F	Kuala Tuha	Kuala Pesisir	Nagan Raya
354	Nurma	F	Kuala Tuha	Kuala Pesisir	Nagan Raya
355	Nuraini	F	Kuala Tuha	Kuala Pesisir	Nagan Raya
356	Pawang Ali	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
357	Nuriana	F	Kuala Tuha	Kuala Pesisir	Nagan Raya
358	Buchari	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
	Samsudin		Gelanggang Merak	Suak Puntong	Nagan Raya
359	Norma	F	Lancang	Kembang Tanjung	Pidie
360	Abdullah Ahmad	M	Lancang	Kembang Tanjung	Pidie
361	Sakdiah	F	Lancang	Kembang Tanjung	Pidie
362	Lamuddin	M	Lancang	Kembang Tanjung	Pidie
363	Ismail	M	Lancang	Kembang Tanjung	Pidie
364	Gusti Wati	F	Lancang	Kembang Tanjung	Pidie
365	Zakaria	M	Lancang	Kembang Tanjung	Pidie
366	Khatijah	F	Lancang	Kembang Tanjung	Pidie
367	Erna	F	Lancang	Kembang Tanjung	Pidie
368	Latifah	F	Lancang	Kembang Tanjung	Pidie
369	Faridah	F	Siblah Coh	Ulim	Pidie
370	Baniyah	F	Siblah Coh	Ulim	Pidie
371	Jafar Ishak	M	Siblah Coh	Ulim	Pidie
372	Tgk. Murdani	M	Siblah Coh	Ulim	Pidie
373	Fatimah	F	Siblah Coh	Ulim	Pidie
374	Muhammad Is	M	Siblah Coh	Ulim	Pidie
375	Nurkeumala	F	Siblah Coh	Ulim	Pidie
376	Helmi Usman	M	Siblah Coh	Ulim	Pidie
377	Nursiah	F	Siblah Coh	Ulim	Pidie
378	Baniyah	F	Siblah Coh	Ulim	Pidie
379	Nurdiana/Tarmizi	F/M	Siblah Coh	Ulim	Pidie
380	Nurasiah	F	Siblah Coh	Ulim	Pidie
381	M. Daud	M	Siblah Coh	Ulim	Pidie
382	Aminah	F	Siblah Coh	Ulim	Pidie
383	Ruhamah	F	Siblah Coh	Ulim	Pidie
384	Hasbullah	M	Pasie Peukan Baro	Sigli	Pidie
385	Ernita	F	Pasie Peukan Baro	Sigli	Pidie
386	Ramla	F	Pasie Peukan Baro	Sigli	Pidie
387	Kamariah	F	Maudil	Teupah Barat	Simeulue
388	Sarni	F	Maudil	Teupah Barat	Simeulue
389	Nurlela	F	Maudil	Teupah Barat	Simeulue
390	Nurdah	F	Maudil	Teupah Barat	Simeulue

(continued)

APPENDIX 2. Names of Persons Interviewed (*continued*)

<i>No.</i>	<i>Name</i>	<i>M/F</i>	<i>Village (Desa)</i>	<i>Subdistrict (Kecamatan)</i>	<i>District (Kabupaten)</i>
391	Nini Harlina	F	Maudil	Teupah Barat	Simeulue
392	Nor Asmalia	F	Inor	Teupah Barat	Simeulue
393	Ramiah	F	Inor	Teupah Barat	Simeulue
394	Melina	F	Inor	Teupah Barat	Simeulue
395	Helmidar	F	Inor	Teupah Barat	Simeulue

APPENDIX 3. List of Villages Where FGDs Were Conducted

<i>No</i>	<i>Village (Desa)</i>	<i>Subdistrict (Kecamatan)</i>	<i>District (Kabupaten)</i>
1	Suak Nie	Johan Pahlawan	Aceh Barat
2	Lhok Bubon	Samatiga	Aceh Barat
3	Pinang	Susoh	Aceh Barat Daya
4	Klieng Meriah	Baitusalam	Aceh Besar
5	Lam Manyang	Peukan Bada	Aceh Besar
6	Gampong Baroe	Teunom	Aceh Jaya
7	Kuta Blang	Samadua	Aceh Selatan
8	Gostel Timur	Singkil Utara	Aceh Singkil
9	Blang Glumpang	Idi Rayeuk	Aceh Timur
10	Meunasah Lhok	Muara Batu	Aceh Utara
11	Kuta Krueng	Samudra	Aceh Utara
12	Jawa	Kuta Raja	Banda Aceh
13	Dayah Baro	Meuraxa	Banda Aceh
14	Kuala Jeumpa	Jeumpa	Bireuen
15	Blang Kubu	Peudada	Bireuen
16	Lhok Timon	Setia Bakti	Calang
17	Kuala Meuraxa	Blang Mangat	Kota Lhok Seumawe
18	Purworejo	Kuala	Nagan Raya
19	Kuala Tuha	Kuala Pesisir	Nagan Raya
20	Gajah Aye	Batee	Pidie
21	Lancang	Kembang Tanjong	Pidie
22	Pasie Lhok	Kembang Tanjong	Pidie
23	Siblah Coh	Ulim Tenong	Pidie

APPENDIX 4. Names of Geuchiks Interviewed (Primary Respondents)

No	Name	Phone	Village (Desa)
1	Mustafa		Blang Glumpang
2	M. Nasir H. Idris		Blang Kubu
3	Marzuki	62-(0)852-77937498	Cot Mesjid, Aceh Barat
4	Abd. Halim		Gampong Baro
5	Ibnu Sakdan		Gampong Dayah Baro
6	Sulaiman Ahmad		Gampong Jawa
7	Amiruddin Juned	62-(0)813-60020303	Gampong Pie, Banda Aceh
8	Amril Harahap		Gostel Timur
9	M. Yani		Gp. Pinang
10	Usman A. R.		Kajhu
11	Nurdin Hasan	62-(0)852-77456539	Keude Peuntet
12	Yusri		Klieng Meuria
13	Sukirman Abd. Rahman		Kuala Jeumpa
14	M. Nasir N.		Kuala Meuraxa
15	Hamdan		Kuala Tuha
16	Tamlika		Kuta Blang
17	Fauzi		Kuta Krueng
18	Lanjar Purnomo		Lae Pinang
19	Ridwan	62-(0)81360290333	Lam Manyang
20	Maimun		Lancang
21	Husaini		Lhok Bubon
22	Abdullah, Spd.		Lhok Timon
23	Tgk. Hasbi Ibrahim		Limo Purut
24	Iqbal Abdullah		Meunasah Lhok
25	Sugiran		Purworejo
26	Dasrul		Rumah Panjang
27	Hasan AB		Seunebok Rambong
28	Sulaiman		Siblah Coh
29	Tgk. Ramadhan A. B.		Suak Nie
30	Darwis	62-(0)852-77188960	Suak Puntong
31	Aminuddin (<i>Tuha Peut</i>)		Tapaktuan

Additional Interviews of *Geuchiks*

(Secondary Respondents who were covered as part of the RALAS Revalidation Survey)

No	Name	Phone	Village (Desa)
1	Jafaruddin	62-(0)852-60979252	Adan
2	Abdullah Husen	62-(0)852-60000486	Alue Bu Jalan Baroh
3	Suhaimi	62-(0)852-77340001	Angan
4	Muchsin (Village secretary)	–	Arongan
5	Wazir	62-(0)852-76605762	Arun Tunggai
6	T.M. Yusuf Mahmud	62-(0)812-63893940	Batee
7	Mustafa A. D.	62-(0)852-62159234	Blang Blumpang
8	Mughtar C. H.	62-(0)852-34494512	Blang Cut
9	Razali Hanafiah	62-(0)852-75886865	Blang Keudee
10	M. Nasir H. Idris	62-(0)852-60368438	Blang Kubu
11	Sulaiman	62-(0) 852-60787647	Blang Kuta Cuh
12	Ilyas (<i>Tuha Peut</i>)	–	Blang Teumeulek
13	Muhada	62-(0)811-674034	Cot Mamplam
14	Nasrul	62-(0)813-77231781	Cot Seulamat
15	Jamaluddin	62-(0)813-77351071	Cot Trap
16	Hanafiah	62-(0)852-60363718	Dayah Leubue
17	Jailani	62-(0)813-77273864	Drien Tujoh
18	Sahri S	–	Dsn. Sukamaju
19	Hasan Ibrahim	62-(0)813-62334985	Gajah Aye
20	Abd. Khalim	62-(0)852-70193673	Gampong Baro
21	Syafawi Jam (Village Secretary)	62-(0)852-60854720	Gampong Baro
22	Agus miran	62-(0)813-76374462	Gampong Blang
23	Aiyub Idris	62-(0)812-69787847	Gampong Cot
24	Suardi	62-(0)852-60171824	Geulumbuk
25	Ibrahim (Village Secretary)	62-(0)852-60451736	Geuteng Timur
26	Marhalim L. B.	62-(0)815-33739127	Gunung Lagan
27	M. Jamil Bakar	62-(0)852-77031448	Hagu
28	M. Ridwan A.	62-(0)852-60588100	Jambo Mesjid
29	Sulaiman Ibrahim	–	Jurong Binje
30	Tarmizi	62-(0)852-628006458	Jurong Teungoh
31	Abdul Aziz	62-(0)857-60750220	Kampung Baru
32	Ismail A. W.	62-(0)813-77307913	Keude Bagok
33	Mucklis Hamzah	62-(0)852-77730212	Keude Meukek
34	M. Saman	62-(0)852-77263009	Keude Rundeng
35	Dasruddin Rahman	62-(0)852-60413341	Keude Susoh
36	Muhammad	62-(0)812-815475	Keulee
37	Zamiuddin	–	Keutapang Indah
38	Sirajudin	62-(0)852-76199488	Keutapang Mameh
39	M. Tahir	62-(0)852-60600393	Klieng Meuria
40	Cut Irian	62-(0)812-63337247	Kp. Baro
41	Abubakar Usman	62-(0)852-60382804	Krueng Baro
42	Alimin	62-(0)813-62644111	Kuala Bubon

(continued)

Additional Interviews of *Geuchiks*

(Secondary Respondents who were covered as part of the RALAS Revalidation Survey)

No	Name	Phone	Village (Desa)
43	Kurniadi (Village Secretary)	62-(0)813-62947447	Kuala Bubon
44	Muzarimin	62-(0)852-61773279	Kuala Glumpang
45	M. Nasir N.	62-(0)852-60641470	Kuala Meuraksa
46	Dahlan Jalil	62-(0)813-77219938	Kuala Tripa
47	Tgk. Muhammad	62-(0)812-69815475	Kulee
48	Syamsul Kamal	-	Kuta Baru
49	Murni Hamid	62-(0)813-77426298	Kuta Blang
50	Nurdin Spd.	62-(0)812-65180922	Kuta Makmur
51	Adnan Amin	62-(0)852-60103383	Lam Gapang
52	Azhari A. R.	62-(0)813-60081964	Lambada Peukan
53	Maimun S. E.	62-(0)813-60196389	Lancang
54	Mahyidin Sulaeman	62-(0) 857-7406233	Lancang Timu
55	Hasan	62-(0)853-60010928	Lancang Paru
56	Zulfikar	62-(0)852-77499650	Lhok Euncin
57	Taufik Yusuf	-	Lhok Mambang
58	M. Yazid	62-(0)812-69736747	Lipah Rayeuk
59	Mahyiddin	62-(0)813-60579668	Matang Pasie
60	Amiruddin Ilyas	62-(0)813-62605900	Matang Puntong
61	Mahdi A. R.	62-(0)852-60144722	Matang Rayeuk
62	M. Thaib	62-(0)813-60703350	Meue
63	Safrizal	-	Meuligo
64	M. Nasir	62-(0)852-77672049	Meunasah Hagu
65	Ismail Husen	62-(0)852-60561206	Meunasah Manyang
66	Ruslan Safari	62-(0)852-60340902	Meuraxsa
67	Zamri	-	Miruek Taman
68	A. Gani Ali	-	Nasee Mee
69	M. Nasir	62-(0)852-77496733	Neubok Nalueng
70	Soenarjo	62-(0)813-76698090	Padang Baru
71	M. Dan H. Ahmad	62-(0)852-60016900	Papeun
72	Muhammad Kaoy	62-(0)852-77266452	Paru Cot
73	Sayid Ikmaruddin	-	Pasar Lama
74	Ishak Umar	62-(0)852-60528801	Pasie Lhok
75	Yusdi Usman	-	Paya Baro
76	Buchary Yusuf (Village Secretary)	62-(0)852-77769124	Perandeu Panteraja
77	Datuk Tinambunan	62-(0)857-60503559	Perangusan
78	Amiruddin	62-(0)813-60850811	Peuribu
79	M. Yani	62-(0)852-77014414	Pinang
80	Abdul Manaf	62-(0)852-62731259	Pucok Lueng
81	T. Burhanuddin (Village Secretary)	62-(0)813-75701297	Pulo Kayu
82	Safrizal	62-(0)815-3039470	Pulo Saro
83	Satria	62-(0)853-60036029	Purwodadi
84	Faisal Fauzi	-	Rambong Payong

(continued)

Additional Interviews of *Geuchiks*

(Secondary Respondents who were covered as part of the RALAS Revalidation Survey)

No	Name	Phone	Village (Desa)
85	Saifuddin	62-(0)852-77901922	Rheum Barat
86	Sulaiman Sabun	62-(0)852-60353033	Rheum Timu
87	Iskandar Ibrahim	62-(0)852-77091517	Sagoe
88	H. Husen	62-(0)852-60162071	Samuti Makmur
89	Andri Sali	62-(0)852-60728503	Sawang-1
90	Idris Ishak	62-(0)813-77093380	Seunebok Baroh
91	M. Saleh K. M.	62-(0)813-62511889	Seunebok Teungoh
92	Zulbahri Hasan	62-(0)852-60156942	Seuneubok Teungoh
93	Jasmin (Village secretary)	62-(0)852-97631630	Siti Ambia
94	Sudirman Hamzah	62-(0)852-77115080	Suak Geudubang
95	Tadjudin	62-(0)852-60147462	Suak Pandan
96	Zainuddin	62-(0)852-60310612	Suak Raya
97	Usman N. C.	62-(0)852-60649540	Suak Seukee
98	Adnan Leman	62-(0)813-77191154	Suak Seumaseh
99	M. Yasir M. Nuh	62-(0)85260282734	Teumpeun
100	Idris	62-(0)852-60518811	Teungoh
101	Maddien	62-(0)852-70019678	Tuha Bihue
102	Tgk. M. Abdullah	62-(0)85260282734	Udeung
103	M. Yunus (Village secretary)	62-(0)813-62776674	Udeung Poroh
104	Ahmad Ali	62-(0)813-60127646	Ujong Beusa
105	Fachri Isa	62-(0)813-77384876	Ujong Blang Arun
106	Safiruddin	–	Ujong Mangki
107	Samsul Bahri H.S.	62-(0)852-70016297	Ujong Padang Asahan
108	Raja Anshar	–	Ujong Tanoh
109	Samsuluddin	62-(0)815-34005410	Ujung
110	M. Nasir	62-(0)852-60144953	Ulee Blang Manne

APPENDIX 5. Names of Persons/Institutions Interviewed

No	Name	Institution	Location
Agency Contacts			
1	Hausmini (Mrs)	Women Empowerment Office	Banda Aceh
2	Maimanah (Mrs)	Women Empowerment Office	Aceh Barat
3	Rosita (Mrs)	Women Empowerment Office	Aceh Barat Daya
4	Zazlina SE (Mr)	Women Empowerment Office	Aceh Besar
5	Badrunisah (Mrs)	Women Empowerment Office	Banda Aceh
6	Jufri Galib S. H. M. H. (Mr)	Shariah Courts	Banda Aceh
7	Dr. Samsuar Husein S. H. (Mr)	Shariah Courts	Aceh Barat
8	Rosmawardhani (Mrs)	Shariah Courts	Aceh Barat
9	Muin Kadir (Mr)	Shariah Courts	
10	H. Badruzzaman Ismail S. H. H. Hum (Mr)	Aceh Customary Council	Banda Aceh
11	H. Teuku Daud (Mr)	Aceh Customary Council	Aceh Barat
12	Tgk. Ismail Jacob (Mr)	Ulama Council (MPU)	Banda Aceh
13	M. Nasir S. H. (Mr)	Local Government Office	Aceh Barat
14	Dr. Syukri (Mr)	Local Government Office	Aceh Besar
15	Heru (Mr)	Camat (sub-district)	Banda Aceh
16	Nurianto (Mr)	Secretary to Camat	Aceh Barat
17	Mulyadi (Mr)	Head of Legal Unit, Bupati Office	Aceh Barat
18	Hasbi S. H. (Mr)	Head of Dinas Syari'at Islam Aceh Besar	Aceh Besar
19	Ir. H. T. Said Mustafa (Mr)	Assistant II, Governor Office	Banda Aceh
20	Bakthiar Ishaq	Governor's Office	Banda Aceh
21	Mustafa	Governor's Office	Banda Aceh
22	Erna Heryani (Mrs)	Former Director of Land, BRR	Banda Aceh
23	Dr. H. Armia Ibrahim S. H. (Mr)	Deputy Chairman (WAKA) <i>Mahkamah Shariah - Aceh</i>	Banda Aceh
24	Dra. Masdarwaty M. A. (Mrs)	Women judge <i>Mahkamah Shariah</i>	Banda Aceh
25	Dra. Hj. Hafidhah Ibrahim (Mrs)	Women judge <i>Mahkamah Shariah</i>	Banda Aceh
26	Nurdhani S. H. Sp.N (Mrs)	Notary PPAT	Banda Aceh
27	Erlina S. H., M. Kn. (Mrs)	Notary PPAT	Banda Aceh
28	Ria Fitri (Mrs)	Syiah Kuala University	Banda Aceh
29	Kurniawan (Mr)	Syiah Kuala University	Banda Aceh
30	Elyas	Syiah Kuala University	Banda Aceh
31	Eka Sukma	Former Project Manager, Land at BRR	Banda Aceh
Key Contacts in BPN for RALAS Project			
1	Arief Setiabudi Canny (Mr)	RALAS Project Director	Jakarta
2	T. Murdani S. H. (Mr)	Head of BPN kanwil	Banda Aceh
3	Yasril S. H. (Mr)	Head of Kantah office	Banda Aceh
4	T. Sabiludin, SH (Mr)	Head of Kantah office	Aceh Besar
5	Dr. M. Yazid (Mr)	Kantah	Pidie
6	Dr. H. Zainal Arifin (Mr)	Kantah	Bireun
7	Dr. Lukman Hakim (Mr)	Head of Kantah office	Lhok Seumawe
8	A. Muzakir Husen (Mr)	Head of Kantah office	Aceh Utara
9	H. Mursil S. H. (Mr)	Head of Kantah office	Aceh Timur

(continued)

APPENDIX 5. Names of Persons/Institutions Interviewed (*continued*)

<i>No</i>	<i>Name</i>	<i>Institution</i>	<i>Location</i>
10	Ahmad Sohaib (Mr)	Official of Kantah office	Aceh Timur
11	Drs. Budi Yasir	Head of Kantah office	Aceh Barat
12	Lukman Hamid S. H. (Mr)	Head of Kantah office	Nagan Raya
13	Faizidar, S. H. (Mr)	Head of Kantah office	Aceh Barat Daya
14	Pelopor Yanti S. H. (Mr)	Rormer RALAS Project Manager	Jakarta

APPENDIX 6. Names of NGOs Interviewed

<i>No</i>	<i>Name</i>	<i>NGO</i>	<i>Location</i>
1	Elvida (Mrs)	Radio Komunitas Suara Perempuan (a local NGO)	Banda Aceh
2	Amerullah (Mr)	JKMA	Banda Aceh
3	Sawiyah (Mrs)	Flower Aceh (a local NGO)	Banda Aceh
4	Nurhasdiana (Mrs)	Sri Ratu (a local NGO)	Banda Aceh
5	Alhamda (Mr)	LBH (a local NGO)	Meulaboh
6	Irwansyah (Mr)	YPK (a local NGO)	Meulaboh
7	Philip Visser (Mr)	Formerly Catholic Relief Services, International NGO.	Meulaboh
8	Eva Syfig (Ms)	Caritas-Switzerland	Meulaboh
9	Keswanto (Mr)	YEU-CD Bethesda	Meulaboh
10	Abdul Jalil (Mr)	Grassroots Foundation, Meulaboh, Local NGO	Meulaboh
11	Saputra (Mr)	Cord-Aid (and later ADB Housing Project)	Lhok Seumawe

Note: Only the names of key informants (or head of the agency) are listed here.

APPENDIX 7. Names of Indonesian Government/BPN Adjudication Team Members Interviewed

<i>No</i>	<i>Name</i>	<i>Phone</i>	<i>Address</i>
1	Sumardi S. Sos	62-(0)85245125400	Desa Kajhu, Dusun Lamseunong, Aceh Besar
2	Mubarokuzzaman	62-(0)81367322690	Jl. KM Sulaiman Kelurahan Meunasah Peukan, Kecamatan Kota Sigli
3	Suprpto A. Ptnh	62-(0)816 427 6884	Jl. Sigli Kembang Tanjong, Desa Teumpen, Kecamatan Kembang Tanjong
4	Saiful Bahri	62-(0)81362322390	Gg. Mustakin, Desa Limao, Kota Fajar.
5	Drs Yusra Djakfar		Jl. Kuala Trang, Nagan Raya
6	Darmawan		Jl. Bahari, Desa Pulo Saro, Kecamatan Singkil, Aceh Singkil
7	Parjo Wiyono	62-(0)81360461269	Teunom, Aceh Jaya
8	Idrus Alaydrus	62-(0)81367322690	Jl. Raya-Banda Aceh-Medan KM. 180, Desa Blang Tambo, Kecamatan Simpang Mamplam, Kabupaten Bireuen
9	Pranoto	62-(0)85270522013	Arongan Lambalek, Aceh Barat
10	Edwin B. Kamurahan	62-(0)81340528696	Desa Gampong Aceh, Kecamatan Idi Rayeuk Aceh Timur
11	Zainuddin S. H.	62-(0)81269418239	Lhok Seumawe
12	Mahdi	62-(0)81360276470	Jl. Banda Aceh-Medan, Sawang-Peudada, Bireuen
13	Edi Sudaryanto	62-(0)81932478340	Simpang 3 Pinem, Kecamatan Samatiga, Aceh Barat
14	Fahrurrazi S.H.	62-(0)813 6000 7275	Desa Matang Panyang, Kecamatan Baktiya Barat, Kabupaten Aceh Utara
15	Riduan A. Ptnh	62-(0)81352923737	Desa Rubek Meupayong, Kecamatan Susoh Abdya
16	Hasan Basri S. H.	62-(0)81359298889	Desa Kuta Blang, Kecamatan Samadua, Aceh Selatan
17	Bintoro	62-(0)81329430909	Lorong Seulawah No. 385, Kuta Padang, Meulaboh

APPENDIX 8. Names of FGD Participants

Only the names from Mixed-Gender Group FGDs are listed here.

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
1	Sabariah	F	Pinang	Susoh	Abdya
2	Kusmiati F.	F	Pinang	Susoh	Abdya
3	Zuriam Ali	F	Pinang	Susoh	Abdya
4	Zainal	F	Pinang	Susoh	Abdya
5	Nurmalinda	F	Pinang	Susoh	Abdya
6	Rasyidin G.	M	Pinang	Susoh	Abdya
7	Zulmahdi	M	Pinang	Susoh	Abdya
8	Abbas	M	Pinang	Susoh	Abdya
9	Erwin	M	Pinang	Susoh	Abdya
10	Deprizal	M	Pinang	Susoh	Abdya
11	Samsuardi	M	Pinang	Susoh	Abdya
12	Asmanun	F	Pinang	Susoh	Abdya
13	Hasna	F	Pinang	Susoh	Abdya
14	Ermaifar	F	Pinang	Susoh	Abdya
15	Nurjannaka	F	Pinang	Susoh	Abdya
16	Salbiah J.	F	Suak Nie	Johan Pahlawan	Aceh Barat
17	Rasyidah	F	Suak Nie	Johan Pahlawan	Aceh Barat
18	Hanisah	F	Suak Nie	Johan Pahlawan	Aceh Barat
19	Usman	M	Suak Nie	Johan Pahlawan	Aceh Barat
20	Abbas Ali	M	Suak Nie	Johan Pahlawan	Aceh Barat
21	Abubakar M.	M	Suak Nie	Johan Pahlawan	Aceh Barat
22	M. Yahya	M	Suak Nie	Johan Pahlawan	Aceh Barat
23	Abdulahsyam	M	Suak Nie	Johan Pahlawan	Aceh Barat
24	Cut Bahren	F	Suak Nie	Johan Pahlawan	Aceh Barat
25	Samanan	F	Suak Nie	Johan Pahlawan	Aceh Barat
26	Putri Mega L.	F	Suak Nie	Johan Pahlawan	Aceh Barat
27	Nuriham	F	Suak Nie	Johan Pahlawan	Aceh Barat
28	Cut Hastini	F	Lhok Bubon	Sama Tiga	Aceh Barat
29	Nursaibah	F	Lhok Bubon	Sama Tiga	Aceh Barat
30	Idris	M	Lhok Bubon	Sama Tiga	Aceh Barat
31	Sofian	M	Lhok Bubon	Sama Tiga	Aceh Barat
32	Maisarah	F	Lhok Bubon	Sama Tiga	Aceh Barat
33	Hanisah	F	Lhok Bubon	Sama Tiga	Aceh Barat
34	Nyak The	M	Lhok Bubon	Sama Tiga	Aceh Barat
35	Banun Wati	F	Lhok Bubon	Sama Tiga	Aceh Barat
36	Keumala Sari	F	Lhok Bubon	Sama Tiga	Aceh Barat
37	Cut Erna Dewi	F	Lhok Bubon	Sama Tiga	Aceh Barat
38	Rosmiati	F	Lhok Bubon	Sama Tiga	Aceh Barat
39	Umrani Joni	M	Lhok Bubon	Sama Tiga	Aceh Barat
40	Rusmini	F	Klieng Meriah	Baitussalam	Aceh Besar
41	Nurjanah	F	Klieng Meriah	Baitussalam	Aceh Besar

(continued)

APPENDIX 8. Names of FGD Participants *(continued)*

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
42	Sukmawati	F	Klieng Meriah	Baitussalam	Aceh Besar
43	Marlaini	F	Klieng Meriah	Baitussalam	Aceh Besar
44	Sariwaly	F	Klieng Meriah	Baitussalam	Aceh Besar
45	Jasmiati	F	Klieng Meriah	Baitussalam	Aceh Besar
46	Juariah	F	Klieng Meriah	Baitussalam	Aceh Besar
47	Fitriah	F	Klieng Meriah	Baitussalam	Aceh Besar
48	Roswati	F	Klieng Meriah	Baitussalam	Aceh Besar
49	Irawati	F	Klieng Meriah	Baitussalam	Aceh Besar
50	Yusriati	F	Lam Manyang	Peukan Bada	Aceh Besar
51	Soraya	F	Lam Manyang	Peukan Bada	Aceh Besar
52	Ali Jauhari	M	Lam Manyang	Peukan Bada	Aceh Besar
53	Taqwadin	M	Lam Manyang	Peukan Bada	Aceh Besar
54	Kasim Nur	M	Lam Manyang	Peukan Bada	Aceh Besar
55	Asnawi	M	Lam Manyang	Peukan Bada	Aceh Besar
56	Alfiandi	M	Lam Manyang	Peukan Bada	Aceh Besar
57	Rizal	M	Lam Manyang	Peukan Bada	Aceh Besar
58	Tina Dalila	F	Lam Manyang	Peukan Bada	Aceh Besar
59	Rafiah	F	Lam Manyang	Peukan Bada	Aceh Besar
60	Ismi Laila	F	Lam Manyang	Peukan Bada	Aceh Besar
61	Uli Aini	F	Lam Manyang	Peukan Bada	Aceh Besar
62	Mursidah	F	Kuta Blang	Samadua	Aceh Selatan
63	Minarwati	F	Kuta Blang	Samadua	Aceh Selatan
64	Mariam	F	Kuta Blang	Samadua	Aceh Selatan
65	Nurcam	F	Kuta Blang	Samadua	Aceh Selatan
66	Rabiatun	F	Kuta Blang	Samadua	Aceh Selatan
67	Tamlika	M	Kuta Blang	Samadua	Aceh Selatan
68	Abd. Wahid	M	Kuta Blang	Samadua	Aceh Selatan
69	Iskandar Ali	M	Kuta Blang	Samadua	Aceh Selatan
70	Ismail Mukhtar	M	Kuta Blang	Samadua	Aceh Selatan
71	Raimah	F	Kuta Blang	Samadua	Aceh Selatan
72	Yusniati	F	Kuta Blang	Samadua	Aceh Selatan
73	Meisarah	F	Kuta Blang	Samadua	Aceh Selatan
74	Atikah	F	Kuta Blang	Samadua	Aceh Selatan
75	Asmanidar	F	Kuta Blang	Samadua	Aceh Selatan
76	Darmawati	F	Kuta Blang	Samadua	Aceh Selatan
77	Asmanita	F	Kuta Blang	Samadua	Aceh Selatan
78	Nursimah	F	Gostel Timur	Singkil Utara	Aceh Singkil

(continued)

APPENDIX 8. Names of FGD Participants (*continued*)

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
79	Yusnidar	F	Gostel Timur	Singkil Utara	Aceh Singkil
80	Nintini	F	Gostel Timur	Singkil Utara	Aceh Singkil
81	Khatijah	F	Gostel Timur	Singkil Utara	Aceh Singkil
82	Dasran	M	Gostel Timur	Singkil Utara	Aceh Singkil
83	Ali Amsa	M	Gostel Timur	Singkil Utara	Aceh Singkil
84	Ibnu Hajar	M	Gostel Timur	Singkil Utara	Aceh Singkil
85	Nazaruddin	M	Gostel Timur	Singkil Utara	Aceh Singkil
86	Evi Susanti	F	Gostel Timur	Singkil Utara	Aceh Singkil
87	Saba Udin	M	Gostel Timur	Singkil Utara	Aceh Singkil
88	Nursiah	F	Gostel Timur	Singkil Utara	Aceh Singkil
89	Zulman	M	Gostel Timur	Singkil Utara	Aceh Singkil
90	Rasyidin	M	Gostel Timur	Singkil Utara	Aceh Singkil
91	Sailan	M	Gostel Timur	Singkil Utara	Aceh Singkil
92	Amanidar	F	Blang Glumpang	Idi Rayeuk	Aceh Timur
93	Nurliyan	F	Blang Glumpang	Idi Rayeuk	Aceh Timur
94	Rahmi	F	Blang Glumpang	Idi Rayeuk	Aceh Timur
95	Mariana	F	Blang Glumpang	Idi Rayeuk	Aceh Timur
96	M. Jamin	M	Blang Glumpang	Idi Rayeuk	Aceh Timur
97	Zulkifli Umar	M	Blang Glumpang	Idi Rayeuk	Aceh Timur
98	Muklis	M	Blang Glumpang	Idi Rayeuk	Aceh Timur
99	Baharudin S.	M	Blang Glumpang	Idi Rayeuk	Aceh Timur
100	Irsan	M	Blang Glumpang	Idi Rayeuk	Aceh Timur
101	Hanafiah	M	Blang Glumpang	Idi Rayeuk	Aceh Timur
102	Mustafa A. D.	M	Blang Glumpang	Idi Rayeuk	Aceh Timur
103	Juwita	F	Blang Glumpang	Idi Rayeuk	Aceh Timur
104	M. Yunus Anas	M	Meunasah Lhok	Muara Batu	Aceh Utara
105	Ramli Al Isa	M	Kuala Jeumpa	Jeumpa	Bireuen
106	Anwar	M	Kuala Jeumpa	Jeumpa	Bireuen
107	Ramli Sulaiman	M	Kuala Jeumpa	Jeumpa	Bireuen
108	Hamzah	M	Kuala Jeumpa	Jeumpa	Bireuen
109	Zamzam	M	Kuala Jeumpa	Jeumpa	Bireuen
110	Aisyah Abubakar	F	Kuala Jeumpa	Jeumpa	Bireuen
111	Fitri	F	Kuala Jeumpa	Jeumpa	Bireuen
112	Syahril	M	Kuala Jeumpa	Jeumpa	Bireuen
113	Rahmah	F	Kuala Jeumpa	Jeumpa	Bireuen
114	Azizah	F	Kuala Jeumpa	Jeumpa	Bireuen
115	Syafi	M	Kuala Jeumpa	Jeumpa	Bireuen

(continued)

APPENDIX 8. Names of FGD Participants *(continued)*

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
116	Mahdi	F	Kuala Jeumpa	Jeumpa	Bireuen
117	Rahman Abd	M	Blang Kubu	Peudada	Bireuen
118	Marliati	F	Blang Kubu	Peudada	Bireuen
119	Hamidah Z.	F	Blang Kubu	Peudada	Bireuen
120	Fitri	F	Blang Kubu	Peudada	Bireuen
121	Mawadah	F	Blang Kubu	Peudada	Bireuen
122	Husaini M. Zain	M	Blang Kubu	Peudada	Bireuen
123	Marzuki	M	Blang Kubu	Peudada	Bireuen
124	Abdullah	M	Blang Kubu	Peudada	Bireuen
125	Sulaiman Ahmad	M	Blang Kubu	Peudada	Bireuen
126	Idrus	M	Blang Kubu	Peudada	Bireuen
127	Hamamah	F	Blang Kubu	Peudada	Bireuen
128	M. Nazar N.	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
129	Syamsul Bahri	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
130	Tgk. Ilyas	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
131	Harun	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
132	Jasmudin	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
133	Abdul Wahab	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
134	Abdul Rahman	M	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
135	Nurmala	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
136	Yusmanidar	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
137	Yusrina	F	Kuala Meuraksa	Blang Mangat	Lhok Seumawe
138	Sumarno	M	Purworejo	Kuala	Nagan Raya
139	Ponidi	M	Purworejo	Kuala	Nagan Raya
140	Siti Rahayu	F	Purworejo	Kuala	Nagan Raya
141	Sunaini	F	Purworejo	Kuala	Nagan Raya
142	Juariah	F	Purworejo	Kuala	Nagan Raya
143	Basirun	M	Purworejo	Kuala	Nagan Raya
144	Sugiran	M	Purworejo	Kuala	Nagan Raya
145	Jumin	M	Purworejo	Kuala	Nagan Raya
146	Ponijo	M	Purworejo	Kuala	Nagan Raya
147	Buyung Anwar	M	Purworejo	Kuala	Nagan Raya
148	Edi Yanto	M	Purworejo	Kuala	Nagan Raya
149	Suparjo	M	Purworejo	Kuala	Nagan Raya
150	Abdurrahman	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
151	Basrun	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
152	Rusli	M	Kuala Tuha	Kuala Pesisir	Nagan Raya

(continued)

APPENDIX 8. Names of FGD Participants (*continued*)

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
153	M. Gade Nurdin	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
154	Sulaiman Tohang	M	Kuala Tuha	Kuala Pesisir	Nagan Raya
155	Abdullah Ali	M	Lancang	Kembang Tanjong	Pidie
156	Mukhtar Y. S.	M	Lancang	Kembang Tanjong	Pidie
157	Baihaqi	M	Lancang	Kembang Tanjong	Pidie
158	Tgk. Jafarudin	M	Lancang	Kembang Tanjong	Pidie
159	Aiyub Syamaun	M	Lancang	Kembang Tanjong	Pidie
160	Mulyana	F	Lancang	Kembang Tanjong	Pidie
161	Nurma	F	Lancang	Kembang Tanjong	Pidie
162	Sakdiah	F	Lancang	Kembang Tanjong	Pidie
163	Abdullah A. H.	M	Lancang	Kembang Tanjong	Pidie
164	Asiah Ishaq	F	Lancang	Kembang Tanjong	Pidie
165	Asmawati H. S.	F	Lancang	Kembang Tanjong	Pidie
166	Mariana	F	Lancang	Kembang Tanjong	Pidie
167	Karimah	F	Siblah Coh	Ulim Teunong	Pidie
168	Hapsah	F	Siblah Coh	Ulim Teunong	Pidie
169	Jalika	F	Siblah Coh	Ulim Teunong	Pidie
170	Yusnidar	F	Siblah Coh	Ulim Teunong	Pidie
171	Norma	F	Siblah Coh	Ulim Teunong	Pidie
172	Nurhayati	F	Siblah Coh	Ulim Teunong	Pidie
173	Murni	F	Siblah Coh	Ulim Teunong	Pidie
174	Rubiah	F	Siblah Coh	Ulim Teunong	Pidie
175	Jauhari	F	Siblah Coh	Ulim Teunong	Pidie
176	Fauziah	F	Siblah Coh	Ulim Teunong	Pidie
177	Aminah	F	Siblah Coh	Ulim Teunong	Pidie
178	Nurdiana	F	Siblah Coh	Ulim Teunong	Pidie
179	Aisyah Husein	F	Gampong Baro	Keude Teunom	Aceh Jaya
180	Hamidah	F	Gampong Baro	Keude Teunom	Aceh Jaya
181	Zubaidah	F	Gampong Baro	Keude Teunom	Aceh Jaya
182	Hamidah Ali	F	Gampong Baro	Keude Teunom	Aceh Jaya
183	Saudah Ali	F	Gampong Baro	Keude Teunom	Aceh Jaya
184	Safi'l Rani	M	Gampong Baro	Keude Teunom	Aceh Jaya
185	Usman B.	M	Gampong Baro	Keude Teunom	Aceh Jaya
186	Asbahon Munir	M	Gampong Baro	Keude Teunom	Aceh Jaya
187	Mubin	M	Gampong Baro	Keude Teunom	Aceh Jaya
188	Muslim H. R.	M	Gampong Baro	Keude Teunom	Aceh Jaya
189	Rinto Darwis	M	Gampong Baro	Keude Teunom	Aceh Jaya

(continued)

APPENDIX 8. Names of FGD Participants (*continued*)

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
190	Tgk Hamdi	M	Gampong Baro	Keude Teunom	Aceh Jaya
191	Tgk. Darwis M. S.	M	Gampong Baro	Keude Teunom	Aceh Jaya
192	Bungsu Jauhari	F	Lhok Timon	Setia Bakti	Aceh Jaya
193	Salwati	F	Lhok Timon	Setia Bakti	Aceh Jaya
194	Rosmiaty Y.	F	Lhok Timon	Setia Bakti	Aceh Jaya
195	Idram	M	Lhok Timon	Setia Bakti	Aceh Jaya
196	Faridah	F	Lhok Timon	Setia Bakti	Aceh Jaya
197	Jasmani	F	Lhok Timon	Setia Bakti	Aceh Jaya
198	Musa	M	Lhok Timon	Setia Bakti	Aceh Jaya
199	Nurhabibah	F	Lhok Timon	Setia Bakti	Aceh Jaya
200	Ratna Bungsu	F	Lhok Timon	Setia Bakti	Aceh Jaya
201	Aminah	F	Lhok Timon	Setia Bakti	Aceh Jaya
202	Mayasari	F	Lhok Timon	Setia Bakti	Aceh Jaya
203	Irman	M	Lhok Timon	Setia Bakti	Aceh Jaya
204	Mukhlis	M	Meunasah Lhok	Muara Batu	Aceh Utara
205	Abdillah	M	Meunasah Lhok	Muara Batu	Aceh Utara
206	Ahamadi	M	Meunasah Lhok	Muara Batu	Aceh Utara
207	Batriaah	F	Meunasah Lhok	Muara Batu	Aceh Utara
208	Eliayani	F	Meunasah Lhok	Muara Batu	Aceh Utara
209	Rosnawati	F	Meunasah Lhok	Muara Batu	Aceh Utara
210	Adenan	F	Meunasah Lhok	Muara Batu	Aceh Utara
211	Salami	F	Meunasah Lhok	Muara Batu	Aceh Utara
212	Yusnaini	F	Meunasah Lhok	Muara Batu	Aceh Utara
213	Sulaiman Taib	M	Kuta Krueng	Samudera	Aceh Utara
214	Syafrudin	M	Kuta Krueng	Samudera	Aceh Utara
215	Tgk. Mansyari	M	Kuta Krueng	Samudera	Aceh Utara
216	Aminah	F	Kuta Krueng	Samudera	Aceh Utara
217	Rosmiati	F	Kuta Krueng	Samudera	Aceh Utara
218	Bungsu	F	Kuta Krueng	Samudera	Aceh Utara
219	Hambali Harun	M	Gampong Jawa	Meuraxsa	Banda Aceh
220	Kurnia	M	Gampong Jawa	Meuraxsa	Banda Aceh
221	Amin	M	Gampong Jawa	Meuraxsa	Banda Aceh
222	Surya Adli	M	Gampong Jawa	Meuraxsa	Banda Aceh
223	Siti Hayati	F	Gampong Jawa	Meuraxsa	Banda Aceh
224	Himdun	M	Gampong Jawa	Meuraxsa	Banda Aceh
225	Yakop	M	Gampong Jawa	Meuraxsa	Banda Aceh
226	Hardiansyah	M	Gampong Jawa	Meuraxsa	Banda Aceh

(continued)

APPENDIX 8. Names of FGD Participants (*continued*)

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
227	Musliati	F	Gampong Jawa	Meuraxsa	Banda Aceh
228	Nur Hasrati	F	Gampong Jawa	Meuraxsa	Banda Aceh
229	Ainun Mardiyah	F	Gampong Jawa	Meuraxsa	Banda Aceh
230	Mahdalena	F	Gampong Jawa	Meuraxsa	Banda Aceh
231	Syukriah	F	Dayah Baro	Meuraxsa	Banda Aceh
232	Nurbaiti Umar	F	Dayah Baro	Meuraxsa	Banda Aceh
233	Ummul Basyah	F	Dayah Baro	Meuraxsa	Banda Aceh
234	Fatimah H. S.	F	Dayah Baro	Meuraxsa	Banda Aceh
235	Khatijah	F	Dayah Baro	Meuraxsa	Banda Aceh
236	Atikah	F	Dayah Baro	Meuraxsa	Banda Aceh
237	Yuslindawati	F	Dayah Baro	Meuraxsa	Banda Aceh
238	Cut Aini	F	Dayah Baro	Meuraxsa	Banda Aceh
239	Abdul Manaf Ag	M	Dayah Baro	Meuraxsa	Banda Aceh
240	Suhaimin	M	Dayah Baro	Meuraxsa	Banda Aceh
241	Iskandar Amin	M	Dayah Baro	Meuraxsa	Banda Aceh
242	Bahagia	M	Dayah Baro	Meuraxsa	Banda Aceh
243	Fachruddin	M	Dayah Baro	Meuraxsa	Banda Aceh
244	Hasnidar	F	Gajah Aye	Batee	Pidie
245	Soraya	F	Gajah Aye	Batee	Pidie
246	Amna	F	Gajah Aye	Batee	Pidie
247	Nursiah Ibrahim	F	Gajah Aye	Batee	Pidie
248	Kamisah	F	Gajah Aye	Batee	Pidie
249	Zuliati	F	Gajah Aye	Batee	Pidie
250	Yusliati	F	Gajah Aye	Batee	Pidie
251	Jumiati	F	Gajah Aye	Batee	Pidie
252	Dara	F	Gajah Aye	Batee	Pidie
253	Badriah	F	Gajah Aye	Batee	Pidie
254	Nurmalawaty	F	Gajah Aye	Batee	Pidie
255	Sakdiyah	F	Gajah Aye	Batee	Pidie
256	Fatma	F	Gajah Aye	Batee	Pidie
257	Atika Ismail	F	Gajah Aye	Batee	Pidie
258	Nanda	F	Gajah Aye	Batee	Pidie
259	Yuniar	F	Gajah Aye	Batee	Pidie
260	Salamah	F	Gajah Aye	Batee	Pidie
261	Kurnia Putri	F	Gajah Aye	Batee	Pidie
262	Maimunah	F	Gajah Aye	Batee	Pidie
263	Yulinda	F	Gajah Aye	Batee	Pidie

(continued)

APPENDIX 8. Names of FGD Participants (*continued*)

No	Name	M/F	Village (Desa)	Sub District (Kecamatan)	District (Kabupaten)
264	Karyanti	F	Gajah Aye	Batee	Pidie
265	Zuraida Ar	F	Gajah Aye	Batee	Pidie
266	Kamisah	F	Gajah Aye	Batee	Pidie
267	Fatimah Zuhra	F	Gajah Aye	Batee	Pidie
268	Asnitawati	F	Gajah Aye	Batee	Pidie
269	Nuryati	F	Pasie Lhok	Kembang Tanjong	Pidie
270	Keumala	F	Pasie Lhok	Kembang Tanjong	Pidie
271	Mawarni	F	Pasie Lhok	Kembang Tanjong	Pidie
272	Hafizah Aiyub	F	Pasie Lhok	Kembang Tanjong	Pidie
273	Nurul Fajar	F	Pasie Lhok	Kembang Tanjong	Pidie
274	Maryamah	F	Pasie Lhok	Kembang Tanjong	Pidie
275	Maryatun	F	Pasie Lhok	Kembang Tanjong	Pidie
276	Hafsah	F	Pasie Lhok	Kembang Tanjong	Pidie
277	Suryati	F	Pasie Lhok	Kembang Tanjong	Pidie
278	Yusmariani	F	Pasie Lhok	Kembang Tanjong	Pidie
279	Irma Mawarni	F	Pasie Lhok	Kembang Tanjong	Pidie
280	Nur Sabariah	F	Pasie Lhok	Kembang Tanjong	Pidie
281	Ruhdiana	F	Pasie Lhok	Kembang Tanjong	Pidie
282	Hayatun	F	Pasie Lhok	Kembang Tanjong	Pidie
283	Nur Basyariah	F	Pasie Lhok	Kembang Tanjong	Pidie
284	Faridah Hasyim	F	Pasie Lhok	Kembang Tanjong	Pidie
285	Rosma	F	Pasie Lhok	Kembang Tanjong	Pidie
286	Hayati	F	Pasie Lhok	Kembang Tanjong	Pidie