Solid as a rock, or a handful of dust?
The security of land tenure in
Indonesian cities from 1930-1960

Land tenure systems are culturally specific or social conventions (Deiniger 2003:xxii). In precolonial societies land tenure was usually embedded in a network of social relationships. A transfer of rights, if possible at all, was determined by rights and obligations towards kin, fellow villagers, and rulers. Land had both a practical and a symbolic value. The symbolic value of land could be expressed in different ways, for example, in myths regarding the origin of its occupants and reinforcement of such myths by the presence of ancestral burial places. Territorial conflicts thus enhanced the symbolic value of the land. As Michael Saltman (2002:3) rightly argues, ‘identity achieves its strongest expression within the political context of conflicting rights over land and territory’.

Both colonization and decolonization had a profound impact on land tenure systems. When Europe colonized other parts of the world, Western companies and settlers needed land and pushed indigenous residents to marginal areas. Land became a key commodity in the colonial economy of these hitherto noncapitalist societies and thereby acquired an exchange value. This new system of land control thus had a great impact on precolonial society and often met with stiff opposition (Bernstein 2000:263; Berry 2003:641; Deiniger 2003:xviii). Because of the interests involved, rules pertaining to land are by nature always political; they promote the interests of either those who have some form of control over land, or those who do not. A regime change is usually followed by a change of state regulations pertaining to landownership. This new set of regulations tends to favour the new power holders or a group they are trying to protect.

If we look at the Philippines, we see an example of the kind of impact that changes to the landownership system can have. Washington established the

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Philippines Commonwealth in 1935 as a first step towards full independence within twelve years. The most important Philippine politicians were part of the landed elite and were of a Catholic, Spanish-Creole background. These politicians defined the emerging Philippine nation along ethnic lines. Non-Christian, indigenous people living in the uplands were excluded from the Philippine nationalist project. The maximum landholdings of indigenous non-Christians and the Muslim Moros (who were considered a separate category) were legally reduced from 25 to 10 acres, while Christians were allowed holdings of no more than 40 acres. Land grants issued by sultans or chiefs without consent from the former Spanish and American colonial governments were declared void. The landed elite profited from the political changes by introducing new legislation that allowed them to reinforce their hold over land. Private titles were granted to capitalists who bought large tracts of land from which indigenous people were then barred. This long process, culminating in Commonwealth Act 141 of 1936, created rampant landlordism in the Philippines (Church 2003:132-3; Molenkamp 2003:33-9).

Another example of how land changed hands after a political sea change is the apartheid regime of South Africa (1948-1991). The Groups Area Act (issued in 1950) prescribed that each racial category (Black, Coloured, White, Asian) be restricted to its own residential and commercial districts. This was to be achieved through controls on the purchase of land and buildings. District 6 was one of the most vibrant, ethnically-mixed areas of Cape Town until it was declared a Whites-only area in 1966. About 60,000 people were forcibly moved out of District 6 under the Groups Area Act; their houses were bulldozed. Simon’s Town is another notorious case of forced resettlement in Cape Town. In 1994, Restitution of Land Rights Act 22 gave people who had been dispossessed of their land under racial legislation the right to claim restitution. The Land Claims Court mediated in the restoration of land to the original owner or lawful descendants, or, when this was impossible, awarded compensation in money or an alternative plot of land. The first cases of thousands of claims were handled by the Land Claims Court in May 1998.\(^2\)

The South African example supports the hypothesis that a supplanting of political regimes is often followed by a change in land tenure rules. These are particularly clear illustrations of the ethnic (racial) undertones of discriminatory legislation and of how quickly a political change can be followed by new rules.

\(^2\) Royston 2002; Land Claims Court of South Africa (www.server.law.wits.ac.za/lcc/), District Six Beneficiary & Redevelopment Trust (www.d6bentrust.org.za), District Six Museum (www. districtsix.co.za) and Sunday Times of 17-5-1998 (www.suntimes.co.za/05/017/) (accessed on 4-12-2003). Even at the height of apartheid, though, control of the very strict separation of Black and non-Black land ownership broke down in the face of unplanned urbanization (Coquèry-Vidrovitch this volume; Royston 2002:166).