

博士論文

**Autonomy Anonymous and the Code of Kampung Settlement:  
The Case of Cikini, Jakarta**

(暗黙の自治とカンポン集住地のコード：ジャカルタのチキニを事例に)

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## **ACKNOWLEDGMENT**

First, I would like to express my devout gratitude to my God, the Almighty Allah, for His everlasting blessed fortune and guidance to give me the strength, courage and ability to endure and accomplish this research.

My highest gratitude is sent to Professor Akiko Okabe, for not only guiding the research with warm-hearted enduring patience and critical viewpoints but also edifying me the truest meaning of commitment through her admirable work ethic.

My sincere acknowledgment goes to all the professors in Graduate Studies of Frontier Science, Socio-Cultural and Environmental Studies University of Tokyo, especially Dr. Norihisa Shima and Professor Mayumi Fukunaga, for valuable comments and suggestions in enriching the research.

I would also like to thank the administration staff of Graduate Studies of Frontier Science, especially Mr. Oshima Kohei for relentless assistance in providing information and access to the facilities during my work in the Kashiwanoha Campus, The University of Tokyo.

My highest appreciation is designated to JSPS Ronpaku for the financial support that has made the process of this research possible.

I would like to thank my colleagues in Department of Architecture, Faculty of Engineering, Universitas Indonesia for their support during the research, especially Dr. Evawani Ellisa for her various kinds of support. Also to the friends for sharing their time and energy during data collection process, especially Achmad Hery Fuad, Fazrin Rahman, Libratono, Farridin Attar, Sutanrai Abdillah, Maharhanie Septi, Yuki Yoshikata, Kazuki Ueda and Genta Sawai. Special appreciation goes to Mrs. Katie Skillington for her kind assistance to proofread this dissertation. My respectful gratitude is shared to the Kampung Cikini residents for their enthusiastic assistance and participation during data collection and discussions.

My gratitude goes to my fellow Indonesian friends, especially Husnul Kausarian, Meidesta Pitria, Helbert, Ronald Muhammad and Richard Limesa for their sincere assistance and support during my life in Tokyo.

I would like to send my gratitude to my parents, my parents-in-law, brothers and sisters for their unwavering support, belief and prayers in my years of struggle.

Finally, my deepest gratitude to the love of my life, Dewi Delvya Rismayani and Zia Joviani Adianto, for sharing the moments of joy and tears through the years of togetherness with the sincerest unconditional love.

## **SUMMARY**

This research highlights the issues of kampung settlement in Jakarta, the capital city of Indonesia. Globalization has resulted big cities being caught in the wave of modern development, including Jakarta. The attempt to eradicate slum or kampung settlements in Jakarta has become one of the city's development priorities, which suits the spirit of modern progress. Kampung settlement, where the poor lives in unplanned settlements amongst degraded physical conditions - is considered the scapegoat of various environmental hazards. Furthermore, it stains the beautification image of Jakarta, the capital city of Indonesia.

Slum or kampung settlements have been understood as a transitory condition which will fade away with economic development. However, economic development leads to uncontrollable urbanization and has created enormous economic disparities. This condition provides housing deficits, infrastructure deficiencies, and rapid growth of kampung settlements. In the case of Jakarta (Indonesia), staggering economic development cannot automatically eradicate the slum or kampung settlements.

There have been many eviction programs since independence to diminish kampung settlements in Jakarta, yet they still remain. Evidence has shown that 13.52% (88.80 km<sup>2</sup>) of the total size of Jakarta is still identified as kampung settlements. An incapacitated government that is unable to provide affordable housing for kampung residents and flooding migrants have been attributed as the sources of this failure. Although the government has enacted the concept of Greater Jakarta Metropolitan Area to distribute the flow of migrants and develop housing in surrounding Jakarta, the kampung settlements still persist and remain in the city. As an alternative, various improvement programs have been also delivered to increase the living quality of kampung settlements such as the Kampung Improvement Program in the 1970s-1980s, also Thematic and Row Houses Program in 2010s. However, such programs still cannot eradicate the kampung settlement from Jakarta. Experiences from these programs demonstrate that the kampung settlements will continue to co-exist in the city despite persistent economic development. Additionally, the limited outcomes of various kampung improvement programs indicates the necessity to understand kampung settlements beyond their physical features.

It is understandable that the focus of various kampung improvements has been on the physical features, as kampung has been considered synonymous with slum. The definition of slum emphasizes the lack of legal status and poor physical features. Whereas the term 'kampung' the well-known synonym for slum in Indonesia, is solidly cemented in its spatial and social

characteristics, rather than the physical and legal condition. Kampung might appear chaotic and unorganized from a modern planning point of view, but living in a kampung has to be seen as an organic process in which planning is done bottom-up within the neighborhood. Therefore, the physical intervention approach of kampung improvement programs cannot be delivered successfully without a comprehensive understanding of the social characteristic of kampung residents. These characteristics have enabled the residents to produce their own code for land tenure security, the function of the house as production (economy) and reproduction (domestic) space, and building regulations, which is different from the modern approach.

This research aims to understand the housing code of kampung settlement, which covers the land tenure security, the mixed-function of houses, and building regulations. The questions addressed are why the housing code is produced, and what kinds of the housing code are evident in the kampung settlement of Jakarta. The result will contribute to finding a suitable approach for house improvement in kampung settlements in the future.

In order to achieve the aims, a case study research method has been selected. Selecting a single case study provides the opportunity to attain a comprehensive understanding of the spatial and social characteristics of a specific kampung settlement. Although Jakarta, especially Central Jakarta, experiences modern development, some kampung settlements still remain. Pegangsaan is the one of the high-density sub-districts (27,335 persons /km<sup>2</sup>) in Central Jakarta. Kampung Cikini is identified as a high-density kampung settlement, where 942 households ( $\pm$  3,800 persons) live in 4.01 hectares ( $\pm$  95,000 persons/ km<sup>2</sup>).

This research covers 4 (four) different topics in the single case of kampung settlement in Jakarta. These topics are: 1) the history of kampung settlement in Jakarta and Cikini, as the research location; 2) the code of land tenure security; 3) the code of the function of the house; and 4) the code of building regulation. Overall, the research is reported in 6 (six) chapters.

Chapter I illustrates the false conception of kampung as a transitory settlement that diminishes with economic development. Through descriptive statistical investigation, this research demonstrates that economic development has failed to eradicate kampung settlement from Jakarta. Various improvement programs also failed to attain a complete eradication of kampung settlement. This chapter also introduces the research aims, questions and methodology.

Chapter II consists of the historical investigation of kampung in Jakarta and Cikini. The investigation used an archival research method and semi-structured interviews with the local administrative leaders and senior citizens. From the archival investigation, it emerged that kampung grew as segregated autonomous settlements and benefits the planned settlements for



providing cheap labors. The autonomy was granted by Dutch Colonials, allowing residents to manage their own issues and arrange the settlements. This autonomy was sustained in the Independence Era during the Old Order Regime (1945-1965), New Order Regime (1966-1998), and until the present Reform Era. Several policies were enacted, solidifying the resident's autonomy in managing their own issues and settlements arrangement. This was done through self-help land management that was in keeping with the spirit of mutual assistance, a value of the nation. Furthermore, the acknowledgment of their identities, which enables them to exercise political rights, utilize city infrastructure and facilities, and obtain intervention programs, was legalized in several policies. The establishment of the sub-district board by city government has reinforced this acknowledgment, as the kampung residents have representation to voice their aspirations and advocate for their role in policy decision making. It also provides access and power for kampung residents to obtain job opportunities, donations, and facilities to improve their settlement, in exchange for security and administrative assistance. As the result, Kampung Cikini has been developed from a segregated to an institutionalized autonomous settlement.

However, several policies were developed and enacted to challenge the granted autonomy. The development of housing, spatial order and building laws have resulted in a city spatial plan that changes Kampung Cikini to a high-density commercial area and social facilities with a green open space along the edge of Ciliwung River. Consequently, Kampung Cikini has been experiencing eviction threats, challenging their autonomy. Despite these tenacious challenges, the kampung residents still produce and practice their own codes, which encompass land tenure security, the function of the house and building regulation.

Chapter III explains what kinds of the code exist for land tenure security in Kampung Cikini. This study was conducted with group and individual interviews with 79 of 942 households in Kampung Cikini. There are two types of tenure security: objective and subjective. The first refers to the acknowledgment of land ownership by the government. The second corresponds to the acknowledgment of land ownership by oral community recognition. The first relies on government regulation, while the second relies on the customary and religious law or consensual agreement among residents.

In the Dutch Colonial Era, objective tenure security was obtained with the Right to Build and *Girik* Letter. In the Independence Era, the previous landowners maintained the objective tenure security with the existing document, while the migrants relied on the oral community recognition as the evidence of land ownership status. In 1960, the Government of Indonesia

enacted Basic Agrarian Law (BAL) to arrange the land ownership formally. It orders all landowners to register their lands with the National Land Agency (NLA) for receiving Objective Tenure Security, such as right of ownership. BAL provides the procedure of land registration, which is obligatory.

The findings show that only a small number of respondents registered their lands under Basic Agrarian Law to receive Right of Ownership, thus holding Objective Tenure Security. While most of respondents hold Subjective Tenure Security. They claimed their land tenure security by possessing various documents, which are not acknowledged by government.

There are several obstacles to comply with BAL: 1) inadequate knowledge about land registration because it is very complicated and confuses the residents; 2) financial unaffordability, because the cost of land registration is very expensive, especially due to the location being in the center of the capital; and 3) fragmented policy, as the land registration must conform with the recent city plan.

Furthermore, according to the respondents their Subjective Tenure Security is strengthened by the following additional factors: 1) The strategic location propels the land price which requires the government to provide a huge amount of compensation for eviction; 2) Various interventions to improve kampung are regarded as recognition of their existence; and 3) Political parties and the other organizations/groups support, which enable them to survive from fear of eviction over the years.

These findings highlight that subjective tenure security emerges due to the incompatibility of the government regulated system with the condition of kampung residents to obtain objective tenure security. The type of subjective tenure security also expands from oral community recognition to the making of land ownership documents and other external factors.

Chapter IV highlights the function of the house for kampung residents and its implication for self-help house improvement. The house for kampung residents has dual function: reproduction (domestic) and production (economy) activity. It is essential to combine production and reproduction activities in the house to ensure the household's livelihood is sustainable, and thus empower residents in performing self-help house improvement, regardless of the land tenure security status. This phenomenon is well-known as Home-Based Enterprises (HBE).

From 942 households, around 30% (approximately 300 households) perform HBE. However, according to interviews and observations, only 133 households have established permanent HBE, while others are temporary. From 133 households, 54 respondents volunteered to share information by interview and observation.

The findings demonstrate that most HBE owners tend to mobilize their own resources as financial capital, in order to preserve harmony among residents and to avoid the possibility of generating conflict regarding production activities. The accumulated financial capital and existing house size are the primary resources to start HBE. These two factors also help determine the types of commodity. However, the surrounding neighbors and existing HBE owners also play a pivotal role in determining the type of commodity. This relates to a desire to maintain a competitive market and social agreement among residents.

The Head of Community and Neighborhood Association are the authority to issue permission when the type of commodity generates a large numbers of consumers, which may compromise the security of the neighborhood. It becomes the recognized code of the HBE in Kampung Cikini. Therefore, HBE cannot be considered only as an individual production activity but also one with community involvement, as the surrounding neighbors, existing HBE owners and Head of NA all have a decisive role in determining commodity types and permit issuance for HBE operation.

The assumption that HBE will generate self-help house improvement, was built on the increasing income of the owners. It is proven that just under half of the respondents manage to improve their houses, and do so to increase the sales, preserve privacy and/or elevate their social status. However, most of respondents are reluctant to improve their houses because the HBE owner's lack of priority, knowledge and space.

The first impediment corresponds to how households prioritize their finances, and it is evident that self-help house improvement is not a priority. The second relates to the inability to deliver self-help house improvement within the available, limited budget. The third highlights that self-help house improvement will compromise their well-established production activity. While the last is specific to renters, as the lack of ownership impedes their ability to improve their rental dwellings.

Although the HBE does not depend on the land ownership, self-help house improvement does correlate to land ownership. Therefore, HBE does not automatically ignite self-help house improvement, because it also depends on the land ownership.

Furthermore, the preservation of a well-developed production activity indicates that self-help house improvement is the least priority, because of the economic opportunity in the city center. It illustrates that the production activity is indispensable from the house in kampung settlement. The mixture of individual production and reproduction activity with community involvement is the code of house in kampung settlement.

Chapter V focuses on the code of building regulation in Kampung Cikini, as the government regulation is unsuitable due to its high production and maintenance costs. The kampung residents produces the Unwritten Building Shared Rules (UBSR), which are affordable guidelines for building and improving houses in order to prevent hazards and maintain the social harmony.

This study was located in Neighborhood Association 7, the only area in Kampung Cikini that still practices UBSR. There are 50 from a possible 96 household heads participated as respondents. The main objectives are hazard prevention and the preservation of social harmony.

According to the 50 respondents, there are 3 (three) ways to encourage the awareness of UBSR, which are: internship, community meetings and neighbors discussion. The internship is affirmed by most respondents as the most efficient way. The engagement of community members in housing improvement and community facility provision, enables the local leaders and builders to transfer technical knowledge and UBSR to the rest of community.

Although aware of UBSR, most of the respondents attempt to negotiate UBSR by achieving its main objective via other feasible methods that are appropriate to their financial capacity and spatial needs. The negotiation and collaboration with neighbors has become a popular method to negotiate UBSR. It illustrated that the UBSR is not a fixed and rigid building activities regulation, but rather an open-ended mechanism that has evolved with the built form of the kampung settlement.

The chaotic appearance is not the result of the absence of UBSR but the evolution of the multi-level mechanism of the UBSR. It also illustrates that the codes of building regulation are hazard prevention and maintenance of social harmony, which adapt with the financial capacity and spatial needs of the residents.

Chapter VI concludes with the existence and practice of the code in Kampung Cikini. First, the code of Land Tenure Security emerges as the kampung residents cannot meet the State's land registration but need to provide their own tenure security for living in the settlement. The code has expanded from oral community recognition to provision of written evidence, and strengthening external factors, ranging from benefit of increasing land price, various intervention programs from multi-parties and support from political parties.

Second, the code for the function of the house in Kampung Cikini relates to the mixed-functions of production and reproduction activities. It is essential to provide additional income to survive in the city center. This code is different to the program of mono-functional houses,

which are prescribed by modern planning and regulated by the government. However, the predicted self-help housing improvement cannot be delivered automatically, as the land ownership becomes a pivotal factor, along with other factors such as: lack of priority, knowledge and space. The last three factors indicate that sustaining production activity is considered higher priority than self-help house improvement, which also strengthens the importance of this activity in the house for kampung residents. However, the mixture of activity must be coordinated with the surrounding neighbors to ensure the preservation of social harmony.

The third topic relates to building regulation, as kampung residents cannot comply with the building regulation by government. However, they must meet their spatial needs and hazard prevention requirements within the constraints of their financial capacity, preserve social order. UBSR is the embodiment of housing code in kampung settlement that is created by the residents, and aims to build and improve houses and facilities. It was consensually enacted, but gradually allows modification to meet the needs of space and financial capacity of the residents. Modification is accepted as long as the result still respects hazard prevention objectives and aims to preserve social harmony by gaining approval from the surrounding neighbors.

These three topics emphasize that the emergence of the housing code results from government regulations, relating to land tenure security, house function and building regulation, which are fragmented and not compatible for kampung residents to meet their spatial needs and financial capacity.

The housing code has its roots in the Dutch colonial era, as kampung settlements were excluded from city development and they were endowed with autonomy. Their autonomy remains unacknowledged by the government as their existence in kampung settlements is continually challenged with continuous eviction threats. It is anonymous, as the existence of kampung settlements remain unacknowledged by the government, despite residents having obtained legitimate identity cards to allow access to city infrastructure, receive intervention programs and exercise their political rights.

However, the fragmented policies allow the kampung residents to exist in the city center, as they are needed by the modern development. In order to preserve their existence in the city center, it is essential to acknowledge the autonomy and respect to the existing housing codes in kampung settlement, to help find a suitable approach for house improvement in kampung settlement in the future.

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## CHAPTER I

### INTRODUCTION

#### I.1 SLUM SETTLEMENT AS THE INSEPARABLE URBAN ENTITY

##### I.1.1 Challenging the Slum Settlement as the Transitional Phenomenon

According to the Global Report on Human Settlements (UN-Habitat, 2011), only 8.2% of the world's urban population lived in megacities larger than 10 million people in 2000. This number will continue to grow to 10.4% by 2020. In 2000, the average size of the world's largest cities was around 6.3 million inhabitants; an increase from 2.1 million in 1950 and 5.1 million in 1990 (Wisner et al., 2004; Satterthwaite, 2005).

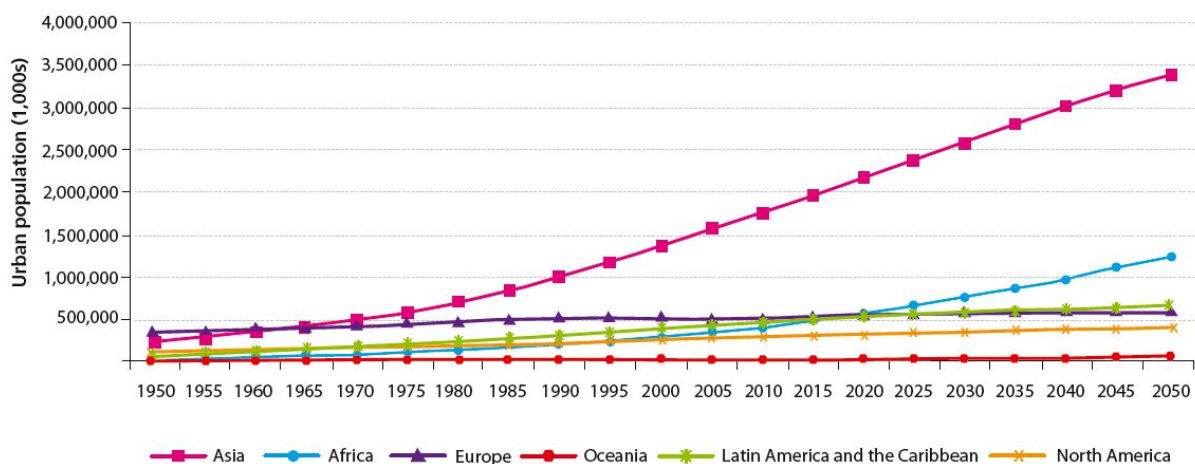


Figure I-1: Growth of urban population in 1950-2010, and projections for 2010-2050.  
Source: UN-Habitat (2011)

According to the Figure I-1 and Evers & Korff (2003), the fastest rate of urbanization in the world occurs on the Asian continent, with urban populations projected to reach 3.4 billion in 2050, with increasing housing demand amounting to approximately 20,000 housing units/ day (UN-Habitat, 2011) in cities such as Bangkok, Manila and Jakarta (UN-Habitat, 2008).

Economic growth due to globalization and industrialization has triggered the migration of villagers to the city. This shift has contributed to the expansion of urban areas and the creation of slum settlements. These slum settlements are the sole option for the influx of migrants, and have become one of the notorious urban challenges for developing countries. Slum settlements started to emerge as shelter for urban inhabitants, as most of them are excluded from formal housing sectors.

Urbanization is believed to be a trigger of economic development, but unfortunately its benefits have never been equally distributed to all urban inhabitants. Drakakis-Smith (1996) asserted

that massive urbanization has led cities to enormous housing and infrastructure deficits. In many cities, personal annual income cannot cope with the increasing living costs and consequently, the number of urban poor increases and their ability to obtain decent housing in the formal market is limited. Therefore, it is not the urbanization that causes slum settlement, but economic disparity. This condition, according to UNCHS (1999), occurs because of the insufficient capacity of the government.

Most governments in developing countries regarded the proliferation of slum settlements as a transitional phenomenon that would gradually fade away with economic development (Hardoy & Satterthwaite, 1989; Takahashi, 2009). In his perspective, Todaro (1969) perceived that migrants move to the city due to the rural-urban income differential. Slum settlements develop because migrants initially gain a foothold in the 'urban traditional sector' before they are able to move on to the 'modern sector'. In this view, slums might only be considered a temporary phenomenon, since the urban traditional sector is preparing the urban poor for the advancement into the modern sector. The argument of Todaro became a prominent modern development theory in the 1960s.

According to this argument, the slum settlement will slowly diminish as the urban population gains the modern employment with the growth of GRDP and income/capita. The following sub-chapter will explain the Indonesian experience relating to this argument.

## **I.2 DEFINITIONS OF SLUM AND KAMPUNG**

### **I.2.1 Definition of Slum**

According to Benevelo (1980), the word slum was first coined in 1812 and was derived from *slumber*, which refers to a sleepy unknown black alley. However, d' Cruz and Satterthwaite (2005) identified the word slum which was originated from an old English or German word meaning "a poorly drained place, was originally applied to describe the cheap rental housing of the working class". Later, the term was used in one of Engels' writings in 1835, *Socialism: Utopian and Scientific*, to describe the housing condition of the exploited and oppressed working class in industrial-era Europe. Since the 19<sup>th</sup> century, the word 'slum' relates to "low quality in sporadic parts of town" (UN-Habitat, 2003).

The term slum generally refers to two aspects. On the one hand, it is linked to a settlement pattern characterized by sub-standard housing and a lack of infrastructure. On the other hand, the slum settlement is commonly perceived as the living place of people engaged in alternative economic activities. Stokes (1962) argued that the function of the slum settlement at any stage

of city development is to house those classes which do not participate directly in the economic and social life of the city.

Since then it has been associated with disparate meanings. Gilbert (2007) noted the concept of slum is underpinned by a correlation between health issues and the built settlement. This note explains why many definitions of slum relate to health criteria. Cities Alliance (1999) and UN-Habitat (2002) characterized slums as a group of individuals living under the same roof in an urban area with at least one of four key deprivations: 1) lack of access to improved water supply; 2) lack of access to improved sanitation; 3) overcrowding (more than three persons per room); and 4) dwellings made of non-durable materials. UNSECO (in Bala & Kumar, 2013) has defined slum as a building, a group of buildings or an area characterized by overcrowding, deterioration, unsanitary conditions, or absence of facilities or amenities. While UNCHS (2002) defined a slum as a low-income settlement and/or poor human living conditions.

Bose (1995) defines a slum as a deprived and vulnerable human settlement because of extreme overcrowding, poverty, and the lack of access to basic services. Most definitions refer to an area with inadequate housing, deficient amenities, facilities, overcrowding and congestion (Clinard, 1970 in Bala & Kumar, 2013). In the UNFPA document (2007) and UN-Habitat (2003), slum is frequently termed as ghetto<sup>1</sup>, informal<sup>2</sup> or shantytown<sup>3</sup> settlement that is occupied by squatters<sup>4</sup>.

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<sup>1</sup> The Oxford English Dictionary (1989) stated the word 'ghetto' derives from the the German *gitter* or the Talmudic Hebrew *get*, Italian *getto*, meaning foundry, based on the original Jewish quarter in Venice. While according to Wirth (1928), the word 'ghetto' relates to the Jewish quarter of a city. In medieval Europe, Jews were commonly allotted quarters wherein they resided, administered their own affairs, and followed their customs (Sennett, 1994). Social life in the Jewish ghetto was turned inward and verged 'on over-organization' (Drake & Cayton, 1993; Gay, 1992; Wirth, 1928), so that it reinforced both integration within and isolation from without. It refers to urban enclaves that were composed primarily of one racial or ethnic group, which was enforced by restricted zoning and covenants (Massey & Denton, 1993; DeVos & Wagatsuma, 1966; Hane, 1982). However Forman (1971) identified difference between ghetto and slum, where ghetto is the result of racial or cultural characteristics, and slum is determined by economic factors. Wirth (1928) affirmed the ghetto as a natural result of human migration, which was challenged by Wacquant (2004) as the ghetto as spatial confinement was a product of political action of the dominate class. In medieval Europe, Jews were commonly allotted quarters wherein they resided, administered their own affairs, and followed their customs (Sennett, 1994). Social life in the Jewish ghetto was turned inward and verged 'on over-organization' (Wirth, 1928), so that it reinforced both integration within and isolation from without.

<sup>2</sup> According to Pieterse (2014 in Thieme & Kovacs, 2015), the term of informal settlement refers to their illegality or lack of compliance with planning and tenure regulations.

<sup>3</sup> Shanties implies the crudely built shacks' frequently made out of cardboard, 'hastily thrown up' on the 'outskirts' of towns, unable to withstand the elements. See Pieterse (2014 in Thieme & Kovacs, 2015).

<sup>4</sup> The term of 'squat' relates to illegal land occupation with temporary housing without legal title (UN-Habitat, 2003) to experience better condition than rural condition (UN-Habitat, 2011). In his book Planet of Slums, Davis (2006) introduced 'pirate urbanism' to describe this kind of land occupation, where the squatters make land ownership claim which does not belong to them legally according to the government. It shares similar interpretation with Singh (2003), who define 'squatting' as the appropriation of another person's land for



Bala and Kumar (2013) explained three scenarios of the growth of slums, such as: 1) squatting of poor migrants; 2) the deterioration of a group of buildings in the older part of the city; and 3) the imposition of urban land use on agricultural land, as a consequence of city expansion whereby the existing residential areas of peasant villages remain with insufficient infrastructure. As the rent and land-price are low due to the lack of infrastructure, it becomes a suitable place for the settlement of poor migrants (Rao & Rao, 1984). Based on the scenarios, slum is a consequence of poverty (Ali & Singh, 1998; Thakur & Dandave, 1987 in Bala & Kumar, 2013).

According to the aforementioned definitions, the term ‘slum’ relates to a settlement in poor condition as a result of poverty. Therefore, slum is not acknowledged by the government as an integral part of the city, but as a city problem which needs to be solved (Caldeira, 1996 quoted in UN-Habitat, 2003). This definition becomes the reference for government in developing countries to eradicate slum settlements with economic development and physical improvement approaches<sup>5</sup>.

### **I.2.2 Definition of Kampung**

The kampung has been known as a space for nomads. Kampung is a process of space occupation, a living organism in the form of a place, rather than merely a form of place. In the Malay region, etymologically ‘kampung’ refers directly to rural villages. This differs in Indonesia, where the concept relates to urban neighborhoods (Thompson, 2006). The Malay word ‘Kampung’ first entered the Portuguese and Dutch languages in the 1600s and experienced several variations in spelling such as Campon/ Campong and Campond/ Kampund. The word Campong officially stood for urban wards or neighborhoods in official town maps and plans drawn by European colonial authorities. The original form, “Kampung”, finally entered official English usage nearly 200 years later in 1836-1845. Englishmen later began to use the word to indicate the enclosed quarters in India and then afterward in Africa (Shiino in Funo et. al., 2002). It is usually understood as ‘village’, which obscures its other meanings.

In Cham and Ede, which are languages of Malayo-Polynesians in Central Vietnam, Kompong /Kpong means “settlement at a Boat Harbour”. It gives a clue to the initial arrival of Malayo-

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one’s own use without title or rights. This kind of claim is essential in order to survive due to the incompatibility with the government regulation (Benjamin, 2008).

<sup>5</sup> These approaches will be explained in Section I.3 according to the experience of Indonesia.

speakers through maritime trade up the mainland Southeast Asian coasts and rivers. In Malay, the verb “berkampung” (to form a kampung) means to gather, to come together. It also can be used to denote coming together for major festivities, and to form a settlement unit.

While in English, the term ‘Compound’ refers to the spatial entity applied to a two-storey house type, is derived from the Malay term ‘Kampung’. It originally indicated the quarter occupied by the same ethnic group in Batavia (now Jakarta) and Malacca. These are ethnic and occupational neighborhood units that helped to characterize pre-colonial cities in the islands of Southeast Asia. The same word exists in several native languages in Indonesia, such as Acehnese (gampong) with the same meaning. While in Javanese, it corresponds to urban entities, to parts of towns and cities. Reid (1979) argued, the word ‘kampung’ denotes ‘compound’, which is most typically the walled yards, gardens, and residences of well-to-do families.

Van Grunsven (1983) used the term ‘urban kampungs’ and defined them as ‘autonomous settlements’, as they were acknowledged by the landlords. The residents were paying rent for a piece of land and constructed houses with semi-permanent materials without planning approval. Furthermore, Lee (1996) believes kampung settlements are not always ‘sinks of degradation’, because quite a few accommodate middle-income Indonesians. Therefore, the comprehension of kampung must be solidly cemented in its spatial and social characteristics. Therefore, the working definition of kampung in this research is ‘urban neighborhood which is once based on demographic preferences, within the spirit of commonalities.

However, this image of the kampung is close to the several general aspects of the definition of ‘slum’, including: 1) lack of basic infrastructure; 2) substandard housing conditions; 3) high density of people and buildings; 4) situated in a hazardous location; and 5) insecure tenure and low-income inhabitants (UN-Habitat, 2003). As they were living without planning approval, kampung residents were associated with criminals. Nonetheless, the existing definitions of slum do not reflect the complexity in the specific local case (Korff, 1986).

### **1.2.3 ‘Kampung as Slum’: Stigmatization for Eviction**

Depaule (2006 in Valladares, 2009), Gilbert (2007) also Mukhija and Monkkonen (2007) have warned to use this word with caution because of its negative connotations and generalization<sup>6</sup>. They argued that the negative connotations have been stigmatizing the neighborhoods, thus

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<sup>6</sup> The term slum is frequently depicted images of disorder, crime, immorality (Davis, 2004, 2006) and a cancerous growth that must be cured (Stokes, 1962).

impeding innovative solutions to improve the living condition of the residents (UN Habitat, 2003, 2008). The negative connotations help to justify the structural violence towards the residents through massive dispossession<sup>7</sup> (Escobar, 2004; Springer, 2011). This concept underlines the dependency of accumulation of capital in the city on the social and economy disparities of the surrounding areas (Amin, 1976; Levien, 2013), in order to obtain cheap labor (Whitehead in Eckers, 2013) and commoditization of nature (Ayelazuno, 2011). Therefore, if the social and economy disparity becomes an indispensable source for accumulation of the capital in the city, the slum settlements are the inevitable consequence, as they hold pivotal role in the accumulation of a pool of affordable labor and resources. This condition should be comprehended as the reality of postcolonial cities, where informality and illegality become the inevitable characters (Comaroff & Comaroff, 2006) and somehow ‘institutionalized’ (Nordstrom, 2004). Schrader (2004) argues that a slum (in this case, ‘kampung as slum’) cannot only be seen as a large size of people is living in inappropriate conditions, but also a highly complex space with socioeconomic connections to formal and informal economies.

Therefore, according to Perlman (1976), the slum residents are not socially and culturally marginal, but unacknowledged by the government code because of this stigmatization. This stigmatization encourages prejudice towards them (Sennett, 1994) and makes them segregate spatially from the modernized part of the city (Caldeira, 2003; Massey & Denton, 1992). Appadurai (2000) concluded that the relationship of spatial segregation and economic integration is ironic, where high-income citizens need to be close to the stigmatized lower-income citizens.

Kampung can be regarded as ‘slums’ due to similarities in physical characteristics. However, the aforementioned arguments claimed the definition of ‘kampung’ is more than the apparent physical conditions, but lies also in the social cohesiveness. Based on similarities, city governments and planners regarded kampung as ‘slums’ and the nemesis of city development (Leaf, 1992; Jellinek, 1991). This limited comprehension of kampung has diminished the essence of kampung settlements and leads to inevitable failures in the improvement projects.

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<sup>7</sup> The origin concept of ‘dispossession’ was introduced by Marx (1976), which refers to the separation of the land with the peasant and transform them into industrial workers. This concept latter was developed by Harvey (2003, 2014) with the concept ‘Accumulation by Dispossession’ (ABD), which highlighted the accumulation of the capital by separating the land with the owners in order to increase the growth of industrialization. Many studies have underlined the abdicable result of uneven development in developing countries (Levien, 2013), such as slum proliferation (Ayelazuno, 2011; Bond, 2006; Chatterjee, 2008; Gillespie, 2013; Hall, 2012; Kozul-Wright & Rayment, 2007; Kuriakose, 2014; Smith, 1996; Tyner, 2013).

### I.3 ‘KAMPUNG AS SLUM’ AS INTEGRAL PART OF THE CITY

#### I.3.1 Perseverance ‘Kampung as Slum’ in Indonesia’s Economy Growth

Since the New Regime era (1966-1998) and continuing in the Reformation Era from 1998 onwards, economic development has been widespread in order to reduce poverty and the unemployment rate. Although the number of poor and unemployed persons in the nation kept growing from 1990-2000, the slum population has been successfully reduced with the public housing program provision. This best practice was implemented between 2000-2007, achieving a decline in the slum population and poor population, despite significant unemployment figures. However, the condition somewhat inverted in 2007-2014, as the slum population continued to grow despite a decline in populations of the poor and unemployed.

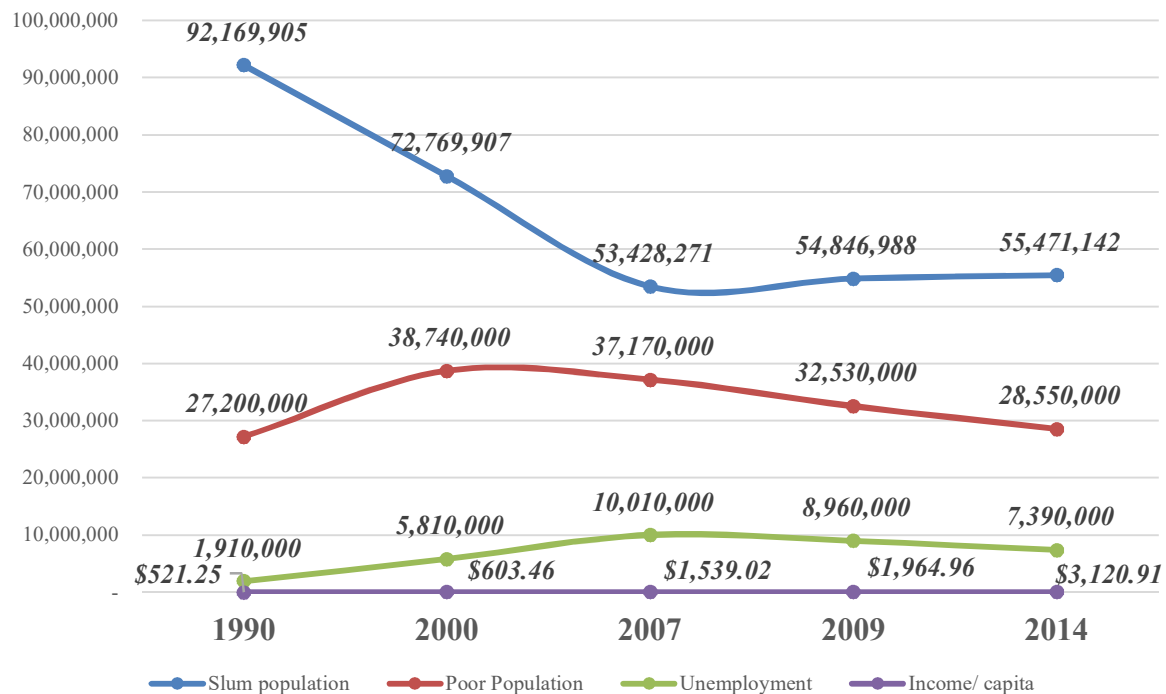


Figure I.2: Number of Slum, Poor and Unemployed Population since 1990-2014

Source: Central Statistic Bureau (2011-2014) and Graphic by Author

In 1990-2000, the slum settlement population decreased as the population of unemployed and poor grew despite the increase of monthly income/ capita. This condition depicts the non-correlation between the number of slum population with the poor population and unemployment. During the monetary crisis of 1997-1998, the number of poor population increased, although they did not live in slum settlement. At the same time and due to the same reasons, the number of unemployed increased.

Despite the monetary crises, the monthly income/ capita in the same period still managed to grow from US\$ 521 to US\$ 603.46. In this period of time, the increases of monthly

income/capita managed to reduce the slum population, but not the poor and unemployment population. Therefore, the growth of slum population did not necessarily correspond to the poor and unemployed population. In 2000-2007, the number of slum population continued to decrease along with the number of poor population. This was accompanied by an increase of income/capita. However, the number of unemployed kept rising, indicating that the increase of income/capita was supported by informal employment as the formal employment opportunities failed to absorb the total population of the workforce. Nonetheless, in this period of time the increase of monthly income/capita succeeded to reduce the number of slum population, which still did not necessarily correspond to the settlement of the poor and unemployed.

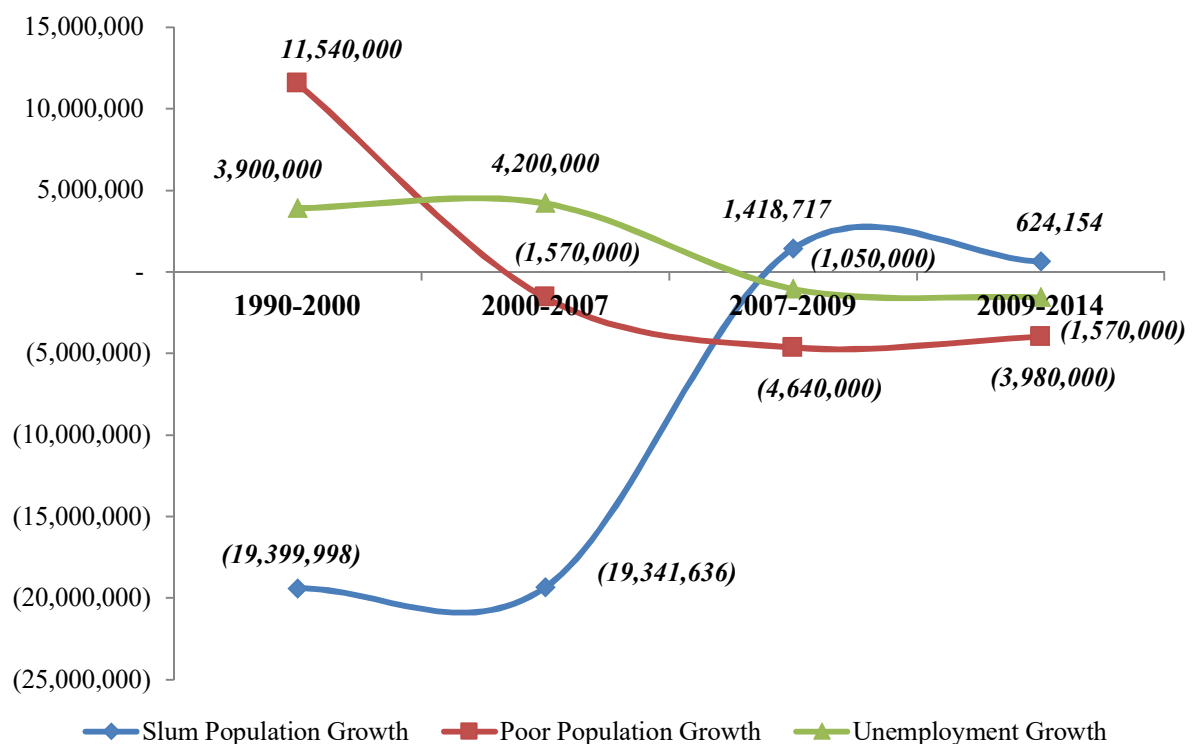


Figure I.3: Slum, Poor and Unemployment Population Growth since 1990-2014  
 Source: Central Statistic Bureau (2011-2014) and Graphic by Author

Although the income/capita persistently grew from 2007-2014, which enabled the State to reduce the number of poor and unemployed population, the slum population started to increase. This condition establishes the fact that the slum settlement still co-existed in the city, despite the decline of the poor and unemployed population and increasing income/capita.

Figure I.3 depicts that in 1990-2000, deceleration of the slum population occurred during a rapid decline in poor population growth. Yet, unemployment growth increased in the same period. While the growth of slum population accelerated in 2000-2009, a slow decline in the growth of poor and unemployed population occurred. The growth pace of the slum population

was slower in 2009-2014 as the growth of the poor and unemployed population started to rise. These dynamic interactions occurred in the midst of an increasing income/capita since 1990-2014. Therefore, the slum settlement will persistently co-exist in the city despite the tenacious economic development, and may not be solved *only* with the economic development approach. According to Indonesia's experience, economic growth does not automatically eradicate the slum settlement from the urban and rural landscape.

This experience is similar with the findings of a longitudinal study by Arimah (2010), who identified the prevalence of slums in a country was significantly correlated with a variety of aggregate economic indicators, including GDP per capita, the debt stock and debt service. It indicates urbanization and economy growth in developing countries are not significantly associated with welfare improvement (Marx, et al., 2013). Therefore, this experience demonstrated that slums do not illustrate a transitional phenomenon of migration to cities, as they remain and co-exist in the city, as stated by Armstrong and McGee (1985).

### **I.3.2 Perseverance 'Kampung as Slum' in Jakarta's Physical Improvement Programs**

Although the slum settlement cannot be considered as a temporary phenomenon and solved by modern employment provision, this paradigm has been haunting the city government's mindset. The city government of DKI Jakarta tends to reduce the rampant onset of urbanization since 1970s, in order to create better living conditions for the city.

Simultaneously, it demonstrates the willingness of the city government to improve the living quality of the DKI Jakarta province by reducing the density and numbers of migrants, which has been stigmatized as the scapegoat of slum proliferation in the capital. Within this logic, the growth of the poor significantly contributes to the growth of slum settlement proliferation, which must be eliminated in order to attain the development objectives of the capital city.

The pace of population growth in the DKI Jakarta Province has slowed since 2011-2014, as shown in Figure I.5, indicating a promising outcome of the dispersal strategy. The dispersal of the population also reduced the number of poor population in all municipalities. This condition allowed the city government to stimulate economic development, and the result is promising. The average of GRDP growth reached around 60.00% in 2011-2014 and Central Jakarta municipality was recording the highest rate (65.88%). Figure I.5 illustrates a massive development of the commercial area in Central Jakarta, as the highest GRDP growth was accompanied with the massive decline in population.

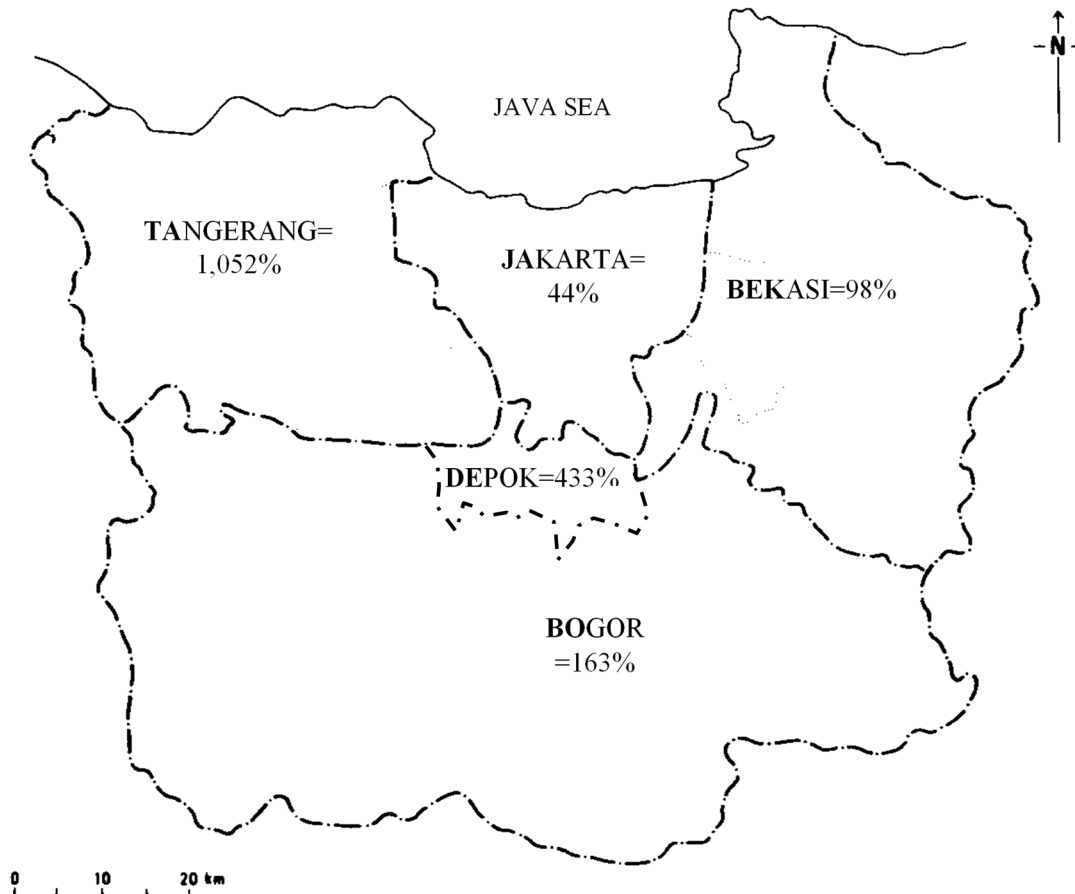


Figure I.4: Population Growth in Jakarta Metropolitan Area 2011-2014  
 Source: Central Statistic Bureau (2011-2014) and Graphic by Author

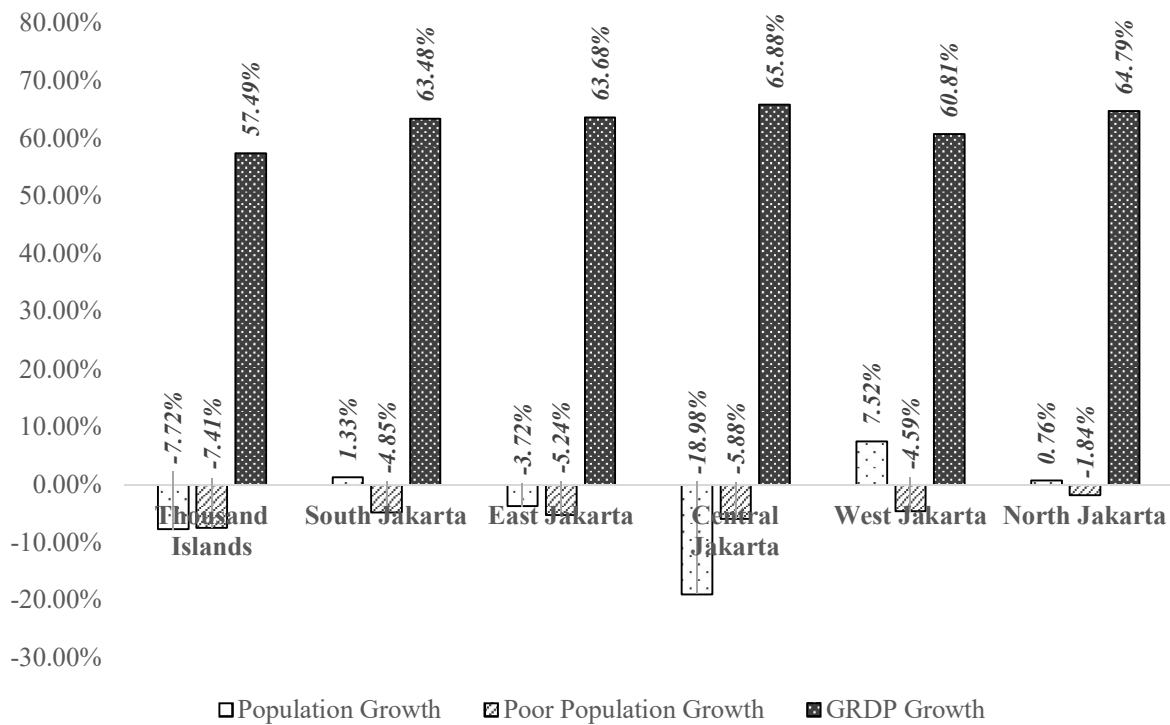


Figure I.5: Poor Population and GDRP Growth of DKI Jakarta Province in 2011-2014  
 Source: Central Statistic Bureau (2011, 2012, 2013, 2014)

This phenomenon also occurred in Thousand Island and East Jakarta, where the immense commercial areas flourished. However, a different phenomenon occurred in South, West and North Jakarta, where the rapid GRDP growth has impacted the poor population but not the overall population. It indicates the increasing number of non-poor population residing in these municipalities, along the massive housing developments by the private sector.

Table I.1: ‘Kampung as Slum’ Improvement Programs in Jakarta Province from 2011-2013  
Source: Central Statistic Bureau (2011, 2012, 2013)

Municipality	Number of Slums in 2011	The Improvement 2011-2012		Number of Slums in 2012	The Improvement 2012-2013		Number of Slums in 2013
		(n)	(%)		(n)	(%)	
Thousand Island	9	3	33.33%	6	-	0.00%	6
South Jakarta	80	20	25.00%	60	25	41.67%	35
East Jakarta	113	38	33.63%	75	31	41.33%	44
Central Jakarta	76	13	17.11%	63	17	26.98%	46
West Jakarta	143	51	35.66%	92	26	28.26%	66
North Jakarta	145	49	33.79%	96	29	30.21%	67
<b>DKI Jakarta</b>	<b>566</b>	<b>174</b>	<b>30.74%</b>	<b>392</b>	<b>128</b>	<b>32.65%</b>	<b>264</b>

In pursuing the dream of the modern city, the city government continues to improve the slum settlement, as forced evictions cannot be imposed due to human rights concerns and staggering land prices, which would significant impact the city budget due to required compensation to the victims (City Government of Jakarta Report, 2012). Gradually, since 2011-2013, the attempts demonstrated a promising result with the decline in the number of slum settlements. Nonetheless, the pace of slum improvement programs is still disappointing, especially in Central Jakarta and Thousand Island Municipality.

The statistical investigation indicates that economic development measures – such as increasing the monthly income/capita and formal job opportunities – cannot automatically eradicate the slum settlements from Jakarta.

In Central Jakarta, which is designated as the center of city development in pursuing the dream of a livable modern city, the staggering economic development cannot eradicate naturally the slum settlement significantly, which challenges the argument of modern urban development scholars. Therefore, the eradication of slum settlement cannot be comprehended *only* from the economic development perspective.



### **I.3.3 The Neglected Realities and Failure of Slum Alleviation Programs**

Hobson (1999) explained that new town planning, which emerged as a reaction to problems of the nineteenth-century industrial city, is the ultimate form of modernist planning. After the Second World War, it gained mass popularity. Modernist city planning was implemented as a solution to the previous failure of architecture and design to meet basic social needs (Greenhalgh, 1990). During the 1930s, 15% of the urban populations were living in poverty, and slum clearance was one of the many social problems of this decade. The desire to improve the quality of the physical environment of urban areas and accessibility within towns dominated physical planning practice of the 1950s and 1960s.

In dealing with the myriad problems of urban environments, city planners perceived the city as a machine. In this view, the city was considered as an industrial object by breaking it down into its essential functions such as: housing, work, recreation, and traffic; manufacturing, standardizing and reassembling in Master Plans (Sandercock, 1998). This view also argued that the urban crisis would be resolved in the improvement of “standard” numeric leads to identify factors external to the discipline. However, it brings the social breakdown in the city, as the determined the zoning function fails to equalize the social and economic development (Savarro, 2014).

The aims of modernism were arguably noble in pursuit of individual liberty and human welfare, which can be achieved with the linear progress, positivist approach, technocratic solutions, rational planning of social and geographic space (Irving, 1993). The standardized knowledge and production are implemented in the rational ordering of urban space to achieve individual liberty and human welfare.

These ideas, according to which planning’s central aim was the most technologically friendly and efficient urban form, came to dominate the profession of city planners and architects in building the efficient city in the post-World War years (Loukaitou-Sideris & Banerjee, 1998). The core of the idea is “good city planning is not primarily a matter of aesthetics, but of economics. Its basic principle is to increase the working efficiency of the city” (Ley in Agnew & Duncan, 1989).

Ebenezer Howard became the pioneer of this segregation of zones. In 1898, he advocated for a complete social and functional structure, with sufficient jobs to make it self-supporting. The proposal was spaciouly laid out to give light, air and gracious living, and surrounded by a green belt that would provide both farm produce for the population and opportunity for

recreation and relaxation. Although each function was divided by definite urban structure (Keeble, 1969), they are linked by a rapid transport system (Self, 1972).

Following a 1926 US Supreme Court decision to safeguard property values from noxious land uses and neighbors, zoning became accepted as the principal planning tool (Hall, 1988). The result was the strict separation of work, home, marketplace and social life (Ley in Agnew & Duncan, 1989). This move, to create areas dedicated to specific purposes and to remove uses that conflicted, produced single-use central business districts, uniform housing tracts, and dispersed shopping centers and recreational facilities (Moe & Wilkie, 1997).

The function based segregation led to the enactment of regulation for land tenure, mono-functional land use zoning and building regulations. The first refers to defining the land ownership, the second corresponds to the land usage, while the third relates to the conformity of the building form, construction materials, requirement for setbacks and other defined prerequisite measurements of a building.

This is the rationale for the evolution and/or enactment of various land use control laws and regulations designed to safeguard, conserve, disburse and regulate the use of land in the pursuit of respecting overall public interest (Agbola, 1997). These laws include zoning regulations, building by-laws, density controls, land acquisition laws, effluent discharge laws, etc. As a way of categorizing types of regional growth strategies, Nelson (2000) introduced a category of land use regulation, which he coined 'urban containment', to make development more compact and to preserve agriculturally and environmentally rich sources of open space beyond exurban areas.

Historically, urban containment was also intended to prevent inferior public health conditions from migrating toward the suburbs (Simmie, et.al., 1992). A healthy, conducive and satisfying environment may not evolve from human settlements unless there is adequate provision for the monitoring and control of housing units.

The World Health Organization (WHO) estimated that five million deaths and another two to three million cases of permanent disability could be prevented annually if housing conditions could meet a safe standard level. In most countries of the world, building regulations represent a collection of current and past wisdom on what constitutes a building that is both safe and will not impair the health of the occupants.

The early building codes that attempted to improve environmental conditions include those that prescribed access to sunlight and ventilation, the structural integrity of buildings, protection from diseases spread by insects and rodents, minimal level of sanitation, and reduced housing

densities. As new problems in the level of the habitability of homes arose, and as these problems impaired the satisfaction of occupants with their housing and their safety, new building regulations evolved (Murta & Williams, 1987).

As is to be expected, these standards vary from country to country and also over time within a given country according to the level of social, economic and cultural development of that nation. Since house building constitutes the most important land use element in most planning schemes, it is therefore mandatory that planning standards should be firmly entrenched in the building regulations of most countries.

Significantly, city planning practice has drastically shifted from a skill based on personal knowledge of rudimentary concepts about the city, into a sophisticated scientific activity in which vast amounts of precise information are garnered and processed (Hall, 1988). At the most basic level, city planning regulations became a science of codes<sup>8</sup>, plot ratios, setbacks, percentages of open space, standardized road patterns (Newman & Kenworthy, 1999).

As a code, city planning regulations have top-down and exclusive legal positivism characters, according to Durand and Vergne (2013). Because of these characters, city planning regulations must be complied by the whole population. However, these characters also exclude citizens, such as the kampung residents, who cannot afford to comply with the city regulations due to poverty. Durand and Vergne (2013) in their book, *Pirate Organization*, introduced the 'Pirate Code', which refers to the self-made regulations by the 'excluded citizens' in order to survive. The 'Pirate Code' has contradictory characteristics, which are bottom-up and inclusive legal positivism in order to adapt with their ever-changing socio-economic conditions.

The distinction between the code of government and 'the pirate' (in this case, kampung residents) relates to the dichotomy between the formal and informal concepts. According to Boecké (1943), the first refers to activities that comes under the jurisdiction of government's code, while the second to activities which occur outside the ambit of government codes. In terms of the physical conditions of settlements, Hernández and Kellet (2010) and Kamel (2014) defined that the term 'formal' represents the ordered city, while the term 'informal' connotes the disordered settlements.

This dichotomy does not occur and practice dependently, but has a causal relationship. Several scholars (Agamben, 2005; Altrock, 2012; Gaffikin & Perry, 2012; Roy, 2005) argued that the

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<sup>8</sup> The term code is derived from Latin word, *caudex*, which means 'book of law'. It evolved and adopted to English language which means 'the set of rules or principle'. In their book, *The Pirate Organization*, Durand and Vergne (2013) defined the term code as the normative apparatus to arrange the way of conduct.

informal ('pirate' code and activities) co-exists as it is produced by the formal (government code and activities). The government code excludes some of those, who cannot comply with the enacted code, which indicates the government code has become the source of the 'pirate' code itself.

However, the spatial segregation, since the colonial times, still allows a symbiotic economic relationship. According to his study in Mumbai (India), Falzon (2008) identified the upper-class citizens depend on the lower-class citizens for maintaining their lifestyle.

Although it is considered as disorder settlement, several studies (Brillembourg & Klumpner, 2010; Luiz Lara, 2010; Marx, et al., 2013; Milbert, 2006; Ostrom, 1990) established the fact the 'kampung as slum' settlement has crafted creative solutions with different rules and procedures compared to the regulated architecture in the enacted laws and norms. These solutions occur in everyday urban life through persistent incremental efforts and practices of self-government<sup>9</sup>, by referring to Lefebvre (1996).

In Kellett and Napier's (1995) study of Santa Marta (Colombia) and Santos (1977) study of Rio de Janeiro (Brazil), the regular grid plan of land subdivision by the residents was identified. 'Kampung as slum' settlement has distinctive 'codes' that operate based on self-governance and a strong sense of individual and collective practice in the community<sup>10</sup> (Beardsley, 2008; Gouverneur & Grauer, 2008; Schröder & Waibel, 2012).

Schrader (2004), Magnusson (2011) and UN-Habitat (2014) added that the practice of self-government of slum residents enables them to provide their own houses and infrastructure in

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<sup>9</sup> Ismael (2010) in his article, *Self-Organization and Self-Governance*, has demonstrated the difference between self-organization and self-governance. The main difference indicated was in the regularity and predictability, which belongs to the former, as it depends on the occurrence of stimulus. While the latter, self-governance was defined as the complex and open systems that are able to formulate goals, regulate the responses, decide the dynamic changes and immediate adaptations, which do not own by the self-organization. He emphasized once self-governing systems have appeared in the natural landscape, they can band together into self-governing units regulated by rules of their own design. Concepts such as civil society, modernization, and human rights are discontinuous with the everyday reality of popular politics in post-colonial societies. In other words, there is a constitutive disjuncture between the intentions of enlightened elites to create rights-bearing citizens and the political realities of the post-colony. The point to be stressed, however, is that popular politics, being contemporaneous with governmental politics, is not less modern than citizenship politics. It differs only in being a politics of the poor (Koster & de Vries, 2012).

<sup>10</sup> The term community, which has been in the English language since the 14<sup>th</sup> century (Williams 1976), has undergone metamorphosis over time. It revolves around 'identity', which relates to imagined commonalities among people who may not be personally acquainted, than with face-to-face interactions among people living in physical contiguity. Religious communities, caste communities, linguistic communities, migrant/diasporic communities, are some of examples of the community. The concept of community, as used in the urban context, refers to a spatio-temporal entity in which face-to-face interaction is by definition important (Maciver & Page 1962). It relates to argument of Lefebvre (1996), who affirmed the city dwellers are atomized individuals with segmented personalities as the result of urban life only recognises the universal human by erasing differences.

the absence of the intervention of the government. Graham and Marvin (2011) and Myers (2005) argued that it is impossible for the government programs to cope with the myriad of changes in population and its conditions. The practice, as Mingers (2004: 409) affirmed, consists of a code which is invariably made up of rules and resources.

Despite adversity, the slum residents make significant contributions to the economic activity of the city, by participating as cheap labor in the formal sector. It is the site of economic autonomy as explained by Gibson-Graham (2008), which is flexible and pragmatic due to negotiation among residents (Bayat, 2007). This type of economy enables residents to create their own job opportunities (Crerar in Roy, 2011; (Enwezor, in Patteeuw 2003) amidst a well-fabricated form of community self-government (Gandy, 2005; Godlewski, 2010). Therefore, Nijman (2010 in Roy, 2011) asserted the slum is more than a settlement of cheap laborers but a place of economic activity, which supports the formal economic sector. Even Peattie (1994) emphasized the need for cities to preserve and increase housing that the poor can afford. If such housing is referred to as slums, then the cities needs slums (Coates, 2003; Pieterse, 2005). It provides the affordable shelters for the migrants and allows them to obtain job opportunities in the city (Huchzermeyer, 2011), which is considered better than living in rural poverty (Chowdhury et al., 2009; Glaeser, 2011; Saunders, 2011).

Therefore, self-government should be appreciated as an assistant to providing decent housing solutions (McFarlane, 2012). This self-government relates to the concept of autonomy, as the right for self-government, as the government cannot deal with the increasing numbers of affordable housing and infrastructure.

However, due to its definition, 'kampung as slum' settlement is categorized as urban pathology, which needs to be integrated into modern development for achieving the expected progress (Fischer, 2014). The worldwide governance of developing countries disregards the practiced 'Pirate Code' by 'kampung as slum' residents and enforces the enacted city planning regulations with various programs, such as: evictions, site and service, and slum upgrading programs.

### **I.3.3.1 Eviction Program**

The general attitude of city governments in developing countries towards slum settlements varies from blind intolerance to blatant hostility (Westgate, 1981), as it considers slums as a cancerous growth on the city (Laquian, 2005). Starting in the 1950s, programs focused on the evictions of slums.

In their studies of the housing problems in the Third World, Hardoy and Satterthwaite (1993) summarized the government justifications for these evictions in three categories: (1) city beautification programs; (2) slums as centers of crime and health problems; and (3) redevelopment for public projects. Many governments took the position as the only shelter provider for poor and low-income groups (Balbo, 2001) and comprehended slum residents as an infliction (Akrofi, 1991). Governments in developing countries have proved neither effective nor efficient as housing providers. Although the government subsidizes land and construction costs, the land price and adherence to inappropriate building regulations results in the house price still being unaffordable for the poor (Hardoy & Satterthwaite, 1989).

### **I.3.3.2 Site and Service Program**

The background behind the sites and services program in the developing countries is different compared with its origin. According to Harris (1999), the sites-and-services concept came from European countries in the 1930s, to fulfill housing for refugees and soldiers who returned after World War I.

Despite early optimism, some positive evaluations of upgrading, and compliments towards sites and services approaches, upon reflection it has become clear that many shortfalls existed early on during the in situ upgrading, and sites and services projects. At beginning of the program, Werlin (1999) highlighted the sites-and-services projects that may show promising results. However, the improvements had become negligible due to several reasons, such as: 1) locations were far from work opportunities (Payne & Majale, 2004); 2) weak institutional capability (Beall, 2000); and 3) the piecemeal nature of projects did not contribute to city-wide housing reform (Pugh, 2000). Furthermore, Dowall (1991) argued the high cost of land and housing became a significant issue in housing for the poor in the city.

### **I.3.3.3 Slum Upgrading Program**

Slum upgrading is one of the major housing policy instruments in developing countries between the mid-1970s and the mid-1980s. Along with sites-and-service schemes, slum upgrading is considered a far more effective solution to improving the lives of slum residents than resettlement (UN-Habitat, 2003). It was based on the concept that the urban poor have the capabilities to effectively deal with their own housing problems, and given such assurances such as security of land tenure, low-interest loans, appropriate building materials, and some technical assistance, they could help upgrade their own living conditions (Laquian, 2005).

These projects and policies focus on three main areas of concern: (1) provision of basic urban services; (2) provision of secure tenure for slum residents and the implementation of innovative practices regarding access to land; and (3) innovative access to credit (UN-Habitat, 2003).

In many Asian countries the central actors are the slum residents themselves who have demonstrated a capacity to articulate their dwelling needs and priorities, by developing upgrade proposals and plans, and managing and implementing upgrade work (UN-Habitat, 2003).

However, by the mid-1980s, both slum upgrading and sites-and-services came under severe criticism because of the limited reach and impact of slum upgrading projects (Habitat Agenda, 1996). The governments did not follow through with services, communities did not maintain the facilities, and governance structures disappeared once the international experts were gone (UN-Habitat, 2003). The planning standards for upgrading are often unrealistically high, which increase the unaffordable living costs for the poor (Hasan, 1992). Land registration procedures are also unnecessarily costly, and unaffordable standards are demanded in land development (Rogerson, 1998).

These severe obstacles forced the Bank to shift its policy during the period 1976-1979, towards squatter and slum upgrading, but the cost recovery reached below the expectation (Keare & Parris, 1982; Ward, 1982; Rodell & Skinner, 1983; Payne, 1984). In 1980-1983, the slum upgrading program was retained, as it focused on the financial effectiveness rather than on beneficiary capacity and empowerment (Paul, 1986). Although it is only recently that the evaluation of slum upgrading program has been considered important to improving the policy (Field & Kremer, 2006; Galiani et al. (2013), the upgrading program in Jakarta has not been evaluated properly in clear criteria and the evidence does not seem to suggest improvement in the condition of slum residents in meaningful way (Werlin 1999).

#### **I.3.3.4 Self-Help Housing as the Ideal Provision for ‘Kampung as Slum’ Residents**

Housing provision projects in which the government is the sole design actor have been proven to fail (Jacobsen et al., 2002; Turner, 1976). In the late 1960s the ‘self-help’ housing paradigm emerged in reaction to the apparent failures of direct government housing provision and the perceived benefit of ‘helping the poor to help themselves’. It allows and represents the principle of self-government in housing, which was coined by Turner (1976), to provide self-help housing that satisfies the needs of them as individuals and as members of a community.

Self-help housing came from the people themselves (Pugh, 2001), and not from governments or international experts (Harris, 1998; 2003), and had been practiced for centuries (Harms,

1992; Ward, 1982; Parnell & Hart, 1999), long before the rise of the ideas of Turner in the 1960s and 1970s (Harris, 1998, 1999). Abrams (1969) distinguishes three types of owner-built housing: self-help housing, aided self-help and organized self-help housing. Self-help housing is described as the earliest form of construction by communities. Aided self-help housing refers to official self-help programs implemented by governments in developing countries. Organized self-help housing are mutual aid projects implemented by the third sector or charities, in which self-builders are taught building skills and work in all houses of a project without knowing which one will belong to them.

This principle arose in developed countries with regards to the growing appreciation of the importance of social capital (Boyle, et. al., 2006) and to meet the needs of people who are becoming increasingly competent service users (Boviard, 2007). It is increasingly used in developing countries to deliver necessary social and physical infrastructure (Mitlin, 2008), as a direct response to state's inability to provide satisfactory services (Joshi & Moore, 2004). Turner (1967, 1976, 1978) used concepts like 'dweller satisfaction', 'use value', 'housing as a process' and 'housing as a verb' in his writings, where the value of a house lies in what it does for people rather than how it looks from the outside. The function of a house cannot be equated with the material standard of the structure and the physical appearance should be the last aspect to consider in defining a house. He argued that access to employment, services, and social amenities were more important considerations.

Turner's arguments can be summarized into three laws: 1) Without control being in the hands of the residents, dwellings can become an economic burden and a barrier to personal fulfillment; 2) The value of a house is not what it is but what it does; and 3) Residents are more likely to take responsibility for their own work. Overall, as discussed by Bazant (1979 in Walker, 2001) and Holston (1991), the quality of self-help housing is the reflection of the socio-economic situation. The aforementioned explanation confirmed the autonomy<sup>11</sup> of 'kampung as slum' residents to build their houses according to their socio-economic situation. The process of occupying the land and constructing the house according to the socio-economic situation is inseparable in forming the occupant's identity<sup>12</sup>. Therefore, if one of them (the land,

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<sup>11</sup> The word 'autonomy' was absorbed into English in 1620s from Greek *autonomia*, and means "living by one's own laws", for the states or community. This word was later in 18<sup>th</sup> century was used for individual. In Oxford English Dictionary, the word autonomy is translated to 'Self Rule or self-determination, the right of self-governing community.' It relates to the right for self-governing according to the community's/ one's needs, which becomes my working definition for this concept.

<sup>12</sup> According to Heidegger (1971), the personal connection between occupant and the land formulates his/her identity, as it represents his/her identity and existence in the world.



house and socio-economic condition) is not acknowledged by government due to an incompatibility with the enacted regulations, the ‘kampung as slum’ residents’ identities become anonymous<sup>13</sup>.

#### **I.4 RESEARCH HYPOTHESIS AND AIM**

Urbanization<sup>14</sup> becomes the specter of development, especially in developing countries like Indonesia. The massive acceleration of urbanization tends to be associated with the degradation of living quality and ‘kampung as slum’ settlement proliferation, although it promises the expected outcome of development at the same time.

According to Thorbecke (in Tarp, 2000), the dominant paradigm of development in the 1950s and 1960s focused on economic growth. The focus enabled developing countries to attain a similar level achievement to that of developed countries (Burgess et al., 1997). Since the 1980s, international policies such as Structural Adjustment Programmes have resulted in uncontrolled proliferation of slum settlements, increase of social inequalities, and poverty in developing countries (Balogun, 1995; Bhan, 2009; Jacobsen et al., 2002; Portes & Hoffman, 2003; Ramanathan, 2006; UN-Habitat, 2003; Davis, 2004; Shatkin, 2004).

However, in the case of Indonesia, the growth of ‘kampung as slum’ population does not correspond to the growth of poor and unemployed population, although the number of income/capita steadily increases since 1990. This experience asserts that the slum settlements must be regarded as the challenging issue, and it cannot only be solved by economic growth. Several worldwide slum improvement schemes have been attempted but still cultivated significant criticism, as they failed to demonstrate meaningful success. Some experts have concluded that the generators of slum settlement proliferation are not only the uncontrolled urbanization and poverty rate but also the imbalanced control of land ownership, which makes the land and house price unaffordable for some of the population. Despite the fact that many slum improvement schemes have been delivered, Downs (1991) and Fernandez (in

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<sup>13</sup> The word ‘anonymous’ was derived from Greek *anonymous*, which has meaning “without identity, undistinguished”. It was absorbed to English in 15<sup>th</sup> century to Modern English (Oxford English Dictionary, 2013) and means ‘lacking of unique character or distinction, insignificant’. Therefore, I conclude the lack of acknowledgment of something by someone is the cause of anonymous.

<sup>14</sup> Mitchell (1956) referred the term ‘urbanization’ to the growth of cities compared to people living in rural areas. According to Lefebvre (1972, 1976, 1991), urbanization is triggered by industrialization and implicates the social relations among the people. The argument explains the transformation of socio-cultural of the migrants, as they become ‘urbanized’ (Singh, 2003). Urbanization demands ‘process of stabilisation’ which consists of the issues of security, transfers of rights and duties, conceptions of strategies, and preconditions for economic action. Land tenure security and housing provision are among other operational manifestations of the process of stabilization.

Huchzermeyer & Mayekiso, 2003) note that there are three main obstacles to achieving promising results: 1) land tenure security; 2) the use value of housing, especially for the poor; and 3) unaffordable house construction.

However, despite the absence of land titles, the residents manage to survive in the city and obtain jobs for their livelihoods in kampung<sup>15</sup> settlements. Through massive efforts of asset mobilization, kampung residents manage to provide their own land tenure security and mixed-function of houses, by practicing home-based enterprises (HBE) via the formulated unwritten building shared rules (UBSR).

Although these issues have been extensively studied in the existing body of literature on this topic, there is still a lack of comprehensive study on reason behind the kampung's autonomy to attain the land tenure security and its implication to HBE and practice of UBSR. Furthermore, each housing code are discussed separately, whereas land tenure security, use value of the house relating to HBE and UBSR are inseparable. Therefore, this research attempts to deliver a comprehensive study on the housing code.

Based on the aforementioned literatures, kampung still has autonomy to produce its own housing code in order to survive in the center of Jakarta. These codes are: 1) code of land tenure security; 2) code of use value of the house, relating to HBE; and 3) code of building regulation, relating to UBSR. As the result, the main research questions are:

1. What kinds of practiced autonomy exist in kampung settlement in Jakarta and why?
2. What kinds of housing code in kampung settlement produced and practiced and implicated, relating to land tenure security, HBE and UBSR, and why?

Therefore, this research aims to understand the practiced autonomy and the 'code' of kampung settlement relating to the land tenure security, HBE and UBSR.

The first question will be answered with the investigation of history of kampung settlement, particularly looking at Jakarta and Cikini. The second question will be answered with the 3 (three) topics, which are:

1. Investigation of the Land Tenure Security in kampung settlement;
2. Investigation of the HBE in kampung settlement; and
3. Investigation of the formulated and practiced of UBSR in kampung settlement.

The research framework established is shown in the following Figure I.6.

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<sup>15</sup> In this part and Chapter 2-5, 'kampung as slum' will be translated into kampung settlement, because generally kampung settlement in Indonesia has been producing and practicing its own housing code. The term of 'kampung as slum' only uses the data of government relating to the population, as the government defines kampung as slum settlement.

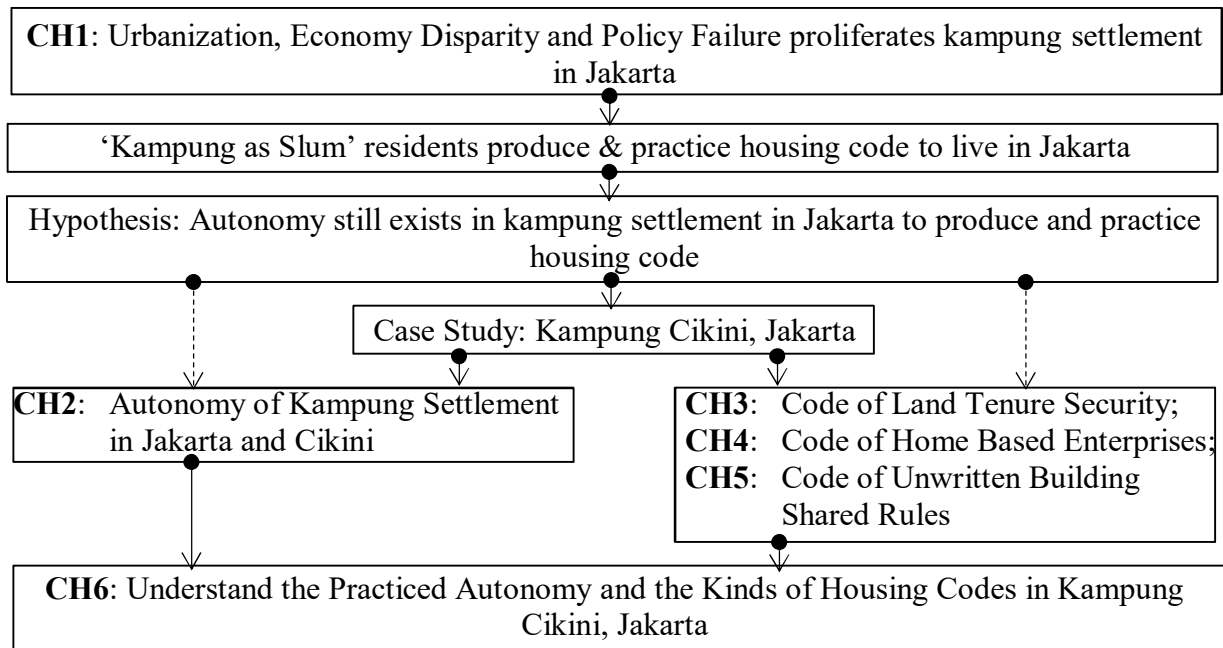


Figure I.6: The Research Framework

The result of this research will contribute to find the suitable approach for house improvement in kampung settlement in the future.

## **I.5 RESEARCH METHOD**

### **I.5.1 Selecting Case-Study as Research Method**

Studies by Jellinek (1991) and Murray (1991) in several kampung settlements in Jakarta illustrate how the social system in kampung has been evolving as an adaptation to the dynamic changes in urban life and serving the diverse interests of the residents. They warned about the entrapment of perceiving kampung settlement as the ideal homogenous community. Although the built-environment of kampung settlement has been studied, the social and cultural factors were regarded as general underlying factors. Rapoport (1969) stated the most effective approach to studying vernacular architecture, which includes kampung settlement (Glassie, 2000; Lawson, 1997; Oliver, 1997; Vellinga, 2005), is to examine the relationship between the socio-economic context with the built environment. This approach explores more explanations to understanding kampung settlement as vernacular architecture, rather than the chronological documentation of its physical buildings.

The case-study method usually mixes quantitative data with qualitative analysis (Ragin & Byrne, 2009; Byrne, 2009). It is one of the suitable qualitative research methods that can draw causal conclusions from a properly done single case (Cartwright, 1989). According to Hamel,

et al. (1993), Yin (2003), Sayer (2000) and Walsham (1995), this method allows this research to go beyond the quantitative statistical results to describe the reality and understand the conditions, as the focus of the study is to answer “what kinds” and “why” questions.

As part of the proposed methodology, this research involved a combination of oral data, historical records, architectural and illustrative drawings, archival sources and visual photographic documentations (Jabeen, 2012). The method of each topic will be explained directly in each part of this research, which are contextual with the problems on the field.

In order to gain trust from the community, this research was conducted after and concurrently with several other community projects such as: 1) Renovation of Communal Bathroom (2011) in NA 7; 2) Informal Pre-School Building (2012) in NA 2; 3) Community Center Building in NA 7 (2013); 4) Renovations of Communal Bathroom (2014) in NA 11; and 5) Renovations of Communal Bathroom (2015) in NA 14. The community projects were a collaboration between University Indonesia, Chiba University and residents of Kampung Cikini.

In this research, semi-structured interviews were selected to obtain the most in-depth information. This technique also provides a sense of security to the respondents by decreasing the feeling of being interrogated and allows them to share their most private information. The main problem was the participant’s consent to each issue, due to several reasons such as: the fear of potential danger when revealing private information regarding the legality of their lands and economic activity status. Therefore, this research employed a small number of respondents, which suits with the prescribed qualitative research method. Results are also stated anonymously to protect the identity of the consented respondents.

### **I.5.2 Selecting Kampung Cikini as Research Location**

In selecting the ‘kampung as slum’ as the research location, it is important to understand the history of kampung in occupying the land. According to Taschner (in Fernandez, 2011), the land occupation takes place in a spontaneous or planned manner. In the “spontaneous” occupation, it should be noted that the first inhabitants of the land acquire a kind of “power” over it and the newcomers must ask permission to occupy a piece of land to build their house. In the case of organized or planned occupation, it is a form of invasion carefully prepared in advance. It is roughly planned with a proposed subdivision of streets bearing similarities to that of a formal subdivision, albeit of a smaller size. Restrepo-Tarquino et al. (1998) found that it is precisely this distance that reaffirms the cohesion and solidarity networks between the slum

residents. In order to reaffirm the cohesion and solidarity networks between the slum residents, the organized planned occupation type should be selected as the case study of this research.

Table I.2: Comparison of Area Size, General and Poor Population, Density of Each District in Central Jakarta Municipality  
Source: Central Bureau Statistic (2014)

District	Area Size (km <sup>2</sup> )	Population (n)	Poor Population		Density (n/ km <sup>2</sup> )
			(n)	(%)	
Tanah Abang	9.30	145,345	17,726	12.20%	15,628.49
<b><u>Menteng</u></b>	<b><u>6.53</u></b>	<b><u>85,546</u></b>	<b><u>11,719</u></b>	<b><u>13.70%</u></b>	<b><u>13,100.43</u></b>
Senen	4.20	95,502	16,931	17.73%	22,738.57
Johar Baru	2.38	117,440	25,011	21.30%	49,344.54
Cempaka Putih	4.69	84,864	6,329	7.46%	18,094.67
Kemayoran	7.25	220,538	28,236	12.80%	30,419.03
Sawah Besar	6.16	100,461	13,266	13.21%	16,308.60
Gambir	7.59	78,152	11,020	14.10%	10,296.71
<b><i>Central Jakarta</i></b>	<b><i>48.10</i></b>	<b><i>910,381</i></b>	<b><i>130,238</i></b>	<b><i>14.31%</i></b>	<b><i>18,926.84</i></b>

Table I.3: Comparison of Area Size, General and Poor Population, Density of Each Sub-District in Menteng District  
Source: Central Bureau Statistic (2014)

Sub District	Area Size (km <sup>2</sup> )	Population (n)	Density (n/ km <sup>2</sup> )	Number of Poor Population	
				(n)	(%)
Menteng	2.44	29,063	11,911.00	3,482	11.98%
<b><u>Pegangsaan</u></b>	<b><u>0.98</u></b>	<b><u>26,788</u></b>	<b><u>27,335.00</u></b>	<b><u>5,270</u></b>	<b><u>19.67%</u></b>
Cikini	0.82	9,626	11,739.00	684	7.11%
Gondangdia	1.46	4,671	3,199.00	97	2.08%
Kebon Sirih	0.83	15,398	18,552.00	2,186	14.20%
<b><i>Menteng District</i></b>	<b><i>6.53</i></b>	<b><i>85,546</i></b>		<b><i>11,719</i></b>	<b><i>13.70%</i></b>

Jakarta consists of six municipalities with size 661.52 km<sup>2</sup> and 88.80 km<sup>2</sup> (13.52%) was identified as 'kampung as slum' settlements (Central Bureau Statistic, 2014). As a consequence of the significant modern development in the city center, the lowest growth of general and poor population is located in Central Jakarta. Although Jakarta Province (especially Central Jakarta) experiences modern development, some kampung settlements still remain. According to this fact, it is intriguing to understand the housing code of kampung settlement in this municipality.

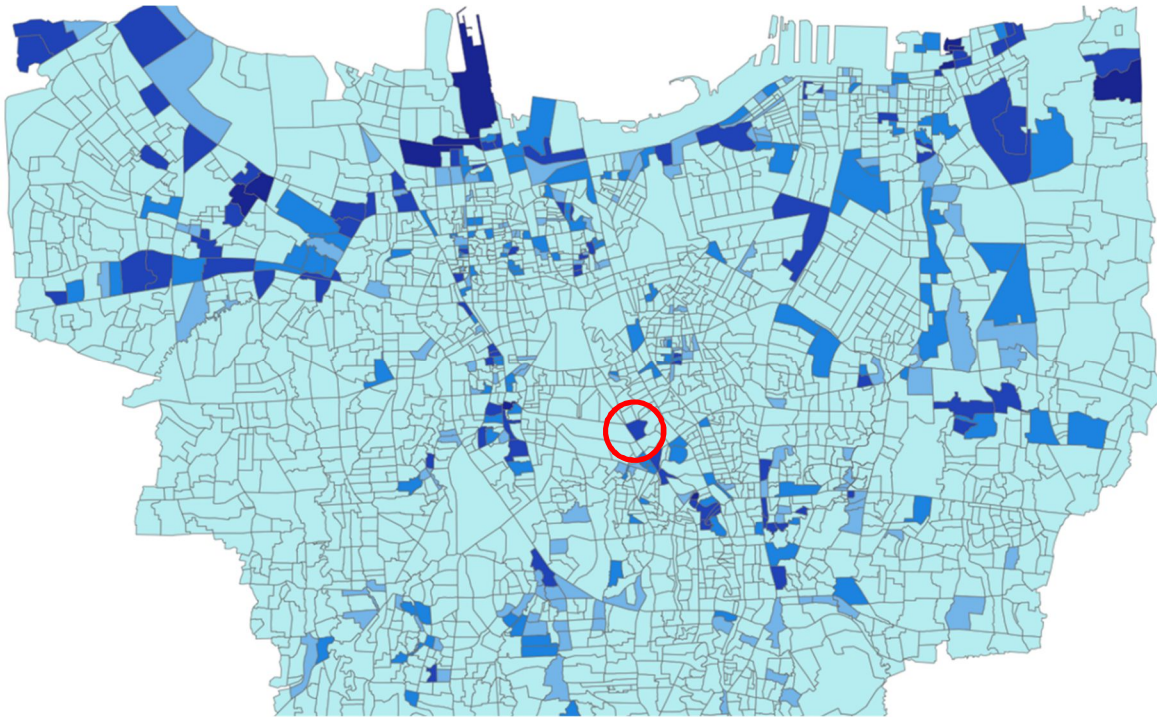


Figure I.7: The Location of Slum Settlements in Jakarta and Kampung Cikini (red circle)  
 Source: Central Bureau Statistic (2014)

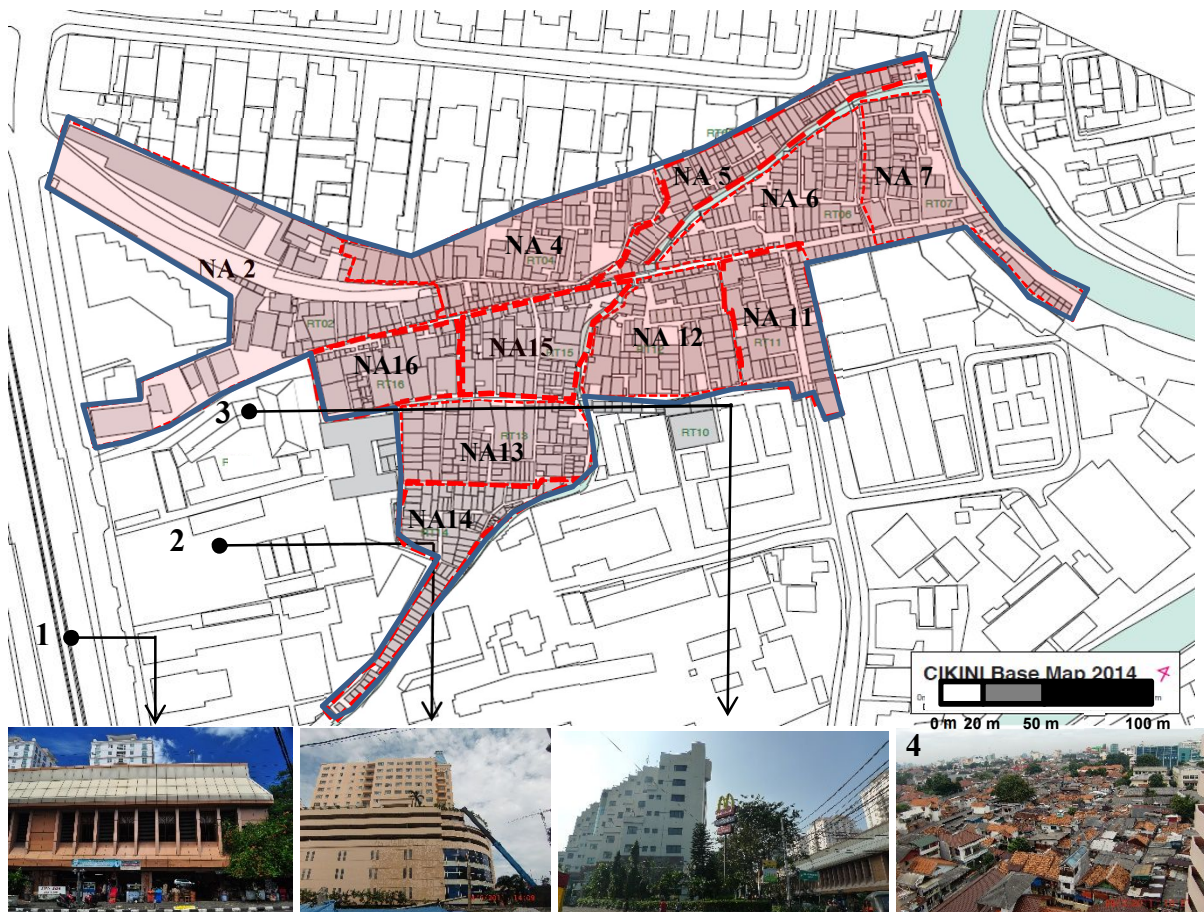


Figure I.8: Map of Kampung Cikini and Its Surrounding Neighborhood  
 1) Cikini Station; 2) Mall & Apartment; 3) Rental Office; 4) Areal View to Kampung Cikini

This municipality consists of eight districts, which are Tanah Abang, Menteng, Senen, Johar Baru, Cempaka Putih, Kemayoran, Sawah Besar and Gambir districts. Johar Baru is the highest density district, followed by Senen, Kemayoran, Sawah Besar, Tanah Abang, Menteng and Gambir districts.

The low population density in Menteng and Gambir district was caused by the high land price, and the transformation of housing to commercial areas. The land price in these districts has surpassed US\$ 1,500/m<sup>2</sup>, according to National Land Agency (2014), which is higher than the other districts.

However, the ratio of poor population in Gambir and Menteng district is still in the top-four ranking in this municipality (17.21%), below Johar Baru (21.30%) and Senen district (17.73%). However, the Central Bureau District (2012) did not identify any slum settlements in Gambir district, but several in Menteng district. Therefore, it is intriguing to understand the perseverance of the poor population in Menteng district despite the expensive land price.

Pegangsaan is the one of the high-density sub-districts (27,335 persons /km<sup>2</sup>) in Central Jakarta. This sub-district consists of 12 Community Associations (CA) and according to the Central Bureau Statistic (2012, 2013, 2014), there are three identified kampung settlements in this sub-district with one of them located in Community Association (CA) 1.

This location is well-known as Kampung Cikini and is selected as the research location. Kampung Cikini is identified as a high-density kampung settlement, where 942 households ( $\pm$  3,800 persons) live in 4.01 hectares or approximately 95,000 persons/ km<sup>2</sup> (Central Bureau Statistic, 2014).



## CHAPTER II

# THE AUTONOMY OF KAMPUNG SETTLEMENT IN JAKARTA AND CIKINI

## II.1 THE AUTONOMY OF KAMPUNG SETTLEMENT IN JAKARTA

### II.1.1 Kampung as Autonomous Settlement in the Dutch Colonial Period

Before the Dutch Colonial Era, the area where Jakarta is located today was attracting regional and international trade. Based on archaeological findings, in the 12<sup>th</sup> century the West Javanese Hindu kingdom of Pajajaran maintained a harbor town called Sunda Kelapa at the mouth of the Ciliwung river. The harbor town, with approximately 10,000 inhabitants, developed into an important regional trading port (Abeyasekere, 1989).

High profits from the international spice trade attracted several European countries to explore Southeast Asia in the 16<sup>th</sup> century (Evers & Korff, 2003; Ricklefs, 2001). Attracted by the strategic location, the Portuguese started cooperating with the kingdom in 1522, aiming to use Sunda Kelapa as a trading post for the international pepper trade (Nas & Grijns, 2000; Abeyasekere, 1989). Before the Portuguese could establish a trading base, Fatahillah from Bantenese Kingdom had conquered the city in 1527 (Silver, 2008; Somantri, 2007; Grijns, 2000) and named the city to 'Jayakarta', which translates to 'perfect victory' (Heuken, 1982).

Accordingly, Dutch ships continuously came to the port of Jayakarta in the period from 1596 to 1610 (Taylor, 2009) and established the headquarters of the *Vereenigde Oost-Indische Compagnie* (VOC) in Jayakarta (Abeyasekere, 1989). In the 19<sup>th</sup> century, VOC had managed to conquer Jayakarta (Winet, 2010), renamed the city to Batavia (Blussé, 2008) and transformed it into the center of territorial administration (Evers & Korff, 2003). Since then, Batavia became the starting point for the development of the new city (Somantri, 2007; Brug, 2000; Grijns, 2000; Bowo, 1999; Abeyasekere, 1989; Heniger, 1986).

The city residents originated from different places, such as Eastern Indonesia, China, Europe, as well as other VOC bases, such as Malacca or India (Nas & Grijns, 2000; Blussé, 2008; Lohanda, 1996). VOC maintained the plurality of ethnic and religious groups in Batavia (Blussé, 2008; Nas & Grijns, 2000), with the principle to 'divide and rule' (Winet, 2010) in order to establish security and to prevent conspiracies (Lohanda, 1996; Abeyasekere, 1989). In this context, only Europeans, the Chinese community, *Mardijkers* (foreign slaves) and domestic slaves were allowed to live within the walled part of the city (Abeyasekere, 1989). VOC sent the Sundanese and Javanese to live outside of the city walls because of conflicts with



the Sultanate of Banten and the Kingdom of Mataram (Grijns & Nas, 2000) in the cultivation area surrounding the wall (Blussé, 2008).

In the second half of the 17<sup>th</sup> century, soldiers in the service of the VOC (who mainly originated from other parts of the archipelago) were granted land in the cultivation area (Blussé, 2008). The colonial administration planned to assign a specific location to each ethnic group (Nas & Grijns, 2000). These settlements were called kampung. The settlements were placed under the jurisdiction of an officer who received the military rank of a captain. Their directive was to control these settlements in order to guarantee public safety and also to recruit soldiers (Niemeijer, 2000: 77). The social organization in each kampung was based on self-help governance by each group (Abeyasekere 1989), but the VOC could establish indirect rule because the headman was recruited from the ethnic group he represented (Milone, 1966).

Nonetheless, because of its self-help management and self-sufficiency, the Dutch Colonial government control did not fully extend throughout the kampung (Raben, 2000). Furthermore, ethnic segregation could not be reinforced because the social structure was not based on ethnic classification but rather on personal relations and religious identities (Niemeijer, 2000). Consequently, kampungs became a very mixed ethnic settlement (Raben, 2000).

Batavia had its golden age in the first half of the 18<sup>th</sup> century, but experienced downturn in the second half (Beaglehole, 1968). One of the reasons was the extremely unhealthy living conditions in the city (Stockdale, 2003) due to the polluted river – an implication of the escalation of population in kampung settlements (Abeyasekere, 1989). This condition caused an increase in the mortality rate of foreign residents (Brug, 2000).

In order to prevent further downturn, the Dutch Colonial administration expanded the city to the south and evicted the kampung residents within the development area to *Weltevreden* (in present times, around the Gambir and Senen districts). A tram system was built to connect residential and commercial areas around the harbor (Abeyasekere, 1989). Nonetheless, the expansion developments excluded the kampung and did not accommodate the kampung residents to live in the new developed area, because of discriminatory policy mechanisms and limited economic resources (Milone, 1966).

From 1900-1942, a first wave of internal migration brought many people from rural areas in Java to Batavia, due to the variety of job opportunities (Krausse, 1975; Setiawan, 1998). Most of these migrants resided in kampung settlements and they started to lose their rural appearance (Silver, 2008; Jellinek, 1991; Leaf, 1992).

The epidemics of plague and cholera that continued to break out until the second decade of the twentieth century were often a direct result of the exceedingly unhygienic conditions in these neighborhoods. Acute housing shortages, inadequate and poorly maintained infrastructure and an obvious lack of administrative experience, combined with limited financial, technical and legal resources, represented major obstacles (Woesthoff, 1915 in Coté, 2015).

In addition to this already complicated situation, there were two more factors that severely handicapped the municipal councils in the execution of their work, which were: land ownership and the lack of jurisdiction over the autonomous kampung within their municipal boundaries (Van Roosmalen, 2008 in Coté, 2015).

Although it took the municipalities more than a decade, the government in 1918 revised the Governmental Code of the Netherlands Indies. This functioned as the Constitution of the colony, and was implemented in order to empower municipal authorities to carry out public works projects throughout their municipal territory, including the autonomous kampung.

Thus kampung improvement became a policy characterized by a strong top-down approach that was typical of colonial reform policies of the time. It aimed to overcome the disease epidemics, reduce criminal activities, and facilitate colonial authorities to increasingly penetrate the lives of the kampung people (Versnel & Colombijn in Coté, 2015) in order to prevent the urban poor from falling into the hands of the nationalists (Van Roosmalen, 2004). Nonetheless, the abolition of the autonomous kampungs was not only prevented by juridical constraints, but also by financial limits (Versnel & Colombijn in Coté, 2015). Neither colonial nor Indonesian governments ever succeeded in exercising effective control over kampungs and therefore could not develop, standardize, and regulate these settlements to conform to their policies (Reerink in Coté, 2015).

During the colonial period, this lack of state control was a consequence of village or kampung autonomy, and after Independence, kampung settlements actually retained their autonomy, despite efforts to decolonize (Reerink in Coté, 2015). The kampung settlements were allowed a high degree of autonomy, which meant that the population could apply its own customary law, administration, and justice (Reerink in Coté, 2015). The lack of state control resulted in kampungs developing into the kind of settlement the government itself qualifies as informal.

In the Dutch Colonial Era, kampung was established to divide the power of native people according to ethnicities. The residents were given autonomy to organize and build their own settlement, because of the colonial government's limited budget and the absence of political will to improve the living condition of the kampung residents. Although the deterioration of

kampung settlement worsened the living conditions in Batavia, the rapid escalation of kampung population presented formidability in kampung improvement. As the result, kampung was neglected from the city development and granted autonomy.

### **II.1.2 Massive Land Usurpation in Japanese Occupation Era (1942-1945)**

At the beginning of the Japanese occupation (1942-1945), the kampung population fled back to the rural areas. The rural-urban migration slowed down as travel was restricted (Milone, 1966). Jellinek (1991) claims that unlike in the villages, the situation in the urban kampungs of Jakarta remained relatively calm. Yet, kampung residents experienced a time of absolute poverty as basic goods (including food) were not available and rural populations returned to the cities.

After the Japanese occupied Indonesia in 1942, the Japanese administration allowed people to squat on private land (Colombijn, 2010 in Coté, 2015). They also introduced the neighborhood associations system (*tonarigumi*), which was designed to control and mobilize the Indonesian population (Somantri 2007). It showed the integration of kampung self-organization into the formal administration system (Abeyasekere, 1989; Ricklefs, 2001). Unfortunately, the autonomy of the kampungs hampered the municipal government's effectiveness in exercising control and gradually became untenable.

In this short occupation phase, kampung became the site of control to prevent rebellions and mobilize war resources, with an evident lack of attention for the improvement of living conditions. Consequently, the kampung residents continued to exercise their self-organization in order to survive in the calamity of war.

### **II.1.3 Proliferation of Kampung Settlements in Old Order Era (1945-1965)**

During the Old Order Era (1945-1966), Jakarta had been developed as a modern city that stressed the importance of a national identity in an international circle (Silver, 2008). Sukarno, the first president, built a National Monument, the largest modern shaped mosque in South East Asia at the time, Hotel Indonesia, a highway interchange in Semanggi, and the Kebayoran Baru new settlement.

As a consequence, these massive developments opened up significant job opportunities that drove considerable in-migration (Somantri, 2007). Previous studies highlight that rural-urban migrants commonly follow friends or families to the city and are thus initially supported with housing and employment (Lloyd, 1979).

The population grew rapidly, from less than 1 million inhabitants in 1948 to 3.8 million inhabitants in 1965 (Leisch, 2000). The insufficient quantity of housing and infrastructure became pivotal factors of the kampung proliferation across the city (Abeyasekere, 1989; Krausse, 1975). Nonetheless, the relocations and forced evictions from kampung settlements must be conducted to deliver large scale developments (Silver, 2008).

In the 1950s, there were increasingly strong calls to abolish kampung autonomy, but because this measure had not been bolstered by a consistent set of policies affecting kampungs, it was not completely effectual. The enactment of two pieces of agrarian legislation exerted possibly more effect on the legal position of kampung residents.

In order to prevent further land administration problems, the government produced the Basic Agrarian Law (BAL) in 1960 to regulate land rights (Daryono, 2010) and created the National Land Administration (NLA) to manage all grants, extensions, renewals of certified titles, as well as running the land registration system. Land rights based on customary law, which were still widely applied in the kampungs, would now have to be integrated into a unified system of land titles. Integration of kampung land held under customary law into the unified system required the surveying and certification of all plots of land by the administration. However, the state was incapable to provide adequate land records and the land administration system due to political turbulence (Harsono, 2008). These conditions created ambiguity of land ownership and rights. As a result of the extravagant development of these monuments and the BAL implementation some kampung settlements were evicted, yet the rest were simply left in their deprived condition.

#### **II.1.4 Dualism of Kampung Autonomy in New Order Era (1966-1998)**

In the early part of New Order Era, the city government of Jakarta realized that kampung residents constituted a major part of the urban population. Prominent Jakarta Governor Ali Sadikin introduced development programs to improve the situation in kampungs (Silver, 2008). In 1969, the first Kampung Improvement Program (KIP) was introduced in Jakarta, as the world's first urban kampung upgrading project.

The KIP provided basic urban services, such as roads and footpaths, water, drainage and sanitation (Laquian, 2005), as well as health and education facilities in the kampung settlements within the city (UN-Habitat, 2006). The program was delivered via a "top-down" approach, which reflected the financial stability of the country at the time (Njamwea, 2003). Until 1982, the program had benefited almost 5 million people of the urban poor (UN-Habitat, 2006).

However, the KIP faced several challenges and eventually failed to protect kampungs from demolition. It is argued that KIP funds were primarily allocated for lighthouse projects which were easily visible. Kampung settlements that were easily accessible for external visitors to Jakarta were prioritized. Moreover, the KIP was criticized for not suitably responding to the immediate needs of kampung residents. Abeyasekere (1989) provided examples including: instead of providing access to water, KIP improved roads in order to facilitate cars.

Legal issues became the one of the main considerations of the program. Consequently, kampung settlements along the rivers or other areas which were considered illegal, had been ignored (Abeyasekere, 1989). Furthermore, the KIP did not prevent the city government from explicitly mentioning kampung clearance and demolition in the master plan (Silver, 2008). Most importantly, the KIP did not solve the problem of insecure tenure (Baharoglu, 2002). In the early 1980s, the KIP was still continuing despite the quality of implementations and number of programs having decreased significantly following the retirement of Sadikin as Governor (Silver, 2008). Eventually, this prominent program was terminated in the 1990s (Silver, 2008). Despite efforts to upgrade kampung settlements, they were not considered compatible with the dream of Jakarta, as the capital city of Indonesia (Jellinek, 1991). Rapid modern development and urbanization led to a conflict of interest between economic growth and maintaining the kampung settlements within the city (Leaf, 1992). In this era, immense real estate development by private developers had grown since the 1980s (Evers & Korff, 2003: 37). This development increased in first half of the 1990s and reached its peak in 1995-1997 (Somantri, 2007). Consequently, it increased the number of evictions in order to provide land for contemporary, large-scale development (Evers & Korff, 2003). The national and city governments legitimized the eviction or demolishment of their quarters, which mainly consisted of usurped property of the state, an institution, a legal body, a foundation or individuals, occupation without any permission from the land owners, and irregular and unsafe buildings (Komarudin, 1997).

Conflict occurred in Jakarta that resulted in many evictions of the kampungs. McCarthy (2003) estimated that around 20% of total kampung settlements in Jakarta were evicted during the 1980s. According to Silver (2008) and Somantri (2007), the numbers of forced kampung evictions reached its peak in 1980s-1990s and were conducted to provide land for high-rise buildings and large scale road infrastructure (Dorléans, 2000). This number increased to 60-80% in the first half of the 2000s (Budiarto, 2005; Steinberg, 2007). Besides the legal issue, kampung residents were evicted from their properties because of the accelerated land price in the city, which they also cannot afford (McCarthy, 2003). Since the low-income households

did not often hold a stake in the negotiation processes, they became the easiest prey to inflict forced moving to another place with or without compensation (Silver, 2008).

Housing provision for the poor in Indonesia has already been conducted through a national public housing company, which is financially supported by the central and local government. This corporation evolved into National Housing Company (NHC) based on Government Act 29/1974 (Yudohusodo, 1991: 151). They have delivered landed housing and Low-Cost Apartment (LCA) provision programs in several big cities since 1979 (Hutagalung, 1998). LCA provisions were supported by various policies such as Apartment Act 16/1985 and President Instruction 5/1990 and applied to rejuvenated kampung settlements which were built on state land.

However, the land availability and limited government budget have restricted the pace of the program. Furthermore, this type of housing is not suitable with the social and cultural condition of the most of Indonesian people, because it cannot be extended to accommodate more family members (Mufida, 1998). Consequently, this type of housing is often bought as an investment by middle- or high-income people who already have their own houses. In this era, the considerable modern development has neglected the kampung as an essential entity of the city. The immense role of the private sector in urban development has led to enormous kampung evictions, despite these areas serving as a pool of cheap labor for the massive modern developments.

#### **II.1.5 Housing Policy in Indonesia and Jakarta in Reformation Era (post-1998)**

The housing policy in Indonesia after independence began in 1964 with the enactment of Housing Law 1/1964, which encouraged all citizens to deliver self-help housing due to government being unable to assist in housing provision. This law was revised with the enactment of Housing Law 4/1992, which emphasized the house as the generator of social, economic and environmental improvement. The revised law indicated the possibility for multi-functional housing, for social and economic improvement.

However, since the enactment of Building Law 28/2002, which defined the house as the place for definitive domestic activities, economic activities lost its place. This separation was designated to ensure the health of the house users. Additionally, conformity with the specified land use as stipulated by the city spatial order became one of the mandatory requirements to obtain a building permit.

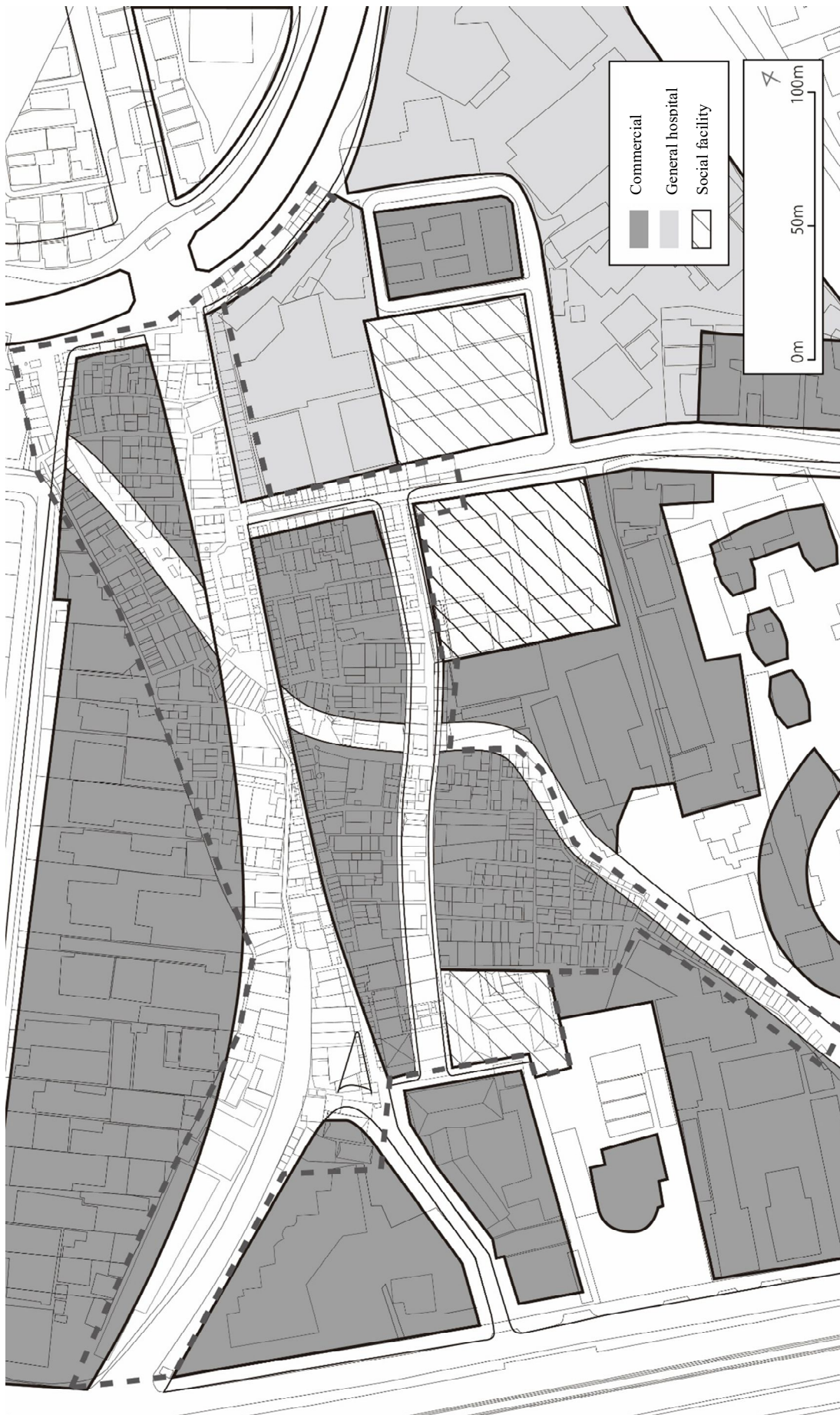


Figure II-1: The Future Land Use in Kampung Cikini for 2011-2031 According to City Government Regulation 1/2014

This law also requires that building provision, including houses, to be designed and built by registered professionals to ensure the building is safe. It indicates a paradigm shift in housing provision, from self-help housing to the government and private sector as providers.

Furthermore, Spatial Order Law 26/2007 was enacted to create harmonious interrelationships between functions in the city, and sterilization housing zone from economy activities. It also mandated that the city government established a city spatial order that acts as the juridical base for the building permit process, which relates to Building Law 28/2002. In the case of Jakarta, the city government has also enacted City Government 1/2014 on Detail City Spatial Order of Jakarta Province. Figure III-1 depicts the land use in Kampung Cikini, which are high-density commercial and social facility without housing for the existing kampung residents.

These two laws became the juridical base for the revised Housing and Settlement Law 1/2001, which inscribed the separation of domestic and economic activities. Although it still contains consideration for self-help housing, most of the articles encourage the transformation of kampung settlements in the city center to Low-Cost Apartments (LCA), which the government and/or private developers are the providers.

The enactment of Housing and Settlement Law 1/2011 was followed by Apartment Law 20/2011. This law mandated that the Government of Indonesia (GoI) assures housing availability for all citizens. As the representation of GoI, the Ministry of Public Works and Housing (MPWH) has enacted a massive housing provision program as part of the National Strategic Plan Development 2014-2019. LCA has become the main priority, as it incurs more than 70% of the State budget in the housing provision program, a lack of land availability in the major cities exists, and there is the ever growing housing backlog to overcome.

Housing development was rejuvenated in 2005 after the monetary crises of 1997-1998, as it became a priority in the National Long-Term Development Program 2005-2025. It was pledged by President Decree 7/2005 to build 60,000 units of Rental LCA and 25,000 units of Owned LCA for low-income people through government-private sector partnership (Alif, 2009: 14). Based on Public Housing Ministry Decree 7/2007 the program was designated for those who earn a monthly income less than US\$ 450. This figure was reduced to less than US\$ 250, according to the Public Housing Ministry Decree 14/2010.

Due to severe impediments, the DKI Jakarta Provincial Government announced several programs in its Jakarta Middle Range Development Plan 2013-2017 (JMRDP 2013-2017) such as housing improvement, especially in kampung settlement across the province (Bappeda DKI Jakarta, 2012).



According to the JMRDP 2013-2017, the provision of low-cost apartments was targeted to reach 4,000 units in 5 years, which is tremendously low, compared to the rate of urbanization in Jakarta. In order to overcome the housing shortage, the provincial government plans to provide 700 units in 2014, 534 units in 2015, 400 units and 800 units in 2016. In order to accelerate the numbers, it also introduced a new program of integrating low-cost apartments with traditional markets as mixed-use buildings. This program will be executed in 4 locations which are: Rawa Buaya and Susukan (West Jakarta) and Semper and Tegal Alur (North Jakarta). It is hoped that this will contribute 1,920 additional housing units. If both programs run according to plan, their combinations will provide 16,155 new units, which will surpass the expected result. The central government, through Ministry of Public Works and Housing, will also contribute to 2,600 units in 2015-2016 to assist the provincial government in achieving the target. Despite the promising progress, both programs are still in the planning stage until the end of 2015, because they have encountered land provision and bureaucracy problems.

Meanwhile, the creative integrated kampung improvement along Ciliwung River will be implemented in 100 locations in 2013-2017. In 2013, DKI Jakarta Provincial Government introduced the “Thematic Kampung Program” as one of the novel concepts to alleviate kampungs in the city (Bappeda DKI Jakarta, 2012). The objective of this program was to rebuild and rebrand each kampung according to its own identity, such as Fishermen Kampung in Muara Angke (North Jakarta), Backpacker Kampung in Jaksa Street (Central Jakarta) among others. The program was initiated by the provincial government purchasing the land and building new houses without local resident’s participation in design and construction stages. As the government’s land has slowly diminished, purchasing land from residents was declared necessary because the expenditure of government budget for social; housing must be located on government’s land, according to Government Regulation Number 38/ 2008. Despite the program being championed as a promising kampung improvement program through its preservation and strengthening of the local kampung identity, this program encountered massive resistance from the designated kampung residents due to loss of land ownership and its top-down approach.

Learning from the previous failure, in 2014 the DKI Jakarta Provincial Government introduced a new program which was widely known as the “Row-Kampung Program”. This initiative aimed to accelerate the kampung improvement programs. This program included the widening of the narrow kampung alley and neighborhood drainage, along with the improvement of the houses’ facades. This program was delivered in 26 kampung locations throughout the province,

including 10 locations (2,434 houses) in Central Jakarta, 6 locations (230 houses) in North Jakarta, 3 locations (367 houses) in West Jakarta, 3 locations (602 houses) in South Jakarta and 4 locations (834 houses) in East Jakarta (Bappeda DKI Jakarta, 2014). Despite its acclaimed success in improving the physical condition of kampung settlements, the sustainability of the result is questionable. In her post-occupancy evaluation of the Row-Kampung Program in Tanah Tinggi (Central Jakarta), Ainy (2014) unveiled the physical improvement cannot be maintained comprehensively by the benefactors because of the limitation of their financial capacity and lack of sensitivity with their everyday life. This fact suggests the program needs to encourage community participation to achieve an appropriate physical improvement that corresponds to their social activities and economic capacity.

Meanwhile, the city government identified the lack of accurate data on benefactors and updated settlement map in every sub-district as the major challenges in this program (Bappeda DKI Jakarta, 2015). The city government database demonstrated major discrepancies with the initiated program, due to the rapid and clandestine incremental development by kampung residents. As a consequence, the program was annulled in 26 locations by the Jakarta House of Representative based on an official report from the Jakarta Audit Board of DKI Jakarta Province, who identified incompatibilities of requirements for intended benefactors. Therefore, in 2016 a preliminary demographic and topographic survey will be the priority in order to create a basis for the upcoming program (Bappeda DKI Jakarta, 2015).

The rapid self-help development of kampung settlements has been causing problems for the city government when they come to compose precise kampung improvement interventions, primarily due to data incompatibility. Frequent changes in the number and status of the population, physical structure of settlements, and land ownership, play major roles in the shortfall of government programs to improve the deprived settlement. Therefore, it is obvious that the incapability of the government to resolve land ownership and affordable housing problems for kampung residents has become the dominant factors of the survival of kampung settlements.

The fact is that the residents of Kampung Cikini are still practicing self-help housing until now. This illustrates their autonomy to build their own houses and settlements still exists in the present times. However, according to Figure II. 1, their existence in their location will be diminished, which indicates the autonomy is challenged by vague land ownership. Therefore, the research questions are: 1) Does the autonomy of kampung settlement in the case Cikini still exist? 2) What kinds of practical examples are there of the practiced autonomy?

The aim of this study is to understand the reasons and kinds of practiced autonomy which enables them to produce and practice housing code.

## **II.2 RESEARCH METHOD**

The investigation of the body of literature relating to kampung settlements in Indonesia, particularly in Jakarta, indicates that the kampung settlements have been granted autonomy since Dutch Colonial Era. The objective does not originate from a humanitarian perspective, but the financial incapability of the ruling government to provide affordable housing for the kampung residents. The granted autonomy allowed the kampung residents to arrange their own settlement according to their social and economic condition.

However, the prior studies of kampung autonomy provides insufficient explanation, in particularly in Kampung Cikini, on how the granted autonomy was exercised to arrange the settlement. All of the prior studies emphasized the historical background of the kampung autonomy with the archival research method, but left insufficient explanation on what kinds of practical examples resulted from the autonomy. Furthermore, there is a lack of investigation on the intersection of the city policies development, which enables the kampung settlements to survive in the city center. Therefore, this part of the study aims to understand how the granted autonomy is practiced since Independence (Old Order Regime) Era, to ensure the Kampung Cikini remains to survive in the city center.

The investigation of the ‘code’ in the research location cannot be separated from the evolving history of Kampung Cikini. In order reach the aim, this research requires 2 (two) tasks: 1) Historical investigation of Kampung Cikini; and 2) Historical Self-Help Management of Kampung Cikini.

The first task demands archival research method by investigating the body of literature relating to the development of Kampung Cikini since the Dutch Colonial Era. It is essential to understand the history of Kampung Cikini in Jakarta. This is because it provides an understanding of the development of kampung settlements in the city center, in particular Kampung Cikini, and the reception of the granted autonomy since Dutch Colonial Era.

In order to accomplish the second task, this research comprises of two stages. The first stage was data collection through participatory mapping of the historical development of Kampung Cikini. The evolving development of Kampung Cikini since the Dutch Colonial Era was not documented accurately by the residents and city government. Therefore, the participatory mapping of Kampung Cikini was conducted with 20 (twenty) respondents, consisting of: Head

of Community Association (CA), Vice of Head of CA, 13 Heads of Neighborhood Associations (NAs) and 5 (five) senior residents who have lived more than 30 years in Kampung Cikini. The participatory mapping of the settlement was dependent on the memory of the respondents, which was dating back to the 1940s until present times.

During the mapping process, the respondents shared information regarding the following topics: 1) the boundary of Kampung Cikini from the 1940s to present day; 2) reasons for the dynamic development of Kampung Cikini; and 3) the management of Kampung Cikini as an exercise of the granted autonomy.

Additionally, interviews to Head of Pegangsaan Sub-District and City Housing Agency were conducted to understand the historical city policy relating to kampung settlements in Jakarta, in particular Kampung Cikini. The information from both respondents are essential to understanding: 1) the policy of government to improve the kampung settlements in Jakarta; and 2) how the kampung residents practice the autonomy to adapt with the development of city policy and for ensuring their survival in the city center.

The investigation of housing policy in Indonesia was also conducted, to understand how the granted autonomy is able to find a way for adaptation along with the city development. Furthermore, this investigation also identifies critical housing policy in Indonesia which compromises the granted autonomy of kampung settlement.

The second method was conducted to compile the information from Kampung Cikini residents, who voluntarily participated as respondents through a series of participatory mapping exercises. The series of group discussions were conducted to provide confirmation on the topics raised. Individual discussions were also performed to clarify specific information, and to conduct triangulation method to reduce bias.

The process was conducted in three stages. The first stage consisted of a focus group discussion with all participants, and to draw a historical map that was overlaid on a 2007 map acquired from city administration. In the discussion, 20 senior residents as respondents, shared information based on their memories and their ancestors' information to articulate the condition during the Dutch Colonial and Independence Era. The second stage was conducted to verify the information according to the existing physical condition. While the final stage was focus group discussion with the same respondents to verify the preliminary analysis result. The discussion enriched the analysis result in terms of the history of land development, territorial division and the rise of the generated code from the self-help management.

## II.3 HISTORICAL INVESTIGATION OF KAMPUNG CIKINI

### II.3.1 Development of Kampung Cikini from Dutch Colonial Era to Present Times

In the end of 18<sup>th</sup> century, the Dutch Colonial government developed the Weltevreden area in order to accommodate a new settlement for Batavia's citizens due to rapid population growth. This city expansion induced more people to build in the southern side of the settlement, to Gondangdia and Menteng.



Figure II.2: The development of Kampung Cikini from 1897-1945  
Source: Mao (2013) with additional illustration from the Author.

Since 1887, *Bataviasche Oossterpoorweg Maathappij* (BOS), the Dutch train company, also developed train transportation systems to connect the whole city. They built train stations, railways and steel bridges to pass over the Ciliwung River to accommodate horse tram in 1869, steam tram in 1881 and electric tram in 1899. Location of Kampung Cikini at that time, consisted of housing for the workers of National Railways Company.

This system was to not only accommodate the transportation needs of citizens, but also to accelerate the distribution of trading commodities from Jatinegara to the Fish Market Harbour. The system comprised of 5 (five) major lanes and the Menteng-Kramat-Jakarta Kota track passed through Kampung Cikini. As shown in Figure II.2, the main boulevard of the Kampung Cikini was one of the railway tracks of train transportation system.

Menteng area was derived from the name of prominent colonial official in the beginning of 19<sup>th</sup> century, Van Muntinghe, who was the first land owner of this area (Abeyasekere, 1987). In order to prevent uncontrollable city expansion, the government bought the land in Menteng area (approximately 10 km<sup>2</sup>) from 1908 until 1927.

Menteng settlement was assigned for the elite class of Dutch and high-status Indonesian citizens. It was designed by P.A.J. Mooijen and modified by F.J. Kubatz, and implemented garden city concept from 1910 until the 1930s. It was also designated to separate the elite class from the poor and people belonging to the lower societal status (Surjomihardjo, 1977).

After losing the war against Japan, the Dutch citizens left Jakarta and abandoned their properties. It provided an opportunity for Jakarta's elite society to occupy the abandoned colonial houses in the Menteng sub-district. Unfortunately, the separation of elite estates and the poor settlement in Menteng was erased during the Japanese occupation of the 1940s. The poor were permitted and ordered to plant crops for war's logistics, without considering land ownership and already built self-help housing, including in Kampung Cikini (Sedyawati, 1987). Since then, migrants from Cirebon, Bogor, Pekalongan, Bandung, Banyumas and other regions had relocated to Jakarta in order to participate (Kementerian Penerangan Republik Indonesia, 1952).

This policy grew kampong settlements in the early Independence Era (1945-1965) along the Ciliwung River (Lubis, 2008) and created social and environmental problems (Purwanto, 2008). The monumental projects in this era accelerated urbanization and created housing problems due to rapid population growth (Suparlan, 1984).

Although the famous Jakarta Governor Ali Sadikin tried to solve this problem by creating a 20-year master plan from 1965-1985, the urbanization was already irrepressible. The kampung settlements had spread out from Tanjung Priok, Senen, Salemba, Gambir, Kebon Kacang, Pedurenan, Raden Saleh, Karanganyar, Tanah Sereal, Kramat, Gunung Sahari, Tanah Abang, Krekot Bunder, Pasar Baru, Kampung Cideng, Rawa Galur, along the railways and Ciliwung River (Suparlan, 1984).

In the 1960s, President Soekarno closed down the tram service because it was not feasible to accommodate the overflowing city population. The railways were not disassembled but overlaid with asphalt to produce pedestrian and vehicular street. This was also done to decrease the government's expenditure (Suparlan, 1984).

### **II.3.2 Autonomy of Kampung Cikini**

The historical development of kampung Cikini has indicated the granted autonomy from the Dutch Colonial government. The land given in the 1940s established the legality of Kampung Cikini in Dutch Colonial Era, not as the illegally occupied. The massive occupation of other parts of the settlement was also allowed by the Japanese government during 1942-1945.

After Independence in 1945, the kampung autonomy from the Dutch Colonial Era and Japanese Occupation Era to the Independence Era, both in the Old Order Regime (1945-1965) and the New Order Regime (1966-1998), had been sustained. The persistence of kampung autonomy was due to the incapability of government to provide affordable housing for the fast-growing numbers of kampung residents. Kampung settlements in Jakarta provide affordable shelters for the citizens. They emerged as a response to the city's modern development, since the quantity of housing for the workers cannot be accommodated by government housing programs.

It corroborates the argument by prominent scholars such as Roy (2005, 2009), who urged the slum (kampung) settlements as the housing solution rather than problem. However, in the case of Jakarta, kampung settlements were granted autonomy by the government since Dutch Colonial Era as the housing solution.

### **II.3.3 Self-Help Land Development of Kampung Cikini**

In Kampung Cikini, the first kampung residents were given the land through a formal letter from the colonial government as the token of appreciation for their service to the NTC. During the Independence Era and the euphoria of liberation from the foreign occupation, the first migration occurred and the undocumented land transactions begun. The current land owners, who had the formal letter of ownership, rented and sold some of their parcels to the migrants without any records or documents. Poor resources, ranging from the national budget to the officials to enforce the enacted BAL, became the main factor of the unrecorded land transactions. As a result, the original Kampung Cikini densified with the proliferation of land division.

The significant modern development in Jakarta provided many job opportunities and required participation of the cheap labors from migrants. This symbiotic relationship between the lustful government to modernize the capital and the impoverished population from all over the archipelago, ignited the rapid pace of urbanization. Cheap labor could be found in the existing kampung settlements, even making their own kampung settlements as their housing solution.

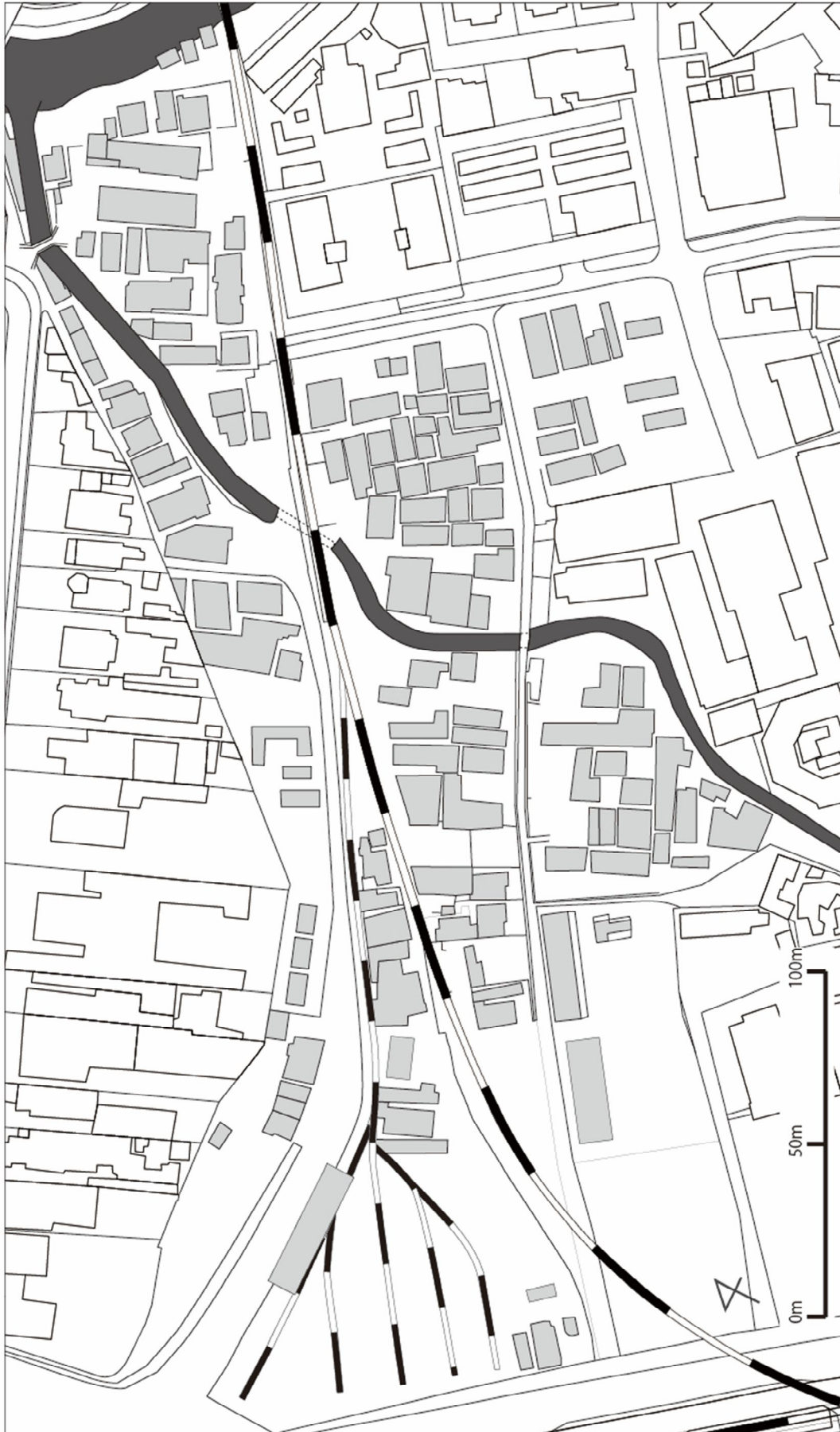


Figure II-3: Kampung Cikini in the 1940s-1950s  
Source: Mao (2013) with the Confirmation with the Respondents during interview with the Author (2015)





Figure II-4: Kampung Cikini in the 1960s-1970s  
Source: Mao (2013) with the Confirmation with the Respondents during interview with the Author (2015)



Figure II-5: Kampung Cikini in the 1980s-present

Source: Mao (2013) with the Confirmation with the Respondents during interview with the Author (2015)

In the 1960s, as the pace of modern developments continued, the second migration inundated Kampung Cikini. According to prominent leaders, Kampung Cikini had been squatted since the Independence Era and the usurpation was more considerable after the railways overlaying project of the 1960s. Most of them were the traders in the Cikini Market, which was built in 1962 to serve the basic needs of the Menteng elite society.

The densified original Kampung Cikini was overwhelmed with additional migrants, the majority of which were construction workers for various city developments. The expansion of Kampung Cikini became the possible solution, by organizing the piling of construction waste along the Ciliwung River. The occupation of the ex-railways along the west side of the kampung also became a solution to shelter the influx of migrants, by piling up the construction waste from development sites in the city.

The piling process was possible due to their experience in construction projects and the well-established connections with the project owners. The dense and strong soil allowed them to construct their housing. The food traders in Cikini Market and construction sites were also allowed to reside in the expanded Kampung Cikini. As the population kept growing, the expanded area formed their own CA, which is now known as CA 7 and 8. CA 7 was located in the west side of Ciliwung River, while CA 8 resided above the river.

In the late 1970s, as part of KIP, CA 8 gradually evicted residents to reduce the flood hazard in the city by maintaining the river body. By the end of 1980s, CA 8 had been completely eradicated and only CA 7 remains until now in the expanded area. In other CAs, the development tends to refer to the existing house structure through land division from the larger land parcels. Whereas in CA 7 and 8, the residents planned and built the houses and subsequent infrastructure from the vacant land according to their experiences of working in the modern development construction projects. The land parcels were divided equally to the usurped residents, and the original drainage channels were constructed along the periphery of the houses. This condition explained the distinctive construction skill of CA 7 from others, and their ability to formulate their own UBSR, which will be explained in Chapter 5.

## **II.4 SELF-HELP MANAGEMENT IN KAMPUNG CIKINI**

### **II.4.1 Formation of Community Association (CA) and Neighborhood Association (NA)**

In the middle of 1970s, the State enacted the Village Government Law (VGL) 5/ 1974 as the juridical basis of the formation of Community (CA) and Neighborhood Associations (NA).

This regulation imitated the neighborhood system used during Japanese Occupation, to help facilitate the State's control over the citizens, including kampung residents.

In the New Order Era (1966-1998), CA and NA were regulated by Ministry of Interior Decree 7/1983, as the policy instrument from Village Government Law 5/1974. This regulation was revised by Regional Government Law 22/ 1999, which was followed by the Presidential Decree 49/2001 and Ministry of Interior Decree 4/1999 to regulate and standardize the formation guidelines that encompassed elections, rights and obligations, tenure time, requirements for Head of NA and CA, mutual agreement procedures, and assets of a village.

This decree emphasized the obligation of the Head of NA and CA to disseminate the central government programs, as a form of controlling the numbers and activities of populations, including in kampung settlements. The identity and family card became the tools to control the number of population, which also helped to legitimize resident's citizenship, including kampung residents.

The formation of NA and CA were based on mutual agreement by the residents. The elected Head and Vice of Head of NA and CA were submitted to the sub-district for receiving the letter of acknowledgment from the government. However, the Head of NA and its apparatus are excluded from the city government, and do not receive any salary for their services. According to Head of CA 1 and all Head of NAs in Kampung Cikini, the position is considered as the form of dedication to improve the living conditions of the kampung residents.

During his tenure, the Head of NA and CA establishes the unwritten rules of the settlement, which comprises of rights and obligations of kampung residents to maintain social harmony and enact hazard prevention. It was encouraged by the government during the New Order era to preserve the spirit of mutual self-help in the management of their own affairs. Therefore, the formation of CA and NA is a form of legitimization of the autonomy for all settlements, including kampung settlement, which is legalized by various government regulations.

The first consideration of territorial division was based on the origin of the residents. According to information shared by local leaders in several NAs, the native landowners and local leaders initiated the differentiation of territory between the original and the expansion of Kampung Cikini. The first was occupied by the natives and migrants, who rented or bought the land from the existing land owners. While the second was inhabited by the migrants, who created the expansion area with piles of construction waste from the surrounding modern city development.

Basically, the division of NA was based on the equal access from the overlaid railway and market, to ensure fair access of circulation among residents. Furthermore, alleys between each of NA were used as the distinctive territorial boundaries.

The distinction facilitated efficient and effective self-organization. Furthermore, it was also designated to set clear boundaries of the area that should be evicted. In other words, the native local leaders were intended to sacrifice the migrants in the expanded area to save their lands and houses, whenever the eviction occurred. However, as the population continued to grow, the native family members and relatives were forced to live in the expanded area, due to a lack of space in the original part of Kampung Cikini. Consequently, the classification became vague and the clear distinction between the native and the migrant's territory slowly diminished.

The formation of the NA and CA indicates the merging of kampung's self-help management with the city administration. The Head of CA 1 became the connection between the kampung residents and the city administration, which is represented by the Head of the Pegangsaan sub-district. As the connector, the Head of CA 1 holds a pivotal role in disseminating the aspirations of the kampung residents to city administration, particularly in terms of the projects required to improve their living conditions. Reciprocally, the Head of CA 1 also became the disseminator of the city administration programs and orders, which were communicated by Head of the Pegangsaan sub-district.

This mutual relationship enables kampung residents to obtain recognition from the city administration and helps to solidify their existence in their settlement. The distribution of Identity and Family cards, as the tools of city administration to identify the number and identity of population, became essential tools for the kampung residents to earn recognition from meeting their daily needs such as: enrolling their children in the nearest schools, obtaining job opportunities in the formal sector, acquiring electricity from the National Electricity Company (NEC), and exercising their political rights in general elections. This mutual relationship also helps to sustain the autonomy of self-help management of the kampung settlement, and is a possible answer to the insufficient resources and incapacity of city administration to deal with the massive number of kampung residents.

#### **II.4.2 Self-Help Management of Market in the Overlaid Railway**

In this part of time, the overlaid railway by the NTC has increased the circulation flow to the heart of Kampung Cikini. This overlaid railway shortened the distance for pedestrians from



Cikini Station to the surrounding commercial area and General Hospital. Consequently, a small market emerged along both sides of the overlaid railways.

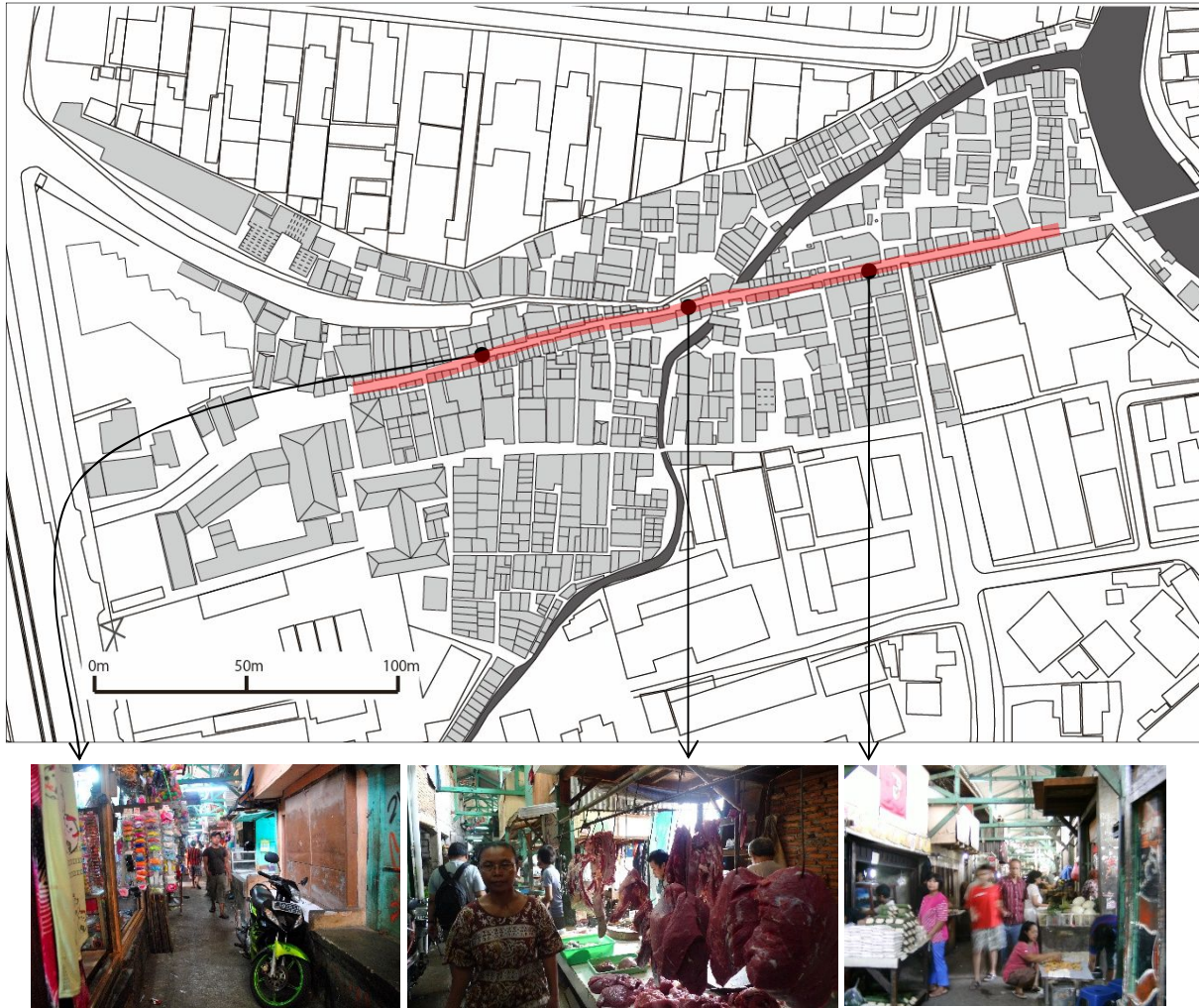


Figure II.6: The Map (top) and Pictures (bottom) of the market in Kampung Cikini

The market consisted of HBE from the houses along the overlaid railway and the ambulant traders, who came from Cikini Station. At first, CA 1 did not collect a fee from the traders, but as the market grew rapidly CA 1 started a fee collection system. However, the fee collection system ignited conflict between CA 1 and the NAs along the overlaid railway.

Each of the Heads of NAs claimed their entitlement to collect fees from the traders, who sold their commodities in the periphery of their territories. The fees were designated to fund the self-help infrastructure improvement and welfare of each NA.

However, Head of CA 1 also claimed their entitlement to collect the fee, as the ambulant traders also sold their commodities in the overlaid railway. Over the time, some of the ambulant traders rented space in the houses along the overlaid railway, and should pay the fee to the Head of

CA 1. The collected fees by CA 1 were planned to pay the collecting garbage fees to the city agency and security which was coordinated by Head of CA 1.

At the end of the 1970s – according to the Head and Vice of CA 1 and confirmed by several longtime traders in the market – CA 1 held a meeting that was attended by Head of NAs and their representative of traders in the overlaid railway area. The result was the traders, who were the residents of CA 1, would pay the fee to the each of NAs. While the traders, who came from the outside of CA 1, should pay the fee to the Head of CA 1.

Although all the parties pledged to comply this agreement, it only lasted for a decade. The influx of ambulant traders was not recorded properly and the overlapping of fee collection by Head of NAs with the cooperation with a corrupted security team, had decreased the income of CA1. Consequently, CA 1 could not perform their duties appropriately, such as paying the garbage collection fees to the city agency. The accumulation of uncollected garbage became one of the triggers of distrust between CA 1 and the Head of NAs. As the tension escalated, the Head of NAs began to take over collecting the fees from all the traders who sold their commodity in the periphery of their territory and share in certain percentages to CA 1.

This modified system allowed CA 1 to pay the garbage collection fees to city agency, while each of the Heads of NAs kept the authority of their territories. However, the tension left personal grudges between CA 1 officials and Heads of NAs. As such, most of officials of CA 1 and each NAs were reluctant to disclose detailed information relating to the overlaid railway market.

#### **II.4.3 Establishment of Pegangsaan Sub-District Board**

The Governmental Organization of Jakarta Law 34/1999 mandated the formation of the Sub-District Board, which was followed by City Regulation 5/2000 on Sub-District Board (SDB) and Governor Decree 3/2001 on the Procedure of Electing the Sub-District Board's members. In the City Regulation 5/2000, SDB is an institution for consultation and communication between the city apparatus and the representatives of sub-district residents on matters relating to the community's issues and the implementation of government policies.

SDB consists of elected representatives chosen by the residents and are proposed to the Head of Sub-District for inauguration. The representatives are obligated to voice the aspirations and consult on the issues of the residents to the Head of Sub-District, but are also responsible for disseminating and implementing the government policies in the community.

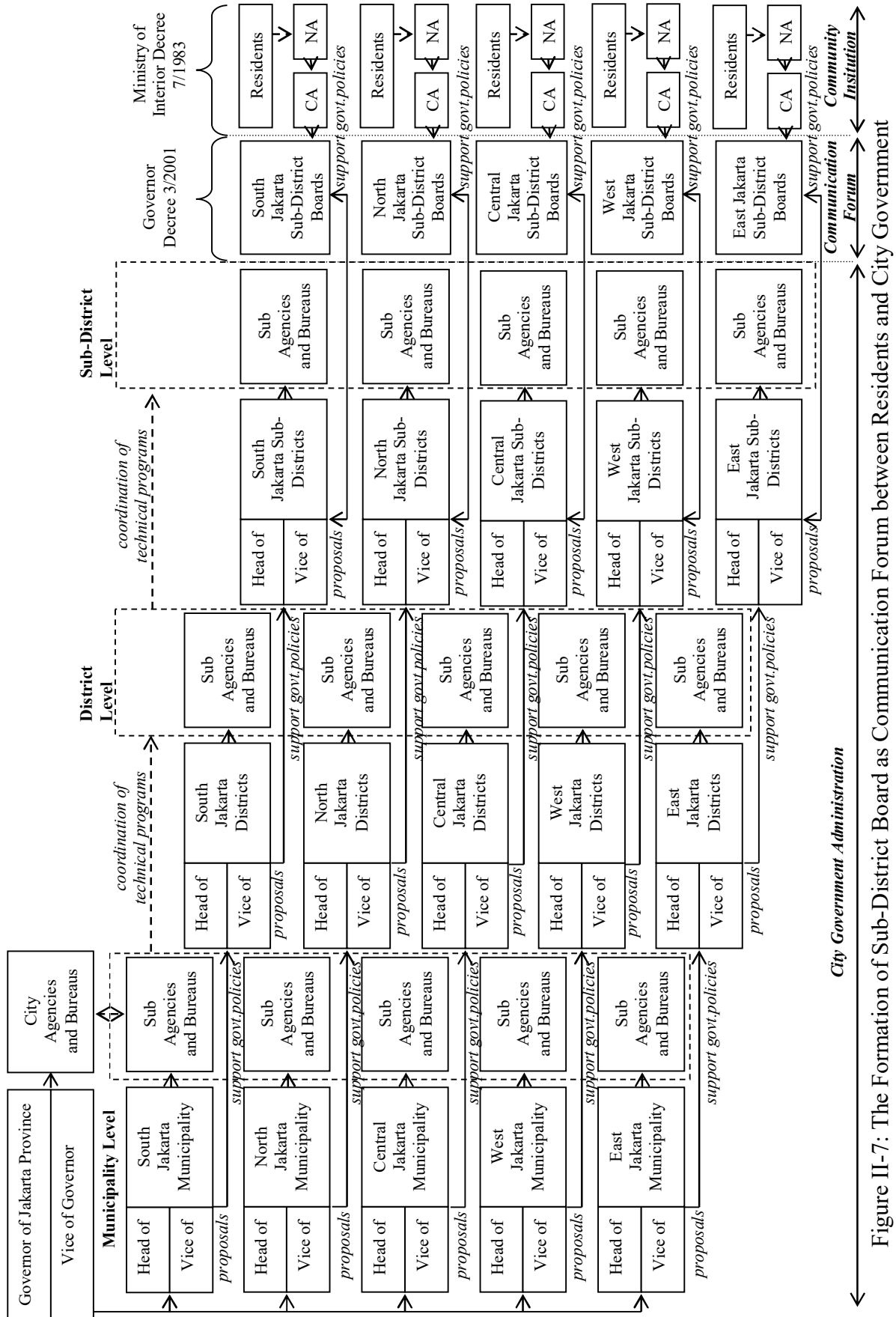


Figure II-7: The Formation of Sub-District Board as Communication Forum between Residents and City Government



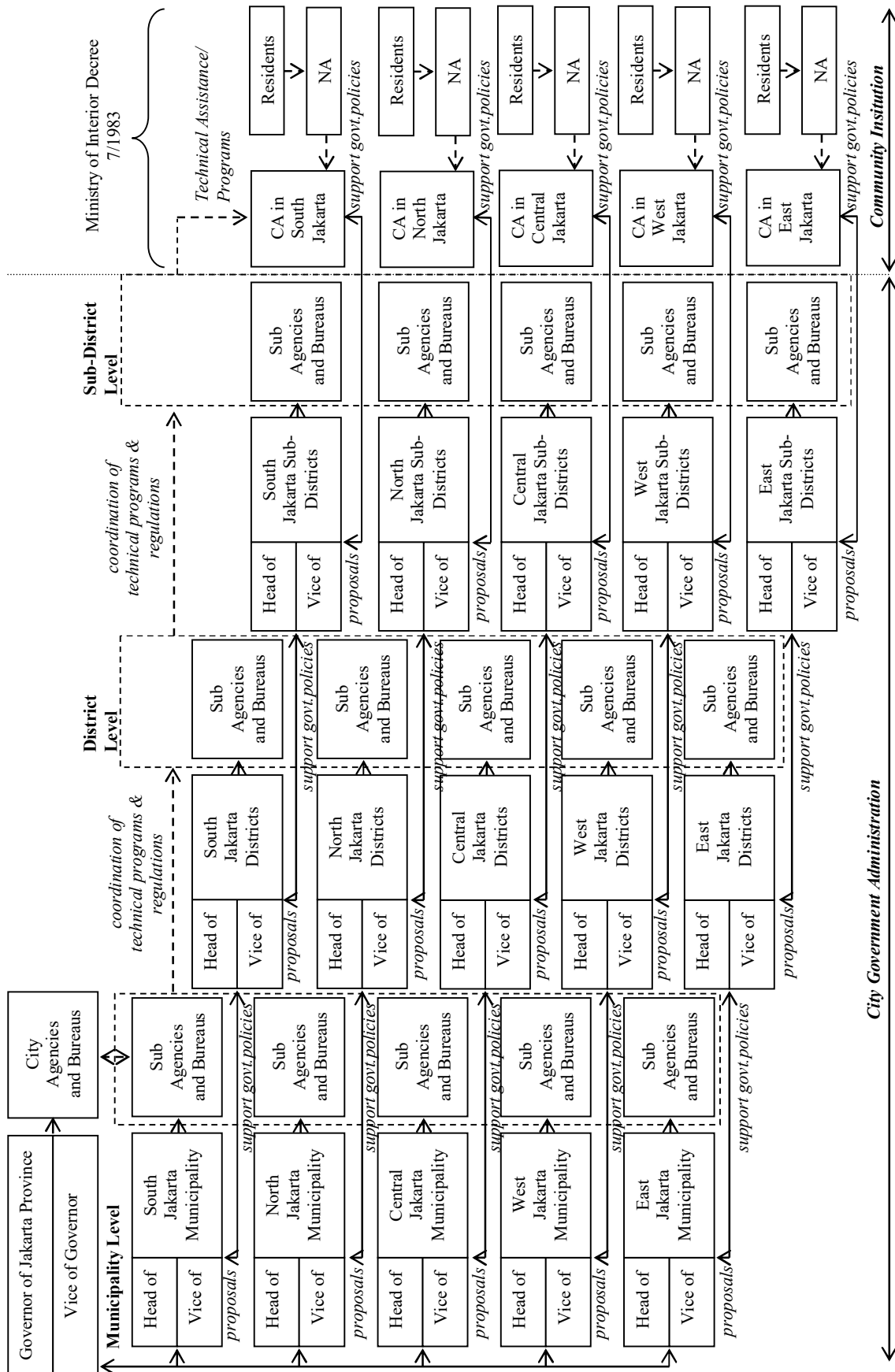


Figure II-8: The Communication Process between Residents and City Government before Sub-District Board

According to the City Regulation 5/2000, the number of members of SDB is the same as the numbers of CA in the Sub-District. In the case of the Pegangsaan Sub-District, there are 8 members of SDB, as there are 8 CAs within the Sub-District. The representative of Kampung Cikini, who also became one of respondents, admitted that SDB is very efficient in comprehensively discussing the issues in the CA, as they cannot be solved in the particular CA. Issues include things such as criminal activities, contagious diseases and others. The intense communication with other representatives helps to develop a mutual cooperation to overcome the problems of the community. Furthermore, the representatives can easily propose the appropriate programs to the city government for solving the problems encountered by the community.

Nevertheless, the Head of Pegangsaan Sub-District encourages the self-help community program (including in Kampung Cikini) with mutual assistance from mobilization of labor, funding and planning, in order to help solve the second issue by providing and renovating neighborhood infrastructure. In other words, the Head of Sub-District, on behalf of the city government, gives the autonomy to the residents to address infrastructure problems, due to a lack of resources.

The SDB also becomes a site of opportunity to obtain infrastructure assistance from the city government. The discussion and negotiation with the authority in Pegangsaan Sub-District enables the representative of Kampung Cikini to acknowledge, propose and obtain the available intervention programs for the kampung. Therefore, the representation of Kampung Cikini in the SDB holds a pivotal role in obtaining the relevant improvement programs and negotiating the autonomy of Kampung Cikini in self-help housing and infrastructure provision.

#### **II.4.4 Mutual Relationship with the Modernized Surrounding Area**

The aforementioned history demonstrates the shifting of Jakarta development, from accommodating the kampung settlements to modern city development. In the 1980s, the widening of Cikini Raya street in the west side of Kampung Cikini was intended to solidify the Menteng district as one of prominent business districts in the DKI Jakarta province, along with the development of Central Business Districts. This development has sacrificed the NA 1 and 2 which were turned into high-rise commercial buildings.

Furthermore, NA 8, 9, 10 were also included in the eviction in order to build social facilities such as Bung Karno University, government buildings and the expansion of General Hospital. The constant flooding in the rainy seasons in this decade, enforced the city government to

demolish the houses along the riverside and build a new river inspection road. However, this road stopped in the overlaid railway bridge due to a lack of resources to demolish the built houses along the Ciliwung River. This significant partial eviction changed the territorial division and strengthened the community's solidarity. Several residents, who were reluctant to move out from Kampung Cikini, had to rent, buy and even build in the extension area of NA 14 behind the high-rise buildings.

Although several NAs have changed into the commercial and social facilities, they are still included in territory of CA 1. It entitles the Head of CA 1 to fabricate new relationships with the new owners and users of the building. The owners and users of new buildings were obligated to obtain letter recommendations for all the purposes relating to the buildings from the Head of CA 1, ranging from building permits for renovation or expansion to all social welfare such as crime reports to insurance companies and the police station.

This obligation becomes an irresistible opportunity for the Head of CA 1 to allocate unemployed residents to low-rank job opportunities in the surrounding new buildings, ranging from building security, parking officers, office boys, cleaning service workers, drivers, to negotiated space for street vendors and expansion of housing area in NA 14. After the establishment of the Sub-District Board, where the residents of Kampung Cikini have their representation, the distribution of unemployed residents to the surrounding commercial facilities becomes more streamlined.

The consented appropriate of labor enables kampung residents to obtain regular and occasional donations from the surrounding facilities for various ceremonies. This mutual relationship grows to also include access to additional clean water and electricity, the mobilization of construction waste from renovations, and improvement and expansion of buildings. This waste was utilized for the self-help housing and infrastructure improvement in Kampung Cikini.

In order to solve the garbage collection issues, CA 1 has been successful in creating and maintaining cooperation with the Cikini Market. Shared usage of a garbage tank occurs in exchange for a small contribution to a shared fee that is delivered to the market administration, as they cannot afford to pay the whole fee established by the city agency.

For the owners and users, this mutual relationship benefits them for administration problems, provision of cheap labor, vending space for their low-rank workers, and security assistance from kampung residents. During the political turmoil and monetary crisis in 1997-1998, the kampung residents helped the owners and users of the surrounding buildings protect themselves from the riots and subsequent plundering in various ways.

The mutual benefits with the surrounding modernized neighbors provide job opportunities, which still generates migration from outside the settlement. As a result, the expansion of NA 7 along the river inspection road has occurred. In order to prevent eviction in the future, the Head of CA 1 and NA 7 established a rule for the houses in the new area to not usurped the river body and instead place their houses along the boundary wall of the modern buildings<sup>1</sup>. This rule still provides sufficient space, approximately 700-1,000 mm, for circulation on the river inspection road.

This description illustrates how the self-help management of kampung settlements has been exercised in order to manage the internal population and structure of settlement and collaborate with city administration. It establishes the fact that self-help management of kampung settlement does not only regulate internally, but has also been able to adapt and capitalize on the variation of external conditions to ensure their living can be sustained in kampung settlement.

## **II.5 AUTONOMY ANONYMOUS AS THE RESULT OF FRAGMENTED POLICIES**

Since the Dutch Colonial era, kampung embodies spatial segregation of the lower class in contrast to those living in larger, better-built houses that line the streets. Due to the absence of government intervention, the residents have had to develop their own self-help management. However, kampung residents do not only contribute to the modernization that has occurred since the Dutch Colonial period to the present time. Residents also help to create opportunities for themselves, which is the reason the kampung will always exist as favorable employment opportunities close to the city center will always be a characteristic<sup>2</sup>.

Therefore, kampung settlements are a product of development where modern economic activity gains maximum profits and benefits from the existence of kampung residents. As the population grew rapidly, the government enacted Village Government Law 5/ 1974, to register the population. This allows the kampung residents to obtain ID and family cards. It also poses several commonly overlooked consequences, such as: acknowledgment of the identity of kampung and its residents, access to infrastructure and government intervention programs, and the ability of residents to exercise their political rights.

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<sup>1</sup> It becomes the milestone of making the UBSR in NA 7, which will be discussed in Chapter 5.

<sup>2</sup> The economy activities in Kampung Cikini will be discussed in Chapter 4.



As the population growth kept escalating, the government enacted Ministry of Interior Decree 7/1983, which allows the kampung residents to voice their aspirations and propose intervention programs. In order to decrease the numbers of proposals, the city government established the Sub-District Board as a communication forum, where the representative of each Community Association (CA) can collaborate and negotiate with other surrounding CAs to solve their problems.

The representation of Kampung Cikini on the SDB acknowledges that the city plan relates to the settlement, but also helps residents obtain intervention programs<sup>3</sup> from the city government and the surrounding commercial facilities. Therefore, it is clear that the Head of Sub-District, on behalf of city government, solidifies the autonomy for the residents in the improvement of their own settlement, including for those residing in Kampung Cikini.

However, the development of housing policy in Indonesia has shifted from the encouragement of self-help housing to the housing provision by government and the private sector. The enactment of Building Law 28/2002 and Spatial Order Law 26/2007 tends to rigidly order the building process and function, including housing. Conformity with the established land use becomes one of the pivotal mandatory requirements to build. In Kampung Cikini, the projected land use according to City Government Regulation 1/2014 is to diminish the houses of kampung residents and replace them with high-density commercial, social facilities, and an expansion of the General Hospital. This regulation poses eviction threats to the settlement, which challenges the acknowledgment of autonomy of the kampung residents. It shows that in the context of the kampung settlements, including Kampung Cikini, fragmented policies exist. These fragmented policies become the cause of *the autonomy anonymous*, the unacknowledged autonomy of kampung residents to deliver self-help housing provision. This indicates that the autonomy anonymous still enables kampung residents to produce and practice their own housing code. The following three chapters will explain the housing code in Kampung Cikini.

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<sup>3</sup> This part will be discussed in Chapter 3, as the intervention program from government has correlation with the code of Land Tenure Security.

## **CHAPTER III**

### **THE CODE OF LAND TENURE SECURITY IN KAMPUNG CIKINI**

#### **III.1 LAND TENURE SECURITY IN KAMPUNG SETTLEMENT**

##### **III.1.1 Definition of Land Tenure**

The aforementioned main problem in Turner's self-help housing concept and the housing programs delivered in Indonesia is the land tenure security. UN-Habitat (2007) defined tenure security as the right of all individuals and groups to effective protection from the State against forced evictions, which is complex and encompasses the dichotomies of formality or informality, legality or illegality, and modern or customary law. It is regarded as a major contributor to poverty alleviation and advancing sustainable livelihoods. Meanwhile, Payne (2001) defined land tenure as the mode by which land is held or owned, or the set of relationships among people concerning land or its product. It usually involves a complex set of rules, or bundle of rights, associated with the use of that land (UN-Habitat, 2004). However, Payne (2005) exhorted that land tenure needs to be understood separately from property rights, which refer to a recognized interest in land or property vested in an individual or group. Governments have become increasingly aware that concerted action is required in the promotion of secure tenure, replacing arbitrary forced evictions with negotiated resettlement (Farvacque & McAuslan, 1992).

##### **III.1.2 Failure of Land Titling in Poverty Alleviation**

In the last two decades, land tenure provision through land formalization programs has been seen as the ultimate solution to this problem. In his prominent book, de Soto (2000) claimed that the poor in developing countries own dead capital, which cannot be used to create wealth. He argued that these possessions, including houses on land without title, are not adequately recorded and turned into capital. The formalization of property rights will serve security of tenure (van Gelder, 2007) and provide capital for home improvement (Mooya & Cloete, 2007). Nonetheless, this concept has irrefutable shortcomings because it demands fundamental changes of the legal system (Berner, 2000). The link between legal titles and access to credit have failed to materialize (Calderon, 2004; Durand-Lasserve & Selod, 2007; Lemanski, 2010; Pamuk, 2000; Van Gelder, 2009), as any borrower must have a secure income before it is possible to leverage credit from a banking system, which is almost impossible for many slum residents who work in informal sectors (Bromley, 2008). Few financial institutions will accept

it the insecure income as collateral for loans, and slum residents often pay substantially higher costs for services than higher income residents in the formal tenure categories (Payne, 1997). The potential beneficiaries are unable to afford any form of legal tenure requiring payment (Fourie, 1999; Sjaastad & Cousins, 2008). In some cases, titles cannot stipulate security of tenure, because the regulatory taxation will hamper residents' financial capacity (Baharoglu, 2002: 4). Land titling has also been said to potentially disrupt community life and established social networks (Bromley, 2008; Payne, 1997; Von Benda-Beckmann, 2003).

A study in Bogota (Colombia) by Gilbert (2002) established the insignificance of formal finance after formal titling, as the slum residents were reluctant to utilize titles to access credit. Research by Home and Lim (2004) in Botswana, Trinidad and Tobago and Zambia proved that landholders are more likely to pass plots on to family than sell them on the free market, and observed a widespread aversion to the use of land as collateral in all three countries.

While based on his study in Kenya, Musembi (2007) criticized the neglected customary land tenure arrangements and land markets in the absence of formal title, along with the rise of insecurity through land speculation and pressure to change traditional customary tenure arrangements. The use of land for loans is not popular among poor people in the developing world, since they do not need the significant sums of money that require collateral (Payne, 2001).

Land titling does not only increase the market value of land (Durand-Lasserve & Payne, 2006: 7) but also rent and tax prices, which makes landed properties more inaccessible to the poor (Payne 2001). Rapid appreciation of property values sparks speculative activities by profit-motivated land investors (Payne et al., 2007) – making the land is impossible to access by poor people (Durand-Lasserve & Royston, 2002) and undermining the customary land tenure systems which historically made land easily available to the poor (Durand-Lasserve & Payne, 2006). These studies have illustrated the fallacious promise of de Soto's thesis, which is incompatible with the socio-economic conditions of slum residents.

### **III.1.3 Obstacles of Land Titling**

Land titling encounters many tremendous obstacles – such as time and administrative costs (Payne et al., 2007) – that mean it cannot respond effectively, because migration tends to be more rapid than the process of regularization (Durand-Lasserve, 2006).

The private household that buys unregistered land and wants to have it registered must reckon with additional expenses (about 25 % of the sale price) if the land is bought from an informal



sub-divider. The costs of registration, alongside the lengthy (6-12 months) and complicated process is the main reason why the landowners hesitate to register their land despite the advantages for them. They cannot use their land without registration as collateral, and in the case of land acquisition by the government, they would only receive little compensation.

Until the present day, most residents rely on the contract of sale or simple receipt as the only proof of land ownership. Unfortunately, those proofs are not sufficient to give the land buyer the right of land ownership (Widjaja & Widjaja, 2003: 27). In order to obtain the right, the owner must register the land to the government as suggested in Agrarian Act 5/1960 and Government Regulation 24/1997 about Land Registration. This is important to avoid land ownership disputes, which obstruct the city development process (Thalib, 1985).

The regulation suggests the land owner may register his or her land with minimum 20 years' possession also supported by reliable and undisputed proofs. Therefore, it also facilitates the registration of customary land in the absence of formal documentation of ownership (Lubis & Lubis, 2010: 144). Unfortunately, the applicant must meet more requirements based on Agrarian State Ministerial Decree 9/1999 and Government Regulation 16/2004 Article 13 such as land use planning, tax payment receipt, land status and building permit (Harsono, 2003).

#### **III.1.4 Prevalence of Subjective over Objective Tenure Security**

The concept of tenure security has both objective and subjective security (Deininger, 2003). The former concept is easier to determine by assessing the laws and regulations related to land issues (van Asperen & Zevenbergen, 2007). The latter concept meanwhile refers to the formal interest and rights people have in land holdings in the form of leasehold or freehold tenure and through arrangements under customary law (Durand-Lasserve & Royston, 2002; Payne, 2002). Therefore, land tenure security can be achieved without necessarily acquiring land title registration if the land rights of people are recognized by the society, duration of the property rights are confirmed (Abdulai 2006), boundaries are clearly demarcated and land rights are defined (van Asperen & Zevenbergen, 2007). Indeed, in many case studies, de facto tenure has provided enough security of land rights and potential housing improvements that legal titles become obsolete (Varley 2002).

This program also has been exploited by political elite to harvest votes from the underprivileged (Varley, 1999). Turner (1967, 1969, 1972) adds that planning an invasion in some cases involves the support of political groups who in turn need squatters to vote for them. Ray (1969: 33) agrees with this view, and argues that contact with at least one of the political

parties which share governing power in a city is an essential principle for successful invasion. In several African countries, land invasions or seizures are often initiated and carried out directly by government politicians and their cliques (Mitullah, 1992). Van der Linden (1982) in his study of squatter settlements in Karachi (Pakistan) proved that protection against eviction is guaranteed by squatter leaders, who can obtain protection from politicians or key persons in the government administration. This is rather different from the case of Phnom Penh (Cambodia) where squatter landlords are themselves government military or police commanders (Khemro, 2000).

A study by Gilbert (1994) has shown that squatter settlements improve when people have security of tenure, when governments provide some of the basic services, and when the majority of squatters reside in an area for a lengthy period of time.

These studies illustrate that the prevalence of subjective over objective tenure security goes beyond the community recognition – as Abdulai (2002) asserted – but also reflects the dualistic attitude of government towards the existence of slum residents. Slum residents have been condemned as non-existent residents in the city because of their illegal occupation of land, but several benefits and supports to the interests of the city's elite. This attitude also has been the source of the cumbersome slum improvement program in city planning development.

### **III.1.5 Land Policy in Indonesia**

#### **A. The Sustenance of Dualism Principle**

The Dutch Colonial government enacted The Agrarian Law of 1870, which is based on the principle of dualism. The Agrarian Law differentiated in its regulations between non-Indonesians and foreigners on the one hand, and Indonesians on the other. For non-Indonesians and Western Europeans, a civil law system prevailed in which lands were surveyed, registered, and titled based on Western civil law procedures. For Indonesians, custom or customary law was followed and holdings were not surveyed, registered, or titled.

From Independence in 1945 until the enactment of the BAL in 1960, the regulations of the Agrarian Law and the dual system was maintained for the time being. During the Independence era, land was cadastral surveyed and registered, but it was estimated that not even 5 % of the entire country was registered under Western law procedures. Customary law was applied for Indonesians, and accordingly their land

plots were neither surveyed, registered nor titled. As a rule, there were also no written documents, and thus a lack of evidence to prove land ownership.

The Indonesia government crafted Basic Agrarian Law (BAL) in 1960 to eliminate the dual system of land law of the colonial past by introducing an entirely new system of unique Indonesian character. It guarantees the application of local customary law and norms unless it conflicts with national and state interests, for which the duality of the previous system was retained in a more ambiguous form. Based on this matter, many district and sub-district agencies issue their own land certificate and taxation procedures and formalities, clearly benefiting from the uncertainty and lack of public knowledge of national land law.

## **B. Types of Rights of Land**

In reality, the categories owed more to Dutch and Western models than to customary rights. The chief forms of registrable interest in land available under the BAL include the following:

### **1. The right of ownership:**

The right of ownership is the strongest right to land. The right of ownership is not limited in terms of time. The land can be sold, mortgaged or inherited by the legal heirs. The right of ownership is subject to registration and the land owner receives a legal document as evidence of his rights. As well, the right of ownership can be acquired in various different ways: a) conversion of customary rights; b) conversion of state lands which have been granted by the Government; and c) conversion of property, agrarian property which were valid before the BAL came into effect.

Only Indonesian nationals are able to receive the right of ownership. As a rule, the right of ownership is awarded to individuals, however in exceptional cases under certain preconditions, certain corporate bodies (state banks, cooperative agricultural associations, religious and social institutions) can be awarded the right of ownership. Foreigners are excluded from this right.

#### **a) Individual ownership**

Those with the right of ownership have complete rights of disposal over their land. Under the right of ownership, they can – without the agreement of a third party – sell, bequeath, transfer and lease the land. Generally, it is not

absolutely necessary for the plot of land to be registered. The disposal rights of individuals can, however, be restricted. This concerns, for example, the rights of utilization.

Various transfer rights (inheritance, sale, rent) can likewise be restricted. The BAL in Article 17 has set an upper limit to land ownership and in Article 9 restricts the rights of non-Indonesian citizens, who are only allowed to acquire particular land titles. In Article 10, regulations exist for avoiding absentee landlords.

In Article 18, the State retains the right to acquire land owned under any type of land right for utilization in the public interest. Article 6 emphasizes the social function of all rights to land. This means that state or the general interest have priority over personal interests.

b) State ownership

In Indonesia, all areas of land classified as forest are under State ownership. This includes the Protection Forests already mentioned above (watershed areas, amongst others) and Recreation Forests. Land under the land titles *hak guna usaha* and *hak pakai* are also under State ownership. Thus all plantations under these land titles are the property of the State. The following differentiation exists with regard to the organizational form of the plantations:

- i) State plantations company; and
- ii) Privately organized companies with limited propriety, which are the property of the Government for reasons of capital contributions; and
- iii) Private plantations, whereby the percentage of foreign plantations is low.

The State dispenses rights to private persons and corporations for using State land. Concessions for the operation of production forests for 20 years are dispensed in this way.

c) Communal ownership

There exist various forms of communal ownership in Indonesia. The authorizations and restrictions regarding disposal of property can vary greatly between the various legal jurisdictions. The territorially delineated legal system differentiates between three forms of communal land ownership:

- i) Communal ownership of the village which is regularly rented out to procure funds for routine or development costs;
  - ii) Communal ownership of the *desa*<sup>1</sup>, to which individuals have temporary or inherited individual use rights and must fulfill certain obligations connected to these rights; and
  - iii) Communal ownership of the *desa*, which is in the possession of village officials in lieu of salary.
- d) Wakaf

There are two kinds of so-called wakaf<sup>2</sup>, which are a residential area for a mosque and an additional arable field to provide for the maintenance of the mosque and its personnel, as inalienable property for the benefit of descendants.

## 2. The right of building

This type of right gives the holder the right to build on land owned by someone else. This right is limited timewise and can be obtained for state land (by decree) as well as for private land (by contract). It is awarded for not longer than 30 years with the possibility of extending for another 20 years. There are maximum area limitations. So far there are no implementation regulations for registration. The right of building can be bequeathed, sold, used as a credit security, exchanged or presented as a gift.

## 3. The right of use

This type of right gives the holder the right to use a particular piece of land. This can be State or private land. In practice, this right is scarcely made use of for privately owned land since other titles, such as the right of lease, or right of land pledging, play a greater part here. Hak pakai is basically limited timewise. This type of right can in principle be transferred when no other regulations apply. Resident foreigners and foreign corporations with representatives in Indonesia can be awarded the right of use. It is useful for private land that does not get registered because of the lack of implementing regulations.

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<sup>1</sup> *Desa* means 'Village' in Indonesian language.

<sup>2</sup> According to Peter, et. al (2012) wakaf is a charitable endowment under Islamic law, which involves donating a building, plot of land or other assets without intention of reclaiming the assets. The word is derived from Sunni jurisprudence, *waqf*, or *wakf* (Arabic: وقف, pronounced ['waqf]; plural Arabic: أوقاف, awqāf; Turkish: vakıf). The meaning of *Wakf* according to Hassan (in Nahar & Yaacob, 2011), is "the detention of a specific thing in the ownership and the devoting of its profit or products in charity of the poor or other good objects". In Indonesia context, this land right is derived from religion law, as most of the population is Muslim.

4. The right of lease

There is a differentiation here between right of lease for buildings and right of lease for agricultural land. In the first case, a building can be erected on someone else's land for a specific but not fixed time by paying a monthly lease. This is a case of a personal right. The right of lease is created between landowner and lessee with a contract. In the case of the right of lease for agricultural land, land must be used for agricultural purposes, and the lease can be paid in either cash or kind.

5. The right of exploitation

The right of exploitation is the right to State land, and the right to use the land for agricultural (including plantations), fishery and breeding purposes. The right of exploitation is limited timewise. It can, for example, be granted for an oil palm plantation for up to 35 years, with the possibility of extending for another 25 years. So, de facto, the right of exploitation on state lands can be awarded for up to 50 or 60 years.

Some of the regulations of the right of exploitation have their origins in the 'erfpacht rights<sup>3</sup>', which were valid before the BAL came into effect. The right of exploitation can be acquired by Indonesian individuals and corporations established under Indonesian Law and domiciled in Indonesia. There is no maximum area of land which can be awarded under the right of exploitation. It must be registered at the Land Registry Office, and can be bequeathed and likewise be transferred to other parties (sale, exchange or gift) with the permission of the BPN. The right of exploitation also allows land to be used as a security for a debt.

6. The right of opening up land

The right of opening up land is awarded by the Government to Indonesian citizens for clearing land, and using the cleared land for a maximum of three cultivation periods. It can later be changed into the right to use, the right of exploitation or the right of ownership.

7. The right of collecting forest products

This right is awarded to Indonesian citizens by the Government on customary land in order to be able to use wood and other non-wood products.

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<sup>3</sup> The term *erfpacht* is derived from Dutch language.

8. The right of land pledged

The right of land pledged is a way for the landowner to receive money without having to sell the land. The right holder transfers the right of use to another person who in return pays money to the land owner. The land owner gets his land back when he has paid back the loan. This is known as a land pledge. The pledge arrangement is only rarely conducted before the village head, and is usually unwritten. There is no time limit in which the landowner must to pay back the money in order to get back his land.

9. The right of sharecropping

The right of sharecropping is restricted to agricultural purposes, which is governed by Law 2/1960.

10. The right of lodging

The right of lodging is a weak right of use. It allows someone to own a house on someone else's land. The duration of the right is not fixed, and is governed by the local customary law.

11. The right of using water

The right of using water is a customary-based right which allows access to water on another person's land and/or to divert water across another person's land.

12. The right of breeding and catching fish

This is the right to breed fish and to catch fish on another person's property.

13. The right of using the airspace

This is a right, and not a very clear one, for using energy and elements available in the atmosphere.

From all 13 types of land rights, only number 1 and 2 are applicable in the context of urban kampung settlement.

### **III.1.6 General Obstacles of Land Titling Program in Indonesia**

The BAL asserts that customary and religion law are not converted into statutory rights but are recognized where still existing – provided that such rights are adjusted to conform to the national interest, which is based on national unity. In reality the state owns and dictates the development land policy while the local communities are allowed to reside (Dove, 1990).

The BAL ensures that all land under colonial law is eligible to be converted to ownership rights within a year of the passage of the law, otherwise it would revert to state ownership. A copy of all agreements that affect the ownership and possession of the land must be registered at the Land Office (Heryani & Grant, 2004). Harsono (2003) identified two types of land registration which are: 1) registration of deeds; and 2) registration of title. The former involves the registration or recording of documents affecting interests in land; the latter involves the registration of title – where a land register should show the actual state of ownership – rather than just providing evidence of ownership.

Because of the onerous requirements, the inhabitants of informal settlements cannot apply for the land certificate despite their desire to, and despite occupation for more than 20 years. Moreover, the main obstacle of land regulation is the complicated procedure based on Agrarian State Ministerial Decree 9/1999, which requires substantial costs and time (Perangin, 1992). Land and building tax is automatically applied to the owner, once the land is registered and the right of land ownership is certificated (Soerodjo, 2003).

Although in theory unregistered interests are of the same status as those that are registered, in practice the latter are afforded far higher standing. Moreover, the process of registration, as described before, requires procedures which are not easy to follow by the residents of urban kampung settlements. Only very few landowners complied, which means a large number of land parcels in Jakarta and other cities are trapped in bureaucratic uncertainty.

### **III.1.7 Categories of Land Tenure in Kampung Settlements**

In accordance with the origins and development of kampungs, three categories of land tenure are found in these settlements: formal land tenure, semi-formal tenure, and informal tenure<sup>4</sup>. Residents with formal tenure have a property title to their land on the basis of rights acknowledged by the 1960 Basic Agrarian Law (BAL), which remains the general framework for Indonesian land law. At the same time, semi-formal tenure<sup>5</sup> is still common in kampungs, which is based on customary or religious law. Under BAL, the position of customary law

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<sup>4</sup> The concept ‘formal’ and ‘informal’ in this literature relates to the literatures in Chapter 1. The former corresponds to the tenure security based on land ownership document from government, while the latter relates to the land ownership documents which are not issued by government.

<sup>5</sup> According to Harsono (2005), throughout the colonial period, because of legal dualism, residents could apply their own traditional customary law in relation to land. In kampungs this customary law soon took form of individual, inheritable customary ownership rights. Semi-formal tenure can be formalized through the legal conversion of ‘old’ colonial customary ownership rights, whereas informal tenure can be formalized by granting ‘new’ rights over state land to its occupants. Indonesian land law does not acknowledge the concept of adverse acquisition of title by peaceful occupation of land for a statutory period.



changed as part of a unification effort. It does not acknowledge customary ownership rights, yet these rights do have a semi-formal status, as they are acknowledged as legitimate claims for formalization. Finally, a third category, informal land tenure<sup>6</sup>, is found in kampung settlements.

### **III.1.8 Self-Help Housing without Land Titles**

The assumption is that dwellings in slums are in poor condition primarily because residents lack a property title, and are therefore unwilling to invest in their homes (Razzaz, 1993). However, people have been found to improve their houses also despite not having legal title (Gilbert, 1994). According to Mexico's experience, Varley (1987) argued that legalization is not necessary for improvement, but security of tenure in the absence of formal government acknowledgment is important. The subjective security of tenure, which was introduced by Payne (2001), is widely accepted as a precondition for households to invest in house construction or improvements.

In Brazilian favelas, de Souza (2001) asserted that the process of housing consolidation increases perceptions of security of tenure, as residents invest time, labor, building materials, and money when building and improving their houses. Whilst in a case study in Buenos Aires, van Gelder (2007) concluded that fear of eviction was more influential on housing consolidation. A study in Jakarta by Winayanti and Lang (2002) has indicated that subjective tenure security does not always have to be based on property title, thanks to a government policy of condoning non-formal tenure and providing public services, in conjunction with a high degree of community organization, and support that residents receive from civil society groups. They argued that strengthening subjective tenure security resulted in a substantial increase in housing improvement.

In relation to the effects of title on subjective tenure security, Hardjono (1999) argued that slum residents feel more secure about their rights to titled land. They affirmed to enjoy greater tenure security, as a land certificate recognizes their ownership rights (Smeru, 2002). However, a study by Hardjono (1999) did not find a clear relation between titling and improvements to land, suggesting that improvement is discouraged by the financial burden of formal status, rather than a lack of secure tenure.

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<sup>6</sup> According to Harsono (2005), informal tenure is usually the result of residents squatting land on which the state holds a direct right of avail (state land) or, less often, land on which others have established private rights. Informal tenure, therefore, cannot be formalized on grounds of extended occupation of land on which others have established private rights. Such private rights may however be forfeited, for instance through neglect of the land. In this case, land passes to the state, over which it can again grant 'new' ownership rights.

Although land tenure security and land title security are related, they are not synonymous (Löffler, 1996). The first refers to the feeling of not losing physical possession of the land within some future time period, which can in fact exist without documentary evidence. While the second refers to the feeling of security with the legal possession of the land, which cannot exist without documentary evidence. Legality of tenure may therefore not be a necessary precondition for establishing security of tenure, as security depends less on the exact legal status (Broegaard, 2005) and more on occupants' perceptions of the probability of eviction and demolition (Durand-Lasserve & Royston, 2002; Payne, 2002).

According to the aforementioned literature, subjective tenure security consists of oral community recognition and enables the kampung residents to deliver self-help housing. However, considering the numbers of evicted kampung settlements in Jakarta, more than oral community recognition is required to formulate the code of land tenure security in Kampung Cikini and ensure its survival in Central Jakarta. This part of the research poses 2 (two) questions: 1) Why does this code of land tenure security emerge in Kampung Cikini; and 2) what kinds of practiced code of land tenure security in Kampung Cikini?

## **III.2 RESEARCH METHOD**

Despite the absence of land titles, the population of urban kampung settlements are still rapidly increasing, and residents are building permanent houses. The lack of secure tenure from land titling does not discourage the kampung residents from delivering self-help housing improvement, which indicates a lack of connection between these two aspects. There are two stages relating to the determination of land tenure security in kampung settlement:

1. Understand the status of land ownership and its background by classifying the type of tenure security into Objective Tenure Security and Subjective Tenure Security.

The first stage will be achieved by understanding the types of documents used by respondents to gain tenure security. The land acquisition method will describe the relationship between documents and how kampung residents acquire their land.

2. Identify factors relating to land title that strengthen or weaken Subjective Tenure Security and the ability of kampung residents to survive and deliver self-help house improvement.

The second stage can be achieved by identifying the reasons to fear or not fear eviction. Providers of kampung interventions projects also are asked to identify additional reinforcing factors of Subjective Tenure Security in Kampung Cikini.

The issue of land tenure security is very sensitive for the kampung residents, due to the siege of eviction threats. In order to deal with the degree of sensitivity, the first group interview was conducted in early February 2014. During the session, which was attended by Head of NA 1, all Heads of NA and several representatives of community members, the research objective was disseminated to obtain the general condition of land tenure in the research location, permission for conducting research and agreement to participate from the kampung residents. The permission was accompanied by the submission of a formal introductory letter from Menteng District to prevent the misuse of data and information about land tenure in the research location.

After submitting the required letter, the research began with remapping the built environment in the research location. This was essential, as the latest map was made by the city government in 2007 and did not correspond to the actual present condition. Meanwhile, satellite imagery from Google Earth could not illustrate the precise location of houses and pathways, as roofs covered the narrow alleys, making the boundaries between buildings incomprehensible. The remapping process was performed in April-June 2014. This became the working map of the entire research. In the following three months, from July-December 2014, the map was verified and refined by the location of HBE, public facilities and administrative boundaries.

Land ownership status is a very sensitive issue, especially in kampung. Respondents were very reluctant to share information about land and building ownership, because the settlement has been surrounded by eviction threats for almost 40 years. In order to gain primary data, mutual trust was built with the local community through several community engagement programs<sup>7</sup> since 2011 in RT 2 and 7 in Cikini Area.

Snowball sampling was implemented to reach hard-to-reach populations who possess valuable information through a chain of nominations and re-nominations (Thompson, 1995). Each 5 local leaders in RT 2 and 7 were interviewed, where community engagement programs were executed in 2011-2013, as the ‘first order zone’<sup>8</sup>. After sharing the information, these leaders

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<sup>7</sup> Universitas Indonesia and Chiba University (Japan) performed the community engagement programs with participatory design method since 2011-2013, which funded by Directorate Research and Community Engagement Universitas Indonesia. Since 2011, we collaborate with the kampung dwellers in Cikini Area to rehabilitated and provided public facility to improve their living condition. It relates to the mandatory obligation of university, as stated in footnote 10.

<sup>8</sup> Land ownership status is very sensitive issue especially in urban kampung because the settlement has been surrounded by eviction threats for almost 40 years. Due to reluctance of respondents, snowball sampling method is employed to reach the hidden populations, who possess valuable information through a chain of nominations and re-nominations (Thompson, 1995). This sampling technique requires contact and interviewed a ‘first order’ zone of the network that will then nominate those that become the ‘second order’

nominated other community members who were considered as reliable respondents for the intended research aim. The respondents came from 6 RTs (RT 2, 4, 6, 7, 12 and 13) from total 11 RTs in the research area. In total, 79 landowning respondents were interviewed. All respondents were the heads of families, and each of respondent represented one household. The interviewed 79 landowners consist of: 5 residents of RT 2, 17 residents of RT 4, 11 residents of RT 6, 19 respondents of RT 7, 14 respondents of RT 12 and 13 respondents of RT 13. This corresponds to 15% of the 556 households in total across the 6 RTs.

The compiled data and information from the interview session in July-September 2014 consisted of: 1) Reason to Reside in the Area; 2) Reside Time; 3) Type of Tenure Security; 4) Type of Land Ownership; 5) Alternative Evidence of Landownership; 6) Landownership Obtainment Methods; 7) The Obstacle of Land Registration; and 8) Factors Strengthening Subjective Tenure Security.

The results were classified based on generated coding, and tabularized to understand quantitative aspects of topics and the relationship between them in each stage. The qualitative information will help explain quantitative aspects of the results obtained. The preliminary findings covered the general condition of land tenure of HBE owners, the obstacles of the land registration and the strengthening factors of land tenure security in kampung settlement, in accordance with the first research task. This process was performed in October-November 2014 to reach preliminary findings.

The second group interview was conducted in the early December 2014 to verify the result to the respondents. This session was essential to confirm validity and reduce bias with participatory or collaborative modes with the respondents, as encouraged by several scholars (Campbell, 1955; Diesing, 1971; Sieber, 1973). However, this session also brought additional information to enrich and refine the preliminary findings.

This research has been discussed several times in several ways. The preliminary findings of land tenure security and its implication to self-help house improvement in Kampung Cikini settlement with wider respondents has been discussed in CPIJ Conference in Hanoi (Vietnam) and the final result has been accepted in URPR Journal in 2015.

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zone and so on in a chain method that will reveal a complete network component. Local leaders were regarded as the 'first order zone' and they nominated the community members, as 'second order zone', who are considered as reliable respondents.

### III.3 TYPES OF TENURE SECURITY IN KAMPUNG CIKINI

According to Indonesia's Basic Agrarian Law (BAL) *Girik* and Right to Build (RTB) Letter once had legitimacy as evidence of land ownership, based on Dutch Colonial and Early Independence Era Law. The inheritance letter has its root to Religious Law, which is acknowledged as evidence of land ownership. These letters have lost their legitimacy after the National Land Agency issued Government Regulation 24/1997, which obligates the owners of those letters to register them in acquiring the acknowledged land ownership and recognition from the government. Due to a lack of regulation knowledge along with time and financial costs, the owners are reluctant to follow the procedure. Therefore, the expired *Girik*, RTB Letters and Inheritance Letters cannot be considered as legitimate evidence of land ownership from the government's perspective.

Table III.1: Type of Tenure Security and Documents in Kampung Cikini

Type of Tenure Security		Number of Respondents (persons/ %)	Type of Documents		Number of Respondents (persons/ %)
A)	Objective Tenure Security (OTS)	2 (2.53%)	A1)	Right of Ownership	2 (2.53%)
B)	Subjective Tenure Security (STS)	74 (93.67%)	B1)	Inherited Right to Build	8 (10.13%)
			B2)	<i>Girik</i> Letter	11 (13.92%)
			B3)	Contract of Sale	4 (5.06%)
			B4)	Receipt of Land Transaction	9 (11.39%)
			B5)	Inheritance Letter	42 (53.16%)
C)	Decline to Answer	3 (3.80%)			3 (3.80%)
<b>Total number of Respondents (persons)</b>					<b>79</b>

In the case study area, only 2 of 79 respondents (2.53%) have registered their land under Basic Agrarian Law to receive Right of Ownership, thus holding Objective Tenure Security. Most of respondents (93.67%) hold Subjective Tenure Security, claiming their land ownership by possessing: Inherited Right to Build (B1) (10.13%), *Girik* letter (B2) (13.92%), Contract of Sale (B3) (5.60%), Receipt of Land Transaction (B4) (11.39%) and Inheritance Letter (B5) (53.16%), as shown in Table III-1.

#### III.3.1 Reasons to Obtain Right of Ownership under Basic Agrarian Law

There were 2 out of 79 respondents who hold Objective Tenure Security in the case study area. They shared similar reasons to obtain Right of Ownership; these reasons differ from those identified in previous studies.

One respondent has been a resident of NA 2 for more than 40 years, and her family obtained the certificate in the 1990s by participating in a conversion program administered by the National Land Agency. As her family already held a Right of Ownership under the Dutch Colonial Administration (*Eigendom*) before the program, she did not experience significant obstacles – although it took 5 years to complete the whole process. However, her motivation to participate in the program was not to obtain the certificate to secure her tenure and enable her to improve her house, as expected from previous research. The motivation, instead, was to make the inheritance process easier. She admitted to residing in the family's land, and all her relatives demand their inheritance rights to be distributed. These inheritance rights continue to mount, along with the increase in land value, especially as certified land. This reason indicates that the family has obtained Right of Ownership, under Basic Agrarian Law, in order to acquire profitable compensation by selling the land and divide the proceeds among all family members under the customary law or the religion law.

The other respondent, residing in NA 4, also stated a similar reason to obtain Right of Ownership. In her case, just after purchasing the land almost 10 years ago, she registered the land, receiving the land certificate 2 years later. She explained by obtaining land certificate the land price was expected to increase 3-4 times higher in the case study area. This higher land price gives her and her family a sense of security, as if ever they are evicted in the future to execute spatial planning, the higher compensation would enable them to relocate to a decent house in another location.

In both cases, respondents who hold Objective Tenure Security have obtained the Right of Ownership primarily for economic reasons, rather than for their secured tenure.

### **III.3.2 Evidences of Land Ownership for Subjective Tenure Security**

As is shown in Table III.1, the majority of the land tenure security in Kampung Cikini is Subjective Tenure Security, applying to 74 out of 79 respondents. Among them, 42 respondents (53.16%) claimed an Inheritance Letter (B5) is their evidence of land ownership. This Inheritance Letter is issued according to the religious law or customary law when their parents divided the land they possess into pieces for their children. Consequently, the children, as inheritors, perceive the letter as a form of land certificate that can replace the land certificate issued by National Land Agency; they then believe they do not need to register the land.

The inheritance from the parents can be sometimes transferred through an Inherited Right to Build (B1) or Girik Letter (B2). For the parents who once worked for Railway Company during

the late Dutch Colonial and the early Independence Era, they were allowed to use the lands along the former railway line to build their houses and/or plant crops as sign of appreciation for their services after the government decided to overlay the railways in the mid-1950s. The owners of this Inherited Right to Build (B1) are required to renew the license and register the land under Basic Agrarian Law and Government Regulation No. 24/1997, as in most cases the license has already expired. However, the respondents in this study have not registered their land yet, and continue use the expired Inherited Right to Build as the evidence of the land ownership. Likewise, those respondents who claimed *Girik* Letter (B2) as their proof of ownership continue to use expired letters. Although Inherited Rights to Build (B1) and *Girik* Letters (B2) were legally issued by the government, these residents cannot be regarded as formal landowner because they fail to meet the requirements, despite possessing acknowledged documents.

Table III.2: Types of Document for Subjective Tenure Security and Obtainment Methods

Types of Document for Subjective Tenure Security	Obtainment Methods			Number of Respondents	
	Occupy Relative's Land	Inheritance	Purchase	(n)	(%)
B1) Inherited Right to Build	5	3	0	8	(10.81%)
B2) <i>Girik</i> Letter	0	10	1	11	(14.86%)
B3) Contract of Sale	0	0	4	4	(5.41%)
B4) Receipt of Land Transaction	5	0	4	9	(12.16%)
B5) Inheritance Letter	0	42	0	42	(56.76%)
<b>Total (n)</b>	<b>10</b>	<b>55</b>	<b>9</b>	<b>74</b>	<b>100.00%</b>

Contract of Sale (B3) and Receipt of Land Transaction (B4), which are regarded as evidence of transaction among the community members, are also claimed as the legitimate evidence of land ownership. Therefore, the owners of those documents do not believe they need to register the land to National Land Agency. Furthermore, the methods used to obtain this evidence illustrates a more complex land ownership scenario in the case study area, as shown in Table III-2.

Additional types of documents such as Contracts of Sale, Receipts of Transaction, and even expired RTB and *Girik* Letters were utilized as concrete tokens of transfer and evidence of land ownership. The awareness of the importance of ownership documents increases with an increasing of the number land ownership disputes in the settlement. The heads of NA and CA have been invoking the transfer of the available land ownership documents from previous to

new owners as a symbol of the transfer of land ownership. They use expired, once-acknowledged land ownership documents as evidence of land transactions, and regard the documents as the evidence of land ownership. Two respondents admitted holding expired RTB and *Girik* Letters as the symbol of land ownership from the transaction.

Naturally, many of the landowners with Inherited Rights to Build (B1), *Girik* Letters (B2) and Inheritance Letters (B5) have obtained the documents through inheritance. All respondents with Contracts of Sale (B3) and 4 out of 9 landowners with Receipts of Land Transaction (B4) have done so by purchasing the land. Yet, there is 1 respondent who has purchased a *Girik* Letter (B2), using it as evidence of land ownership through land transaction. In this case, the *Girik* Letter (B2) acts as replacement of Contract of Sale (B3) and Receipt of Land Transaction (B4).

There are 10 respondents who claimed their land ownership by Inherited Rights to Build (B1) and Receipts of Land Transaction (B4) actually owned by their relatives. In these cases, they are entitled to occupy the land of relatives living elsewhere, and are promised to become the landowners when their relatives pass away. In other words, the Inherited Right to Build (B1) or Receipt of Land Transaction (B4) will be inherited by them in the future. A similar condition is also experienced by the land owners who live in their parent's house. Half of this respondent group depends on the community recognition of their land ownership while the other half still possess expired *Girik* Letters from purchasing the land a long time ago.

Looking into the types of document for Subjective Tenure Security, it is found that respondents each have their own reason (and they believe good reason) to claim their land ownership based on different documents, such as Inherited Rights to Build (B1), *Girik* Letters (B2), Contracts of Sale (B3), Receipts of Sale (B4) or Inheritance Letters (B5), either inherited from their parents or purchased. In addition, some inherit the land by occupying their relative's land. These different forms of evidence of land ownership – obtained through different means – makes Subjective Tenure Security more complicated, though it is the majority in the case study area.

### **III.3.3 Obstacles of Land Registration**

Despite the fact that most of the respondents (73.41%) have lived there for more than 20 years and the Government Regulation 24/1997 allow land occupiers to register their lands if they occupy the land for more than 20 years, the majority of the land ownership remains Subjective Tenure Security rather than Objective Tenure Security.



Table III.3: Obstacles of Land Registration

The Obstacle of Land Registration	Reside Time in Cikini Area					Total (n/ %)
	0-10 yrs.	10-20 yrs.	20-30 yrs.	30-40 yrs.	> 40 yrs.	
Inadequate Administration Knowledge	11	4	2	5	2	24 (35.29%)
Expensive	10	3	2	3	2	20 (29.41%)
Time Consuming	4	0	0	2	3	9 (13.24%)
Avoid Land Tax	5	0	1	1	0	7 (10.29%)
Mismatch with Spatial Planning	2	0	1	0	3	6 (8.82%)
Belongs to Family	1	0	1	0	0	2 (2.94%)
<b>Total (n)</b>	<b>33</b>	<b>7</b>	<b>7</b>	<b>11</b>	<b>10</b>	<b>68*</b>
<b>Total (%)</b>	<b>48.53%</b>	<b>10.29%</b>	<b>10.29%</b>	<b>16.18%</b>	<b>14.71%</b>	<b>100.00%</b>

\*) 2 respondents who already own formal land certificates and 9 respondents who live in their relative's lands are excluded from total 79 respondents, as shown in Table-1. The latter group claims they do not know the reasons why their relatives do not register their lands. Therefore the number of respondents in Table-4 decreases to 68 respondents.

In other words, residents do not register their lands (though it is expected to do so), because of several obstacles as depicted in Table III.3. The major obstacle for land registration is residents' inadequate knowledge of land administration. In fact, the procedure of formal land registration is too complicated due to the number of the relevant government regulations they are required to comprehensively understand. However, even if they (even partially) understand the regulations, the expensive registration cost becomes an inevitable obstacle (affecting 20 of 68 respondents). The registration cost is decided based on the official land value, according to Government Regulation 13/2010, which leads to increased costs under increasing land values. Indeed, the official land price of this kampung is approximately US\$250-500/m<sup>2</sup>, beyond most residents' financial capacity, even if their lands are small.

In addition, 7 of 68 respondents (10.29%) realized the obligation to pay land tax as an inevitable consequence of land registration. After spending so much for land registration, paying annual land tax would not be preferable for them.

Another obstacle worth highlighting comes from the land ownership. There are 2 respondents (2.94%) answered that because their lands belong to their family, they would be compelled to deliberate with other family members in order to register the lands. Land registration has been discouraged in this case study area mainly due to residents' inadequate knowledge and the expensive costs of both registration and the following tax. Furthermore, land registration is thought to be time-consuming, which further discourages registration.

### III.4 RELATIONSHIP BETWEEN LAND TENURE SECURITY AND HOUSING CONDITION

Intuitively, those who rely on Subjective Tenure Security should fear eviction and be reluctant to improve their houses. However, the data regarding the relationship between land tenure security and housing condition in Kampung Cikini confirmed similar findings from prior studies that this is not the case.

Although most of the respondents hold only Subjective Tenure Security, 60 out of all the 79 respondents (75.95%) build their houses as permanent structures. Indeed, 56 of 74 respondents (75.68%) under Subjective Tenure Security (from B1 to B5) have permanent houses. Conversely, there is 1 respondent under Objective Tenure Security (A1) who has a semi-permanent house. Therefore, type of tenure security does significantly correlate to housing conditions in the case study area.

Table III.4: Land Ownership and Structural Condition of Houses

Types of Document	Permanent <sup>1)</sup>		Semi-Permanent <sup>2)</sup>		Total	
	(n)	(%)	(n)	(%)	(n)	(%)
A1) Right of Ownership	1	(1.67%)	1	(5.26%)	2	(2.53%)
B1) Inherited Right to Build	4	(6.67%)	4	(21.05%)	8	(10.13%)
B2) <i>Girik</i> Letter	10	(16.67%)	1	(5.26%)	11	(13.92%)
B3) Contract of Sale	3	(5.00%)	1	(5.26%)	4	(5.06%)
B4) Receipt of Land Transaction	7	(11.67%)	2	(10.53%)	9	(11.39%)
B5) Inheritance Letter	32	(53.33%)	10	(52.63%)	42	(53.16%)
C) Decline to Answer	3	(5.00%)	0	(0.00%)	3	(3.80%)
<b>Total</b>	<b>60</b>	<b>(75.95%)</b>	<b>19</b>	<b>(24.05%)</b>	<b>79</b>	

<sup>1)</sup> The definition of permanent structure house regards to the degree of movability. The permanent structure is defined as non-movable because it is intended to stay *permanent* in a location and the materials cannot be detached after the construction has finished.

<sup>2)</sup> The definition of semi-permanent structure refers to the ability *some parts* of structure to be attached, transported and construct elsewhere.

Furthermore, the land status in Kampung Cikini, according to the National Land Agency, is unregistered, which challenges National Railway Company's claim as landowner. As the presumed landowner, the National Railway Company could not claim their ownership as they had insufficient data of land boundaries.

The strengthening factor of subjective tenure security in interventions to improve kampung, as shown in Table III.6. After KIP<sup>9</sup> was terminated in the 1980s, interventions to improve

<sup>9</sup> KIP stands for 'Kampung Improvement Program', which is funded by World Bank in the 1980s, to improve the condition of physical features of kampung settlement, such as: street, alley, drainage channels.

kampung delivery were made by various parties, such as: government, political party, private companies and university<sup>10</sup>. These projects were delivered with a lack of integration by various donors according to personal interests, unlike the original KIP.

Table III.5: Factors Strengthening Subjective Tenure Security

Reside Time	Strengthening Factors of Subjective Tenure Security			Total	
	Support from Political Party & Mass Organizations	Intervention to Improve Kampung	Expensive Cost of Land	(n)	(%)
0-10 yrs.	0	3	4	7	(12.28%)
10-20 yrs.	1	6	1	8	(14.04%)
20-30 yrs.	4	1	2	7	(12.28%)
30-40 yrs.	1	2	7	10	(17.54%)
> 40 yrs.	3	6	16	25	(43.86%)
<b>Total</b>	<b>9</b>	<b>18</b>	<b>30</b>	<b>57</b>	
<b>(n/ %)</b>	<b>15.79%</b>	<b>31.58%</b>	<b>52.63%</b>	<b>100.00%</b>	

Table III.6 illustrates that 68 of the 83 interventions to improve kampung since the 1980s have been provided by government, including top-down programs from central governments such as *Program Nasional Pemberdayaan Masyarakat* (National Program for Community Empowerment) from the national government and *Program Pemberdayaan Masyarakat Kelurahan* (Village Program for Community Empowerment) from city government.

These programs were formulated and delivered by central governments to reduce the number of slum settlements, and the growing rate of poverty. Although reluctant to acknowledge the existence of kampung residents, the city government must comply with the mandatory central government's top-down programs and translate them into various projects. This condition was comprehended by slum residents as legitimization of their existence from government, which induces greater the Subjective Tenure Security. Furthermore, the representation of Kampung Cikini in Sub-District Board (SDB) represents active lobbying to obtain further intervention programs in the Pegangsaan Sub-District. It relates to the prior explanation in Chapter II, which describes the pivotal role of the representation of SDB in obtaining the programs.

Support from political parties<sup>11</sup>, as well as many mass organizations, is a contributing factor towards strengthened Subjective Tenure Security. Mass organizations regard interventions to

<sup>10</sup> According to National Education System Law 20/2003, every university in Indonesia has three mandatory obligations, such as: 1) teaching; 2) research; and 3) community engagement program. All of interventions in kampung settlement were delivered by university to meet the obligations, especially research and community engagement program.

<sup>11</sup> One of the overlooked consequences from obtaining ID cards is that kampung residents can exercise their political rights. Therefore, they can participate in general elections, enroll in political parties and negotiate with political parties for representation of their interests.

improve kampung as efficient persuasion to enroll new members from kampung settlement. Meanwhile, political parties compete to generate votes from kampung residents by improving the public infrastructure, such as communal bathrooms, drainage, neighborhood streets and house improvements, all of which were delivered in pre-election periods. According to the Head of CA 1, some political members came to the neighborhood and offered interventions to improve kampung, in order to obtain votes from kampung residents. The projects encompassed communal bathrooms, neighborhood streets and even house improvements, as shown in Table III.6.

Table III.6: Providers of Intervention to Improve Kampung Cikini

The Provider	(n)	(%)	Name of Intervention	(n)	Object of Improvement	(n)
Anonymous <sup>1)</sup>	5	6.02%	Anonymous <sup>1)</sup>	5	Communal Bathroom/ Drainage	5
					Communal Bathroom/ Drainage	7
					Neighborhood's Street Improvement	10
					MHT/ KIP	3
					Neighborhood's Street Improvement	3
					Communal Bathroom/ Drainage	8
					PNPM Mandiri	8
					Neighborhood's Street Improvement	8
					House Improvement	2
					Communal Bathroom/ Drainage	5
Government	68	81.93%	PNPM Mandiri	18	Neighborhood's Street Improvement	8
					House Improvement	2
					Communal Bathroom/ Drainage	5
					Neighborhood's Street Improvement	25
Political Party and Mass Organizations	7	8.43%	Anonymous <sup>1)</sup>	7	Communal Bathroom/ Drainage	1
					Neighborhood's Street Improvement	3
					House Improvement	3
Private Company	1	1.20%	Corporate Social Responsibility Program (CSR)	1	Neighborhood's Street Improvement	1
University	2	2.41%	Anonymous <sup>1)</sup>	2	Communal Bathroom/ Drainage	2
<b>Total (n)</b>	<b>83</b>					

<sup>1)</sup> Due to many fragmented additional kampung improvement nowadays, kampung residents have difficulty identifying the provider and the name of programs. Many of them were not recorded appropriately in any level of government bodies. Therefore we use the term anonymous, referring to unknown providers and name of projects.

Although kampung residents recognized the projects as a political bribe in exchange for their votes, they exploit these mutual relationships to generate support from mass organizations and political parties to challenge the government's eviction plan. According to the Head of CA 1 & several Heads of RTs, this support encourages their Subjective Tenure Security and has proven a means of survival against ongoing eviction plans.

### **III.5 THE CODE OF LAND TENURE SECURITY IN KAMPUNG CIKINI**

However, according to the current regulations, residents' land tenure security is being constantly threatened. In order to preserve their tenure security, the kampung residents slowly fabricate their code of land tenure security. At the beginning, the tenure security was obtained formally from the Dutch colonial era with a *Girik* letter. This condition changed rapidly in Independence era, where unrecorded land transactions flourished in the first wave of urbanization. These land transactions escalated in the second wave of urbanization. As the result, land tenure security was fabricated with the acknowledgment of land ownership by community.

Under Basic Agrarian Law 5/ 1960 and the relevant regulations and programs, the government expects increasing numbers of land registration. In this sense, the residents in Cikini Area have advantageous conditions, such as the strategic location in the center of the capital, access to city infrastructure and high land value. Moreover, most of them have resided more than 20 years, making them eligible to register their land formally through the National Land Agency. However, as supported by the previous studies, less than 3% out of the respondents have Objective Tenure Security in Kampung Cikini.

This minority has registered their land to obtain Rights of Ownership in order to earn higher profit from selling their land. On the other hand, the low number of land registrations is an inevitable result of the existence of various (and sometimes expired) documents, such as Inherited Rights to Build, *Girik* Letters, Contracts of Sale, Receipts of Land Transaction and Inheritance Letters, which are considered as the evidence of land ownership by residents, theoretically qualifying as Subjective Tenure Security.

There are several obstacles that contribute to discouraging land registration, such as: 1) One major obstacle is inadequate knowledge about land administration, because the land registration is very complicated; and 2) The financial burden also discourages kampung residents from registering their land, because the cost of land registration and the ongoing annual land tax are both very expensive, especially in the center of the capital.

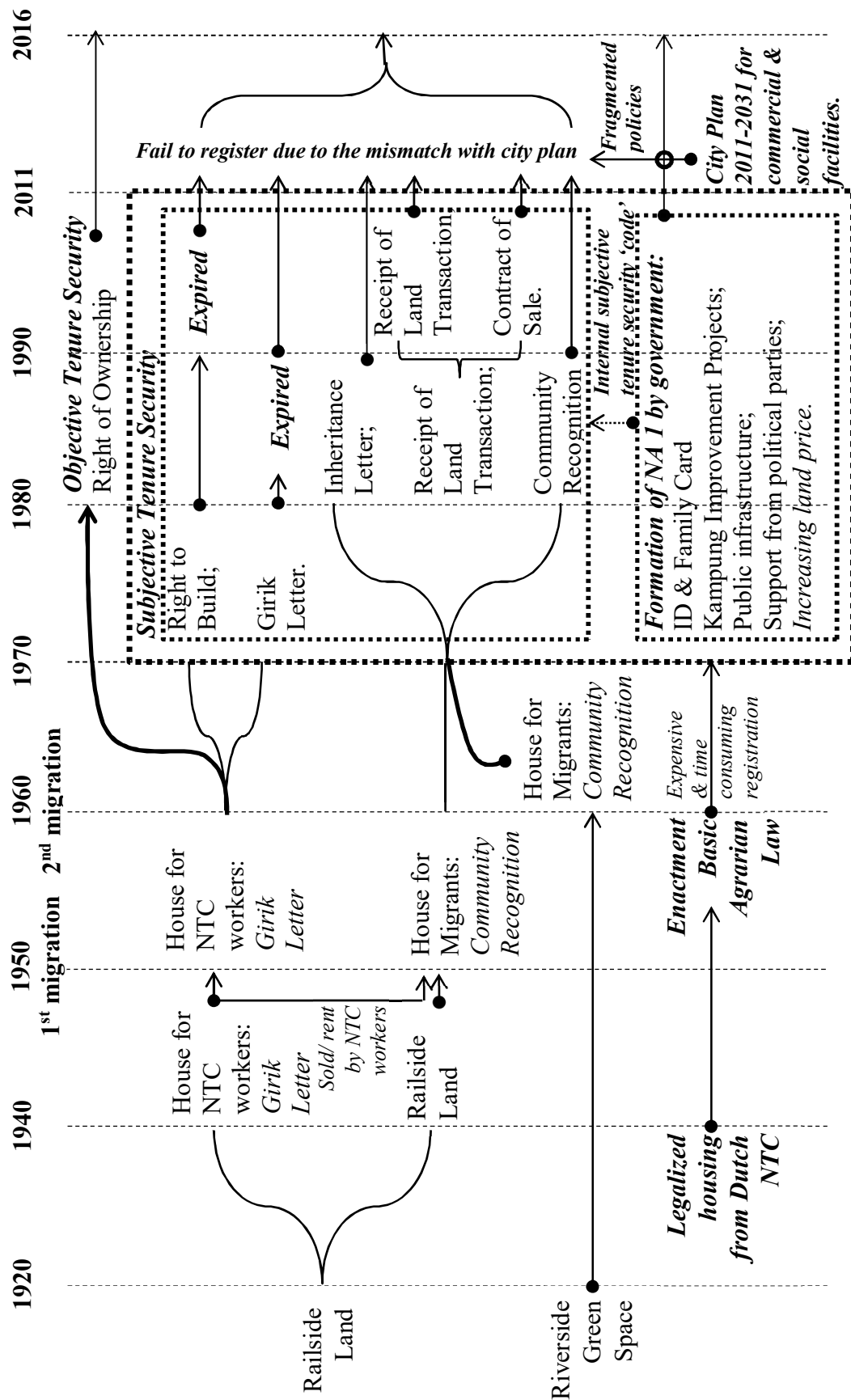


Figure III-1: Historical Development of Tenure Security and Its Code in Kampung Cikini

Figure III.1 illustrates the historical development of Subjective Tenure Security and its ‘code’ to ensure living sustainability in Kampung Cikini. In this figure, the fragmented policies also play a pivotal role of the inability of kampung residents to obtain Objective Tenure Security. According to BAL, most respondents are eligible candidates to obtain the land title. Unfortunately, the prerequisite requirements in Government Regulation 24/1997 occludes the good will of government to legalize the land ownership. The enacted city spatial plan has diminished eligibility of settlements, as the land use of Kampung Cikini is not designated for residential but for mixed mix-use commercial development. This inconformity denies the opportunity of residents to obtain letter recommendations for land registration from the local government offices.

Oral community recognition has become reliable evidence of land tenure security, as many scholars have explained. This source heavily depends on the memory of witnessing parties to the land transaction, such as Head of CA, NA and the surrounding neighbors, which increases the risk of land ownership disputes in the future. The transfer of existing once-acknowledged documents, such as Right to Build and *Girik* Letter then becomes a revised procedure of land ownership transfer to accompany the agreed amount of compensation. This procedure has been refined with the additional transactional documents such as contracts of sale and receipts of land transaction, including signatures of the involved parties and witnesses. This procedure depicts the ongoing refinement of the self-organizing system of the land ownership in Kampung Cikini, to ensure their perceived tenure security.

Despite the absence of Objective Tenure Security, the residents still perform self-help housing improvements by building permanent houses. Furthermore, Subjective Tenure Security is strengthened by the following additional factors, such as: 1) The strategic location propels the land price, which would require the government to provide significant compensation for eviction; 2) Various interventions to improve kampung; and 3) Political parties and other organizations/groups derive support from kampung residents.

## **CHAPTER IV**

### **THE CODE OF HOME BASED ENTERPRISES AND SELF-HELP HOUSE IMPROVEMENT IN KAMPUNG CIKINI**

#### **IV.1 HOUSE FOR PRODUCTION AND REPRODUCTION ACTIVITIES**

##### **IV.1.1 The Function of the House for Kampung Residents**

In the past, several strategies have been employed by governments in developing countries to eradicate slum settlements in urban areas, including eviction, sites-and-services, and the upgrading of slum settlements. Despite these efforts, most strategies have failed. These projects have failed because the poor could not afford the provided housing units, which led to their displacement from designated houses. Furthermore, the projects could not be replicated in other areas, as the cost recovery proved impossible to achieve (Aldrich & Sandhu, 1995). This ignites competition for housing between the low and middle-income groups and becomes a major factor contributing to the housing crisis. McInnes (1995) suggested that supplying housing with specific requirements for each income group will prevent such competition.

Ahrentzen (1997) argues that the myth of the privatized home is belied by the fact that the house has always been and continues to accommodate reproduction and production activities, especially for the poor. However, there is little attention in housing studies that focus on houses as places where reproductive activities take place along with the operation of productive activities.

Whereas Laquian (1993) argued that for the people who live in slum settlements, the house is not just for home-life, but it is a place of production, marketing, entertainment, and financial institutions. The productive function of the house for slum residents such as the production and/or sale of goods and services (Tipple, 2005b) helps to produce income-generating activities (Moser, 1998).

##### **IV.1.2 Definition of Home-Based Enterprise**

HBEs have been defined as any business activity engaged in selling products or services into the market that is operated by a self-employed person, with or without employees (Mason, 2008: 10), that uses residential property as a base of their operation (Lawanson & Olanrewaju, 2012).

Home-Based Enterprise (HBE) has been widely introduced since the 1980s as part of informal activities sector (Strassmann, 1985; Gilbert, 1988). Terms such as home-based work, home-



based income generation, and homeworking, also share the characteristics of HBE (Felstead & Jewson, 2000). Ligthelm (2005) has concluded that poverty and unemployment are the main factors that lead to the formation of the informal sector.

However, this argument has cultivated numerous challenges, based on studies in South Africa (Napier & Mothwa, 2001), Kenya and Ghana (Chu, et. Al., 2007). In these studies they established that the decision to start HBEs is to achieve better results that formal sector can offer to them and not because they had no other alternative (Naudé & Havenga in Dana & Anderson, 2007). Studies in Ghana (Sinai, 1998; Afrane, 2000), Egypt (El-Sheikh, 2001), Zambia (Kellett et. al., 2000), South Africa (Ligthelm, 2005), Bangladesh (Ghafur, 2000, 2002; Mahmud, 2003), India (Bose, 2000), Colombia (Gilbert, 1988), Peru (Strassman, 1987), Bolivia, South Africa and Indonesia (Tipple, 2005b) have acknowledged HBEs as an important part of informal sector activities.

HBEs are diverse in terms of time, labor consumption, financial, spatial and technical demands (Gilbert, 1988). However, common organizational characteristics exist. Many enterprises are operated from morning until night, at least partially within the house or on the land plot, and their financial affairs are mixed with private financial matters (Afrane, 2000). It proves the operation of the production activities is socially, financially and spatially integrated into the lives of the households (Strassman, 1987; Kellett & Tipple, 2000; Smith & Narotzky, 2005). HBEs are important for generating employment, especially for household members otherwise not involved in paid labor (Tipple, 2005b). Most of the employees in HBEs do not receive payment for their work and reciprocal arrangements govern the exchange between food, pocket money, housing and training, in return for labor (Tipple, 2005b; Ligthelm, 2005).

#### **IV.1.3 Positive Implications of HBEs**

Ghafur (2000) explained the positive outcomes of HBEs such as an increase in household income, home improvements, and even an increase in contribution to GDP. The mixture of reproduction and production activities in the house enables the poor to improve the housing conditions to better accommodate the activity (Kellett & Tipple, 2000). Furthermore, HBEs also contribute a multiplier effect to local economies by providing basic services that better suit the preferences and needs of the community (Gough, 2010), reduce transport costs by offering those goods and services within the settlement (Tipple, 2005a), and develop and strengthen community cohesion and liveliness in the neighborhood (Gordon et al., 2006). These relationships, which involve two or more persons and have a certain degree of stability, form

networks. The significance of this network is also emphasized in research undertaken by Lyons and Snoxell (2004) in Nairobi (Kenya), which suggested that the tough working environment and fierce competition in the informal sector necessitates strong social ties among the actors. Hall and Pfeiffer (2000) have encouraged a paradigm shift towards urban housing strategies that provide more than shelter but also community development and economic improvement. Majale (2003) added that the house improvement projects also need to build human capital through skills upgrading, strengthen community-based groups, facilitate access to credit, and help review regulatory frameworks. UN-Habitat (2001) has advocated the need for design and planning solutions to integrate living and working functions in order to improve income, housing quality, and employment generation in low-income settlements.

In their discussion on the re-urbanization of informal settlements in Manaus (Brazil), Magalhaes and Rojas (2005) argued that an integrated approach incorporating physical infrastructure, upgraded environmental conditions, regularization of the legal position of these settlements (to enhance social inclusion), and evolving new housing designs, was often more successful .

Besides contributing to the economy, HBEs are also environment-friendly, as they save time and money by eliminating home-to-work commuting, thus reducing traffic jams, pressure on public transport, and air pollution (Yapi-Diahou, 1995; Jie, 1997). Consequently, government intervention is crucial in assisting these small-scale enterprises by providing land, infrastructure, relaxing tax and registration regulations, and eliminating the threat of demolition. Therefore, providing spaces for HBEs is essential for promoting the sustainability of public housing programs as well as improving the socio-economic well-being of residents. Despite the important role played by HBEs in slum settlements, the responses of government and its agencies to the activities of the informal enterprises are very ambiguous. This tends to encourage socio-economically expedient and active repression in pursuit of a good city image (Onyebueke, 2001). As such, urban planners and architects must seek new and innovative ways of integrating or reintegrating these two complementary functions, for improving the image of the house, neighborhood, and city (Onyebueke, 2001).

#### **IV.1.4 Negative Implications of HBEs**

However, HBEs were also regarded to have negative effects such as: pollution, waste, and fire hazards. Privacy and crowding both for the household and the neighborhood were also identified as negative effects (Ogunbunmi, 2005). For example, in Turkey the use of space for

home-based work restricts the area within the house, and polluted air in the dwelling causes poor environmental conditions for residents (Kümbetoğlu, 1992). A study by Sinai (1998) in Kumasi (Ghana) proved that the households that utilize their housing for income-generation sacrifice the potential expense of improved housing quality, so that they can afford to occupy more rooms.

Harper (1992) cited the reluctance of the policy makers and planners to accommodate HBEs was due to themselves not being the major purchasers of goods and services from informal enterprises. This lack of attachment has diminished the understanding of HBEs, resulting in attitudes that view them as a nuisance and obstacle to modernization, rather than a source of services (Van Empel, 2008). According to Strassmann (1987), governments are against HBEs because of land use theories, bias against private economic gain, and an attitude that they consider these enterprises to be “unproductive sweatshops with no future”. Perera and Amin (1996) report that HBEs are also considered an environmental hazard and are not supported by urban planners who argue they can be a danger to the public, especially those that are carried out along roads and sidewalks. These studies demonstrate a lack of insightful understanding of the reasons surrounding the lack of incidence of HBE in the central area. Therefore, this study attempts to confirm the results of previous studies by selecting a research location in the central area, which is Central Jakarta.

#### **IV.1.5 HBE and Questioning Its Promise of Self-Help House Improvement**

According to Newberry (2006) – who conducted an extensive study of kampung settlements in Yogyakarta – the economic world of the kampung is a dense and interconnected one. Residents are engaged in innumerable exchanges, whether within and between households or based on kinship and proximity. These exchanges include money, services, gifts, and even children, as the participating laborers. Beyond these exchange relationships, kampung settlements emerge as the site of significant production activities through small industries. It is clear that the kampung settlement is a mixed-use area, a place to live and work (Benjamin et al., 1985; Patton & Leksono, 1988).

Relating to land tenure security, a study by Setiawan (2001) in Indonesia provided the insight that land tenure security has increased the willingness of the households to develop HBEs. In Bangladesh, Ghafur (2000) found that land tenure security significantly impact the HBE operation, but the study of Sinai (1998) found otherwise. Thorough research of the situation in Yogyakarta (Indonesia) by Marsoyo (2012), and African and South Asian countries by Kellett

(2000) and Tipple (2005) have demonstrated similar findings with Sinai (1998). These vague findings from different locations and times require further exploration through an investigation of the relationship between HBE and land tenure security in Kampung Cikini, in order to establish a clearer relationship between these two mechanisms.

In serious financial recessions, HBEs become important safety nets for household livelihoods (Yasmeen, 2001). Additionally, the activities of HBE in the kampung can absorb significant portions of the urban workforce without having to leave the neighborhood. Furthermore, Yasmeen's study also found that the majority (77%) of HBE incomes and the majority of total of household incomes (87%) are greater than the Regional Minimum Wage. HBE activities as urban livelihoods are not only to enable poor households to survive but also to improve their life and get out of poverty. Previous studies in the two Indonesian cities of Yogyakarta (Marsoyo, 2012) and Surabaya (Tipple, 2005) have demonstrated that households with home-based enterprises tend to have larger incomes than non-home-based enterprise incomes. This finding gives credence to the notion that home-based enterprises contribute to household poverty reduction (Gough et. al., 2003).

Empirical studies in Sudan (Ibrahim, 2002), Kenya (Muraya, 2006), South Africa (Tyrell, 2008), Ghana (Gough, 2010), Indonesia (Marsoyo, 2012; Marsoyo & Widiyanto, 2013), and Nigeria (Lawanson, 2012) have documented the role of HBEs in improving slum residents' financial capacity, which consequently leads to self-help house improvement (Tipple & Ameen, 1999). Sarin (in Strassmann, 1987) and Gough and Kellett (2001) observed in two Colombian cities that self-help housing improvement depends heavily on the household's ability to sustain and improve its income.

Although kampung residents have a code of land tenure security and operate HBE, the incremental self-help housing improvement remains thwarted, considering most of the physical attributes of slum settlement, including housing, is still in poor condition. Therefore, there must be impediments to enable the kampung residents who operate HBE to deliver self-help housing improvement. Therefore, the research questions are: 1) why does the code of HBE in Kampung Cikini emerge?; and 2) what kinds of practiced code of HBE and self-help house improvement exist in Kampung Cikini?

## **IV.2 RESEARCH METHOD**

Desk study consisted of reviews of the latest and essential theories of HBEs in mid-June 2015. This was undertaken in tandem with reviews on the land tenure security issue. After

formulating the research framework, the first group interview was conducted at the level of Community Association to disseminate the research objective, obtain permission for the research, and comprehend the general condition of the HBE in the research location. After receiving permission and the general information of the HBE, several community members volunteered to guide the mapping of HBE owners and the types of commodity. HBE mapping was executed from the first to the third week of July 2015. This was done to ensure that the actual number and location of HBE was documented. During the process, all HBE owners were asked for their consent to participate in the research.

After receiving consent from respondents, the survey was delivered in August-September 2015. It consisted of interviews and observations to obtain data and information relating to: 1) the role of HBE for the owners; 2) the occupation on head of household; 3) the amount of financial capital; 4) types of commodity; 5) the authorized parties; 6) reasons of permission for HBE operation; and 7) the implication and impediments of HBE to self-help house improvement. Data and information on house size was obtained by measuring the house and visual documentation, such as video and photographs.

The result was classified based on the generated coding and tabularized to understand the quantitative aspects of topics and the relationship between them in each stage. The qualitative information will explain the quantitative aspects of the obtained result. The findings covered an variety of areas: from the general condition of HBE, the positive and negative contributions of HBE, to the neighborhood and the existing code of the HBE operation in kampung settlement. These findings were used for answering the first aim. Implications and impediments of HBE to self-help house improvement addressed the second aim. This process was performed in October-November 2015 in order to reach the preliminary findings.

The second group interview was conducted in the early December 2015 to verify the results with the respondents. This session was essential to obtain validity and reduce bias. Participatory or collaborative modes of communication with the respondents were undertaken, as encouraged by several scholars (Campbell, 1955; Diesing, 1971; Sieber, 1973). However, this session also brought additional information which has been used to enrich and refine the preliminary findings.

For peer examination, as one of the methods to increase the degree of validity, the implication of HBE to self-help house improvement has been discussed Professor Akiko Okabe and Norihisa Shima in University of Tokyo and Toyo University (Japan), Professor Triatno Yudho Harjoko in Universitas Indonesia (Indonesia), Johan Silas (Surabaya Institute of Technology)

and Budi Prayitno (Gadjah Mada University). The result of the reviews were elaborated to paper which is under-review for Habitat International Journal.

### IV.3 GENERAL CONDITION OF HBE IN KAMPUNG CIKINI

#### IV.3.1 Role of HBE as Income Source

When the head of households holds an occupation that provides steady and sufficient monthly income, the HBE is designated to earn additional income. The additional income is necessary to provide financial security for households encountering the uncertainty associated with living in the city and a deprived neighborhood. Conversely, HBE becomes the primary source of monthly income when the head of household cannot provide sufficient and stable monthly income. HBE also becomes the only primary income for households whose head of the family has passed away. Nevertheless, acquisition of a sufficient and stable monthly income by the head of the household is not the only determinant factor of the HBE's role in the household.

Table IV.1: Role of HBE for Households According to Head of Household's Occupation

Head of Household's Occupation	Certainty of Monthly Income	Primary Income	Additional Income	Total	
				(n)	(n)
Civil Servant	Certain Monthly Income	-	1	1 (1.85%)	
Private Employee		-	9	9 (16.67%)	16 (29.63%)
Retiree*)		1	5	6 (11.11%)	
Self-Employed	Uncertain Monthly Income	8	11	19 (35.19%)	21 (38.89%)
Daily Labor		-	2	2 (3.70%)	
Unemployed	None of Monthly Income	5	1	6 (11.11%)	17 (31.48%)
Passed Away		11	-	11 (20.37%)	
<b>Total</b>	<b>(n)</b>	<b>25</b>	<b>29</b>	<b>54</b>	
	<b>(%)</b>	<b>46.30%</b>	<b>53.70%</b>		

\*) The retiree, especially former civil servant still earns monthly pension fee based on the latest rank.

This condition is illustrated in Table IV.1. When the head of household does not have occupation (unemployed and passed away), the role of HBE for households becomes the primary income source to support their livelihoods. Whereas the HBE becomes the additional income source when the head of household manages to obtain an occupation that earns monthly income.

However, despite the fact that most of the respondents do not have a certain monthly income (70.37%), the number of respondents who regard HBE as primary income source (46.30%) is slightly lower than those who regard HBE as an additional income source (53.70%). In the uncertain monthly income group, most of the HBE emerged as an additional rather than

primary income source. During times of hardship, the head of household manages to save money despite fluctuations in monthly income. As a result, HBE becomes the supporting monthly income source for the household in these scenarios. From the constant help from their working children, most of the respondents of this group still manage to obtain sufficient monthly income outside the HBE operation.

Although the retiree group could be classified as the occupation with a certain monthly income, there is only one respondent who claimed the HBE as the primary income. The amount of monthly pension fee is insufficient to meet their daily needs, which compels this respondent to operate HBE as their primary income source. Whereas there are 5 retiree respondents that claimed HBE as their additional income source. These respondents admitted all their monthly basic needs were financed by all their children, as they have succeeded in obtaining sufficient monthly income from formal jobs in the city. In this case, HBE acts as means of social interaction with neighbor. The financial profit or loss from the operation of HBE becomes the least concern for them or the supporting children.

A similar scenario also emerges for a respondent that has an unemployed head of household, who admitted that HBE is not their primary income source. The successful children act as the donor for all the monthly basic needs for their parents, and HBE becomes their means for social interaction with neighbors.

These findings demonstrate that there is insignificant correlation between the certain monthly incomes with the role of HBE as the primary income source. The occupation and the generated monthly income of the head of household should be demystified as the only factor to predict the role of HBE for household, as it is only one of the mobilized assets. The lack of occupation and certain monthly income of the head of household does not automatically place HBE as the primary income source to meet their immediate needs, as the other family members may be actively involved in ensuring the maintenance of their livelihood.

As a result, the additional role of HBE as the means of social interaction with neighbors cannot be overlooked. The financial support from other family members guarantees the fulfillment of basic needs and as such, the role of HBE shifts from generating income to promoting social interaction.

Furthermore, it also reveals a sector of kampung residents who are engaged in the formal sector and earn sufficient, regular monthly income to meet their monthly needs and support their parents with financing their HBE operation.

### IV.3.2 Source of Capital for HBE

Most of the respondents (85.19%) accumulated savings from various sources of income from various occupations in order to start the HBE, as shown in Table IV.2. Their relatives are also struggling to survive to live in the city and financial dispute with other parties, such as neighbors, is the last thing they need if the HBE fails in the future.

Several respondents (7.41%) claimed that *Koperasi* (Indonesian self-help micro-finance institution) was their source of start-up capital. This institution is located in their household member's formal working place. Respondents become members of the institution to procure a small loan for starting up the HBE. Despite commonly exercised mutual assistance and the conviviality that exists among the neighbors, money-lending activities for HBE operations are rarely practiced.

Table IV.2: The Source of Financial Capital

The Amount of Capital <sup>*)</sup>	Source of Capital				Total (n)
	Household Assets	Extended Family's Loan	Relative's Loan <sup>**)</sup>	Koperasi's Loan <sup>***)</sup>	
< US\$ 10	2	-	-	-	2 (3.70%)
US\$ 10-20	6	1	-	-	7 (12.96%)
US\$ 20-30	9	-	-	-	9 (16.67%)
US\$ 30-50	10	-	1	1	12 (22.22%)
> US\$ 50	19	1	1	3	24 (44.44%)
<b>Total</b>	<b>46</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>54</b>
	<b>85.19%</b>	<b>3.70%</b>	<b>3.70%</b>	<b>7.41%</b>	

<sup>\*)</sup> US\$ 1 = Rp. 12,000.00

<sup>\*\*)</sup> In this case, relative includes neighbors, friends outside family and neighborhood.

<sup>\*\*\*)</sup> Koperasi is Indonesian terminology for a non-profit institution which circulates its members monthly due for the basic needs provision, including microfinance facility with micro interest for its members.

This indicates that the capital for HBE operation is primarily sourced from the mobilization of personal and family assets, in order to avoid conflict with others. It also rejects the prediction of de Soto (2000), who discussed the possibility of using land as collateral to obtain additional start-up capital for HBE and support the HBE operation.

### IV.3.3 Implication of Financial Capital to the Types of Commodity

Although the types of commodity have been studied, identified and classified in the extensive body of literature, the preference rarely enters the discussion. The types of commodity implies the kind of practiced spatial strategies. This places great importance on the preference of commodity, as it one of the contributing factors to determining a spatial strategy.



As shown in Table IV.3, affordable capital is a formidable determinant of selecting the types of commodity. Most of respondents (44.4%) provide financial capital of more than US\$ 50 to operate HBE.

Table IV.3: The Implication of Amount of Financial Capital to the Type of Commodity

The Amount of Financial Capital *)	Types of Commodity					Total (n/%)
	Raw Foods	Consumer Goods	Processed Foods	Rental Room	Service Provider	
< US\$ 10	-	-	2	-	-	2 (3.70%)
US\$ 10-20	-	-	7	-	-	7 (12.96%)
US\$ 20-30	-	2	7	-	-	9 (16.67%)
US\$ 30-50	-	4	8	-	-	12 (22.22%)
> US\$ 50	4	5	10	1	4	24 (44.44%)
<b>Total</b>	<b>4</b>	<b>11</b>	<b>34</b>	<b>1</b>	<b>4</b>	<b>54</b>
	<b>7.41%</b>	<b>20.37%</b>	<b>62.96%</b>	<b>1.85%</b>	<b>7.41%</b>	

\*) The range was coined by the respondents during interviews (US\$ 1=Rp. 12,000.00).

Nonetheless, processed food becomes the most preferable options for HBE, as it can be operated within a wide range of a household's financial availability, from less than US\$ 10 to more than US\$ 50. This flexibility is attained because it can be integrated into household's expenditure for domestic needs. The owner can prepare foods for household's members and consumers simultaneously. In very rare occasions, the consumers are allowed to propose a menu that suits the financial capital and skills of the owner, and even provide the ingredients to produce specific foods for a lesser price based on mutual agreement. Consumer goods also becomes a popular type of commodity because of similar reasons. The number and variety of commodities fluctuate, depending on monthly profit earnings.

Raw foods however cannot attain similar results because the operators are prescribed to purchase from the traditional market or distributors in a large amount, which requires a large amount of capital. Service providers also require significant capital as they need specific tools such as sewing machines, stone grinders, etc., which is more than US\$ 50. Tools maintenance demands additional expenditure, and upgrading is required to expand the scope of services and numbers of consumers. Rental rooms also demand higher financial capital for separating the living space for the household members from the renters, and also to meet the renters' expectations for a certain level of quality and additional bathrooms. Therefore, the available financial capacity becomes the formidable determinant of selecting the types of commodity, which will also impact the practiced spatial strategies of the operating HBE.

#### IV.3.4 Various Preferences of the Types of Commodity

Personal and household assets, as confirmed in Table IV.4, are the sources of capital for HBE. The assets cannot be regarded only as financial assets (22.22%) but also personal skills (20.37%). According to respondents, as the number of operating HBEs grows over time, avoiding conflict because of competition is essential (20.37%). This preference demonstrates that when selecting the types of commodity wider interests are considered, rather than just the household's capacity and interest.

Table IV.4: The Various Preference of Types of Commodity

The Preference of Types of Commodity	Types of Commodity					Total (n/%)
	Raw Foods	Consumer Goods	Processed Foods	Rental Rooms	Service Provider	
Affordable Capital	2	1	8	-	1	12 (22.22%)
Suits Personal Skills	-	1	9	-	1	11 (20.37%)
Space Availability	-	3	4	1	1	9 (16.67%)
Less competition	1	3	7	-	-	11 (20.37%)
Community's Needs	1	3	4	-	1	9 (16.67%)
Social Interaction	-	-	2	-	-	2 (3.70%)
<b>TOTAL</b>	<b>4</b> 7.41%	<b>11</b> 20.37%	<b>34</b> 62.96%	<b>1</b> 1.85%	<b>4</b> 7.41%	<b>54</b>

The space availability (16.67%) becomes one of the inevitable preferences. Due to the lack of space inside the house and insufficient money to rent space outside the house and neighborhood, there are only two options of location of HBE which are: inside the house or in its surroundings. The first option must be delivered carefully because it impacts on the domestic space, and the second must be performed carefully because it may compromise the neighbors' interests. Therefore, the types of commodity is determined by the space availability, the capacity of the household's assets, and social interest. As the future consumers, community needs (16.67%), must also be taken into account to determine what kind of commodity to sell. The selected commodity should intend to gain profit but also avoid the conflict with the neighbors.

The preference of types of commodity does not only originate from the owner, but also from the surrounding neighbors. It does not originate directly from the neighbors' immediate needs but is more emphasized on creating social interaction space with the presence of HBE (3.70%). Processed food becomes a suitable option to create social interaction space, as this type of commodity enables HBE to act as a common dining space for the neighbors. This confirms the role of HBE, not only as a means of generating income but also stimulating social interaction.

### IV.3.5 Implications of House Size to the Types of Commodity

Small house size does not become a constraint for residents to operate HBE, as illustrated in Table V.5. The findings show that most of the processed food vendors live in very small houses (0-21 and 21-36 m<sup>2</sup>). Similar conditions also occur with the consumer goods traders, because this commodity only requires small space inside or outside the house for display and storage space.

Table IV.5: Type of Commodity According to House Size

House Size*)	Types of Commodity					Total (n)
	Raw Foods	Consumer Goods	Processed Foods	Rental Rooms	Service Provider	
0-21 m <sup>2</sup>	1	2	14	-	1	18 (33.33%)
22-36 m <sup>2</sup>	-	4	12	-	1	17 (31.48%)
37-45 m <sup>2</sup>	2	1	2	-	-	5 (9.26%)
46-60 m <sup>2</sup>	1	3	2	-	-	6 (11.11%)
> 60 m <sup>2</sup>	-	1	4	1	2	8 (14.81%)
<b>Total</b>	<b>4</b>	<b>11</b>	<b>34</b>	<b>1</b>	<b>4</b>	<b>54</b>
	<b>7.41%</b>	<b>20.37%</b>	<b>62.96%</b>	<b>1.85%</b>	<b>7.41%</b>	

\*) The classification is based on standard house size by Government of Indonesia in various regulations of Ministry of Public Works.

Most of raw foods vendors are located in houses of moderate size (37-60 m<sup>2</sup>), however one respondent trades in a small sized house (0-21 m<sup>2</sup>). The latter managed to trade raw foods in a small sized house because of the limited type of raw food for sale, while the former sell various kind of raw foods. Similar findings are also obtained in the service providers, which indicates that house size and types of commodity is based on the scale of commodity for sale. While rental rooms as a commodity requires large sized houses (> 60 m<sup>2</sup>) in order to provide privacy to homeowners and the renters, something that cannot to be accommodated in small sized houses.

Therefore, the implication of house size to the type of commodity is insignificant in general, due to several reasons. First, it depends on the flexibility of spatial arrangement which enables the integration of domestic and economy activity simultaneously. Second, it relies on the scale of the business, which relates to the spatial consumption of the commodities and/ or the operating tools. Finally, only rental rooms require a spacious house for separating the living space of household members and renters to ensure privacy.

### IV.3.6 Self-Governance of HBE in Kampung Cikini

#### A. The Acceptance of Neighbors

This research corroborates the findings of previous studies on the implications of HBE on neighborhood members. From 200 respondents of non-HBE owners, 171 respondents (85.50%) supported the presence of HBEs in the neighborhood because of the positive impacts, as depicted in Table IV.6. Nonetheless, 17 respondents (8.50%) are reluctant to consent to the presence of HBEs due to their negative contributions to environmental degradation in the neighborhood. While there are 12 respondents (6.00%) who claimed neutral because they thought HBEs concurrently benefit the neighborhood through positive impacts, and negatively contribute to environmental degradation within the community.

Table IV.6: The Acceptance to HBE Operation Based on Its Contributions to Neighborhood

The Acceptance to HBE Operation	The Contribution of HBE	Total (n/%)
Yes	Meet Community's Needs	51 (29.82%)
	Provide Job Opportunities	51 (29.82%)
	Create Interaction Space	32 (18.71%)
	Short Distance to Purchase	25 (14.62%)
	Allow Pay in Installments	12 (7.02%)
	<b>Sub Total</b>	<b>171 (85.50%)</b>
No	Abundant Waste	10 (58.82%)
	Circulation Blockage	6 (35.29%)
	Noise Disturbance	1 (5.88%)
	<b>Sub Total</b>	<b>17 (8.50%)</b>
Neutral*)	<b>Sub Total</b>	<b>12 (6.00%)</b>
<b>Total</b>		<b>200</b>

\*) The answers of the respondents in the neutral respondent group are various combinations between the positive and negative contribution which corresponds to accept and refuse respondent groups.



Figure IV.1: The positive implications of HBE to the neighborhood

The respondents asserted that HBEs in the neighborhood sell various commodities that fit their everyday needs. Respondents confirmed that the HBE's owners are also willing to serve them for basic daily needs in case of an emergency, although it is beyond their

standard operational time. It is regarded as one of the possible answers to reduce unemployment and poverty, which may reduce crime activities in their neighborhood. Purchasing commodities from HBE's owners is also considered as helping neighbors to increase their monthly income. Simultaneously, it creates interaction space, where they can meet other neighbors, circulate information about their neighborhood, and deliver domestic activities.

The specific type of processed food, in several cases, are determined by consumers' requests. The consumer, who primarily consist of neighbors, sometimes ask the processed foods providers to deliver different foods for variety, which increases the provider's cooking skills and enriches options for consumers. It indicates that HBE serves the need of the surrounding consumers, not only as place of commercial activity but sometimes as a communal kitchen, where the operators serve the requested product which is different from the regularly offered menu.



Figure IV.2: The negative implications of HBE to the neighborhood, ranging from abundant waste (left), circulation blockage (center) and noise disturbance (right)

The presence of HBEs across the neighborhood enables the respondents to access their daily needs within walking distance. Especially in times of emergency, the nearest HBEs are available to provide suitable commodities without wasting extra time and effort. HBEs also facilitate neighbors to purchase their daily needs by allowing them to pay in installments. This facility benefits neighbors especially the retiree and senior citizens who do not have jobs with regular monthly income.

Regardless various positive sides of the HBE's presence in the neighborhood, it ignites several environment problems that affect neighbors, as depicted in Figure IV.3. These problems have encouraged 17 of 200 respondents (8.50%) to refuse the presence of HBEs in the neighborhood. Abundant waste that is produced by HBEs is the dominant factor in their refusal (58.82%). It fills the drainage channels and alleys, attracts insects, disperses unpleasant odors, and is also the main cause of flooding in the neighborhood during the rainy season. Circulation blockage in the alleys also becomes the disturbing

problem by neighbors (35.29%). Motorcycle riders and pedestrians find it is very difficult to circulate, especially in the morning when residents are heading to their workplaces. Additionally, noise disturbance (5.88%) is an inconvenient condition for neighbors, especially at night when they are resting.

Despite all negative implications that are shared by HBEs, 12 of 200 respondents (6.00%) – the neutral respondents – allow HBEs to operate because of various benefits they acquire from the presence of HBEs. Hence, most of the respondents welcome the presence of HBE in their neighborhood.

## **B. Permission from the Neighborhood for Operating HBE**

Although the HBE owners have persisted with self-help by gathering capital and performing spatial adaptation after deliberation with household members to select the affirmed spatial strategy, they still require permission from the neighbors to operate HBEs. As many of 23 of the 54 HBE owners (42.59%) were required to obtain permission because of several issues that required consent, such as the usage of public space (69.57%), sale competition (17.39%), and scale of business (13.04%).

The permission to operate HBE in Kampung Cikini was based on oral agreement, and acts as a token of acceptance by the neighborhood to the HBE operation. There are two parties who informally authorize to issue the oral agreement, they are: the Head of CA and the neighbors. Table-5 explicates the authorized parties and the division of consented issues.

Neighbors are entitled to confer permission for the HBE operation in regards to two issues, which are: the usage of public space and sale competition. The first issue is concerned with the maximum usage of public space for economic activity, which is determined through deliberation among neighbors. The surrounding neighbors understand the need for HBE owners to use a small part of the alley for economic activity because of the lack of interior space. They are also aware that it provides a certain degree of convenience for the households, but the expansion must not induce public inconvenience through circulation blockage.

The Head of CA has an authority to issue a permit for the type of commodity that has the potential to generate large numbers of consumers from outside the neighborhood in an indefinite time of operation. Besides the possibility of disturbance to the surrounding neighbors, this scale of business is stopped as it may compromise the safety and security

of the neighborhood due to the influx of unrecognized consumers from outside the neighborhood. In this case, game center and computer rental providers are the kinds of commercial activities that require permission from the Head of CA because they operate almost all day and night, and generate loud noise and consumers from outside the neighborhood. The type of commodity becomes essential in HBE operation. It is not only determined by the owner's startup capital, including money and house size, but also determine by the permission from the Head of NA or fellow HBE owners in the surrounding area.

The permission has objective to the preserve the business sustenance of every HBE owner in the neighborhood. The proliferation of HBE with a similar type of commodity will spark fierce competition and unrest among neighbors. Selecting a complementary varietal of a similar type of commodity becomes the usual mutual decision in order to obtain a permit from the neighbors. This finding demonstrates that the HBE operation is an inevitable adjustment between individual capacity and the surrounding context.

According to the respondents in this location, the maintenance of well-preserved social harmony in the midst of economic competition can be delivered through sincere relationships among the HBE owners and the surrounding residents. The new HBE owner should communicate their intended types of commodity and their reasons for selection to the existing HBE owners and surrounding residents.

This communication is essential to fabricating possible cooperation with existing HBE owners and mutual benefit for the residents in the surrounding area. It also enables the existing HBE owners and residents in the surrounding area to make social and spatial adjustments in order to adapt to the new and emerging HBE activity. The first relates to the possible new social activity within the existing economy, and domestic activities in the surrounding. While the latter corresponds to the permitted space and time allocated for the economic activities of the new HBE owners to avoid the possible disturbances in the future.

The reason plays a pivotal role in ensuring that the sincere objective of performing HBE is communicated to the existing HBE owners and the residents in the neighborhood. The objective, according to the respondents, determines the possibility of making mutual cooperation in the future.





Figure IV.3: Examples of Kitchen for Production and Reproduction Activities on the Public Space in NA 6 (top) and NA 13 (bottom)





Figure IV.4: Examples of Shifting of Space for Production and Reproduction Activities on the House in NA 5 (top) and NA 13 (bottom)





Figure IV.5: Examples of The Usage of Public Space for Production Activity in NA 13 & 15 (top) and NA 14 (bottom)

Table IV.7: Reasons for Permission According to the Authorized Parties

The Authorized Parties	Reasons for Permission			Total (n/%)
	The Usage of Public Space	Sale Competition	Neighborhood Security	
Head of CA	- (0.00%)	- (0.00%)	3 (100.00%)	3 (13.04%)
Neighbors	16 (100.00%)	4 (100.00%)	- (0.00%)	20 (86.96%)
<b>Total</b>	<b>16 (69.57%)</b>	<b>4 (17.39%)</b>	<b>3 (13.04%)</b>	<b>23</b>

If the objective is to only earn profit individually without any concern for the surrounding area, then the existing HBE owners in the neighborhood tend to be reluctant in issuing permission, because it may impede mutual cooperation in the future. Although HBE was performed by mobilizing individual assets of the households, such as financial capacity and house size, the community has an important role in deciding some operational aspects, including: the types of commodity (to maintain market competitiveness), the usage of public space, and neighborhood security. Therefore, HBE is more than an individual production and reproduction activity but also a social one, where there may be decisive involvement from the community.

#### IV.4 SELF-HELP HOUSE IMPROVEMENT AS INDIVIDUAL ACTIVITIES WITH COMMUNAL INVOLVEMENT

##### IV.4.1 The Implication of HBE Operation to Self-Help House Improvement

Despite the promising contribution to monthly income from HBE operation, it does not effectuate house improvement. As shown in Table IV.8, the number of households, who operate HBE and opt to improve their house is lower (48.15%) than who choose to decline (51.85%). Most of the HBE owners who improve their house are also the landowners (92.31%), while most of the respondents who decline house improvement are land tenants (53.57%). This finding signifies the relationship between land ownership of HBE owners with house improvement, where land owners tend to improve their houses rather than land tenants.

The level of improvement depends on the monthly income from HBE operation. Higher earning monthly income provides more options for HBE owners to improve their houses. Households with the lowest monthly income (3.85%) from HBE operation have limited options in house improvement such as: repainting the house, façade or interior, repairing roof or floor tiles, and fixing windows or door frames.

As shown in Table IV.8, the possibility of various options for house improvement increases along with the increase of monthly income. Vertical expansion, which demands high-cost

expenditure, becomes one of the plausible options for house improvement when the monthly income from HBE operation has reached US\$ 30-50. Therefore, the amount of monthly income becomes a considerable determinant of house improvement types.

Table IV.8: Self-Help House Improvement According to Land Ownership

Land Owners	Self-Help House Improvement				Total (n)	
	Yes (n)		No (n)			
Owned Individually	24	(92.31%)	11	(39.29%)	35	(64.81%)
Owned by Parents	2	(7.69%)	2	(7.14%)	4	(7.41%)
Rent	0	(0.00%)	15	(53.57%)	15	(27.78%)
<i>Total</i>	26		28		54	
	48.15%		51.85%			

HBE operation contributes to the increase of self-help house improvement. Table IV.8 illustrates that 26 of 54 respondents delivered self-help house improvement because of their increase in monthly income due to HBE operation. All respondents are also land owners, who claimed the ownership that is unacknowledged by the government. While all the land renters are reluctant to deliver self-help house improvement. This indicates that the sense of land ownership plays a vital role in the execution of self-help house improvement.

There are three types of self-help house improvement, which are: house finishing, interior partition, and vertical expansion. The first type refers to improving the quality of the appearance of building components, such as building paint, interior ceiling, floors and roof tiles. The second type covers the additional walls and openings inside the house to expand the number of rooms. Whereas the third type encompasses the additional number of floors and house size in the vertical plane, considering the limited land size and additional stories is the only possible increase of house size.

Table IV.9 depicts that the first type of house improvement is the most affordable and the third type requires high-cost due to additional structure and construction being required. For HBE owners who earn monthly revenue less than US\$ 20, house finishing is the only option in their self-help house improvement. As the monthly revenue increases, the other types of self-help house improvement become affordable for HBE owners.

The reasons of self-help house improvement are also varied. Based on in-depth interviews with respondents who have delivered self-help house improvements, there are three key motivating factors, which are: 1) privacy; 2) increase volume trading; and 3) prestige.

The first reason is based on their psychological needs and solving the crowding issue that household members encounter. Privacy provision becomes a dominant reason (69.23%) for self-help house improvement. The collision of domestic and economic space in the limited size of the house has diminished the privacy afforded to the household members. It proves that HBE risks one of the basic psychological needs of household members and the increase of monthly income has enabled them to recapture that lost sense of privacy.

Table IV.9: Types of House Improvements According to Monthly Income from HBE

Monthly Revenue <sup>*)</sup>	Types of House Improvement <sup>**)</sup>	Reasons for House Improvements			Total (n)	
		Privacy	Increase Costumers	Prestige		
< US\$ 20	House Finishing	-	1	-	1	(100.00%)
	Interior Partition	-	-	-	-	(0.00%)
	Vertical Expansion	-	-	-	-	(0.00%)
	<b>(n)</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>(3.85%)</b>
US\$ 20-30	House Finishing	-	-	-	-	(0.00%)
	Interior Partition	1	-	-	1	(50.00%)
	Vertical Expansion	1	-	-	1	(50.00%)
	<b>(n)</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>(7.69%)</b>
US\$ 30-50	House Finishing	-	-	-	-	(0.00%)
	Interior Partition	-	-	-	-	(0.00%)
	Vertical Expansion	3	-	-	3	(100.00%)
	<b>(n)</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>3</b>	<b>(11.54%)</b>
US\$ 50-100	House Finishing	-	-	1	1	(20.00%)
	Interior Partition	1	-	-	1	(20.00%)
	Vertical Expansion	3	-	-	3	(60.00%)
	<b>(n)</b>	<b>4</b>	<b>-</b>	<b>1</b>	<b>5</b>	<b>(19.23%)</b>
> US\$ 100	House Finishing	-	1	1	2	(13.33%)
	Interior Partition	-	1	-	1	(6.67%)
	Vertical Expansion	9	3	-	12	(80.00%)
	<b>(n)</b>	<b>9</b>	<b>5</b>	<b>1</b>	<b>15</b>	<b>(57.69%)</b>
<b>Total</b>		<b>(n)</b>	<b>18</b>	<b>6</b>	<b>2</b>	<b>26</b>
		<b>(%)</b>	<b>69.23%</b>	<b>23.08%</b>	<b>7.69%</b>	

<sup>\*)</sup> The range of Monthly Income from HBE category is made by respondents during the in-depth interview;

<sup>\*\*)</sup> The Type of House Improvement category is based on the classification by all respondents, where house finishing corresponds to minor improvement, interior partitioning equals to medium improvement and vertical expansion is regarded as a major improvement.

The second corresponds to the economic interest, where house improvement will create a better image of the HBE thus attract more customers. Self-help house improvement also benefits the HBE owners to increase their volume trading and monthly revenue (23.08%). The improved of the house attracts more customers and provides better space for economic activities, such as additional rental rooms, and the spatial expansion of commodity production and storage. The

earned monthly revenue is mobilized for capital accumulation by HBE owners to expand their business. Therefore, the self-help house improvement is not only designated to improve the domestic activities of household members but also to increase economic activities and monthly income.

The third motivating factor refers to the social needs, where the improved house emancipates the social status of HBE owners in the family and neighborhood. Self-help house improvement also elevates the social status of kampung residents according to some respondents (7.69%). All of the respondents, who confirmed the increase of social status, delivered the first type of self-help house improvement.

The betterment of house finishing, such as house facade and other building components, represent the betterment of the household's quality and elevates their social status. The betterment encompasses the decent spatial movement of domestic and economic activities for household members, but also an increase in their social status. This increase of social status helps improve residents' sense of dignity as human beings in the family and among neighbors in Kampung Cikini.

#### **IV.4.2 The Impediment Factors of Self-Help House Improvement**

Table IV.10 depicts the refusal of landowners to make house improvement, which is mainly because of lack money, lack of space and lack of knowledge. While most of the land renters decline to perform house improvement because of lack of ownership.

Most of the landowners (32.14%), who refuse to improve their houses, consider the monthly income from HBE to be insufficient in meeting the construction cost, especially for those who regard HBE as the primary means of income generation. According to this respondent group, they prefer to allocate the generated income to primary needs, such as: children's education fees, communication fees, and gasoline for motorcycles. The last item is a useful asset in becoming a part-time motorcycle driver in order to generate more income. The explanation describes how house improvement becomes the least priority of household's expenditure.

For the respondents in the lack of knowledge category, where space availability and financial capacity are not the issue, the ability to compose and execute self-help improvement for overcoming their substantial spatial problems becomes their main concern. While the respondents in the lack of space category, the spatial intervention in their limited size house will impact tremendously on their well-established, interwoven domestic, economic and social activities. Due to the lack of financial capacity to purchase or rent a house, lack of rental houses

or houses for sale in the surrounding neighborhood, moving to another location will jeopardize the sustainability of HBE operation, including the domestic and social life they have created throughout the years.

Table IV.10: Usage of Monthly Revenue and the Impediment Factors of Self-Help House Improvements

Land Owner ship	The Usage of Monthly Revenue	The Impediment Factors of Self-Help House Improvement				Total (n)
		Lack of Money	Lack of Knowledge	Lack of Space	Lack of ownership	
Owned	Least Priority	8	2	1	-	11 (100.00%)
	Buy Elsewhere	-	-	-	-	- (0.00%)
	<b>(n)</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>-</b>	<b>11 (39.29%)</b>
Owned by Parents	Least Priority	-	1	1	-	2 (100.00%)
	Buy Elsewhere	-	-	-	-	- (0.00%)
	<b>(n)</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>2 (7.14%)</b>
Rent	Least Priority	1	-	1	-	2 (13.33%)
	Buy Elsewhere	-	-	-	13	13 (86.67%)
	<b>(n)</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>13</b>	<b>15 (53.57%)</b>
<b>Total</b>	<b>(n)</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>13</b>	<b>28</b>
	<b>(%)</b>	<b>32.14%</b>	<b>10.71%</b>	<b>10.71%</b>	<b>46.43%</b>	

Buying a house in another place becomes a plausible option for HBE owners, especially land renters. The lack of ownership has diminished their willingness to deliver self-help housing improvement. While the landowners veered their intent to deliver self-help house improvement due to their limited capability in overcoming impediments.

## IV.5 THE CODE OF HOME-BASED ENTERPRISES IN KAMPUNG CIKINI

### IV.5.1 Mixed-Function of the House with Communal Involvement

Although they are known for their of spirit mutual assistance, kampung residents tend to mobilize their own resources as the financial capital for HBE. Personal savings become the most popular sources of capital along with other financial resources that can be mobilized by household members. Accumulated capital, such as financial means and existing house size, are the undisputed resources to start HBE. These resources determine the type of commodity the HBE owners will pursue as they impact the domestic and economic activities of the household members. Despite its sense of individualism, the mobilization of personal assets aims to preserve social cohesion among residents by avoiding the possibility of generating conflict over economic activities.

This research established the HBE as one of the plausible solutions for increasing monthly income, through the creation of job opportunities that offer various benefits for the surrounding neighborhood. Despite irrefutable contributions to the neighborhood of many benefits, HBE also amplifies environmental degradation, especially the production of abundant waste due to a lack of a proper waste disposal system. In order to increase the positive benefits and minimize the negative downsides, deliberation among surrounding neighbors, the fellow HBE owners and the Head of the Neighborhood Association are essential for determining the type of spatial strategy. The spatial strategy of HBE cannot be reduced *only* to house size but must also consider the amount of financial capital, types of commodity, and the neighborhood-scale socio-economic activities. The latter is essential to achieve social harmony in the neighborhood. HBE cannot be disregarded from overall socio-economic activities in the neighborhood because it contributes both benefits and disadvantages to the surrounding area. These factors do not relate to one another in a linear causal-effect mode, but dynamically interchange according to the process of negotiations between HBE owners and other stakeholders in the community.

#### **IV.5.2 The Implication and Impediments of HBE to Self-Help House Improvement**

Despite the lack of the acknowledged land ownership by government, all respondents affirm HBE as source of income. It indicates the respondents' subjective tenure security prevails, where households' perceived rights to own and use their houses generate primary or additional income, regardless the government's acknowledgment, as De Souza (1999) and van Gelder (2007) stated.

This research corroborates the findings which corroborated the lack of land ownership with the performance of HBE by kampung households. The role of government acknowledgment of land ownership becomes obsolete to perform HBEs, as suggested by Turner (1972) and de Soto (2000) in their prominent works. Therefore, this finding affirms that there is insufficient evidence of land tenure security which is issued by the government to HBE operations.

Many experts, such as Tipple and Ameen (1999) and Kellett (2000), are convinced that HBE will significantly contribute to self-help house improvement. This argument was built upon the economic perspective, where the increase in income from HBE operation will enable the owner to deliver self-help improvement. This argument is not completely false, as this research finds nearly half of total respondents performed self-help house improvement. The amount of monthly income determines the variety of options for the type of self-help house improvement.



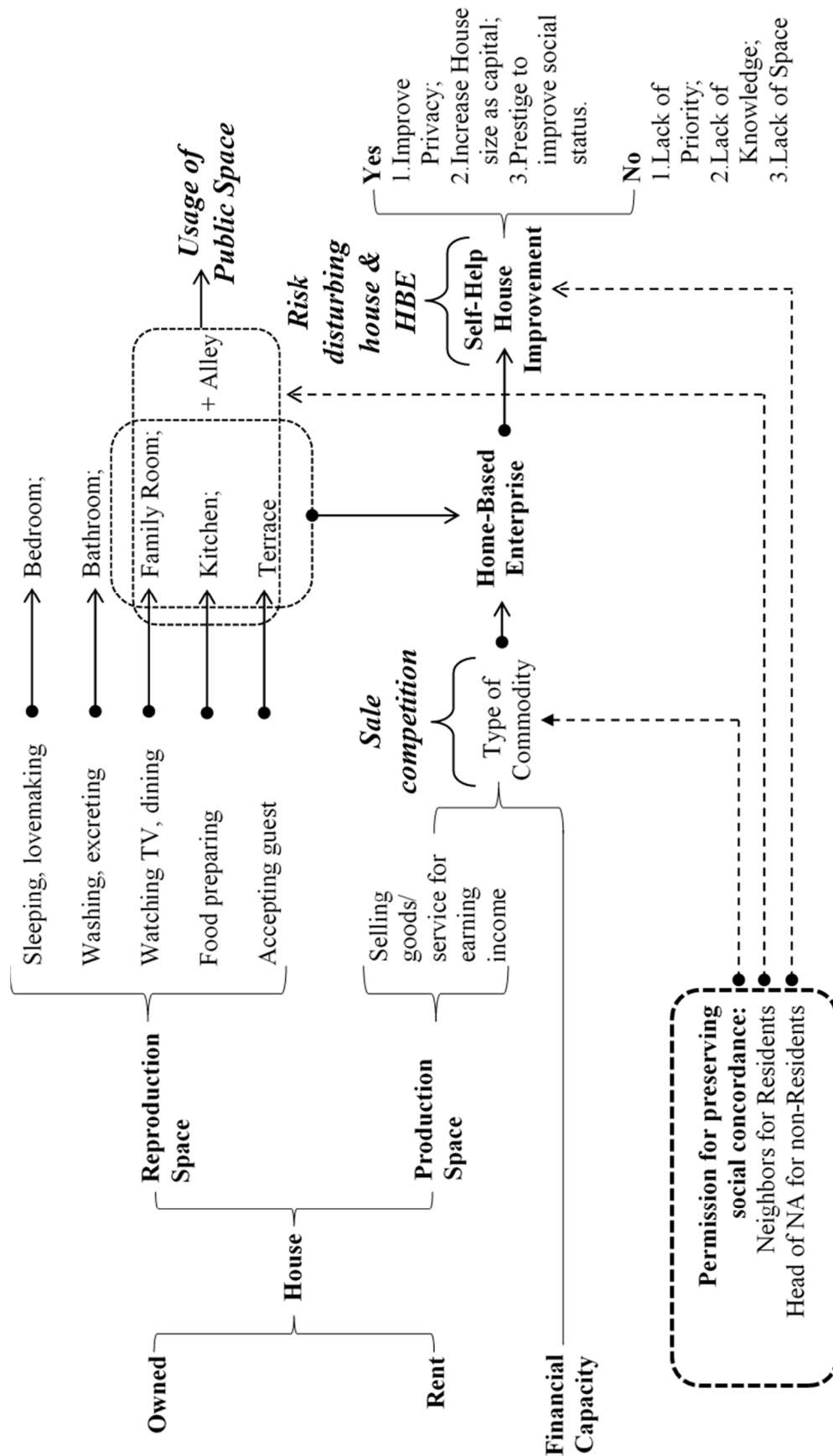


Figure IV.6: The Code of Home-Based Enterprises and Self-Help House Improvement in Kampung Cikini

However, this research discovers that more than half of respondents still decline self-help house improvement despite the income generation occurring. There are three reasons for this rejection from land owners and those who live in their parent's houses, these being: 1) lack of money; 2) lack of knowledge; and 3) lack of space.

Firstly, HBEs do not guarantee an adequate amount of monthly revenue to deliver self-help housing improvement. The amount is generally only sufficient to fulfill daily basic needs. In the second reason, is that self-help house improvement requires specialized knowledge such as design, to solve most of resulting spatial problems within a relatively small budget and without disturbing their HBEs operations. The last reason, lack of space, highlights that the construction process will compromise their HBEs operation, as renting the house during the construction process is their unfavorable option due to increasing monthly expenditure and the possibility of a decline in revenue from HBE in the new location. Although many experts have celebrated their wondrous ability to adapt to every changing of condition and situation, compromising the well-established domestic, economic and social web of activities should definitely be avoided as it depletes residents' available assets to survive. In this sense, the production activities are prioritized more than the reproduction activities in the house. Due to these reasons, self-help house improvement becomes the least of priorities.

All land renters decline to perform house improvement because of their lack of ownership. This research exposit the possibility of initiative for self-help house improvement coming from land renters, which contradicts with the aforementioned common argument. Unfortunately, the land owners disregard the land renter's sense of ownership, and they seek to gain a higher profit by eliminating the house improvement cost.

In the case of Kampung Cikini, the generative factor of self-help house improvement is not only the economy, but also tenure security and social relationships with the neighbors. Thence, self-help improvement is not a linear economic matter, but encompasses the entire individual and communal activities within the kampung settlement.

## **CHAPTER V**

### **THE CODE OF UNWRITTEN BUILDING SHARED RULES IN KAMPUNG CIKINI**

#### **V.1 THE CITY BUILDING CODE AND ITS IMPEDIMENTS FOR KAMPUNG RESIDENTS**

##### **V.1.1 Enactment of the Building Code in Housing and Settlement**

The objectives of regulations relates to ensuring safety and health for the citizens. According to the Harvard Graduate School of Design (1989), standards are developed as an embodiment of laws, customs or institutional objectives. Many of the building standards used today have their origins in building, health and sanitation codes formulated by most European and American countries in the late 19<sup>th</sup> Century.

The rationale for the enactment of various regulations is to safeguard, conserve, disburse and regulate the use of land in the overall public interest (Agbola, 1998). As observed by Mabogunje et al (1978), these regulations fall into the realms of space-use density control, health sanitation laws, community facilities, and services provision standards. Since housing constitutes the most important land use element in city planning, it is mandatory that housing standards should be firmly entrenched in the building regulations of most countries. The State and experts use a set of universal social, environmental, public health and safety criteria to evaluate community needs. They develop and enforce zoning ordinances, review guidelines and standardize the physical aspects of the community (Ben-Joseph & Szold, 2005). This rationale is adopted in developing countries, including Indonesia.

Complying with these requirements imposes significant costs and is usually complex and time-consuming. In a study of nine cities in Africa, Asia and Latin America, researchers found that most cities had planning and building standards that were unsuited to the poor (Devas, 2001). The official minimum plot size in many developing countries is considerably higher than what is regularly found in slum settlements, which costs more than what many households can afford. Those adversely affected by such unrealistic standards are the urban poor and low-income households, who are excluded from the city planning scheme, and live in slums as the unplanned and unserviced settlements (Kironde, 2006).

According to the social, economic and cultural heritage of most developing countries, building standards have become the agent of regulatory authorities. However, unlike the process of evolution of standards in response to observed failures in the developed nations, the legalized

building standards adopted in most developing countries were imported from the developed nations without contextual modification which fit with the socio-cultural and economic circumstances. Based on their studies in six South American cities, Mayo & Gross (1987) argued the adoption of housing solutions from developed countries failed in developing countries because they relied on heavily subsidized blocks of public housing flats with high standards of construction and infrastructure, zoning and building code regulations.

This classic study shares similar findings in Kampung Cikini. The established building code has systematically excluded the kampung residents from complying due to administrative documents and financial capacity. Therefore, Fitcher et. al. (1972) proposed that properly designed performance standards for the physical, economic and social components of housing would revolutionize the role and impact of housing standards generally.

### **V.1.2 Unwritten Building Shared Rules in Kampung Settlement**

Based on its extensive history since the Dutch colonial era, kampung is a site of self-help management (Maharika 2010). The spirit of neighborliness, cooperation and willingness to help (Shukor Rahman, 1996) are the emergent forms of social collaboration in kampung (Simone, 2004; 2010). This aforementioned spirit was extended to community self-help management and regulation (Gilbert, 2007; Smith, 2002), in accordance with the social and cultural context (Holloway & Hubbard, 2001). This relates to not only the investment of sweat equity by owners in their homes, but also the processes of owner design and management (Harris, 2003). It is ongoing process with perpetual organization and creativity from the occupant-builders, which emphasizes the physical form of the buildings often at the expense of users (Kellett, 2008). The works are carried out in accordance with rules and procedures that are potentially as specific and necessary as those that have governed official, formal city-making (Brillembourg & Klumpner in Hernandez, et. al., 2010).

In developing their built environment, the community relates to fellow actors through unwritten building shared-rules (UBSR) that are based on local knowledge (Garau & Sclar, 2005). They contain things such as: skill and muscle-power, the capability for using available materials and tools, the ability to organize enterprises and local institutions, and the capacity to co-operate (Turner, 1976). However, if UBSR becomes the guidelines for self-help housing, then the houses should share similar characteristics, which currently does not occur. Therefore, there must be a distinctive code of UBSR which operates in Kampung Cikini. The following research

questions are: 1) Why does this distinctive code of UBSR occur in Kampung Cikini; and 2) What kinds of code of UBSR exist in Kampung Cikini?

## **V.2 RESEARCH METHOD**

Rapoport (1969) stated that a slum settlement grows spontaneously as a direct response to immediate needs of a community. Slum settlement develops over time and is controlled by a set of local-specific practices that have been based on local knowledge, existing practices, material availability (Glassie, 2000), and a desire to reduce construction costs by using recycled and used materials (Garau & Sclar, 2005). This system is governed by a self-help organization among community members (Turner, 1976). The organization exists without professional expert involvement (Cuff, 1991), and emerged as a direct response to the government's inability to provide satisfactory services (Meagher, 2012).

In developing their built environment, the community relates to fellow actors through a consensual agreement, which was coined by Garau and Sclar (2005) as the unwritten building shared-rules (UBSR). It is a reflection of local knowledge as a means of constant struggle for survival (Roy, 2011). In several countries, many prominent scholars such as Simone (2011, 2013), McFarlane (2008, 2009, 2011), and Silver (2013) have observed the capacity and the establishment of self-help mechanisms created by slum residents in order to build their settlement. This self-help system is very flexible because of its ability to adapt to the dynamic fluctuations of encountered situations. Although these publications have emerged as important references to understand the complexity of the self-help building process in slum settlements, there was insufficient elucidation of the micro-scale mechanisms, which were required in order to attain a profound understanding of the UBSR within specific settlements. While abundant research studied the physical, specifically the transformation of houses and open space in kampung settlements, there is insufficient explanation on the mechanisms of the community-based self-help system (Funo, et. al., 2002; Rolalisasi, et. al., 2012, 2013).

Oliver (2006: 408) reminded that it is required for an architect to engage in improvement programs in this kind of settlement, as an architect fails to design responsibly when he or she ignores UBSR. This posits the importance of having a thorough comprehension of the UBSR, which is rarely publicized. Yet, it is difficult to identify the pattern of built form in its appearance. If the UBSR are generally complied with by the community members, then most of the buildings in kampung settlement will share regularity, as opposed to a chaotically built form. The apparent chaotic built form suggests the existence of a certain mechanism in UBSR

compliance by community members. Therefore, it is important to investigate the practice of UBSR in the urban kampung settlement when looking at self-help house improvement.

The investigation involves three stages in order to understand the production, dissemination, and implementation of UBSR in self-help house improvement. These three stages include:

1. Understanding the role of UBSR and its content for self-help house improvement in kampung settlement;

The first stage can be reached by revealing the history on the production of UBSR, which consists of: main objectives, aspects, detail regulations, detail objectives of each regulations, and penalties.

2. Identify the dissemination method of UBSR for self-help house improvement in kampung settlement;

The second stage will be accomplished by identifying the dissemination method by kampung residents, and examining their level of awareness for implementing the UBSR in self-help house improvement.

3. Investigate the implementation of UBSR for self-help house improvement in kampung settlement.

The third stage can be attained by investigating the extent of compliance by kampung residents when implementing UBSR, the negotiated process, and items of UBSR during the process of self-help house improvement.

The information relating to the main objectives, aspects, detail regulations, detail objectives of each regulations and penalties, were obtained from the local residents who had experience in formulating and enforcing the UBSR since its first enactment. It consisted of the Head of CA 1, Head of NA 7, two experienced local builders, and five senior residents who had experience in building their own and other neighbor's houses. The data and information were collected through multi-stage interviews, ranging from group interviews to individual interviews with each of the participants. This strategy was necessary to obtain information from each stage of interview and verify every detail of information with respondents separately and systematically. Due to the absence of a written document, UBSR must be restructured, according to the verified information from the interview. This restructured UBSR became the guidance to examine the degree of compliance to UBSR by kampung residents in delivering their self-help house improvement.

The first group interview was conducted in mid-January 2013 at the Community Association level. The interview found that only NA 7 had established UBSR as the local building regulation<sup>1</sup>. This result became the justification for the selected research area. UBSR implementation is investigated in the design and construction process of a community facility, parallel with the project. This process was used to identify the existence of UBSR and the procedures undertaken to ensure its enforcement over a period of 9 months, since April 2013-November 2013. During this time, a series of individual interview were also conducted.



Figure V.1: The Location of NA 7 in Kampung Cikini

The following part of the method was conducted 2 years later, as the preliminary findings received valuable reviews during a 2014 conference in Bogor (West Java). A presentation was undertaken as a form of peer examination, and to stimulate discussion, reviews and comments by several nonparticipants in the field that were still familiar with the research subject. This was performed to help reach validity, as suggested by Yin (2003). One of the reviews suggested that the study expanded the sample of self-help house improvement participants in the

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<sup>1</sup> It was initiated by the community project in NA 7, which was held by Universitas Indonesia and Chiba University in 2013. During the community meeting, consent was obtained. The team also found that NA 7 was the only neighborhood area in Kampung Cikini which has UBSR. While others may also have something similar, there is nothing that has been established specifically.

neighborhood in order to establish a sufficient number of respondents. This suggestion was intended to understand the degree of enforcement of the enacted UBSR by kampung residents. As the result, in mid-January 2015, the extended stage was delivered.

The second group interview was delivered in mid-January 2015 with similar participants. The aim was to obtain permission from the residents to participate in this extended research, and also to confirm the latest condition of UBSR. After permission was received and confirmation of the remaining content of UBSR performed, the extended research started in mid February-April 2015. It consisted of semi-structured interviews to provide a systematic order but still allow freedom in conversation. This method was selected because the interview is a dynamic, meaning-making technique, where the actual circumstance of the construction of meaning is important, as stated by (Holstein & Gubrium, 1995).

Information regarding the level of awareness and the compliance of UBSR in the built houses, was obtained by interviewing 50 respondents, who were selected randomly. Random sampling was used as the consent to participate in the research had been obtained, there was a lack of information availability when the owners rented the houses, and the availability of residents during door-to-door interview sessions. Based on the self-restructured guidance, the built houses of 50 respondents were examined to understand the extent of compliance with the enacted UBSR.

Simultaneously, questions were asked of the respondents that specifically related to the awareness and the method of disseminating the UBSR, and the existence and source of the house building permit. For those who failed to comply, reasons for negotiating and the negotiation process were also investigated during the door-to-door interview.

The result was classified based on the generated coding and tabularized to understand quantitative aspects of topics and the relationship between them in each stages. The qualitative information will explain the quantitative aspects of the obtained result.

The result was presented and discussed in the third group meeting, which was delivered in mid-May 2015 to verify the results with the respondents. Peer examination, was used to increase the validity of the data obtained. The preliminary findings in UBSR were presented in the 5<sup>th</sup> Megacities Conference in Bogor (Indonesia) and discussed with Professor Stephen Cairns (ETH Zurich). His valuable insights were elaborated on in a paper, which was under-reviewed in International Journal of Architectural Research.



### **V.3 THE FAILURE OF CODE OF HOUSING IN KAMPUNG SETTLEMENT**

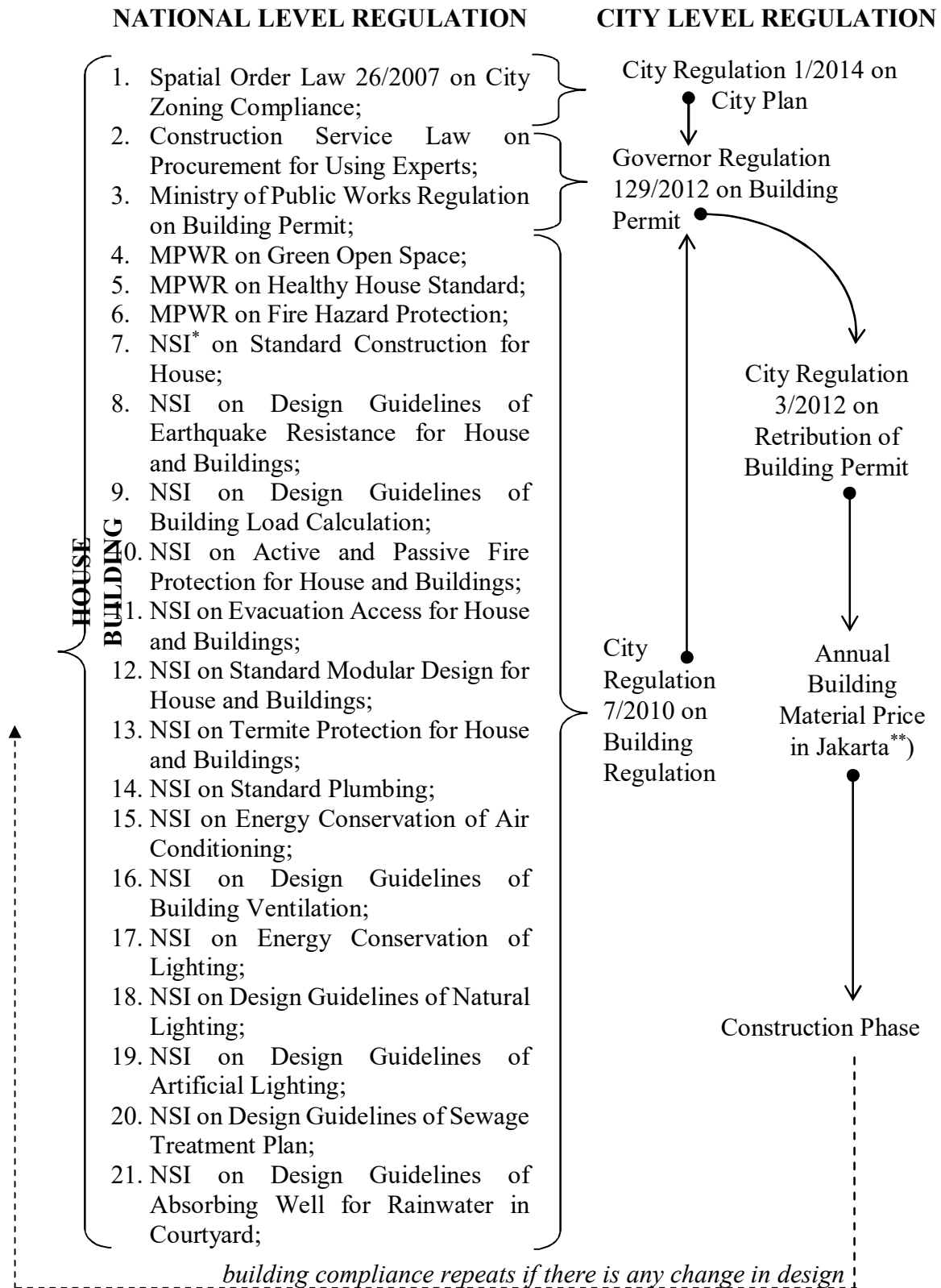
#### **V.3.1 Building Regulation in Indonesia**

In order to ensure the safety of the building users, the Government of Indonesia has enacted Building Law 28/2002. The Government Regulation 36/2005 was issued as an explanation of Building Law 28/2002. It explained the stages of the building process, such as: 1) procurement, which includes the standard building experts in design and construction; 2) general criteria of architecture, structure and building utilities design; 3) building construction; 4) maintenance; and 5) penalties for any kinds of infringements.

Several more detailed national regulations were enacted by Ministry of Public Works as guidelines for ensuring the accomplishment of the objective of Building Law 28/2002. Each of the MPWR are equipped with detailed codes of standards that are issued by the National Standard Agency (NSA). The codes comprises of the standard building structure safety and required infrastructure networks of housing complexes. The first, which refers to building structure safety, relates to the earthquake and fire hazards with the mitigation systems. While the second corresponds to the road, water, electricity, and garbage disposal network system.

The detail design of the house or housing complex belongs to the domain of the city government, because it relates to the specificity of the land use policy in each city. The established Floor Area Ratio (FAR), building heights, the building setback to the road, river and sea, are regulated in the enacted city government regulations. The City Government of Jakarta has enacted several regulations, such as: 1) City Regulation (CR) 7/2010 on Building; 2) Governor Regulation (GR) 129/2012 on Procedure of Building Permit's Obtainment; 3) CR 3/2012 on Retribution of Building Permit CR, and 4) CR 1/2014 on City Plan. City government also annually establishes the Unit Construction Price for calculation of the construction cost.

A study by Musyafa (2013) in Indonesia has proven that there is gap, approximately 40% of the construction cost, between the prescribed standard and the practiced construction of the cost. This study highlights the difference of the prescribed standard and the practiced labor price. It indicates that the labor price plays a pivotal role in determining the overall construction cost. This study also emphasized that land cost, including the initial provision and the building permit process, takes up more than half of the overall construction cost, which is significant to the overall cost of house building.



\*) NSI corresponds to National Standard of Indonesia, which is established by National Standard Agency.

\*\*) It voluntary for house owners to comply with this document, but mandatory for house/ building which is built by using state/ city expenditure budget.

Figure V.2: The Hierarchical Building House Regulations in Jakarta

However, the study excludes the architect's service fee for providing the construction documents, despite this being a prerequisite in obtaining a building permit. According to the Indonesian Institute of Architects (IIA), the minimum fee of architect's service for house projects has reached US\$ 150/ m<sup>2</sup>. The obligation to use the architect's service, as enforced by various government regulations on the national and city levels, has increased the construction cost of houses, especially for the kampung residents. Although ensuring the safety of the building users is the regulations noble intention, it impedes the kampung residents to comply due to the unaffordable price. As a result, the enacted regulations have systematically excluded the kampung residents from obtaining a building permit and complying with the enacted regulations.

In CR 1/2014 on Jakarta City Plan, the development of Menteng district's future goes to vertical development, which surely diminish of the kampung settlement. In Article 74, the Vertical Rent and Owned Housing will be developed to replace the existing low-rise housing.

### **V.3.2 Constraints of Code Compliance for Kampung Resident**

#### **A. The Building Permit in Jakarta**

The procedure of obtaining a building permit in Jakarta has been regulated by Governor Regulation (GR) 129/2012 on Procedure of Building Permit's Obtainment. This regulation has established three stages, which are: application submission, retributions, and issue the building permit.

In the first stage, the applicant must fill the application form and submit several documents to the district office such as:

1. A copy of identity card of the applicant;
2. A copy of taxpayer identity card of the applicant;
3. A copy of land certificate from NLA legalized by public notary;
4. A copy of the latest payment receipt of land and building tax;
5. Five copies that demonstrate the project's conformity with land use in the house location according to the city plan;
6. Five copies of the architectural design of the house;
7. Four copies of the construction design of the house;
8. Four copies of the structural analysis of the house.

After the district office has assessed and approved the submitted application, the applicant proceeds to the second stage for paying retribution to the tax office. The amount of payment is stipulated in City Regulation (CR) 3/2012 on Retribution of Building Permit, which establishes the formula: Building Size x Unit Retribution Price x Index. The first refers to the house size, while the second corresponds to the established unit retribution price for houses. The third is derived from a complex assessment that considers fire hazard risk, permanency, earthquake risk, density, height and ownership. The submission of the receipt of retribution payment is required to proceed the final stage.

In the final stage, the district office issues a building permit on paper and creates a board to be put on display at the construction site. The length of issue time is twenty days after the applicant submits the receipt of retribution payment to the district office.

#### **B. The Compliance Constraint for Kampung Residents**

The respondents were aware of the obligation to apply for building permits to the Menteng district office. However, they are reluctant due to their inability to meet the requirements outlined in GR 129/2012.

The first difficulty arises when trying to obtain the taxpayer identity. Most of the respondents, who work in the informal sector, cannot obtain taxpayer identity for several reasons, such as: 1) the low-income is exempt from paying tax; 2) the fluctuated monthly income from unsteady jobs cannot obtain taxpayer identity.

The second difficulty is in obtaining the land certificate from the NLA and legalized by the public notary. As previously mentioned in Chapter IV, none of the respondents can obtain the land certificate from NLA. Therefore, they are instantly not an eligible candidate to obtain the building permit.

Thirdly, procuring the latest payment receipt of land and building tax is another difficulty. Although some of the respondents admitted to paying the land and building tax, there is no evidence of the payment, which excludes them from being seen as a land and building tax payer.

Fourth, the conformity of land use in the house location according to the city plan. In the city plan, the kampung location is projected to be commercial and social facilities without residential area. Therefore, the non-compliance excludes the opportunity of kampung residents to obtain the building permit.

Fifth, the required construction documents. In order to provide construction documents, hiring architect and civil engineer are mandatory, which is unaffordable for the respondents.

The second stage presents even more financial restraints. Even if the respondents are able to comply with the requirements of the first stage, it is doubtful that their financial capacity could meet the requirements of building permit retribution.

Generally, seven of the eight requirements in the first stage cannot be complied with by the respondents, due to administrative and financial constraints. Additionally, the second stage presents a significant financial hurdle, which definitely guarantees the exclusion of the kampung residents to receiving a building permit. Due to their ineligibility, the activities of self-help housing improvement in Kampung Cikini are not well-documented or supervised. As such, they are delivered differently from the established housing regulation stipulated by the MPWH. Therefore, residents encounter problems in the process, not only economic problems due to the regulation being unaffordable, but also policy issues, which excludes them from being able to actually comply with the regulations.

## **V.4 UBSR IN KAMPUNG CIKINI**

### **V.4.1 History of UBSR**

All respondents, who have resided for more than 30 years in the study area, asserted that the inability of comply with regulations compels the community to self-regulate their own settlement. It was necessary to have a set of accepted regulations that could be a reliable reference when creating a harmoniously built environment among kampung residents. As prominent figures of the community, three of them recalled that since the 1980s they had tried to arrange and compose UBSR.

Although the community members do not have formal education in construction engineering, some of them are local builders, who have experience in building houses and infrastructure. One community member was even appointed as an infrastructure and building expert in NA 7 during the 1960s. He earned construction knowledge from his involvement in government construction projects since the 1960s. During his working years as a construction laborer, he learned trade skills associated with timber, concrete, and metal constructions, and also became familiar with many finishing materials such as plywood, clay bricks, ceramic and many others. Since his retirement from construction projects in 1980's, he has built all of the community

sanitation facilities, drainage channels and several houses in the neighborhood, with help from other community members. He managed to build those infrastructures within very limited budget by utilizing used materials which were collected by the community.

Table V.1: Unwritten Building Shared Rules in Neighborhood Association 7

NO.	MAIN OBJECTIVE	ASPECTS	DETAIL REGULATION	DETAIL OBJECTIVES	PENALTIES
1	Hazard Prevention related to building	a) Fire Hazards Prevention	i) Electrical Safety; ii) Kitchen Safety	Minimize short-circuit Control Gas & Fire	Paying Compensation to Fire Victims
		b) Clean Water Preservation	Prohibit Individual Bathroom within 11 meters from communal bathroom	Evade Pollution to Communal Well	Demolition of Individual Bathroom
2	Social Concordance Preservation related to building	a) Cantilever Structure to Increase Interior Size	i) Maximum Span less than half of street width;	*) Preserving Privacy each Households **) Shaded Area in the Street	Renovation of Cantilever Structure
			ii) Opening Position	Protecting Security and Privacy	Shifting Openings
		b) First Floor Height	Parallel Elevation 3.00 meters	Access by Shopping Cart from Market	Demolition of Cantilever Structure

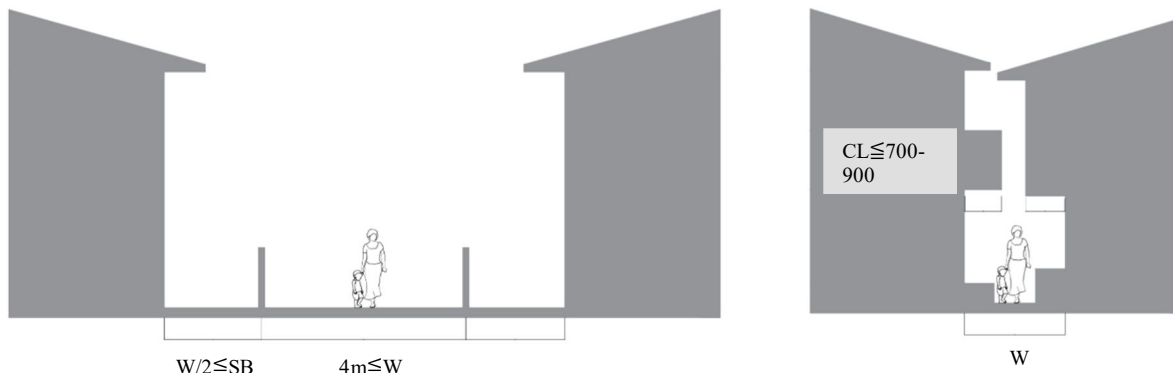


Figure V.3: Sketch of the formal (left) guidelines based on Government regulation and informal (right) guidelines based on research finding.

Preventing hazards and preserving social order are two main objectives of UBSR to maintain their ability to live in the city center. The arrangement of shared electricity wires and allocation of the kitchen has become the main concern in fire hazard prevention. Due to limited clean

water resources in this high-density kampung settlement, individual bathrooms in each house are restricted within 11 meters distance from communal well to prevent pollution.

Cantilevered structures and first-floor heights are the main concerns relating to the preservation of social harmony. In order to accommodate activities in the very limited interior space, UBSR allows the community to expand the second floor to the street. It shaped most of the houses in this settlement using cantilever structure. It also provides shaded space in front of the houses that helps generate comfortable social spaces in the street for the community. This decision allows various community activities to occur inside this small building. Nonetheless, the length of cantilever structure must not exceed half of the street width in order to preserve social harmony with the surrounding neighbors.

Local leaders and builders have claimed that the regulation of cantilevered structure is designated to resolve many conflicts among kampung residents. According to UBSR, the appropriate length is around 700-900 mm, considering that the most of the streets in the settlement are only 2 meters wide. Moreover, most of the cantilever structures in this neighborhood were made by second-hand wood blocks which were collected from various locations. Therefore, the material strength is compromised and such structures would easily collapse if they were built beyond the regulated length. It creates a small gap between cantilevered structures to prevent spatial conflict and permits the penetration of natural light to illuminate the street during daytime. Furthermore, the minimum first story height is 3.00 meters to allow the trading carts to circulate in the alley. Nonetheless, the regulation tolerates different measurements, according to the variety of street width and with mutual agreement with the surrounding neighbors.

Community members were allowed to build without a local builder's involvement. Therefore, supervision becomes essential to enforce UBSR. In order to ensure the project referred to UBSR, local builders usually supervise periodically or accidentally. This supervision was not only delivered by local builders but also the rest of community members. Information on a building's progress was shared during community meetings for further investigation by local leaders and builders. Therefore, the implementation of UBSR is effective through the participation of community members.

#### **V.4.2 Dissemination of UBSR among Kampung Residents in NA 7**

Lack of written technical guidance, rules, and construction documentation presents several constraint for the community members to acknowledge and understand UBSR. According to

50 respondents, there are 3 (three) ways to encourage the awareness of UBSR, which are: internship, community meeting and neighbor's talk.

The internship is affirmed by most respondents as the most efficient way to raise awareness of UBSR among community members. The engagement of community members in housing improvement and community facility provision, enables the local leaders and builders to transfer technical knowledge and UBSR principles to the rest of community. It becomes one of the most effective methods to preserve UBSR since those projects were never documented. Local builders and community members who are involved in these projects have memories about the details and processes, which becomes the only experienced information source for improvement projects in the future.

The information of UBSR is also widespread through neighbor's talk. The neighbors, who participate in neighborhood improvement or the construction of a community facility, share their knowledge of UBSR and direct the construction design in order to fulfill the UBSR principles. The shared guidance from neighbors is essential to meet the basic principles of UBSR, which prevent hazards and conflict among residents.

Table V.2: Awareness and Dissemination of UBSR with its Connection to Design Consultation

Awareness and Dissemination of UBSR among Community Members	UBSR Compliance		
	Yes	No	Total
1. Yes	<b>20 (54.05%)*</b>	<b>17 (49.95%)*</b>	<b>37 (74.00%)</b>
a. Internship	13 (65.00%)**	12 (70.59%***)	25
b. Community Meeting	2 (10.00%)**	2 (11.76%***)	4
c. Neighbor's Talk	5 (25.00%)**	3 (17.65%***)	8
2. No	<b>0 (0.00%)</b>	<b>13 (100.00%)</b>	<b>13 (26.00%)</b>
<b>TOTAL</b>	<b>20 (40.00%)</b>	<b>30 (60.00%)</b>	<b>50</b>

\*) Percentage based on the population who aware of UBSR;

\*\*) Percentage based on the population who aware of UBSR and comply with UBSR;

\*\*\*) Percentage based on the population who aware of UBSR and do not comply with UBSR.

Community members are also aware of the existence of UBSR through information disseminated during community meetings. During the meetings, local leaders and builders frequently share the latest condition of their neighborhood and propose ideas for improvements. Through discussion with community members, local leaders and builders, UBSR and its application to solving their spatial problems in the neighborhood is circulated to community members. Through these methods, UBSR should be disseminated to all residents in the



neighborhood and that may encourage them to comply in order to prevent the undesirable hazards in the future.

This finding confirms the self-organizational ability of the community to utilize the available materials and tools based on their craftsmanship skill. UBSR becomes the product of their insistence to protect their living quality in an impoverished environment. The community members in the research area coined 2 (two) principles of UBSR, which are necessary to comply with. First, it is intended to maintain the quality of natural resources such as fire disaster prevention and clean water preservation that are needed to survive in this vulnerable environment. Second, it is designated to avoid conflict among community members. Deliberation is conducted among local leaders, such as the Head of NA 7 and acknowledged local builders, drawing on their prior technical experiences and the socio-cultural context of the community.

The existence of UBSR in Kampung Cikini confirms the argument of Turner (1976) and Roy (2011) about the capability of kampung residents to organize themselves. Their resolve to overcome the possible adversities that arise from living in the vulnerable environment are manifested in UBSR. First, the land acquisition case demonstrated the ability of the social structure to impose the agency of kampung residents. Fire is one of the most avoided hazards in kampung settlement and the social structure, which consists of rules to regulate resources, are accepted by the whole kampung residents. The second case is the preservation of the community's clean water source. Due to the small availability of clean water, local leaders and builders enacted a rule to prevent the contamination of their common good.

In the community facility case, where local leaders and builders are actively involved in the design and construction process, UBSR was implemented thoroughly. It commonly occurs when there is outside party involvement or high-income fellow residents wishing to build a house in the neighborhood. As the authority of the neighborhood, the local leaders and builders apply the existing UBSR in order to prevent the escalating probability of hazards occurring in the future. They apply UBSR based on their local knowledge and skills from the design and construction stages, and eventually authorize a building to be built. In the design and construction processes of community building, the local leaders and builders were engaged actively to realize the design according to their local UBSR. This finding indicates the relation between the financial capacities of homeowners with the application of UBSR. In the case of the community facility project (that was financed by outside party), the local leaders and

builders were convinced the application of UBSR was a feasible method in achieving its main objective.

This local knowledge is preserved through an internship. Internship has been affirmed by many experts to be the most efficient method in disseminating and preserving the UBSR to the rest community members. Learning by doing through the practical application is acknowledged by most respondents as a way to understand UBSR. This system also provides knowledge and skills transfer from local builders to other community members, which is useful for those who wish to build or renovate their houses in the future in accordance with the UBSR. This process also occurs in the design and construction of the community building project, where several community members participated in helping and learning about building houses. This finding corroborates the argument of Garau and Sclar (2005) on the application of local knowledge during design and construction process that involves skill, ability to organize self-help, capacity to co-operate, muscle-power, and also the capability for using available materials and tools. Therefore, the social structure, which consists of rules to manage resources, will be accepted and complied by the whole community when it directly supports their survival. The rule to manage and preserve the available living resources and maintain social harmony has been conserved through various methods: from the apprenticeship, to community meetings and neighbor's discussions. The first is an efficient way to preserve UBSR because it involves simultaneously sharing information whilst practicing, which is useful in building and supervising the construction process of their own or others' houses.

#### **V.4.3 Implementation of UBSR on House Building in NA 7**

Although community members have acknowledged the construction skills of the local builders in NA 7, not all of them use the service of local builders. There are 4 of 50 respondents (8.00%) that used local builders to build or renovate their houses. Most of the respondents collaborated with neighbors, hired craftsmen and family members.

This condition impacts UBSR compliance in the research area. From 37 respondents who acknowledge UBSR, only 20 respondents (54.06%) communicated their house building or renovation processes to local leaders or builders in order to comply with UBSR. This permission only occurred when local leaders were informed and actively involved in the construction process. All of the respondents, who used the local builders' service, were willing to utilize his skills because of his well-known reputation. Although the construction price was higher than prior expectation, they were assured that the building would be of good quality and

that it complied with the UBSR, thus preventing them from hazards and conflict with neighbors in the future.

Despite the well-known reputation of local builders, 16 of 20 respondents (80.00%) refused to utilize the local builders' service to build or renovate their houses. Local builders are reluctant to discuss and negotiate with clients, and sometimes disregard clients' aspirations towards their own houses because of their highly praised construction knowledge and experience. Their approaches were very rigid when referring to UBSR, which sometimes compromised the respondents' spatial needs. Their decisions also often disregarded the financial capacity of respondents, which exacerbated the construction process. Therefore, most of the respondents have historically preferred to collaborate with people who may have less construction knowledge and skills, but are able accommodate their spatial needs, such as: hired craftsmen from outside neighborhood, neighbors, and even family members. Nonetheless, the local leaders supervise the work of outside builders to meet UBSR, and also obtain the building permit.

Although they have acknowledged the existence of UBSR at various instances of their time in the settlement (such as an internship, community meeting, and neighbor's discussion), 17 of the 37 respondents (45.94%) confirmed that they do not consult with local leaders on the construction design of their projects, or comply with the UBSR. These respondents, as shown in Table V.3 and 4, claimed to acknowledge UBSR but negotiated to have the requirements not compromise their immediate need for space. All respondents claimed that using the local builders and complying with all UBSR requirements would burden their households with escalated renovation expenditures. Based on their prior knowledge from the internship, community meeting and neighbor's discussion, their house renovation process tends to be delivered by family members with the participation of their nearest neighbors in order to avoid future conflict. Therefore, these respondents' house building projects or improvements see that meeting their spatial needs within their financial capacity is a higher priority than UBSR compliance. As such, this behavior compromises the integrity of the UBSR.

As for those respondents who do not acknowledge UBSR, none of them undertake a consultation process to check their house building or renovation complies with UBSR. All 13 respondents admitted they did not obtain a building permit from local builders but rather neighbors. The construction cost becomes their main consideration to avoid using the service of local or outside builders.

Table V.3: The Awareness of UBSR, House Builders, UBSR Compliance and Obtain Permit

Aware ness of UBSR	Total	The House Builders	UBSR Compliance		Obtain Building Permit		
			Yes	No	Leaders	Neighbors	None
Yes	37	Local Builders	4	0	4	0	0
		Outside Builders	16	0	16	0	0
		Family Members	0	8	0	3	5
		Neighbors	0	9	0	9	0
(n)	74.00%		20 (54.06%)*	17 (45.94%)*	20 (54.06%)*	12 (32.43%)*	5 (13.51%)*
No	13	Local Builders	0	0	0	0	0
		Outside Builders	0	0	0	0	0
		Family Members	0	5	0	1	4
		Neighbors	0	8	0	8	0
(n)	26.00%		0 (0.00%)**	13 (100.00%)**	0 (0.00%)**	9 (69.23%)**	4 (30.77%)**
Total	50	(n)	20	30	20	21	9
		(%)	40.00%	60.00%	40.00%	42.00%	18.00%

\*) Percentage based on the population who aware of UBSR;

\*\*) Percentage based on the population who aware of UBSR and comply to UBSR.

Table V.4: The Negotiated UBSR

Source of Building Permit	Total (n)	Negotiated UBSR Aspects	Total (n)	Reasons for Negotiating UBSR	Total (n)
Neighbors	12 (70.59%)	Fire Hazard Prevention	1 (8.33%)	Ramification for sharing electricity	1 (8.33%)*
		Clean Water Prevention	6 (50.00%)	Need of Individual Bathroom for senior or female occupants	6 (50.00%)*
		Cantilever Structure	5 (41.67%)	Need for additional interior space	3 (25.00%)*
				Need for opening in the additional structure	2 (16.67%)*
None	5 (29.41%)			Neighbor's participation in construction	1 (20.00)**
				Small improvement and impact to neighbors	2 (40.00)**
				Understand the UBSR & construction knowledge	2 (40.00)**
Total (n)	17				17

\*) Percentage based on the population who obtain building permit from neighbors;

\*\*) Percentage based on the population who do not ask building permit from local leaders or neighbors.

The requirements of UBSR forces residents to compromise on their immediate needs, considering the expensive construction cost. The height of first floor and the length of cantilever structure demand a certain construction cost that they cannot afford. While the size may not be suitable for their immediate needs they must acclimatize. Neighbor's involvement in house construction allows them to negotiate to reach a mutual agreement according to the respective needs of each party. This is done to prevent conflict among the parties in the future. This method was regarded as more efficient than consulting to local or outside builders.

Clean water preservation is the most negotiated aspects of the UBSR (50.00%), as shown in Table V.4, rather than cantilever structure (41.67%) or even fire hazard prevention (8.33%). The purpose of constructing individual bathrooms in the interior of the house was to increase privacy for female residents or convenience for elderly residents, especially in the middle of the night. Nonetheless, the construction of a complete individual bathroom requires the installation of an expensive clean water well along with a septic tank to prevent contamination of the communal water source. Interior space availability also becomes the inevitable consideration. The common solution is the construction of a modest bathroom without clean water installation to serve as a space to urinate, while the communal bathroom remains as the bathing and defecation space, as the bathroom pipe is connected directly to the existing neighborhood greywater drainage.



Figure V.4: The Various of UBSR implementation of Cantilever Structure

Figure V.4 illustrates the various implementation of UBSR in a cantilever structure. The immediate need to increase interior space results in the construction of a second floor. Interestingly, the urge to construct a cantilever structure, as prescribed in UBSR, is not always delivered as it depends on the immediate spatial needs and present financial capacity of the household. It also relies on the permission of the surrounding neighbors. In some cases, the neighbors have refused the construction of cantilevered structures to protect the penetration of sunlight to their houses. In some cases, neighbors have offered to share space as a replacement for the intended cantilever structure whilst still accommodating the immediate spatial needs.

The placement of openings in the second floor is a noteworthy consideration, to preserve the privacy of each household. For example as shown in Figure V.4., the household closed the side window when the neighbor constructed a second floor to achieve the mutual needs of privacy. These descriptions explain the flexibility of UBSR implementation through series of negotiations of present immediate needs, financial capacity of households, the existing physical house condition, and the needs of surrounding neighbors.

#### **V.4.4 Double-Sided Effect of UBSR**

For the 13 respondents who do not acknowledge UBSR, most of them (61.54%) affirmed that the lack of enforcement is a main factor of the lack of UBSR awareness. The variety of physical built houses along with the operation of ever-growing negotiations has obscured the UBSR as a fundamental building reference in the neighborhood. Its flexible implementation renders UBSR as a vague guideline, as admitted by 4 of 13 respondents (30.77%).

Table V.5: The Relationships of Lack of Awareness of UBSR, House Builders and Provider of Building Permit

<b>Lack of Awareness</b>	<b>House Builders</b>	<b>Provider of Building Permit</b>			<b>Total</b>
		<b>Local Builders</b>	<b>Neighbors</b>	<b>None</b>	
Low Enforcement	1. Local Builders	0	0	0	<b>8</b>
	2. Family Members	0	2	2	
	3. Neighbors	0	3	1	
<b>(n)</b>		<b>0 (0.00%)</b>	<b>5 (62.50%)</b>	<b>3(35.50%)</b>	<b>61.54%</b>
Vague	1. Local Builders	0	0	0	<b>4</b>
	2. Family Members	0	1	0	
	3. Neighbors	0	2	1	
<b>(n)</b>		<b>0 (0.00%)</b>	<b>3 (75.00%)</b>	<b>1(25.00%)</b>	<b>30.77%</b>
Unwritten	1. Local Builders	0	0	0	<b>1</b>
	2. Family Members	0	1	0	
	3. Neighbors	0	0	0	
<b>(n)</b>		<b>0 (0.00%)</b>	<b>1(100.00%)</b>	<b>0 (0.00%)</b>	<b>7.69%</b>
<b>Total</b>		<b>0 (0.00%)</b>	<b>9 (64.28%)</b>	<b>4(35.72%)</b>	<b>13</b>

As an unwritten product, it lacks clarity, which renders vagueness and thus enforcement encounters problems, according to 1 respondent (7.69%). They choose to solve their spatial needs and resolve all disputes through discussions and negotiation among neighbors. This practice makes UBSR to an obsolete rule in maintaining spatial order for this respondent group. Despite its lack of clarity, local leaders admitted the flexibility encourages social interaction among community members and allows them to meet their immediate needs whilst respecting

the established consensual agreement. If the mutual agreements cannot be reached or conflicts occur, then UBSR becomes the reliable reference to neutralize disputes or conflicts.

The enforcement of UBSR must be flexible because it does not contain rigid punishment for every infraction. Although they are appointed as leaders, based on their acknowledgment social status and expertise, local leaders consider themselves as ordinary members of the community who also rely on others to deal with obstacles in their everyday lives. They do not have privileges based on a formal law like a government agency, which discouraged them from delivering definitive punishment for each infraction.

The suitable punishment is declared through deliberation among community members based on the context of the infraction. The degree of the infraction, financial capacity, and social reputation of the member become inherent considerations before the community establishes the punishment. If these considerations were not taken into account, it would spark a more acute conflict that will risk their capacity to deal with hazards in the future. It confirms that the enforcement is not solely based on technical considerations, but also considers social and economic aspects of community members.

Nonetheless, the findings also illustrate inconsistent UBSR compliance in self-help houses in the neighborhood. Most of the respondents (60.00%) declined UBSR compliance due to several impediments. The main impediment of UBSR compliance in the research location is its application encumbers the financial capacity of the community members, despite its promising objective to prevent hazards and future conflict among neighbors. The rigid enforcement by local leaders and builders to reach the objective of UBSR instead compromises the individual objectives and financial capacity of each community member to deliver house improvement. The compromise was stimulated by the difference of time period of the objective. The UBSR attempts to prevent the hazards *in the future* while the self-help improvement occurs to meet the *immediate* needs for space according to *the present* socio-economic condition of the community members. This difference discourages the enforcement of UBSR compliance among the community members and places it at a lower priority than other immediate considerations during the design and construction process of their self-help house improvement activities. The adjustment of UBSR is designated to conform its main objective with needs for space and financial capacity of the homeowner, and the needs of surrounding neighbors.

The involvement of the surrounding neighbors in the design or construction process of self-help house improvements demonstrates the multi-level participatory planning and design that is implemented to overcome the adversities existing within the deprived neighborhood. UBSR

was created as building rules at a neighborhood level, and it has been dynamically modified amongst smaller groups of neighbors.

The provision of the individual bathroom for accommodating privacy for female residents and convenience of the elderly, additional interior space and complicated ramifications of electricity wires have collided with the needs of surrounding neighbors to produce creative spatial solutions that correspond to the definitive context. The possibility of thorough spatial usage, mutual sharing of space to reduce the number of the cantilever structures, the configuration of building openings, and careful ramification of wires for sharing electricity represent the existence of multiple socio-spatial UBSR among neighbors. The built house is not only a product of individual homeowner's work, but also the result of collaboration with their surrounding neighborhood. The accommodation of comprehensive considerations emerging from the household, neighbors and neighborhood levels, makes the whole neighborhood an inseparable unit. The house interior has been affected not only by the immediate needs of homeowners but also the existing physical condition of the neighborhood and needs of surrounding neighbors.

This flexibility breeds several consequences. It remains unwritten because it is based on consensual agreement among neighbors, which made the mechanisms vague. Although UBSR, as the social structure in the community, was accepted and approved by the entire community members, vague understanding among community members allows diverse interpretations, as long as the unwanted results are hindered. The local leaders and builders still tolerate the house building or improvement to occur without UBSR compliance as long as its main objective is still accomplished.

This tolerance also exemplifies the low enforcement of UBSR compliance. Its enforcement was conducted through discussions among community members to reach a reasonable solution for reducing or eliminating unwanted consequences. If they cannot reach any possible solutions which may compromise their social harmony as a community, then they will refer to UBSR for a solution. If one disputed party still refuses to comply with the UBSR, local leaders and builders shall decide to take extreme measures.

This condition makes community members encounter difficulties in enforcing UBSR in each house and as such, it is often disregarded as a reference. Negotiating with neighbors becomes essential because most of the respondents are relying on the assistance of their neighbors to build or improve their houses to avoid the unwanted hazards. The limited result from the application of UBSR by local leaders and builders, breeds various modifications as an



alternative to consensual agreement in micro-scale. The various modifications to the UBSR becomes the most efficient rule to meet the immediate needs for space whilst minimizing possible hazards, as they encompass the consensual agreement beyond building design but also the delicate spatial system among neighbors that makes the built houses perform well for the homeowners and surrounding neighbors.

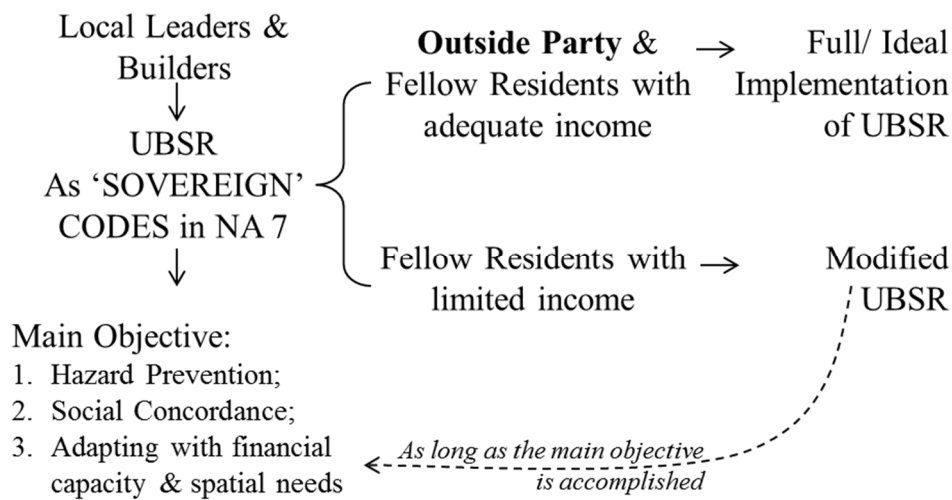


Figure V.5: The Modified UBSR and its Implementation

Eventually, UBSR only becomes the reference to solve disputes when hazards and conflicts have already occurred, rather than a proactive, preventive source. However, UBSR must act as a preventive rather than curative rule, in order to maintain and improve the living quality of the deprived neighborhood.

However, the ever-growing modification of UBSR indicates the flexibility of self-organizing rules to address the encountered context. The immediate needs to increase the house size with insufficient amount of resources still enables the kampung residents to meet their needs. The involvement of neighbors, in terms of sweat equity through mutual assistance in the construction process or advice to minimize the negative impacts to the neighborhood, becomes the alternative solution to the unaccommodated conditions. The absence of a building permit does not indicate the perfunctory building construction. The involved neighbors assist the implementation of UBSR in the construction in various ways, and help to build the house accordingly.

#### V.4.5 Implementation of UBSR in Case Studies

The implementation of UBSR appears in several houses in these case studies. The locations of case studies are outside of the agreed distance to the nearest communal well.



Figure V.6: The Location of Communal Bathrooms and Case Studies in NA 7

Furthermore, these case studies also depict the various methods of implementation of the location of kitchen and cantilever structure requirements. These case studies are served to provide the reasons behind the implementation of UBSR in each house.

##### A. Case Study 1

Although there is opportunity for residents to build a cantilevered structure, not all of them utilize it for expanding their house size on their limited land size. The first case highlights the size of the alley is less than 1500 mm, which is essentially useless for building a cantilever. The house owner agreed to avoid any cantilever structure on top of the alley to allow the penetration of sunlight, as the front neighbors have already taken up 400 mm with a cantilever structure. Moreover, the agreed decision was intended to avoid social disharmony relating to the privacy. It

was a concern that the close proximity of the periphery wall between houses may ignite privacy intrusion.

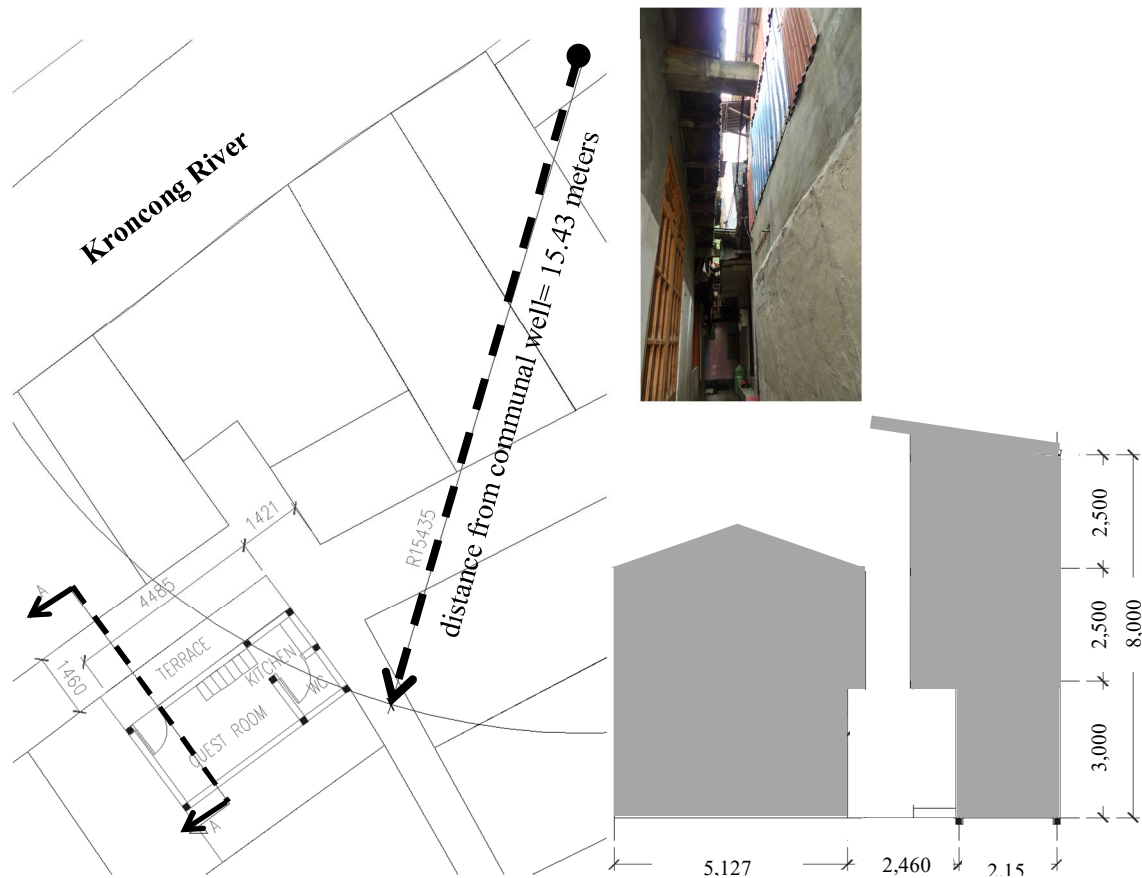


Figure V.7: Plan, Section and Photos of the First Case Study

The first case also depicts code compliance in terms of bathroom provision. The house owner was allowed to provide a private individual bathroom because the house distance from the communal well is more than 11 meters. The kitchen was also built in the interior due to the alley being of insufficient width (less than 700 mm). Use of the alley may have created circulation blockage for the surrounding neighbors. However, the close placement of the kitchen with the bathroom was intended for quick fire extinguishment whenever the potential fire hazard occurs in the kitchen.

The house was built incrementally with the help of the local builders. The first stage, the completion of the two-story house, was in the late of 1970s. While the second stage, a vertical extension to a third story, was in the mid-1990s. This was due to their children growing older, demanding more privacy and the household reaching the threshold of space for comfortable movement in the interior. The close

relationship with the local builders and adequate financial capacity to meet the construction cost were the reasons to use the local builders. Furthermore, the result served to guarantee social harmony with the surrounding neighbors, as it complied with the UBSR in NA 7.

## B. Case Study 2

The house was built in the early of 1980s with the help of neighbors and without assistance from the local builders. The house owner explained that the local builders were very strict on enforcing UBSR, which was not accommodating to spatial needs of the households. However, the assisted neighbors acknowledged the USBR and modified it to meet the spatial needs of the house owners.



Figure V.8: Plan, Section and Photos of the Second Case Study

The house owner still manages to meet the spatial needs and household requirements in a one-story house, and thus the owner did not need to build vertically. Therefore, the cantilever structure is not required. However, the front edge of roofline exceeded the boundary of the land plot, which consumes the alley space. The consensual decision was for the roof line to not exceed half of alley width, to allow the sunlight penetration, clean air, and equal opportunity for the surrounding neighbors to extend the front edge of their roof lines without damaging the build front edge of other roof lines.

This condition cannot be acceptable in standardized housing design as set out by the government, but is very common in kampung settlement. According to the house owner and the surrounding neighbors, this roof line extension provides several advantages. First, it covers the alley and provides shaded area which is thermally comfortable for the residents to perform activity outside the house. Second, it also covers the alley and some parts of the house from rainfall, which decreases the pedestrian's direct exposure to rain. Third, the house owner and the surrounding neighbors do not receive any negative impact from the exceeding roof, which therefore makes it tolerable.

At first, although the house is not within the prohibitive distance to construct an individual bathroom, the house owner decided to not construct the individual bathroom. This decision was based on several benefits for the house owners. First, it saves money on construction, as an individual bathroom inside the house is very expensive for the house owner. Second, it also saves interior space for other activities, which was needed for the household members.

However, as the house owner grows old, their mobility to use the communal bathroom decreases, especially in the middle of the night. Therefore, the house owner decided to construct the individual bathroom in 2002. The permission from the surrounding neighbors was required, because it added the piping system to existing drainage channel. The neighbors accepted as they recognized the elderly condition of the house owner. The construction of the piping system was connected directly to the drainage channel underneath the alley with the assistance from the surrounding neighbors.

## **V.5 UBSR AS THE CODE IN KAMPUNG CIKINI**

The aim of the application of regulations and standards to low-cost housing is to not only improve the housing conditions of the poor (Hanafi, 1991) but also generate the opposite effect (Turner, 1972). It is unsuitable for the poorest populations in developing countries due to its high production costs (Rodell & Skinner, 1983), lack of cost-recovery for maintenance purposes (Gilbert & Gugler, 1992), and low use value as opposed to self-constructed houses (Turner, 1976).

As the result, the poor cannot afford housing that complies with official planning standards and regulations (Fergusson & Navarrete 2003). For Rodríguez & Åstrand (1996), building codes and regulations that prescribe high standards can hinder development of self-help housing. Turner (1976) stated that the function of a person's home went beyond meeting building codes and physical standards. Unfortunately, in most developing countries the legalized building standards were adopted from the developed countries without modification. This results in a misfit with the local socio-cultural and economic circumstances. Therefore, it is questionable whether the majority of the population can actually meet these standards (Choguill, 1994).

These warnings occur in Kampung Cikini. The noble intentions of the enactment of the building codes actually exclude the kampung residents from being able to comply with the code due to the administrative requirements and financial constraints. They cannot meet the taxpayer identity and land use in the established city plan requirements. Furthermore, the prerequisite documents demand them to use the service from architects, whose fee they cannot afford.

Therefore, it is necessary to follow the argument from Yahya (1982), who asserted that the legalized building standards must be technically feasible to achieve a safe and hygienic building, but also economically viable in terms of materials, labor and land. He also noted that the legalized building standards must be compatible with the use of traditional skills and local materials, without compromising the health and safety aspects of the building. Fitcher et. al. (1972) and Ramirez et. al. (1992) identified that appropriately designed, realistic performance standards that were suitable for the physical, economic and social components of housing would revolutionize the role and impact of housing standards generally.

As the modernization of development sweeps across the globe, the local knowledge in slum settlements are associated with the past, and times of underdevelopment and poverty (Gellner, 1983; Prain, 1992: 52). The use of local knowledge in professional work simply attempts to revalue forms of knowledge that professional science has excluded, rather than to devalue

scientific knowledge itself (Ostrom, 1996). Non-experts, on the other hand, celebrate community-building and organizing through practical experience and common sense, which still remains unappreciated by the State and experts (Crawford in Mehrotra, 2005).

UBSR has the rule to manage the resources, and has emerged as a source of guidance for building and improving houses and infrastructure in kampung settlement. Its existence is substantial evidence of active self-help organization of community members. Together they collaborate to protect themselves against the latent hazards existing in deprived neighborhoods. It contains consensual building regulations from the fire hazard prevention, clean water, and social harmony perspectives. The preservation of local knowledge and the existence of UBSR were delivered through internships, community meetings, and informal neighborly discussions. These methods do not only provide community members with information, but also builds the knowledge and skills required to comprehend UBSR.

Despite the fact that UBSR is a product consensual agreement, it still lacks an ability to adapt to each household's condition, especially to those who have limited financial capacity. Evidently, UBSR is only applicable for homeowners or outside parties with the adequate financial capacity to meet its compliance. The result of self-help house building or improvement deals with the immediate spatial needs and depends on the financial capacity of the homeowner. Most of the respondents, who have financial shortcomings, attempt to negotiate UBSR by achieving its main objective with other feasible ways, in accordance with their immediate needs and present financial capacity. Negotiating and working with neighbors has become one of the popular methods to negotiate UBSR. As the result, the local leaders and builders end up tolerating the finished house building or improvement.

However, UBSR remains unwritten and this fact creates vagueness and complicates the process of compliance and enforcement. It is only effectively implemented when local leaders or builders are actively involved in the design and construction process. It also provides ambiguity, especially for outside parties such as an architect, around engagement and conducting community projects in the neighborhood. Whereas, planners and architects must comprehend UBSR to deliver successful slum improvement program, as suggested by Oliver (2006).

This case shows the necessity of combining flexible building regulation to meet the needs for space according to the specific context of the homeowner and the surrounding neighbors, with regulation at the neighborhood level to avoid hazards and conflict. The negotiations to resolve conflict must be comprehended as an effort to refine the UBSR as adaptable building guidelines

in the neighborhood. The role of general UBSR is shifting, from being the only building regulation in the neighborhood, to general policy and the acknowledgment of the practice of micro-scale UBSR in specific areas.

Therefore, UBSR as a code of building houses in kampung settlement emphasizes regulation of the *process*, rather than *the product*. This is different to government regulation. It illustrates the characters of the 'Pirate Code' which are: 1) bottom-up; and 2) adaptable to changes. When the residents attempt to make 'rigid code', which is UBSR, it is constantly challenged, negotiated and developed to meet the main objectives and adaptable to socio-economic condition of the residents. UBSR is not a fixed and rigid rule to regulate activities and space of community members, but rather an *open-ended* set of directives that generate the ever changing built form in kampung settlement.



## **CHAPTER VI**

### **CONCLUSION**

#### **VI.1 KAMPUNG SETTLEMENT AS AUTONOMY ANONYMOUS**

Significant global urbanization results from the monstrous population growth prediction, especially in Asia. The proliferation of slum settlements is conceived as the nemesis of modern city development, which is promised by accelerating population growth and rapid urbanization. This prediction preoccupies the mindset of city governments in Asian developing countries, including Indonesia, to eradicate slum settlement and achieve the expected results of city development.

Referring to the scholars of urban development, who regarded the slum settlements as a temporary phenomenon that would diminish with economic growth, the State and city governments have been working to evict slum settlements and impel economic growth simultaneously. According to the experience of Indonesia, slow and steady income per capita growth has failed to reduce the number of slum settlements. While in Jakarta's experience, the enactment of the Jabodetabek (The Greater Jakarta Metropolitan Area) concept since the 1970s – which was intended to disperse the wave of urbanization to the surrounding regions – has only decreased the population growth but not the size of slum settlements significantly, despite the promising trend of economic growth. Therefore, slum settlements must be understood beyond just being an economic problem.

As economic growth fails to automatically diminish slum settlements, various programs have been launched, including evictions, site-and-services, and upgrading. Although these programs indicated promising results, several essential issues are still yet to be resolved, such as land tenure security, the high cost of building code compliance and the use value of the house.

This research attempts to expand the definition of kampung from its historical perspective. Since the Dutch colonial era, kampung settlement was granted *autonomy* from city development. The given autonomy allows the kampung residents to formulate and practice their own 'code' in arranging the settlement. This 'code' includes land tenure security, function of the house, and building regulation to arrange their living space and maintain their social concordance.

However, their autonomy is only half-heartedly acknowledged by State and city governments, as their land tenure security in kampung settlements is continually challenged. Furthermore, modern city development since the Dutch colonial era is impossible to deliver without the

presence of kampung settlements, as they function as the housing solution for the cheap labor responsible for building and maintaining the modern city. The establishment of Sub-District Boards has allowed the kampung residents to voice their aspirations and receive various intervention programs for improving their living conditions. It also becomes a form of acknowledgment of the kampung residents by city government, thus allowing them to exercise their autonomy in constant adaptation with the development of city policies.

However, it is *anonymous*, as the autonomy to arrange the settlement by their own code remains unacknowledged by government through fragmented policies. It is a bitter fact that the failure of modern city planning to achieve its utopian dream, as continuous economic growth, separation of reproduction and production activities in the house, and the standardization of building regulations have denied the kampung residents from obtaining housing appropriate to their conditions.

## **VI.2 THE CODE IN KAMPUNG SETTLEMENT IN THE CASE OF KAMPUNG CIKINI**

### **VI.2.1 Self-Help Management of Kampung Cikini**

In the Dutch Colonial era, the early kampung residents were the workers of NTC, who obtained the Right to Build and Use land from the colonial administration in exchange for their services. At the dawn of the Independent Era, the State launched a monumental building and infrastructure campaign around the city center, as a form of national identity-making. This commenced an alarming pace of urbanization in Jakarta and required massive housing solutions for the influx of migrants. Due to its close proximity to the site of developments, Kampung Cikini bore the inevitable impacts from the first wave of migration.

In the 1950's, the land owners partitioned their lands to be sold or rented to the new migrants. At that time, sale and rental transactions were unrecorded, based only on oral agreement and the development of community recognition. Partitioning was based on the existing structure and organized entirely by the land owners.

As city development continued under the New Order government, the second wave of migration hit Kampung Cikini in the 1960s. Consequently, the existing land densified due to the uncontrolled arrival of migrants. It sparked rapid partitioning of existing land and instigated the reclamation of land between the river inspection road and Ciliwung River. The land reclamation was initiated by the construction workers by piling the construction waste to strengthen the soil and increase the soil level from the surrounding developments. The

construction workers organized the land partitioning in the expanded area and built the self-help infrastructure to support the livelihood of the newly arrived migrants. The role as planner, builder and organizer of the new settlement in the expanded land solidified their position as local leaders, earning their own territory and forming NAs to exercise autonomy.

This fact corroborates the notion that kampung settlements emerged as the housing solutions for modern city development, which the State and city governments failed to deliver. The efforts to perform self-help housing solutions and self-organize the settlement should be regarded as the support rather than the negative residue of modern city development.

The newly established NA, as the product of Village Government Law 5/ 1974, also cemented the territorial division between the native and migrant people, which at first strived to establish the identity of neighborhood. The local leaders in the new expanded land were responsible for the organization of the migrants, which reduced the responsibility of the native local leaders. However, as the settlement densified throughout the years and some parts of the kampung faced eviction in the 1980s, the relative or family members of native residents also resided in the expanded land due to land availability. As a result, the firm territorial division between native and migrant people in this settlement gradually diminished.

The sharing of authority and responsibility between Heads of NA and CA was delineated, whereby the Head of NA exercised authority over the residents, while the Head of CA claimed the authority to deal with the outside parties and maintain social harmony among NAs. This self-governance allows kampung residents to self-organize internally and foster the relationship with outside parties for overcoming daily adversities. Externally, Kampung Cikini managed to nurture and capitalize on a mutual relationship with the modernized surrounding neighborhood to ensure their sustained living in Jakarta.

The self-help management enables kampung residents to organize and generate their own 'code' in kampung settlement. The birth and evolution of the 'code' of kampung is an enduring effort to ensure their survival in the modernized city. This 'code' consists of a way of living, including land tenure security, function of the house by practicing Home-Based Enterprises (HBE), and Unwritten Building Shared Rules (UBSR) as the building regulation.

The first issue, is that all the land transactions were communicated to the Head of NA in order to supervise the dynamic population, manage land ownership changes, and prevent conflict among residents in the future. In the second issue, the arrangement of proliferating HBEs and their implications for self-help house improvement are necessary to increase monthly income, encourage social cohesion and maintain social harmony. While the third issue relates to the

effort of kampung residents to build and improve their house to meet their spatial needs, but still prevent future hazards and maintain social concordance among the residents.

### **VI.2.2 Code of Land Tenure Security**

Due to the rapid land division and the occurrence of land reclamation for the expanding kampung settlement, land tenure security is essential. In the first wave of usurpation, the land division and ownership were based on oral agreement among residents and reported to the Heads of NA and CA. This condition asserted the original subjective tenure security with oral agreement and community recognition, and continued through the second wave of usurpation. The position of Heads of NA and CA became the source of information about land ownership. Consequently, the service time of Heads of NA and CA is very long, as they seek to overcome land ownership disputes among residents or with the outsiders. In order to minimize disputes, the code of subjective tenure security evolved from oral agreement and community recognition to various land transaction documents, ranging from contracts of sale, receipts of land transaction, handover previous land ownership letters (Girik and Right to Build Letter) to inheritance letters.

However, the mismatch with the enacted city spatial plan raises the eviction threats which challenge the existence of kampung settlement in the city center, including Kampung Cikini. The land registration process provided by the government requires high costs and complex procedures, with which kampung residents fail to comply. Although the kampung residents have obtained autonomy, ID and family cards, the political right to vote, and the representation of Sub-District Board, their land and houses in their current location have been unacknowledged by city government regulation. This demonstrates the fragmented policies relating to land tenure security for kampung residents.

As eviction threats escalate in tandem with massive modern development, the relationship with external parties is important in order to maintain their residences in their current location. The obtained ID and family cards have given the political right to vote, which makes kampung residents prospective constituents for political parties. It provides a platform for a flourishing, symbiotic relationship between political parties and kampung residents, who want to effectively preserve their tenure security.

As this symbiotic relationship has been effectively preventing the execution of the ongoing eviction threats, the city government delivers various projects for improving the physical characteristics of the kampung settlement. The improvement of road, drainage channels and

communal sanitation facilities have been launched throughout the years. City infrastructure, such as electricity, solidifies residents' assumptions that the city government acknowledges the existence of the settlement. Referring to their time in residence within the settlement, kampung residents are entitled to register their lands to obtain land tenure security from the NLA, as promised in BAL.

### **VI.2.3 Code of Function of the House Relating to Home-Based Enterprises**

The use value of the kampung residences encompasses the production and reproduction space. The first refers to the production of economic activities and the second corresponds to the biological welfare of the owners. These spatial relationships are embodied in the proliferation of HBE, where some of the houses in Kampung settlement emerge as the combination of economic and domestic activities.

This research demystified several arguments relating to the HBE issue.

First, HBE becomes the primary income for the kampung residents due to their piteous income. In Kampung Cikini, most of the HBE play a role as a source of additional income for social activities and savings during times of hardship. The monthly income of a household does not come only from the head of household but from many sources, including other household members who work in formal and informal employment sectors. HBE transforms space to more than just an economic production area but to a social fabrication space, where the economic and social interests of owners and the neighborhood are solidified beyond the walls of houses. Second, HBE refers to the economy activities of individual households. Although the start-up capital and house size plays important role deciding the type of commodity, neighbors also emerge as the inevitable determinant to choosing the type of commodity and spatial strategy in an HBE. This is because the selection of commodity may impact surrounding HBEs, their needs, and their owners.

In several cases, which involve outside parties, the consent from the Head of CA is a prerequisite to prevent abdicable consequences in the future. This authority confirms the previous argument, where the Head of NA and neighbors are entitled to self-organize their neighborhood, while the Head of NA is responsible with all outsider's activities within kampung settlement.

Third, self-help housing improvement is an inevitable consequence of HBE and subjective tenure security. This argument was built in the spirit of individual economic and social

improvement as the source of the household's capacity to deliver self-help housing improvement.

However, several impediments exist, including lack of space, lack of knowledge and lack of money. This proves that self-help housing improvement is more complex than economic and tenure security improvement. As the result, the monthly income earned from HBEs were spent to fulfill other needs or buy/improve their houses in other locations. It indicates that the HBE and self-help house improvement are not individual activities, but also require mutual social agreement with the surrounding neighbors.

#### **VI.2.4 Code of Unwritten Building Shared Rules in Kampung Cikini**

Historically, only NA 7 manages to operate the UBSR in arranging their self-help housing and built settlement. The main objectives of UBSR are the prevention of hazards and maintaining social harmony. These objectives are manifested from the building envelopes to the interior space arrangements. Infringement of the UBSR will earn several degrees of punishment, from reprimand for adjustment to the forced demolition of the infringed building component.

Despite a lack of written documentation, UBSR has been disseminated throughout the neighborhood by apprenticeship, community meeting and neighborly communication.

These dissemination methods have been effective in keeping the houses built according to specification.

However, as the population grows due to migration and birth rate, the demographic profile of the residents in NA 7 changes. The various level of monthly income influences the ability to comply with UBSR. The UBSR also demonstrates some tolerance and leniency of punishment towards those who cannot afford to comply with the standards, as long as consent from the surrounding neighbors has been reached. This modified procedure is taken to prevent hazards and ensure the preservation of social harmony. As a result, UBSR becomes the point of reference for building activities that involve outside parties, and in situations where disputes among the residents may occur.

Although physical house and infrastructure improvements are necessary to improving their living conditions, the existing 'code' must be elaborated to ensure the sustainability of the improved houses and infrastructure through the self-organization of kampung residents. The use value of the house, as the production and reproduction space with the established 'code' in kampung settlement, must reclaim its place in the planning and design of the kampung improvement projects. Revisiting the standard house design and infrastructure is essential,

because it must accommodate the ‘code’ of self-organization to ensure the sustainability of the delivered projects.

### IV.3 ACKNOWLEDGING THE AUTONOMY AND RESPECTING THE CODE

According to the findings, the kampung residents manage to create the ‘Pirate Code’ relating to the housing provision and improvement. These efforts are the result of administration incompatibility and unaffordability, and the spirit to sustain living in the city center. The produced and practiced housing codes, which encompass land tenure security, home-based enterprises and unwritten building shared rules, demonstrate the limit of the government codes to accommodate these residents living in the city. The comparison between the housing code of the government and the kampung residents is showed in the following Figure VI.1.

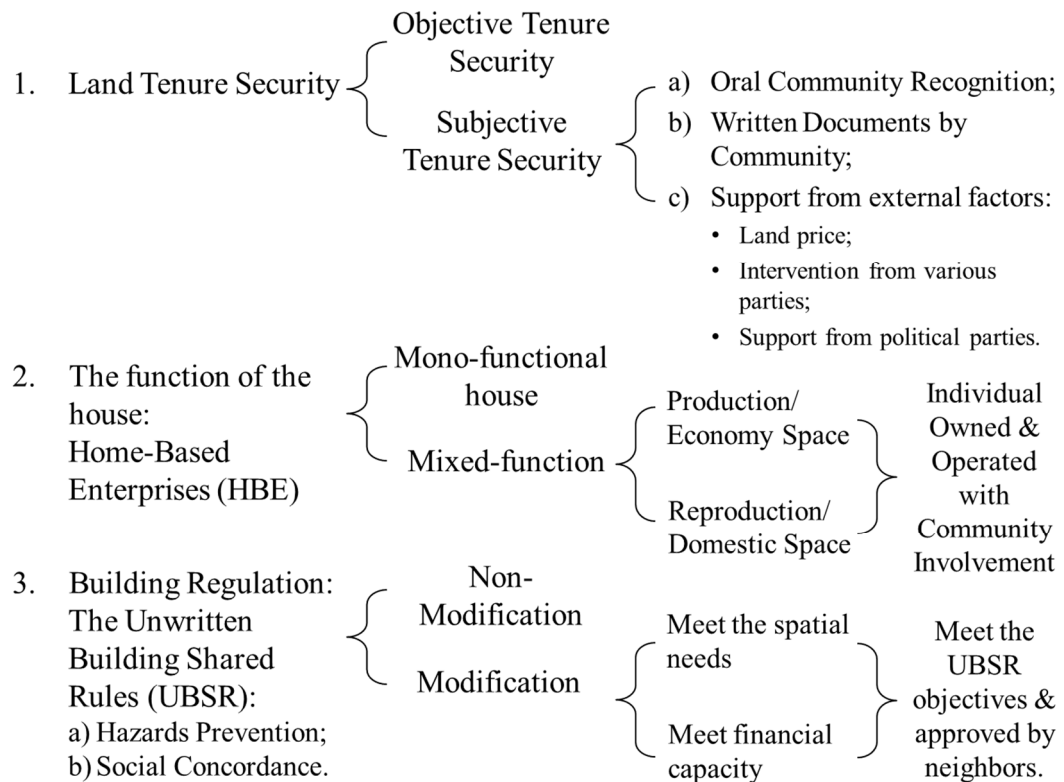


Figure VI.1: The Code of Kampung Settlement in the Case Kampung Cikini

In the conclusion of their book, Durand and Vergne (2013) suggested that the government’s housing code is more inclusive than exclusive. This suggestion attempts to merge the housing code of the kampung residents to the housing code of the government.

Despite good intentions, the suggested inclusiveness will lead to the ‘Pirate codes’ growing, as the meaning of inclusive itself poses an exclusion<sup>1</sup>. The merge with the housing code of the government will diminish the main characteristics of the housing code of kampung which are: 1) a bottom-up approach; and 2) ability to adapt to the ever-changing living conditions of the residents.

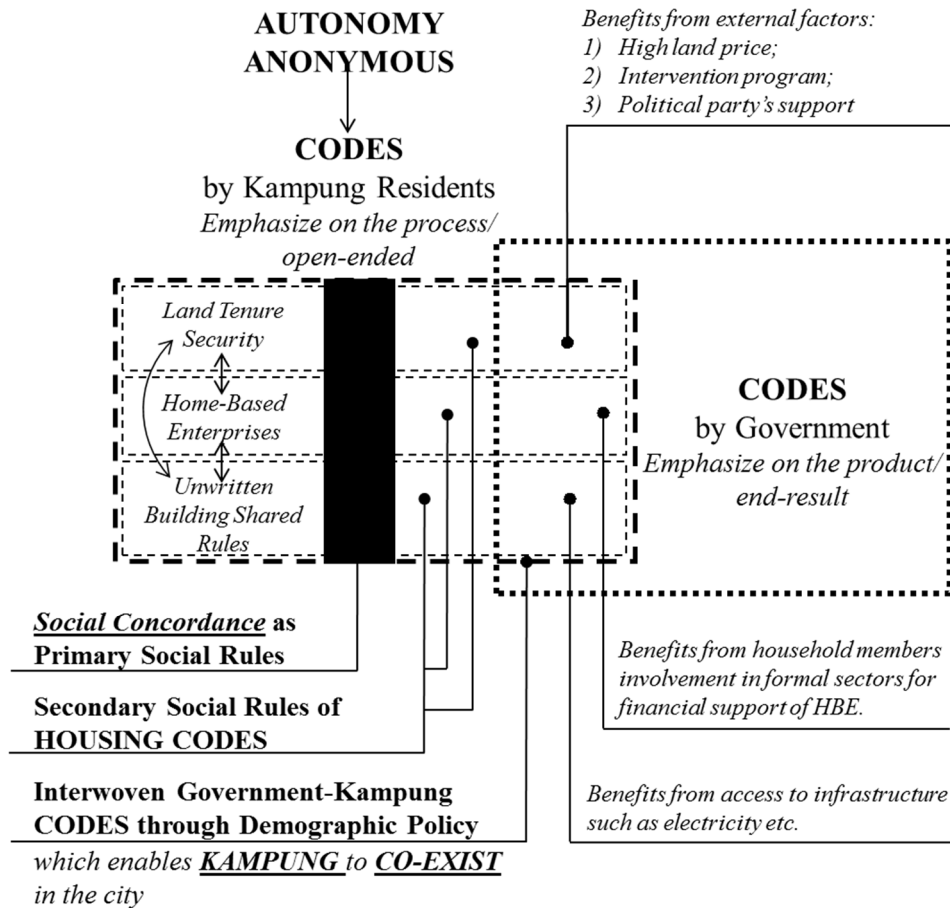


Figure VI.2: The Connections between Housing Code of Kampung and Government

There are 2 (two) examples to explain these arguments. First, the code of land tenure security. When the code is included and formally incorporated into the housing code of the government, the residents tend to sell their lands on the market in order to obtain a profitable outcome. This condition will either remove them from the city center or move them to another kampung settlement. Second, is the case of UBSR. The residents in NA 7 have already formulated UBSR

<sup>1</sup> Etymologically, the word inclusive is derived from 15<sup>th</sup> century Medieval Latin *inclusivus*, which means “a shutting up, confinement”. This word then was absorbed to Modern English, with the meaning ‘An intention of policy of including people who might otherwise be excluded or marginalized, as a part or subordinate of the whole’. Therefore, inclusiveness will make the housing code of ‘kampung as slum’ subordinate to the housing code of government code, and losing its main characteristics, such as a bottom-up approach and the ability to adapt to ever-changing living conditions of the residents.



as the guidelines for building their houses. However, it is still modified by residents in order to achieve the main objective and adapt to the living conditions of the residents. This second case demonstrates that the top-down and rigid characteristics of the housing code are not suitable for the residents.

Therefore, instead of an inclusive approach, acknowledgment of the autonomy and respect towards the practiced housing code of the 'kampung as slum' are more suitable approaches. As shown in Figure VI.2, the 'kampung as slum' as autonomy anonymous actively produce and practice its own housing code, which interweaves with the housing code of government through various types of demographic policy. The housing code of 'kampung as slum' benefits from the fragmented policies and the insufficient capacity of the government to sufficiently provide housing. This condition enables the residents to live in city center by practicing the integrated housing code, while maintaining social order as the primary rule.

## **VI.4 RECOMMENDATIONS**

### **VI.4.1 Recommendations from This Research**

Therefore, it is essential to diminish the anonymity of the autonomy with the acknowledgment<sup>2</sup> of the autonomy's existence, and to respect the existing codes in kampung settlement in order to find a suitable approach for house improvement in kampung settlement in the future. This research provides several suggestions:

1. The fragmented policies have created the autonomy anonymous. Therefore, the synchronization of policies which cover land tenure, city spatial plan and building regulation is essential to regain the autonomy for the kampung residents to arrange the settlement according to their living conditions. The synchronized policies must accommodate the interest of kampung residents to ensure and improve their living quality to live in the city center;
2. Legitimate population data and the code of land tenure security of kampung residents must be gathered to formulate the special land tenure security system for the kampung

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<sup>2</sup> Etymologically, the term acknowledgement is derived from 15th century Middle English *oncnawan*, which means 'understand, come to recognize, token of due recognition'. This term is absorbed into Modern English, which means 'Recognize the existence, the truth, the fact, the authority, validity or claims.' According to the Stanford Dictionary of Philosophy (2013), Quinn (2010) and Norval (2008), this term has been used interchangeably with recognition. Based on those literatures, the difference between acknowledgment and recognition is in the process of dispute. The first term corresponds to the acceptance of the 'Other' after long and exhausting dispute, while the second refers to the acceptance of the 'Other' that emerges as new and strange. Therefore, considering the long, exhausting dispute between government and 'kampung as slum' residents, the word acknowledgment is preferable than recognition.

residents. The special system is not equal to citizens in the high and middle-income groups, who can afford to pay the land tax price;

3. The changing paradigm from mono-functional to mix functional house is required to accommodate the needs of kampung residents in order to utilize their houses for increasing their monthly income. Therefore, the infrastructure of the kampung settlement must also support the mixture of production and reproduction activities to help minimize the environment impacts;
4. Self-help housing in kampung settlement cannot be regarded as the outcome of individual economic capacity, as communal involvement also plays a pivotal role. Therefore, the house improvement program in kampung settlement demands multi-scalar planning from the individual house to settlement level in order to respect the interconnection of the physical structure and the social aspect of the kampung residents;
5. The adaptable building regulation for kampung residents is critical to enabling the self-help house improvement. Relating to suggestion number 4, building in kampung settlement emphasizes the process of communication with the surrounding neighbors, not only the product as the end-result of the building regulation. However, the assisted self-help house building and improvement works are also necessary to ensure that hazards prevention occurs and social order is maintained;
6. However, it is essential to maintain the recommendations 2-5 outside of the housing code of government, as a manifestation of acknowledging the autonomy and respecting the code;
7. Considering the housing code is an integrated code, the recommendation 2-5 must be integrated.
8. It is important for architects and city planners to develop new design methods and techniques to deliver recommendations 3-5 by working *with* the residents as the partners. This egalitarian relationship is essential to improving kampung settlement according to the socio-cultural and economic condition of the residents.

#### **VI.4.2 Recommendations for Further Studies**

Yet, this research focuses only one kampung settlement due to its aim to understand comprehensively the code of kampung settlement in the city center. Due to limited respondents and study area, the research findings cannot be regarded as a general condition in other kampungs in Jakarta or other cities. Therefore, more case studies with an expanding number

of kampung settlements and respondents are suggested to reduce the bias and reaching comprehensive understanding of this essential issue. It would be efficient to formulate an effective land titling policy to provide tenure security for kampung residents that is compatible with their social, cultural and economic context, especially in the center of big cities.

Furthermore, relating to suggestions above, there are suggested further studies in the future:

1. Comprehensive policy studies encompassing the land, city spatial planning, and building regulations, to formulate the synchronized policies that accommodate the interest of kampung residents living in the city center;
2. Comprehensive mapping of land tenure security of kampung residents in big cities;
3. Comprehensive planning and design studies of house and settlement for mix function of production and reproduction activities to minimize environment hazards;
4. Longitudinal studies in various study areas are required to obtain time-series documentation of the UBSR and its implementation through generations. The results will contribute to formulating the realistic and contextual design interventions.

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