Land Grabbing and Speculation for Energy Business: A Case Study of ExxonMobil Business Expansion in Bojonegoro of East Java, Indonesia

By: Erwin Suryana and Dianto Bachriadi

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Abstract

Various analyses and studies about contemporary land grabbing focused only on huge land control by corporations for food and biofuel industries. Fewer cases have shown phenomena of land grabs for investment and production on the conventional business of the non-renewable energy. Zoomers (2010) in her examination of seven factors driving of radical changes in landownership and land use globally also did not mention this phenomenon. While in some countries with very rich resources for energy – like Indonesia for instance, this kind of land transfer and grab cannot be denied; in fact it has occurred in many places of the country. This paper, based on a fieldwork conducted in 2011, is trying to contribute to fill that gap of analyses through a case study on land deals for oil and gas exploitation owned by ExxonMobil Corporation (XOM) in Bojonegoro District of East Java province (Indonesia), which is popularly known as the “Cepu block". Indonesian government provides a large-scale concession area for energy production when the XOM's exploration found a huge fossil-oil and natural gas reserve in 'Cepu block' in 2001. It began with revision of the local spatial zoning policy in which many areas of settlements, agricultural and other use of lands should be converted into areas allocated for the energy production. After that land speculations arose, many layers of land speculator – from 'small players' to 'big players' – who are having relationship to the ruling elites, political and business groups both in local and national levels were involved in these speculation business. This speculative land market that supported by certain 'official forced' from village and government officers then became a 'standard mechanism' of land deals in this case. Some local protests regarding the fair and higher compensation led by local leaders and politicians, activists as well as land speculators then easily being coopted and/or deadened when the Exxon Oil Company and its corporate partners provide certain compensation and business facilitation including concessions on the CSR projects to the protester-leaders. This case reflected a combination of legal pressures, soft-forced, market transaction, and political manipulation of the protests worked as a mechanism to control a huge of land for the energy business, in one side, and it is also generating exclusion of the local people and other interests for livelihood on the same lands at the other.

Keywords:
Land grabbing and speculation, oil and gas extraction, manipulation of social protests, land deal mechanisms

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1 Based on fieldwork conducted in September 2010 and March 2011.
**Oil Mining and Land Grabbing**

Changing of land use from people's agricultural lands and forestlands into other utilization is a regular phenomenon that occurs following industrialization. In those countries, led by the authoritarian regime, land transfer processes that follow the industrialization have nearly always been followed by violence and coercive actions: local residents were forced to move for the sake of development, their rights over the land is neglected, the lands of the individual and communal declared as state-owned land, if there is any compensation then the value is a non-fair issue; they become victims of the 'development'. Nowadays, those evictions and the dispossession are called primitive accumulation by dispossession (Harvey 2005) is not solely using the power of the state apparatuses, but many use participative, transactional and legal mechanisms (Zoomers 2010: 430, Byres 2005).

An increase in investment activity, industrialization, land disposessions and transfers spawned the concentration of land ownership by corporations, and of course, on the other hand, begets inequality on land ownership as well as multiply the number of small peasants, near-to-landless and absolute-landless peasant families, and even that was completely excluded from agricultural activity. In Indonesia the activity of land grab itself is not a new phenomenon, it is developed together with pre 20th century colonialism. After the independence, through the New Order's 'developmentalism' that began to run from the mid '70s, land grab even rapidly increase (see, for instance, Bachriadi and Lucas 2001; Lucas and Warren 2003; Bachriadi and Wiradi 2011).

Land grabbing in the present part is a result of the globalization combination, liberalization of land markets and an increase in foreign direct investment (FDI) that occurs in a variety of business sectors (Zoomers 2010: 430), the investment was no exception for mining and petroleum exploitation. Unfortunately, in her article about driving factors of radical changes in landownership and land use a globally, Zoomers (2010) did not include the investments in mining and fossil-based oil industries as an important factor. In Indonesia, in the New Order era, mining is one of the core business activities –

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2 See Bachriadi and Wiradi (2011) to figure out these phenomena in Indonesia.
after the agroindustry, in particular palm oil plantations – encouraged land use changes, especially the lands that formerly utilize for forest and people’s agriculture. Even the mining activity and its expansion plans recently is going to be the biggest driving factor in the change of land utilization in Indonesia in the next few years (see Bachriadi and Wiradi 2011: 9-14, and Bachriadi 2011: 6).

One striking difference between the activities of 'land grabs' during the new order era compare to the present is a matter of State security apparatus coercive actions involvement and transparency in the process of transfer of land rights. In line with the neo-liberalism principles which propose legal approach in the process of capital accumulation (Byres 2005, Zoomers 2010), then the land grab and the control of the land on a large scale for the benefit of the investment usually begins with a formal land use changes that would become the basis for the issuance of permits-business license and land use in a particular area. In the process of transferring land rights would then have to be ways of transfer with transparency approach and the participation of the “victim”.

The participation of 'the victim' and an attempt to compensate 'fairly' also stressed that in the transfer process of such rights also entailed the principles of democracy and economic transactions. In this context, community based organizations, farmers unions and citizens forums begun to emerge and thrive since the new order era, to grow and develop the organization of the local popular resistance over land grabs. Nowadays, they are very likely to increase their role in the process as mediation agents in redirecting land rights within the framework of the 'democratic and transparent land transfers'.

Even so, as the bias going on elsewhere, transactional and legal approaches of land transfers could become a fertile place for diverse activities of land speculation carried out by the economic benefits of politicians and institutions-the local government agencies. In Indonesia, it is very likely to happen considering some of the following factors: (1) many of the lands controlled by

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3 Compare also with the Borras Jr. and Franco (2011) which stressed the importance of paying attention to 'the many faces of changing land use today' but it only highlights the dynamics of land use change associated with the 'land for food', and does not provide a place for true change of land use for mining activities, both large scale mining and small-scale mining or commonly referred as the 'people-based mining', are no less devastating either at the level of local, national and global scale.
the community does not have the law force (certified) making it easier for intimidation concerning land prices or compensation; (2) information on the development plan and land use changes are not distributed evenly thoroughly, it is restricted to the political elites, entrepreneurs and policy makers; (3) abuse of authority occurred and government agencies at various levels are to take the economic benefits from their position as public officials; (4) entrepreneurs' lobbying powers to local governments to encourage changes in land use evolve quickly and easily, where an increase in the local government revenue has always been the reason to openly receive those interests; and (5) at the same time there is no clear rules that restrict institutions associated with land utilization changes to run the business by leveraging the efforts of those changes (Bachriadi et al. 2012).

The Description below about land use changes as a result of the expansion of 'oil' mining activities at the ‘Cepu block’⁴ of East Java province will be recounted and explained the blurb descriptions above.

**ExxonMobil in ‘Cepu Block’**

ExxonMobil Corporation (XOM) is one of the largest multinational oil and-gas company, which was first established by John D. Rockefeller and Henry Flagger in 1870 under the name Standard Oil Company. In addition to the core business in oil exploration and exploitation (production), Standard Oil also is engaged in oil marketing and distribution, including oil transportation. Between 1900 and 1910, Standard Oil controlled almost the entire oil fields in California, Arkansas, New Jersey, Texas, Ohio, and other States. It was more or less equal to 90% of the oil business in America. At the insistence of the public based on the Anti-monopoly regulation (Sherman Antitrust Act), the United States Supreme Court (Supreme Court of the United States) ordered the Standard Oil to disperse and break the entity up into 34 companies. Two of these companies were Jersey Standard ("Standard Oil Company of New Jersey) which later became Exxon, and Socony Oil (Standard Oil Company of New York) which later became Mobil Oil. In

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⁴ ‘Blocks’ or officially called work areas (Wilayah Kerja Pertambangan, WKP) according to article 1, paragraph 4 of Law No. 22/2001 concerning oil and natural gas are the specific areas within the law of Indonesia for the implementation of the oil-and-gas exploration and exploitation.
1998, Exxon and Mobil signed a US $ 73.7 Billion deal to combine both entities and formed the ExxonMobil Corporation. The merger of these two companies was the biggest corporate merger in American history and have made XOM became one of the largest companies in the world. XOM has been operating in 200 countries and the whole region in the world with its head quarter in Irving, Texas, United States (Muslim 2006).

XOM is not a new player in the oil and gas industry in Indonesia. Since it was named Standard Oil Company this company has been operation (open a Marketing Office) in the Netherlands East Indies in 1889. His business later penetrated into oil exploitation after the discovery of oil fields in Talang Akar South Sumatra in 1921. The exploitation of oil and natural gas by XOM in Indonesia continues at the beginning of the new order when they got the concession Block "B" in Aceh – better known as the Arun gas field. XOM also conquered block Natuna D-Alpha since 1980. XOM is starting to master the 'the Cepu block' in East Java in 1996. It then continuously working on some other oil and gas blocks in Indonesia up to this date5.

'The Cepu block' is a geologically sedimentary basin in East Java (North East Java Basin). It was one of the largest and oldest sedimentary basin in Indonesia producing oil and gas. A number of mining activities have been producing oil in this basin since 1887. Until now it has been producing more than 220 million barrels of oil (Koesoemadinata, 2006). Around the Cepu area alone has produced more than 120 million barrels of oil. 'The Cepu block’ lies along Blora-Central Java province, Tuban and Bojonegoro-East Java.

Based on the map of the region (WKP) on oil and gas mining activity (East Java), released by BP MIGAS and Department of Energy and Mineral resources of East Java, this block was declared to be a 167,000 hectares area lays from Bojonegoro and Tuban in East Java to Blora in Central Java. The widest area is

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5 Among them are Mandar Blocks, Surumana, Cendrawasih, and Gunting.
located in Bojonegoro (116.800 ha). Recently discovery has found several other locations that have the biggest potential in this region. [See maps in Appendix].

Control of the ‘Cepu block’ by XOM started when one company owned by President Suharto’s youngest son – Tommy Suharto – namely PT Humpuss Patragas (HPG) as the holder of the Technical Assistance Contract (TAC) of the Cepu block was experiencing financial difficulties. They then invited one of its affiliations, Ampolex Cepu Pte Ltd, to co-operate and continue exploration activities in this block based on farmout scheme. In this scheme, HPG sold 49% of its TAC Working Interest to Ampolex Cepu Pte Ltd in 1996 (Batu bara and Waluyo 2006). In fact, the sale of this Working Interest violated the earlier Cepu block TAC between Pertamina and PT HPG made in 1990 that requires no redirects working interest to foreigners.

6 While other maps issued by the Ministry of energy and Mineral Resources in 2005 stated the total area of the Cepu block was 91.919 ha; with the spread of Blora Regency, Regency of Tuban 25.650 Ha of 3.895 ha, Bojonegoro regency and covering an area of 62.464 ha.

7 Technical Assistance Contract is a form of cooperation on oil concessions of land/field to never or are producing, or have been proven to have reserves of oil or natural gas but has never been manufactured, which is located inside the ‘Mining’ Operational Area (WKP, Mining work areas) of Pertamina. PT Pertamina is the national oil and gas company that has the authority to conduct supervision and guidance on the operation of the Contract, in addition to Sharing Productions do the exploration and exploitation of its own. After the publication of LAW No. 22/2001 and Government Regulation No. 42/2002, the function of Pertamina in supervision and coaching to Productions Sharing Contract take over by Implementing the upstream oil and Gas Activities or better known as Badan Pelaksana Kegiatan Hulu Minyak dan Gas (BP MIGAS).

8 Ampolex Cepu Pte Ltd is a subsidiary company Ampolex Ltd., an oil company of Australia which was founded in 1953. In 1996, Ampolex Ltd. was acquired by Mobil Exploration and Producing Australia Pty. Ltd. (MEPA) – a subsidiary of Mobil Oil. See Delisted.com.au (2011) and Dyster (2002).

9 This join operation called ‘farmout’. Technically this is a contractual agreement between the owner who holds a working interest in an oil and gas lease to assign all or part of that interest to another party in exchange for fulfilling contractually specified conditions. The farmout agreement often stipulates that the other party must drill a well to a certain depth, at a specified location, within a certain time frame; furthermore, the well typically must be completed as a commercial producer to earn an assignment. The assignor of the interest usually reserves a specified overriding royalty interest, with the option to convert the overriding royalty interest to a specified working interest upon payout of drilling and production expenses, otherwise known as a back-in after payout (Schlumberger, 2011).

10 Working Interest adalah a percentage of ownership in an oil and gas lease granting its owner the right to explore, drill and produce oil and gas from a tract of property. Working interest owners are obligated to pay a corresponding percentage of the cost of leasing, drilling, producing and operating a well or unit. After royalties are paid, the working interest also entitles its owner to share in production revenues with other working interest owners, based on the percentage of working interest owned (Schlumberger, 2011).
Just a few months after Suharto's stepping down, in July 1998, Tommy Soeharto's HPG request permission to Pertamina and the Ministry of Mining and Energy to sell 51% more of their TAC working interest in the Cepu block to the Mobil Oil. Not surprisingly, one the liberalist Minister, Kuntoro Mangkusubroto, granted the permission. In the effort to reduce the economic power of the Suharto family, the liberals were trying to open wider path for foreign companies for controlling the energy business in Indonesia.

In 2000, one of the XOM subsidiary company namely XOM Mobil Cepu Ltd. (MCL) officially took over 51% of TAC working interest in the Cepu block, with a total value of US $ 50 million. Ever since, XOM automatically control 100% of TAC Cepu block through two subsidiaries: Ampolex Cepu Pte Ltd. and Mobil Cepu Ltd. As the entire TAC working interest possessed by XOM, therefore Pertamina, Mobil Cepu Ltd. and Ampolex Cepu Ltd signed another agreement to change the contract that year.

After holding the total TAC Cepu block, XOM claimed that oil reserves in Cepu were about 735 million barrels, while its gas reserves were around 5.9 billion cubic meters. This figure was larger than the results of the study conducted by the Oil and Gas Institute (LEMIGAS)\(^\text{11}\) which was only figure out 458 million barrels (of oil) and 6.3 billion cubic (gas) (Kontras 2004: 14). The XOM statement at once revised their earlier statements suggesting the Cepu oil reserves just 250 million barrels. The addition of nearly 500 million barrels appeared because MCL has reported new oil reserves at Banyu Urip area of Cepu. Soon after that, in 2001 XOM filed a contract extension. XOM asks the running contract which is supposed to be expired in 2010 to be extended until 2030.

This contract extension request by XOM sparked a feud within the Government. The Board of Commissioners of Pertamina's from the Government side led by Minister of Energy and Mineral Resources (DEMR), Purnomo Yusgiantor, said to grant the contract extension agreement. But Coordinating Minister for Economy, Finance and Industry Kwik Kian Gie refused and wanted

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\(^{11}\) LEMIGAS is a state owned research and development institution of energy and mineral resources, both at the upstream and downstream sectors of the oil and gas industry. In the operations, this institution does not only conduct research and engineering, but also involved in the business activities conducted by private oil companies.
the Cepu block to be managed by Pertamina. However, Pertamina stated that they would not use the TAC contract to manage the Cepu block.

Finally after going through a very intensive lobbying, in the beginning of 2003, XOM manages to 'force' Pertamina for negotiating contract extension. Pertamina proposed a special terms on XOM: that in order to do a contract extension, XOM should be able to deliver hard cash bonuses of US $ 400 million to Pertamina. The Fund is compensation for the delivery of two new oil and gas fields to the XOM, the Banyu Urip and Sukowati. XOM sent a letter to President Megawati in June 2003 mentioning that Pertamina undermined negotiations contract extension.

After a series of negotiations and a very tough lobby, including the demands of Pertamina requesting repeated testing on investment XOM, in February 2004 Pertamina finally approved the contract extension. The result was a new form of contractual relationship, i.e. the Production Sharing Contract (PSC) or 'Kontrak Kerja Sama' (KKS). The deal was for 50 : 50 shared revenue between XOM and Pertamina, and Pertamina got the US $ 400 million dollars compensation (bonus) from XOM. Production Sharing Contract (PSC) between Pertamina and XOM finally signed in September 2005. Later in 2006 the Government appointed XOM as operator of Cepu block with the right for exploitation over 30 years (up to 2035; 5 years longer than the original plan).12

**Land for XOM's Operation**

With the discovery of a large oil and gas reservation in Banyu Urip, followed by the success of exploration in other fields nearby in 2001, then MCL as the main operator of XOM in Cepu is planning to build a Central Processing Facility (CPF) which will be the largest oil-CPF in Java. Total land needed to build the CPF and new wells at the Alas Tua Barat, Alas Tua Timur and Kedung Keris is

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12 Minister of ESDM in his report to the President, dated March 3, 2006, mentioned, “Kontrak Kerja Sama (KKS) on the development of the Cepu block was signed by Pertamina, ExxonMobil Oil Indonesia and BPMIGAS on September 19, 2005. But until the deadline of 90 days has not yet handed over as it waits for the publication of the permits from the local government site.
around 977 Ha. However up to recently, it has approximately 675 Ha\textsuperscript{13} of land been cleared for construction of the MCL’s oil fields and the CPF. The rest land utilization was used for the construction of office buildings, housing and infrastructure – including the construction of an airport. Some amounts of the land are still in the process of releasing. The government of Bojonegoro specifically established a Local Government Owned Company, named PT. Bangkit Bangun Sarana (PT. BBS), to work on a number of development projects supporting MCL.\textsuperscript{14}

The land that has been exempted for XOM’s MCL operation comes from three sources, namely: agricultural lands belonging to the citizens, the lands controlled by the village (the village Treasury Land), and forestry lands possessed by the Forestry Department (a state-owned forestry company). Land\textsuperscript{15} belonging to residents consists of rice field and plantation, which were almost entirely not yet legalized by land certification. People ownerships were only proven by land Tax Payment Letter (SPPT) or commonly called Petok D.\textsuperscript{16} It was rather suspicious that the local BPN (Bojonegoro Land Office) changed the status of those lands into the land usage rights (hak pakai) on behalf of BP MIGAS (interview with Sunu Duto, head of BPN Bojonegoro Regency, March 9, 2011). ‘Usage rights’ are one type of rights over the land which is set in the Basic Agrarian Law 1960, attributed to particular State Land area controlled by state government agencies to support its activities in serving the public/community. In this case, private parties (MCL) conduct the exemption private-individual landholdings handed over to the State so that its status become State Land; then

\begin{itemize}
\item[\textsuperscript{13}] However, up to 2011, only around 322.23 Ha had registered in the Bojonegoro Land Office, which are 27.4 Ha for exploration area, 259.6 Ha for the CPF, and 35.3 Ha for natural gas pipe-lines.
\item[\textsuperscript{14}] PT BBS since 2007 also gained other projects of MCL valued at $ 4,760,640 (PT BBS 2011). Then PT BBS invited PT Etika Dharma Bangun Sarana (EDBS), which the owner also being involve in land speculation in Cepu block – to do these projects. To get land more easy, this land speculator hired local people who lived around the locations as his employees.
\item[\textsuperscript{15}] MCL has one working unit tasked for land acquisition called the Land Department or team referred to Land Team MCL.
\item[\textsuperscript{16}] Petok D is colloquially known by the community (particularly in East Java) to mean that the legislation is referred to Land Tax (see Government Regulation No. 24 of 1997 about the land registry in the explanation to article 24 paragraph (1) the letter k). ‘Land Tax’ is the letter issued by the Government to establish the subject of law as the obligation to pay taxes on a particular land. ‘Land Tax’ issued prior to the enactment of Government Regulation No. 10 in 1961 is recognized as a valid proof of ownership and can be switched to the heirs of the holder up to the registration.
\end{itemize}
over that State Land a usage rights was published and granted to BP MIGAS which is then 'lends' – usually in form of renting agreement – to the private parties (MCL) for their business activity (sic).

In fact, before the processes of land acquisition made by MCL, the majority of these lands have been sold from the first to another owner-who is also local villagers as well or non-villagers. The non-villagers had owned many of these lands, although often their names listed as local villagers but the community does not recognize it. In the late 90's the purchase of land increased along with the issue of a giant oil company will be operating in Cepu Block. The transaction increasing when XOM announced they had discovered a new oil deposit in several locations. In the process of buying and selling land is generally not followed by name changing for the owner of the land on taxpayers, let alone certification.

The treasury land of the village, known as the Tanah Bengkok17 used by Exxon’s MCL are located in 27 villages. The MCL is using the lands on a long term rent agreement.18 Up to this point, MCL has already rented an area of 15 Ha by Rp. 8,500/m²/year. During the period of leasing MCL is required to find replacement for the village treasury land they use (Berita BP Migas: February 14, 2011). Yet this issue becomes another problem to the local government.19

Whilst the forestry land used by the MCL is the area under the management of Perhutani through a lend schemes agreement (BP MIGAS, 2010: 7). This land

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17 According to the regulation of the Minister of the In Country Affairs No. 4/2007 on guidelines for the management of the wealth of the village, the village treasury land is the wealth of the village and belongs to the village. While the notion of crooked land is the land of the village lent to village officials to be processed and the results become a pay check. See also Bachriadi and Lucas (2001: 140) as well as Maurer (1994: 105-106).

18 Regulation of the Minister of In Country Affairs No. 15/2007 on managing the wealth of the village stated that the ownership of the land cannot be released to other parties except for the public interest, but it can be rented.

19 The report of ILPPD Bojonegoro 2009 mentioned some of the problems encountered were (1) there hasn’t been a process of land exchange with real estate development/land belonging to residents who utilized building/office belonging to local governments, and (2) regulation that undermines the implementation of the village administration related to the process of village treasury land exchange cash village (Permendagri No. 4/2007) on managing the wealth of the village. County Government has proposed revision to the Minister of Internal Affairs dated 05 September 2008, no. 143/2037/412.11/2008 subjected for a review Permendagri No. 4 of 2007. This proposal did not get any response.
is required for a land pipeline that connects the CPF in Banyu Urip Bojonegoro with Floating Storage and Offloading (FSO) in Tuban. The required land area is CA. 6 Ha located in the village of Gayam, Jelu, Wadang and Wedi of Bojonegoro Regency. In addition to this, a 10 Ha is also required in the villages of Gesing and Ngimbang, Minohorejo of Tuban. A number of plans for the expansion of the production area in land belongs to the Forestry Department were blowing in the local community. Allegedly, this issue deliberately thrown to suppress the land speculators in releasing their land upon the price sets by MCL. Minister Purnomo Yusgiantoro on April 17, 2008 had ever complained about the difficulty of MCL in managing Cepu: "problems in Cepu block is not a problem of petroleum, but land in the hands of the middleman. As simple as that. So we are looking for an alternative to utilize the Forestry Department land" (DetikSurabaya, April 17, 2008).

There are 3 important things on the overall process of land transfers for XOM operation. First is the change of spatial plan conducted by the local government; second is the rampant land speculation activity; and the third is the involvement of local government institutions and the local state-owned enterprises in land acquisition activities.

**The Change on the Spatial Plan Regulations**

Towards the end of ’90’s in general spatial plan for Bojonegoro Regency has still not attributed to the activities of the extractive industries of oil and gas, although some geologic surveys at a number of locations have been showing signs of the widespread oil drilling activities in the county. When successfully getting the entire TAC, XOM began lobbying Pertamina and the Central Government in Jakarta for the enactment of a new contract. Such approach to the local Government is also conducted in order to get location permits for new areas immediately after a new contract with Pertamina. Bojonegoro government immediately response to this development. The spatial plan changes was done at these locations to follow new oil refinery site Central Processing Facility (CPF) functioning in the case that industrial activity cannot be conducted at certain location, for example, the area is the cultivation of forestry (forestry areas) or the cultivation of non agricultural activity for forestry (non-forestry areas for
agriculture). In other words, in the early 2000s the local government began to prepare a legal tool on land acquisition to ease XOM activity.

First of all the revision on General Spatial Plan of Sub-district (RUTRK) and the Detail Spatial Plan of Sub-district (RDTRK) in several districts where the activity of MCL will operate, was completed. Among them are RDTRK revision for Ngasem\(^{20}\), Kalitidu\(^{21}\), and Dander\(^{22}\), followed by changes in RDTRK for Kapas\(^{23}\) and Bojonegoro\(^{24}\). The first district is the third area where there are oil and gas fields in Alas Tua Barat, Alas Tua Timur, Banyu Urip, Kedung Keris, which are the new oil fields in Cepu block. These spatial plan change aim to turn their function for agricultural land into space for the extractive industries of oil and gas. While the last two districts is part of the West block of Tuban will also be converted into oil fields, where it was formerly agricultural area and residences. The letter from the regent that responded to a question from one of the branch offices of Pertamina in East Java (Pertamina Daerah Operasi Hulu Jawa Bagian Timur-Cepu)\(^{25}\) very clearly stated the readiness of the local Government to support the transfer of citizens and people’s agricultural activity due to the expansion of oil across its territory: "and so herewith it is informed that based on the revised RUTRK/RDTRK, Ngasem and Kalitidu 2003 has been prepared as a location for Central Processing Oil Area".\(^{26}\)

At the district level, since 2007 the draft for such local regulations has been compiled recently, however it has not been enacted because change in the arrangement of the space for other districts has not been prepared. On the one hand, the local government ten years ago only concentrated for preparing XOM operation in their region. On the other hand, they are also waiting for the

\(\text{\footnotesize 20 Based on Perda Kabupaten Bojonegoro No. 19/2003, 30 June 2003.}\)
\(\text{\footnotesize 21 Perda No. 20/2003, 30 June 2003.}\)
\(\text{\footnotesize 22 Perda No. 7/2004, 28 July 2004.}\)
\(\text{\footnotesize 23 Perda No. 5 tahun 2004, 28 July 2004.}\)
\(\text{\footnotesize 24 Perda No. 4 tahun 2004, 28 July 2004.}\)
\(\text{\footnotesize 25 Letter of the description on the development location plan of the Banyu Urip oil field, dated 2 June 2003 from Pertamina Daerah Operasi Hulu Jawa Bagian Timur-Cepu}\)
\(\text{\footnotesize 26 Bojonegoro Regent Letter Number 26 050/TR/20/201.412/2003 regarding the recommendation of the feasibility for the spatial plan of the Banyu Urip oil field Development (dated July 11, 2003)}\)
possibilities of any findings of new oil deposits in other regions that could have implications for the need for spatial changes, as represented by the Chairman of the Commission A of Bojonegoro Legislative Parliament: "Local regulations regarding districts spatial plan are expected to simultaneously meet the spatial changes in the regions that allow the exploitation of oil and gas as well as precedents for industries that grew out of the oil and gas industries" (interview with Agus Rismanto, the Chairman of A Commission County Legislative Parliament Bojonegoro, 3 March 2011). Bojonegoro regency administration is essentially 'ready' to change the space to become the center of a new petroleum industry in Java. Even before becoming a Regent of the district, Suyoto was Commissioner of Lion Air – a national private airline – stated would build the airport in Bojonegoro to support economic growth of due to the expansion of the oil industry (Medialndonesia.com, December 9, 2010).

Spatial plan adjustment process to the interests of the Central Government in the field of extractive industries as well as the interests of the private sector in the field of oil-and-gas industry yet has not ever been a burden for the local governments, though it will be done at the expense of the interests of local citizens who also need access to the land for life. Pragmatic interests such as local government revenue (PAD) either directly or sourced from the multiplier effect of the extractive industry has always been the main reason for such spatial adjustment.

**Land transfers and speculations**

In 1997-1998, before selling all of the TAC working interest in the Cepu block, Tommy Soeharto’s HGP has begun the initial steps of land acquisition especially in Banyu Urip field (Kontras, 2004: 20, and Regu Belajar, 2010: 4 and 12). Even so it was a small area, only about 2-3 ha, merely to start initial

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27 Report from ILPPD District of Bojonegoro in 2009 about Spatial planning stated the tendency to give priority to the interests of the oil & gas industry in the County: "the urban district of Bojonegoro is an area that will grow rapidly as a result of the growing urban service area of the Cepu block oil processing industry ..." (District of Bojonegoro, 2009: IV – 60).

28 Spatial change tendency for extractive industries for the sake of local revenue don't just happen in Bojonegoro. for example in Pati, Central Java: the Provincial spatial Changes done to the local Government to accommodate one giant corporations that require around 1,350 ha of land for cement raw material and processing plant development (see Sobirin 2010: 140).
exploration activities. After transferring the TAC from HGP to XOM, a new long negotiation process followed it between XOM with the Government of Indonesia since the beginning of 2000 to 2006. Land acquisition activities officially have not occurred. However, in fact since 2001 when XOM announced new oil deposits have been discovered in some areas of the block, the issue of land acquisition began to be discussed by both the community and local government officials from village level up to the County. Moreover, the County Government also facilitates development team of XOM in the Cepu block\textsuperscript{29}. Based on the investigation conducted by one NGO, in the view of local community, the initiative is an attempt to engage the local authorities dealing with the land transfers (Kontras 2004: 21).

After 2001, the land speculators who generally came from outside the district of Bojonegoro started to try buying lands in the expected locations. The land speculators used the services of a Realtors or local middle men (local people called them as \textit{maclaren}\textsuperscript{30}) to approach the owners of the land. The \textit{maclaren} is not just coming from ordinary citizens, but also community leaders and government officials of villages and districts. They offer land in locations which XOM will operate to officials in Bojonegoro. According to a former member of district parliament, "nearly all the members of the DPRD (district parlement) purchased those lands; as well as a number of officials at the county government office" (interview with a former member of district parlement of the Golkar Fraction, 10 March 2011). So, while many villages and sub-district government apparatus involve into \textit{maclaren} activities, public officers in district level to take advantage of private land acquisition as the speculators.

Political and administrative relationships between government officers in the village level up to the district makes a hierarchical relationships in a chain of land selling are also easily awakened. With the administrative authorities apparatus in the District Office will have the access to know the village and sub-district anywhere XOM will operate and develop the business. Here the

\textsuperscript{29} This team was formed based on the decree of the regent No. 17 of 2003 concerning the facilitation of the Exxon Mobil -Pertamina Development Team of Banyu Urip

\textsuperscript{30} This term is derived from the word "REALTOR" (Dutch: \textit{makelaar}). Local community has distorted it be \textit{maclaren}. 14
apparatus of villages and sub-districts conducted the approach to its citizens and anyone acting as a buyer of land to get the land owned by the citizens. After somewhat extensive amounts of land accumulation, the land was sold back to the large speculators who apparently are also part of the apparatus of the Office of the district. The village authorities will easily use the authority to suppress the reluctant owners. Especially if there are land owners whose names are not listed in the list of land tax payment (SPPT) (see KONTRAS, 2004; Tempo magazine, 07 January 2008; Tempointeraktif, 15 March 2007). Lands successfully bought would not have altered the evidence of ownership or registration taxes, remain registered in the name of the owner of the old land (Tempointeraktif, March 15, 2007), so that the 'game' they do not look conspicuous (interview with FORKOMASBAJA, 7 March 2011). While waiting for the actual acquisition, about 5-6 years, the old landowners still allowed to use the lands without providing any compensation to the new owners.

The larger speculators – PT Indonadi Perdana – getting involved in land purchase activities on a large scale in Cepu block in 2004. The leader of the company is trying to hold the network with Bojonegoro regent, Santoso, via a middleman named Soeparmo, who known the Regent/Bupati Santoso personally. Soeparmo was a leader of the Forum Komunikasi Banyuurip Jambaran (FORKOMASBAJA), who since the beginning loudly voicing of fair compensation to the people who has to sell their land, apparently also need to sell his land. The Bojonegoro regent has promised to give the prioritization to PT Indonadi. Up to that end, Soeparmo claim already 'holding' a 182 Ha of 675 to be releases to XOM. The rest are being managed by his men. Soeparmo can easily connect with the district head, village head and commander of the local army. His contact with the army in sub district-level-- arranged and mediated by two retired Army – Colonel (Ret.) Soegono and (Ret.) Letjend Rono Wijoyo – which became the patron of PT Indonadi. This company will provide a working commission to the parties involved – the regent, sub-district head or camat, village head, commander of the local army, and the actors of the community-based organization (which in this case is FORKOMASBAJA) – each one will get Rp 1,000/m² purchased by the company (interview with leader of FORKOMASBAJA, 7 March 2011).
Riding the formal transfer of land

In 2006, after the MCL got permission from District Government of Bojonegoro, the District Head (the Bupati) formed a team for land acquisition.31 The team chaired by the Deputy of District Head, H. M Talhah, while members are comprised of the district government officers.32 Later, there was a formal agreement between the local governments with MCL, which its contents were also approved by BPMIGAS prior to the signing.33 One of the important contents of the deal is that MCL will give financial aid to the government team within the framework of land acquisition. Total funds will be disbursed in three installments is around Rp. 10,899,000,000.34

In the implementation, who is actually working on this particular issue was the MCL Land Team Department (Land Team MCL).35 While a district team chaired by Deputy of District Head stumbled over issue of corruption. The team suspected of improperly using the aid provided by MCL for teamwork. It was the first phase of the aid, funds for the socialization of land acquisition, amounting up to Rp 3.8 Billion given by the MCL was not recorded to the local government budget scheme and regular financial statement. The MCL seemed to ignore and ‘close their eyes’ on this circumstance (Kompas Jawa Timur Edition 19 October 2008).36 After the court trial, this district team did not work effectively nor dismissed.

31 Based on Bojonegoro District Head Decree No. 188/756/KEP/412.12/2006 on Coordination and Control Team for Land Acquisition of MLC needs (TKP2T), dated 6 November 2006.
32 H.M Thalhah currently is Chairman of the Parliament Bojonegoro, period of 2009-2014. His role as chair of the team taken over oftenly by the Bupati HM Santoso. In fact, their political relationship is not in harmony at that time (Kompas Edisi Jawa Timur 19 Oktober 2008).
33 Memorandum of Understanding between Bojonegoro’s local government and Mobil Cepu Ltd (MCL) on Implementation of MCL’s assistance to the Team on behalf BP Migas in Bojonegoro district, No. 188/04/412.12/2007.
34 The amount of the first financial support based on December 4, 2006 proposal and later agreed upon by the MCL and the district Government and BPMIgas on April 27, 2007 was Rp 3.8 Billion. The disbursement was not recorded. This causes corruption on MCL land acquisition of socialization fund by TKP2T. Quite surprising that MCL-as a subsidiary of a transnational company-which in the intents and purposes of the memorandum agreed to ensure transparency yet did not ensure delivery of those funds according to proper financial procedures.
35 In their work the unit is assisted by a team from the Institute Teknologi Sepuluh November (ITS) Surabaya to perform mapping and tracing the owner of the land. MCL also provides its own notary who will take care of the completion of the deed for the transaction.
36 Even for the cost of the socialization meeting held in each village, including the transportation cost for those attendances were at MCL’s expenses. This was outside the funds disbursed by the MCL for a team from the local
Socialization meetings for land acquisition in each village was such an entertainment event with live music performances – *dangdut* and night puppet shadow. All 'land owners', which actually no longer entirely are the owners of the land – divided into groups with a spokesperson. In the meeting, which was considered to be participative, only the spokesman could talk. Nevertheless, the government of the village to the county emphasize to the 'owners' to plant their land with a variety of valuable plants, because it will be reckoned on the compensation. After the meeting, a number of 'land owners' immediately plant teak wood (which is a high economic value plantation) within a very tight cropping system in the hopes of obtaining more money. Later, the value of compensation for this plant becomes one of the roadblocks during the negotiation (interview with Chief Editor of the Tabloid Suara Banyu Urip, 8 March 2011).

MCL offers indemnity between Rp. 40,000 to 60,000 per m² depending on the condition and location of the land. Whenever it is agreed upon, MCL will pay it upfront and the rest will be given after a survey and measurement. If the 'landowners' – either an individual or a group – do not want to relinquish their land, MCL’s Land Team will approach directly and intensively pressing each landowner. This 'individual approach' is specifically done to divisive if the objections came from a group.

In fact, the processes of land acquisition by the MCL Team results do not run smoothly. The 'landowners' do not want to relinquish their land because of the value of the indemnity offered MCL is considered very low and not profitable. Landowners who actually still controlled land also were being reluctant in dealing with the long administrative process. They prefer to deal with a realtor and land speculators who immediately give cash once they agreed upon the price. In addition, of course, the non-optimal result is caused by the fact that a lot of grounds already hold by the speculators. The price offered by the MCL is government in accordance with the Memorandum of Understanding (Interview with Risnanto Marzuki, a former staff of the media communication department MCL for socialization of land acquisition, March 9, 2011).

37 The lands to be released are divided into three regions, namely, ring 1 to 3. Ring 1 is the lands that were in the main area of oil field development and amenities, valued at Rp 60,000/m². Ring 2 is the ground around the ring 1 and used for the development of support facilities development of oil field and other major facilities. Ring 3 is the lands in the region are planned as buffer zone, for price of Rp 40,000/m².
considered to be completely inadequate. To raise their bargaining position, the speculators who are now actually is the owner of the land did not hesitate to organize the former land owners the names still listed as 'owner' in the Office of the village. These people – the ex-landowners – become the 'soldier' of negotiations between the speculators and MCL.

Village officials were also demanding for a fee to both sides: the MCL and the landowners. Firstly the village chiefs were asking fee of Rp 10,000/m² to each party, which later became the highlighted issues in Bojonegoro. Finally the district team led by H.M. Talhah, pressing the heads of the village to accept fee at Rp 2,000 – 3,000/m² of land freed (interviews with Agus, member of SPBU, March 2011; and Zein, a local journalist, March 2011).

After the local election of the new Bupati, named Suyoto, form one local state-owned enterprise (BUMD) PT. Bangkit Bangun Sarana (BBS) – in 2007, which initially involved working on infrastructure development and other support facilities projects for the operation of XOM in the Cepu block. But a year later, the company was also involved in land acquisition (Detik Surabaya 26 May 2008). The involvement of local government-owned enterprise in the activities of land acquisition, which of course turned to be profitable, according to Bupati Suyoto, was carried out in order to speed up the process of land acquisition in order to benefit the society. In practice, to facilitate their business PT. BBS recruit realtor who had long been working in the field. In addition, a corporate leader who became a business associate to PT BBS in working on the development of infrastructure for XOM operation also was a land speculator. Through this entity, problems in negotiations process could be resolved. Political relationships become more influential to decide agreements on price – it has to be kept in mind, most of the speculators actually are the government officers in Bojonegoro. In other words, this surely consolidates the local realtor to work 'officially' under the patronages of the commercial business of local government.

38 Suyoto statement is published in Majalah Tambang (May 28, 2008): “this is merely the willingness of society to bridge the land owners with investors, so the process goes quickly. During this time, he said, the issue of land acquisition for the exploitation of the Cepu block is hampered by differences in perception between the public and the investors, associated land purchase mechanisms. The community wanted to do the cash on delivery, while the investors have to put forward formal legal process where land purchased must have a valid certificate”.

39 See again note no. 14 above.
'Compensation' for certain people who hold important positions in the MCL is also prepared by the Suyoto to ease the negotiations.\(^{40}\)

**Protests and Manipulation**

When the HPG conducting land acquisition in 1998, the intimidated landowners organized themselves to act against it. There were 20 people out of 64 who were willing to make a complaint towards the intimidation. They sent out letters, signed and authorized by ID card, to the apparatus and related institutions, such as Police institution, Central Pertamina Pertamina Cepu, and Humpuss Cepu. But none of the institutions responded to the complaint. In 2000, only 8 people who insist on not to sell their land (Kontras, 2004).

After TAC Cepu block completely switched into the hands of XOM and the successful exploration in Banyu Urip and Jambaran, the tensions continued not only between the landowners and the investors as well as the government officials, but also between local non-governmental organizations that started claiming to act on behalf of struggle for rights and interests of citizens. There are two organizations that had loud voice o the issue, namely Forum Komunikasi Masyarakat Banyu Urip dan Jambaran (FORKOMASBAJA) and Serikat Pemuda Banyu Urip (SPBU).

FORKOMASBAJA was established in 2002 by some activists from Surabaya (LBH Surabaya and WALHI Jawa Timur) and Bojonegoro (activists of the student organizations). During the post acquisition process they perform an alternative environmental impact assessment of the planned XOM operation. In its establishment a number of residents of the five villages, which will be the main location of XOM, activities were invited (interview with Mochlasin Afan, Chairman of LSPM Bojonegoro, 12 March 2011). Members of this organization are largely rural elite who had a profession outside the agricultural sector and also not served as government officials at any level.

At the beginning of its formation the FORKOMASBAJA members unanimously agreed to demand that land to be used by XOM was not to be

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\(^{40}\) In the end of 2010, for example, Deddy Affidick – external relationship Manager MCL and was once the Manager of the Land Team MCL – was appointed President Director of PT BBS by Regent Suyoto.
purchased, but to be rented. However these claims are almost never appeared in some action done FORKOMASBAJA, but rather a process of settlement: as soon as possible compensation, giving a decent substitute, and the opening of employment for residents, as well as the transfer of the MCL office from Cepu to Bojonegoro. Other motion is also delivered by FORKOMASBAJA to the Commission of Mining DPR RI in Jakarta when they participated in a protest on April 2005. They proposed to the Central Government to include local governments in the management of Cepu block as well as request for the shared revenue from the production (Tempo Online, January 07 2008). A year later, in March 2006, in the midst of contention in national level regarding the contract between MCL and Pertamina, hundreds of members of this organization come to Jakarta for a dialogue with Commission VII DPR-RI where FORKOMASBAJA said that the exploitation of oil in the Cepu block must be operated (Gatra.com 19 March 2006). At one of the blocking the road action, in early June 2007, the members of FORKOMASBAJA also had threatened to levy a tax for any vehicle owned by a company that crosses their village area. This was done because they did not get the deal of recruiting local people in the employment of the project. FORKOMASBAJA in this action also required for taking a part in the expansion of business activities of the oil industry in the Cepu block by being the sub contractors (subkon) for the project (mainkon) (Gatra.com 5 June 2007).

The shift in the orientation of the movement from the issue of maintaining the land, then to demand the land acquisition, the problems of livelihood to the involvement in supporting development projects occurs because the land acquisition and physical development activities to support MCL continues despite the protests also continued to occur. Most notably the leaders of this organization that are more powerful and dominant in determining the direction

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41 These demands emerge such as blocking the entrances of oil drilling on 15 August 2002, hearing with Bojonegoro parliament on September 15, 2002, as well as other actions that blocked the road to the oil wells on May 9 and June 4, 2007.

42 The term commonly used to refer to those works obtained from the project main contractor for the development of the Cepu block. This work could either be a supplier of goods or one part of the work to the needs of the project which is being undertaken by the main contractor, for example in the project of making the road sub contractors supplying only one materials required by the main contractor such as sand, stones, and or asphalt.

43 A local term refer to the main contractor of MCL.
and strategy of the movement now also wants to get a 'cake' of the development of the Cepu block (interview with Head of LSPM Bojonegoro, 12 March 2011). In addition FORKAMASBAJA also claimed that the fight for land acquisition increasingly irrelevant because there were already a lot of land transfer to the speculators, even some of its members also engaged in the land speculation in Cepu block as a realtor (makelar).44

FORKAMASBAJA is definitely a part of the internal conflicts, divisions and a change in attitude among its leaders. For example, in the years 2003-2004 there was friction between two main actors – Parmani and Soeparmo. The main base of the dispute between them was that since Soeparmo has been working up with land speculators (Kontras, 2004). Although a few years later, Parmani eventually also became a realtor after leading an action to in Jakarta in 2005, where after this action a lot of entrepreneurs coming to ask for his help on buying land in Cepu block; and Permani responded this positively. (Tempo Online, January 7, 2008).

Other movement organization that also stands against the expansion XOM operation in Cepu block was Serikat Pemuda Banyu Urip (SPBU), established in early 2003 and claims to have members in 13 villages. Members of youth organizations who joined youth organization (Karang Taruna)45 in the villages around Banyu Urip dominate SPBU. Although most of them are members and leaders, the youth group considers it may not convey the aspirations of the parties that are related in terms of the development of the Cepu block (interviews with Agus and Sayuti, member of SPBU, 12 March 2011).

This different view with the older organization FORKOMASBAJA also was the reason of the SPBU establishment in 2003 (after the FORKAMASBAJA consent form). The younger generation of the SPBU saw improper mission and vision of the FORKOMASBAJA leaders in fighting for the interests of the citizens (interviews with Agus and Sayuti, member of SPBU, 12 March 2011). The activists from Surabaya and Bojonegoro who initiated FORKAMASBAJA also

44 See also section 'land speculation' above.
45 Karang Taruna is a mass organization of youth in Indonesia, which was established in 1960. Initially this organization is an independent organization, but on the New Order era this organization became one of the regime's control tools for youth activities.
encouraged the formation of SPBU after seeing FORKAMASBAJA does not in accordance with the original vision of its founding (interviews with Afan, Chairman of LSPM Bojonegoro, 12 March 2011).

The action led by the SPBU for example conducted a demonstration on March 20, 2006. There were about 300 protesters from Banyu Urip and Jambaran under the name of the Koalisi Masyarakat Banyu Urip. The demonstration began with a gathering in Sumengko Village, Kalitidu Court, near the junction of highways in Bojonegoro-Cepu. After making the oration, they walked about three miles to the main access to the Banyu Urip wells namely Gayam Village. They planted banana trees in four points as a sign of the citizens have rights over its territory. Arriving at the Gayam crossroad, they unfurled banners and gave oration that they were not supposed to be victims of oil exploration. They declared that XOM is restricted and not transparent as well as not involving the community in the management of Cepu block. The Coordinator of the action, Kharis Mokhamad, say residents ask for a political contract concerning several issues, namely: (1) transparent in the process of land acquisition; (2) the guarantee of safety and health for residents on the pollution caused by exploration; (3) handling of environmental impact and social impact in discussion with the citizens; (4) absorption of labor and direct compensation by as much as two percent of the company's profits. Citizens also demand the XOM to build road, irrigation, schools and Puskesmas (Community Health Center). "The Government, Exxon and Pertamina only talk for the results. They never spoke to the needs of the community," stated the Chief (Tempointeraktif 20 March 2006).

There is not enough documentation that describes the activities of the SPBU as well as the actions they performed. A number of SPBU members also cannot remember how many times they perform actions demands both to governments and to the XOM. The only action recorded well in the media is also remembered by the members of the SPBU was on March 20, 2006, should be indicated that they actually did not do many actions.

At first the, similar to FORKAMASBAJA, SPBU wanted MCL to lease land from the villagers. So at the end of the exploration, citizens can manage and own
the land back without having to lose the status of ownership. This assertion was realized by SPBU quite difficult to be met considering MCL does not want to carry the burden of annual administrative work on paying the lease fee to the landowners. The MCL has never agreed on such demand (interviews with Sayuti and Agus, member of SPBU, 12 March 2011).

Many years after its establishment, the youth incorporated as members of in the SPBU began to enter the age where they have to think about the continuation of family life (interviews with Sayuti and Agus, member of SPBU, 12 March 2011). Cadre recruitment was not running in the organization, so that the leadership succession process does not take place properly. The Corporate Social Responsibility (CSR) programs of the MCL also attract them to establish local non-government organizations that became the recipient of these CSR programs. Members of the SPBU saw that the problems of land is no longer an important issue because the process of land acquisition by MCL continues and has abundant of speculation on the ground so that the land is no longer ruled by the villagers.

Regardless of the differences and similarities as well as changes in vision and strategy between the two organizations, there are serious tensions between FORKOMASBAJA and SBPU because both claim to have members and the same work area, i.e. in two districts (district of Ngasem and Kalitidu). After the start of the land acquisition by the MCL in 2007, and after doing some action against land acquisition made by MCL and change orientation of the movement began to occur, both organizations practically are no longer resistant against land acquisition. Many members of both organizations are then establishing NGOs at the local level with the aim to get relief funds from the CSR programs rolled out by MCL in the late 2000s. In addition, some of the NGOs also founded the company under CV or PT entity with the objective to acquire projects from the development the Cepu block.

**Concluding Remarks**

The expansion of mining industries in Indonesia has become one of the important factors in the changes land utilization. The reasons of the economic
growth, the need to invite and facilitate investment, and then increase the
government revenue on the era of the autonomous region became an important
base for foreign private companies to operate and be part of a widespread land
grabbing activities in Indonesia.

In the post New Order period, large-scale land control by mining
corporations’ occurred through more complex processes. Various manipulation
and adjustment of laws and regulations to the insertion of government apparatus
economic interests in the process of compensation are aligned with various land
speculation activity, as illustrated in the case of the expansion of the
multinational oil company ExxonMobil in the Cepu block. This case reflected a
combination of legal pressures, soft-disappearance, speculation within market
transaction, and political manipulation of the protests worked as a mechanism to
control a huge of land for the energy business. Mechanisms is very likely to occur
due to several factors: (1) many of the lands controlled by the community does
not have the law force (certified); (2) information on the development plan and
changes of land utilization monopolized by elites and policy-makers; (3) after it
happened the misuse of administrative and political authority of the apparatus of
government agencies at various levels to take the economic benefits from their
position as a public official; (4) the protest movements led by the community
leaders, both of the older generation and the youth, are not able to survive
against the objectives of the pragmatic and economic interests of the members
and especially the leaders.

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Appendices
Authors:
Erwin Suryana (airwindsun@gmail.com) and Dianto Bachriadi (dianto.bachriadi@gmail.com) are researchers at Agrarian Resource Center (ARC), Indonesia.