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Harpan: A “No Man´s Land” Turned into a Contested Agro-Industrial Zone

Brigitta Hauser-Schäublin and Stefanie Steinebach

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Georg-August-Universität Göttingen
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Brigitta Hauser-Schäublin and Stefanie Steinebach¹

Abstract

The Harapan region is governed by a web of regulations. The corresponding allocation of land is informed by the demands of the international market and Indonesia’s policy to supply it with the products needed. Thus, human interactions with the rainforest transformation systems are largely determined by external economic drivers. Taking the anthropology of globalization as a starting point, our paper outlines the relationships between international demands, state regulations, the allocation of land, and the way local people, whose rights have been disregarded for decades, and migrants make use of it locally, often in conflict with the state and concession holders.

Keywords: Harapan, Sumatra, globalization, land regulations, land allocations, land use

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1. Introduction

In this Discussion Paper, we give a brief report of the anthropological research (C03) we carried out in the Harapan area (“Harapan Landscape”) in 2012 and the first conclusions we have been able to draw so far.ⁱ The area called Harapan is mainly located in the districts (*kecamatan*) of Bajubang and Sungai Bahar in the Muara Jambi regency (*kabupaten*) and encompasses roughly 1,800 sq.km of land.ⁱⁱ

While collecting qualitative data in three different villages, we realized that the socio-economic developments throughout the whole region, with the prevailing production of commodities for an international market, cannot be understood without considering national and global constraints that heavily influence what happens locally. We, therefore, draw on the anthropology of globalization to sketch the interconnections between “the global” and “the local” (Inda and Rosaldo 2002; Appadurai 2005). These interconnections consist not only of global economic flows, but also flows of ideas, values in different directions – and people; the large number of migrants in this area is a testimony of this. One of our major research questions was to identify the cultural diversity of people living within the research area and to investigate to what extent the cultural knowledge (traditional knowledge) and experience in forested or agricultural environments influence or even determine the way they engage in forest transformation systems (the cultivation of jungle rubber, rubber plantations, industrial timber, and oil palm plantations). In short, what are the dominant cultural factors or drivers that predominantly influence or determine the decision-making process?

In co-operation with Dr. Ir. Rosyani, Faculty of Agriculture, Jambi University, and the other C subprojects, we selected three villages within the core area of the CRC and the type of transformation system. Since our project focuses on the cultural diversity of the people living in the Harapan area, the composition of the inhabitants with regard to their different geographic or cultural origin and the livelihood system they practice constituted the criteria for the choice of the three villages, Bungku, Markanding and Marga Mulya. We were interested in learning more about people who are considered “indigenous” or describe themselves as customary (*adat*) communities (*masyarakat adat*), as well immigrants from other parts of Sumatra and from Java. Most of the migrants originating from different parts of Java came in the frame of state-organised transmigration programmes. In addition, there are many spontaneous migrants from other parts of Sumatra and beyond living in Harapan villages. From a comparative perspective, we wanted to learn about the livelihood system they practice in order to possibly identify cultural differences in the interactions with the natural environment.

To start with the conclusion first: We realized that

1) the Harapan region shows not only similarities, but also differences to the Bukit Duabelas region; both areas have been economic development zones since the early-1970s and all forested areas had been designated as logging concessions. As a consequence of the continuing logging in the Bukit Duabelas region and its rapid transformation into a zone of extensive rubber cultivation, an area of 280 sq.km of forest was nominated as a Man and Biosphere Reserve (MBR) as early as the 1980s. In 2000, this area was designated as a National Park since the MBR had not stopped or decreased the pace of the transformation. The transformation in the Harapan area probably began later, with Tahura Natural Forest being designated in 1999 and REKI only in 2010.ⁱⁱⁱ These conservation measures increased the pressure on land for cultivation as it was needed by the growing population due to the continuous influx of migrants (see below). A further, perhaps even more important difference between the two regions consists of the autochthonous inhabitants of both areas and the relationship they establish with the immigrants: In the Bukit Duabelas region, the

autochthonous people seem to draw much more on their own history and culture to define themselves (Steinebach 2012) than in the Harapan region, where the local people seem to be allowing or even initiating a merging with immigrants, for whatever reasons (Steinebach 2013).

2) In the Harapan area, the palm oil industry especially (as other extensive mono-cultural plantation systems in general in Southeast Asia and beyond) is indeed “transforming the social reality of [the] people across the region. As landscapes are being shaped by extensive plantations, small-scale farmers and indigenous peoples are becoming oil palm smallholders or workers in the plantations” (Pye 2013a:9). The Minister of Agriculture rightly stated with regard to the continuous extension of oil palm plantations: “this sector has been the main driver for the people’s economy” (quoted in Pye 2013a:3).^{iv} As a consequence, the Harapan region can be characterized as a socio-cultural and economic transformation region. The corresponding processes that definitely produce similar livelihood systems but, at the same time, also generate different forms of resistance or “disjuncture” (Appadurai 1990) need to be studied further.

3) In such a widely predetermined system of land uses, cultural differences and traditional knowledge play a subordinate role in choosing a particular livelihood system. This is due to a number of interrelated factors that create a configuration of constraints which discourages the practice of “traditional” modes of livelihood. However, access to “free” land is strongly linked to cultural membership, since the autochthonous communities (Batin Sembilan, who are often called or call themselves Suku Anak Dalam,^v and Jambi Melayu) with their customary law (*adat*) are crucial gatekeepers for access to land, especially for the large (and still increasing) number of spontaneous migrants from different parts of Indonesia. Although the autochthonous people nowadays number about 6,000 (Dinas Sosial, Tenaga Kerja & Transmigrasi Propinsi Jambi 2010:28), they constitute only about 10% of the inhabitants of the Harapan area. Thus, 90% of the inhabitants are migrants; most of them arrived in Jambi via transmigrations schemes and received a fixed amount of land. However, about 40,000 spontaneous migrants are dependent on the local people for access to land.

In our paper, we will outline the main reasons and conditions of why the choice of livelihood systems today is largely determined by external factors. In a first step, we sketch the historical legacy of the area with its history of economic exploitation that, in the present form, goes back to the Dutch colonial time, but has become intensified since the early-1970s. In the second part, we will list a number of regulations or laws that govern the allocation and use of the land. These different, sometimes conflicting regulations constitute the mosaic-like legal framework which categorizes specific actors (such as companies and different types of communities) and define various forms of landownership and land use. In the third paragraph, we describe the major actors and the way they manage land. In a final paragraph, we turn to the consequences of this area largely determined by regulations of different kinds and corresponding land-use concessions which leave only a little land to individuals, such as small-scale farmers or communities of migrants, that can be transacted in a free and officially recognized, legal way.

2. Harapan and its much wanted resources: how it began

The far-reaching transformation of the Harapan lowland forests started in the 19th century when the Dutch colonial power was in search of sources of economic benefit in an area that had already been renowned for centuries for its wealth of natural resources (forest products, gold, coal), the production of pepper and its trade far beyond the archipelago. The Dutch started with logging valuable timber species (especially ironwood, *Eusideroxylon zwageri*) in

the Harapan area and they were prospecting and drilling for oil. At the beginning of the 20th century, in 1904, they introduced the large-scale cultivation of non-endemic plants, mainly rubber (*Hevea brasiliensis*) from Brazil (Peluso 2012:83) by establishing a widespread smallholder system.^{vi} This smallholder system was welcomed by many local people as a means to earn money, which enabled them to participate in the new economy the Dutch had established (Locher-Scholten 2004).^{vii} By 1935, 44,000 cultivators owned as much as 67 million rubber trees all over Jambi (Nasruddin 1989). Beside the practical management of the land, the Dutch also introduced regulations about land ownership. A crucial regulation was concerned with what is called the “domain principle”, whereby uncultivated or undeveloped land automatically belonged to the state rather than to the local communities. This domain principle was challenged when the Dutch legal scholar Cornelius van Vollenhoven, who had studied customary or *adat* law in Indonesia, identified a *beschikkingsrecht* or “right of allocation” for land the Dutch administration had treated as no man’s land.^{viii} Under this term, which is today often translated as *hak ulayat* in Indonesian, he subsumed indigenous customary rights over land, though not private property, for which he provided evidence in several regions of Indonesia. These rights were predominantly communal rights and defied the basic assumptions of the “domain principle”, which had much in common with the *terra nullius* doctrine of the Australian settlers. In the colonial administration and practice, however, the *beschikkingsrecht* did not succeed by replacing the domain principle (Burns 2007): The colonial state still disposed of the uncultivated land and exploited it for its own benefit. This legal perspective and the regulation that uncultivated land, including forests, was state property was later taken over by the Indonesian state (for a more detailed description of resource use and population politics before and during Dutch colonial time in the Bukit Duabelas and Harapan regions, see Steinebach 2012 and 2013).

In the early-1970s, the Indonesian state had farmed out almost the entire lowland rainforests of Jambi Province as logging concessions (see map below). At present, after the forests have largely been logged, large parts of the Harapan area are still under concessions, though of different kinds; these were granted between 1984 and 2010 (see Table 3). While the earlier concessions exploited already existing resources (trees), the current ones serve the plantation production of cash crops, primarily palm oil and industrial timber (mainly Gamelina (*Gmelina arborea*), Sengon (*Albizia chinensis*) and Acacia (*Acacia mangium*)). This change from a predominantly extracting economy to a production economy resulted in the establishment of an agricultural frontier zone where social policies, especially transmigration programmes, were implemented between 1983 and 2002 (see Appendix 1). The plantation industry is dependent on labour. Since its beginning during colonial times, the plantation needed labourers who were imported in large numbers from other areas (Saravanamuttu 2013). More than 14,000 families or 60,000 people were placed in the Harapan region between 1984 and 1997 by transmigration schemes (Jambi Dalam Angka 2009:168). Hence, there are now second and third generation descendants living there who probably by far outnumber the first generation of immigrants.

Thus, the Indonesian state degraded these people who had contributed substantially to the wealth and renown of Sumatra to non-persons of whom no land rights (as well as other rights) were acknowledged. Only through this procedure was it possible to declare Jambi Province as an area of development which allowed the farming out of almost all land as concessions (Nasruddin 1989).

3. A new legal situation with an unpredictable outcome

However, the legal situation, especially of the state in relation to the control over and the use of natural resources in the provinces, changed considerably after the fall of the Suharto regime (1998). As a consequence, the provinces and particularly the districts have been endowed with new authority, especially with regard to control over natural resources in their territory. This theoretical transfer of power has been implemented only gradually, to varying degrees and speed depending on the region and its leading actors and their claims to the restitution of resources and rights.

A landmark in the century-old deprivation of local communities of their rights, especially the dispossession of their forests, represents a judgement of the Constitutional Court on May 15, 2013. The Constitutional Court judged that Article 1 of the 1999 Forestry Law has to be changed. Article 1 stated that “customary forests are state forests located in the areas of custom-based [*adat*] communities”. The Court ruled that the word “state” has to be deleted from this article and the state has to recognize indigenous communities’ ownership of customary forests (Jakarta Post May 18, 2013). The implications of this radical change of the legal situation of forest property cannot be anticipated, especially since “the state” does not simply mean the central state, but also the provinces. The provinces nowadays have a respectable share in the benefits from the exploitation of natural resources and the production of cash crops. This ground-breaking decision will have an impact on the Harapan region over the next few years since most of the region has been claimed as customary territories by local communities (see below). The near future will show the implication this legal situation has also on the research areas of the CCR 990 in Jambi Province.

In sum, this nationwide change of power and the regional popping up of new claims, the challenging of former authorities and regulations, and the forming of new pressure groups characterized the social and political situation in the Harapan area when we carried out the first fieldwork period between July and September 2012.

4. Covered by a web of regulations of different origins, goals and scopes

The preceding paragraph demonstrated that the actual situation in the Harapan area, with its lowland forest transformations systems, has a specific genealogy. The particularity consists of a complex situation with partly contradicting and overlaying claims, conflicting rights and obligations. It is a situation of legal pluralism in which different and also historically layered national laws, operated in a rather competing and contradicting way by different agencies (National Land Agency, Ministry of Agriculture and Ministry of Forestry), private companies’ rules, international regulations, such as the RSPO (Round Table on Sustainable Palm Oil production) and UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples), and different forms of customary law coexist. All these regulations form together a multifaceted web in which different actors are positioning themselves, depending on the shifting contexts in which they stand and the counterparts to whom they talk. All these laws deal predominantly with land, land rights and ownership, access to land, and land use. In this

paragraph, we will outline the dominant regulations which largely determine access to and use of land and, therefore, are the crucial drivers for the transformation of livelihood systems.

These different regulations with their corresponding implications are as follows.

4.1. The rules of demand and supply of the international market

The use of this area – economically important systems of production for the Indonesian state – is largely determined by the global processes of supply and demand. The Indonesian state has responded to this demand with a number of laws that enable private and state companies to supply the international market with the products needed. These laws deal with the control over one of the country's most important resources, land, and especially forests.

The most important legislation governing land rights after Indonesia's independence is the Basic Agrarian Law (BAL),^{ix} Law No. 5 of 1960 (Undang-Undang Pokok Agraria or UUPA). The New Order regime under President Suharto obviated the BAL in practice with the Basic Forestry Act of 1967, which classified 70% of Indonesia's land area as state forest land, and thus, not subject to the Agrarian Law.

4.2. Basic Agrarian Law 1960

Thirty percent of the country's land is subject to the Basic Agrarian Law (BAL) and falls under the authority of the National Land Agency (NLA; Badan Pertanahan Nasional, BPN). The NLA is responsible for determining the status of land, thus, allocating, registering and regulating all land classified as non-forest (APL – *Areal Penggunaan Lain* – area of other land use) according to the Basic Agrarian Law of 1960. The BAL defines the fundamental types of rights that may be held by private individuals and corporate enterprises. The BAL describes the role of the state and its control over land and land use; it also regulates private land rights and use. Article 5 of the BAL states that the Indonesia state recognizes customary or *adat* land laws as long as they do not conflict with national interests or other regulations set out in the BAL (Hillhorst & Porchet 2012). The validity of communal *adat* or *ulayat* rights needs to be proved before the state recognizes it, but the BAL does not contain criteria for validation. Thus, a denied *adat* land claim turns the contested plot into state land. Article 18 of the BAL also legitimates the dispossession of land in case of national or public interest and in exchange for suitable indemnification (Bakker & Moniaga 2010).

After the fall of the Suharto regime in 1998, the formerly centralized system became decentralized and land affairs were, among others, delegated to the responsibilities of the regional government (Law No. 22 of 1999). However, forest land remains centrally managed.

4.3. The Right of Cultivation (HGU, or Hak Guna Usaha)

which is a precondition for the implementation of plantations, is of particular importance. This right is granted by the NLA, which is an independent national institution not linked to any ministry but responsible only to the President. This right may be granted to any Indonesian citizen or legal body if the land (a minimum of 5 ha) has already been released (by means of a Government Act) from its status as forest area. Thus, plantations with a HGU do not fall under the category of "forest areas" (cf. "Tropical Lowland Rainforest Transformation Systems" are, consequently, not considered as "forest areas"). An HGU is granted for a period of 35 years and can be extended or renewed for a further period of 25 years. An HGU is

transferable and may be mortgaged (Peraturan Pemerintah Republik Indonesia Nomor 40 Tahun 1996 Tentang Hak Guna Usaha, Hak Guna Bangunan Dan Hak Pakai Atas Tanah).^x

4.4. The 2004 Plantation Law

(18/2004) specifies that a HGU can be revoked if the holder abandons the site for three years or fails to clear and/or develop a minimum area within a given period. In Article 9 of the Plantation Law of 2004, customary land rights are acknowledged, whereas other Articles (e.g. 27; 41) have often been used to criminalize small-scale farmers. Despite the revocation of these provisions by the Constitutional Court in 2011,^{xi} the criminalization of rights defenders has continued (Saptaningrum 2013:24).

4.5. Basic Forestry Act of 1967, revised 1999

According to this law, all land designated as state forest is state land and it is controlled by the central government (Ministry of Forestry) under the Forestry Law.^{xii} The state and its forestry institutions under Suharto became the single largest landlord (Galudra 2007; Hilhorst & Porchet 2012).

The state has the authority to divide forest areas into several land-use categories with different policy objectives, such as timber production and the conversion of the forest area into agricultural land, using the Basic Forestry Law (No. 5/1967) as a legal framework. Based on this declaration, the Minister of Forestry had the authority^{xiii} to grant logging concessions to private, foreign and domestic companies, resulting in the allocation of logging concessions all over Jambi (see Figure 1). Even though the state did not formally own all the “free” land, the notion of state-controlled land was interpreted during the Suharto period as an exclusive authority over any territories classified as forest area — including all aspects of human activities within it (McCarthy 2007:93). This regulation and its implementation affected local forest-dwelling communities like the Batin Sembilan: It deprived them of their land and they even lost access to the natural resources crucial for their livelihood. These policies since the 1970s set the basis for the economic development and land-use strategies in the Harapan area until today.^{xiv}

4.6. The regulations concerning conservation and restoration of the forest

that has been logged before, such as REKI (Restorasi Ekosistem Indonesia) and the Sultan Taha Forest Conservation reserve, are of a different kind and, to some extent, contradict the laws that allow or promote the large-scale production of cash crops (see above).

The regulations on forest conservation according to the Forest Law 41 of 1999 prohibit the access to or living in the conservation area, as well as the damaging or felling of trees (Article 5(1), (3)).

An Ecosystem Restoration Permit (IUPHHK Ecosystem Restoration Timber Forest Utilization Licences for Natural Forest in Production Forest or IUPHHK-RE Restorasi Ekosistem) in natural forests is a permit to develop the area into a natural forest ecosystem with all the functions (including production and utilization); the creation of a natural forest ecosystem should become a model for sustainable management of tropical lowland rainforest. This includes protection and maintenance activities, such as planting, enrichment, thinning, and wildlife breeding, as well as the introduction of flora and fauna in order to achieve a biological and ecosystem equilibrium. While restoration activities are underway, RE licence holders may commercialize non-timber forest products (NTFPs) and ecosystem services, such

as biodiversity protection, ecotourism, water resources, and carbon sequestration. The permit states that such enterprises must be financially and economically feasible and do not conflict with restoration objectives. Furthermore, there should be an equitable sharing of benefits through job creation and other economic development activities with local communities (Walsh et al. 2012:35).

4.7. The company-specific regulations of the individual concession holders.

All companies and their plantations follow their own rules of production which define the environmental, agricultural, infrastructural, social, and economic conditions for achieving profitability or a maximal yield (however, cf. the special conditions of the parastatal oil palm company PT PN VI). These concession-holding companies work according to their own regulations and goals. The individual oil palm concession holders, for example, develop and practice particular systems of production, such as *inti* (“core plantations” that are large-scale plantations with plantation workers) or *plasma* (with plantation plots managed by smallholders), with different rates of sharing the yield between company and smallholders. In the case of the Harapan region, this dual system is practiced by the parastatal oil palm plantation, PT PN VI that is intrinsically linked to the government transmigration scheme (see below). Such contracts between company and smallholders usually run between 20 and 25 years.

4.8. Apart from production regulations, some companies try to meet the exigencies of **international regulations on ethical standards and agreements of production** (e.g. RSPO).

4.9. The regulation of national transmigration schemes concerning the allocation of land to the settlers.

These regulations allocate 3 ha of land as private property (*hak milik*) to each household; 2 ha (as briefly mentioned) were destined for the cultivation of oil palms (integrated into *inti-plasma* systems of production) and 1 ha was designated for the growing of staple food (house gardens).^{xv}

4.10. Village regulations based on national law

but practiced according to local conditions and experiences. These village regulations define community land (*tanah desa*) and the way it may be used.

4.11. Community-based regulations according to customary law

(*hak ulayat* or *tanah adat*) are those of the different autochthonous communities, mainly Batin Sembilan and Jambi Melayu. These customary regulations have not been recognized by the state (but see the decision of the Constitutional Court in 2013 in the introduction).

Figure 2. Map indicating the area claimed as *tanah ulayat* by the Batin Sembilan (dark green). White and light green indicate the concession areas of PT Asiatic Persada and the Harapan Rainforest Project (REKI). Names of the villages researched by C03: Bungku, Marga Mulya, Markanding and Singkawang.



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5. Dividing up the Harapan land: contracts and claims

We outlined in the preceding paragraph the regulations that constitute the plural legal framework for land use. We now turn to the way in which these regulations have served the government as a basis for the distribution of the whole area to various actors, private and partly state companies, different types of communities, and other institutions.

Out of the 180,000 ha of land that constitutes the Harapan region, 134,733 ha or 74.85% are under concessions of different kinds, namely:

5.1. Oil palm plantations

- PT Asiatic Persada (Wilmar Group) –taken over by Prima Fortune International Ltd. and PT Agro Mandiri Semesta in May 2013 – holds an oil palm concession for 20,000 ha, that is nearly 10% of the Harapan region. The land is classified as HGU and is under the authority of the NLA. The concession licence, issued in 1986, will expire in December 2021. The company operates on the so-called *inti*-system, a plantation system with contracted labourers either on long-term contracts or on a daily basis (day labourers). The company runs a palm fruit processing mill inside the plantation area and provides housing for the contract workers.
- PT Perkebunan Nusantara VI (PT PN VI) is a parastatal plantation (including an oil mill) which was set up in the early-1980s as part of the national transmigration scheme. It operates on the PIR/NES (Perkebunan Inti Rakyat or Nucleus Enterprise System), i.e. an *inti-plasma* system (nucleus estate/smallholders; see above). The company holds 6,368 ha of *inti* oil palm

plantation as a nucleus which are worked by wage labourers. The company guarantees the smallholders a timely purchase of their harvest from the beginning and, therefore, contributes to the farmers' economic success. The 2 ha oil palm plots of each transmigrant household encompass, according to PT PNVI, 22,000 ha of *plasma* and are, therefore, an integral part of the PT PN VI.

5.2. Timber production

- PT WN (Wanakasita Nusantara, Barito Group, Indonesia) holds a concession of 4,113 ha for HTI/HP (*Hutan Tanaman Industri/Hutan Produksi Tetap* – industrial timber plantation/permanent forest, i.e. forest that may not be transformed). The concession was issued by the Forest Department in 1995 (we have no information about the duration of the contract).
- PT AAS (Agronusa Alam Sejahtera, Sinar Mas, Indonesia) holds a concession for 22,525 for HTI/HP (*Hutan Tanaman Industri/Hutan Produksi Tetap* – industrial timber plantation/permanent forest). The concession was issued by the Forest Department in 2009 (we have no information about the duration of the contract).

5.3. Reforestation and conservation

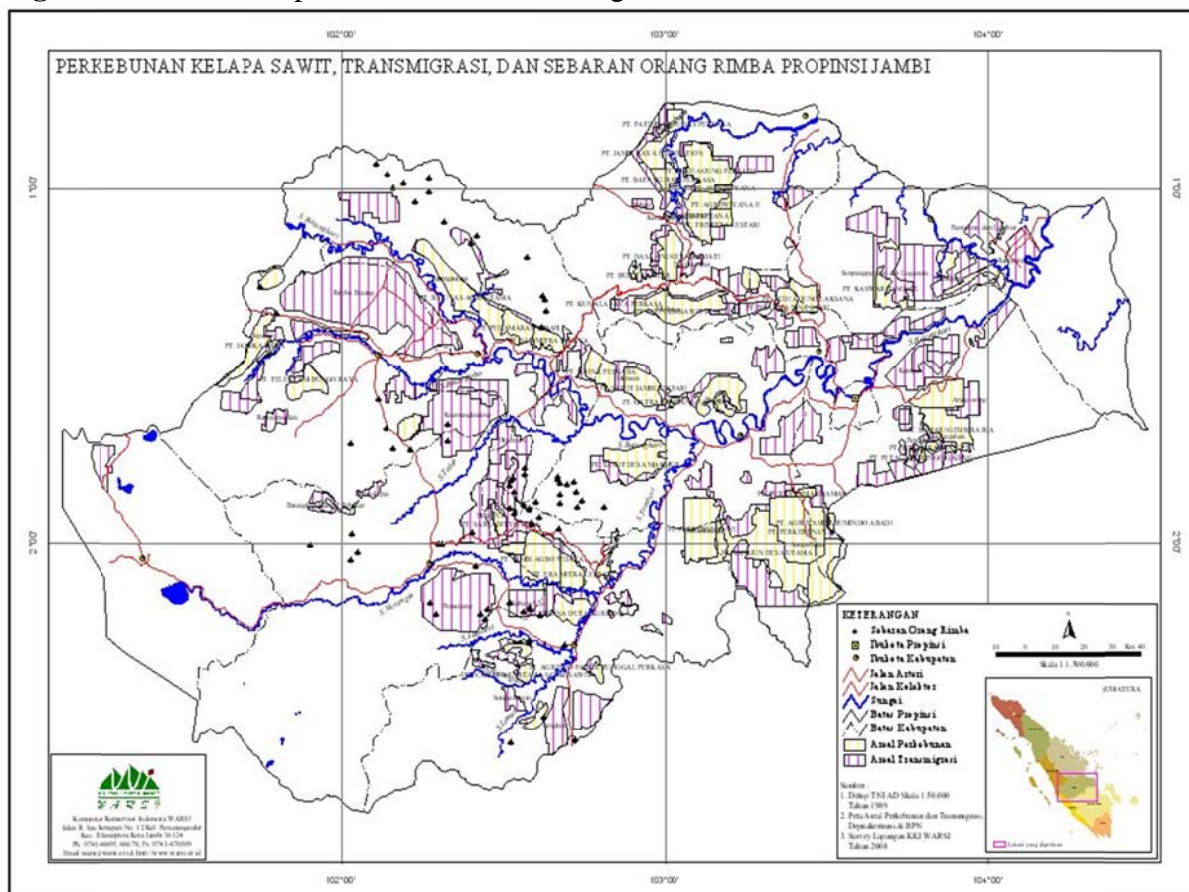
- PT REKI (Restorasi Ekosistem Indonesia) has held a 99-year reforestation concession IUPHHK (*Izin Usaha Pemanfaatan Hasil Hutan Kayu* – permit for timber extraction from natural forest) since 2007. The concession area consists of a total of 101,000 ha, from which 49,000 ha are located in the Harapan area (concession granted in 2010; see also Discussion Paper by Jonas Hein 2013). The project known as the “Harapan Rainforest Project” is under the authority of the Forest Department. The concession was acquired by a consortium of international and national NGOs (Burung Indonesia, Bird Life International, Royal Society for the Protection of Birds) and is funded by various donators worldwide, including the German national KfW (Kreditanstalt für Wiederaufbau) and Danida, Denmark. REKI is also intended to produce (in a passive way) for the international market, i.e. by responding to ecological demands by the reduction of the CO₂ emissions and, therefore, positively contribute to the impact of climate change through the REDD+ programme (see Discussion Paper by Jonas Hein 2013).
- The forest conservation area “Taman Hutan Raya (Tahura) Sultan Taha Syaifuddin-Senami” covers 15,830 ha. This reserve was established in 1999 and is under the authority of the Forest Department. Its goal is to protect ironwood trees (efforts that had already been undertaken by the Dutch colonial administration in 1933). The planting of rubber trees by local communities is tolerated in the buffer zone of the area.

5.4. Private land

(*hak milik*), combined with a parastatal oil palm plantation company, PT PN VI, working under the HGU regulation and the authority of NLA (see above), covers (in theory) roughly 22,000 ha. Over 60,000 poor and landless people, mainly originating from Java (though from different regions), or 14,000 households were settled in the area between 1983 and 2002.

Each household received 3 ha (see above). This land is the only land of which officially issued land titles of private ownership (*hak milik*) exist and which can be mortgaged and sold. As briefly mentioned, the privately owned oil palm plots (2 ha per household) are part of the production system of the parastatal oil palm plantation PT PN VI. The company provided the smallholders with the necessary equipment (by leasing the equipment, which caused a bond of indebtedness; see Pye 2013b:184) to start oil palm farming.^{xvi}

Figure 3. Areas of oil palm estates and transmigration settlements in Jambi.



Source: Warsi 2008.

5.5. Collective land-use rights

The NLA also allocates land to villages; this land is communal land (*tanah desa*, *tanah kas desa* TKD) and is administered by the village authorities. Communities can also apply to the Forest Department for village forest (*hutan desa*) or customary forest (*hutan adat*). The communities are granted the rights of use and usufruct (*hak pakai*), but the forest land does not become the property of the village. These rights are granted for 20 years.

The communal land cannot be sold or bought since it remains the property of the state. People who want to cultivate and manage parts of the village land must hold a residence permit (KTP Ketrangan Temapt Tinggal) issued by the village secretary. The land is granted to individuals or groups by the village head (*kepala desa*) or the *adat* leader (*kepala adat*). The village head can issue a SKTT (Surat Ketrangan Tanaman Tumbuh) which states that a certain area of land is being cultivated by the document holder. This document is neither a proof of ownership nor legally binding.

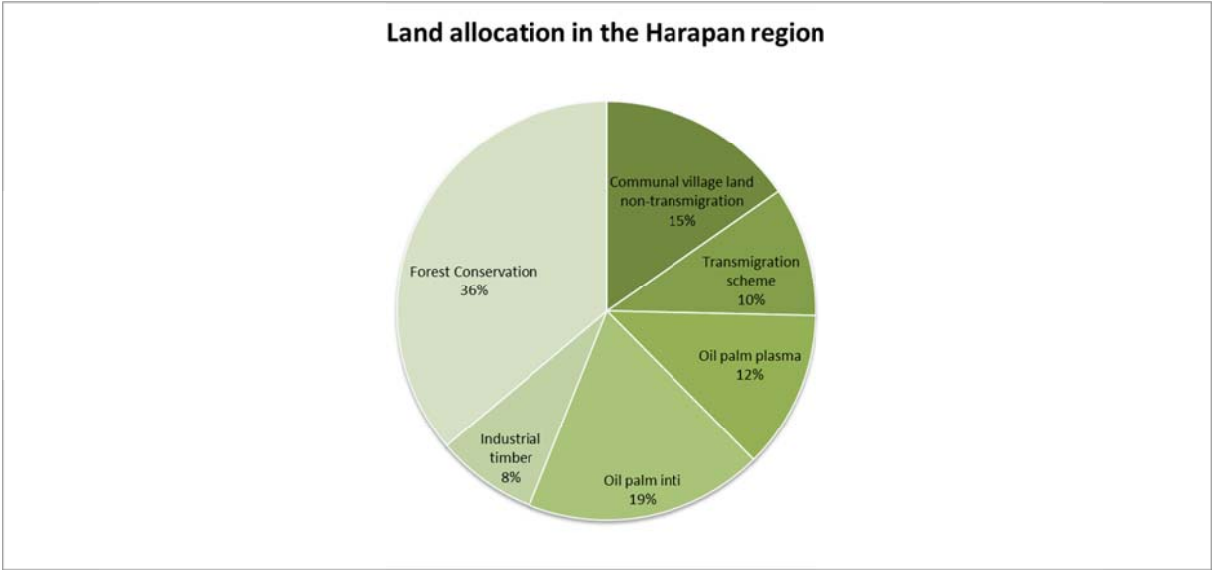
The size of village land differs in the Harapan region, as the data from the three villages of our investigation show. In Bungku, for example, only 500 ha of land are subject to taxation.^{xvii} No reliable data exist on the extent of officially allocated village communal land in the districts of Bajubang and Sungai Bahar, where a total of 32 villages are registered (see Appendix 1).

5.6. Land ownership not (yet) acknowledged by the state: customary land rights.

Another category of land rights and land claims are those usually subsumed under customary land rights (*ulayat* or *tanah adat*) of the autochthonous peoples (“indigenous peoples”). Customary forests that were, according to the Forestry Law of 1967 (outlined above), classified as state forest can only be officially recognized by the state when found to be still relevant for the people and not conflicting with national interests. As already mentioned, the land rights and claims of the Batin Sembilan and the Jambi Melayu have not been recognized by the state. As a consequence, their land was treated as no man’s land and appropriated by the state and then farmed out to different stakeholders.

However, nowadays, nearly all the land in the Harapan region is claimed to be *tanah adat* or *ulayat* (or, as the Batin Sembilan call it, *hak ulayat*) customary land of the Batin Sembilan and the Jambi Melayu communities. The villagers of Bungku, for example, claim 70,000 ha as village land. In sum, we can conclude that the all the claims of the villages with autochthonous or mixed communities surpass the total of 180,000 ha of the Harapan region. The Batin Sembilan and Jambi Melayu argue not only with oral histories, but also with documents established by the Dutch around 1900 in which the land was identified and mapped as the territories of autochthonous communities or ethnic groups. The borders of particular customary territories usually run along rivers. According to Batin Sembilan *adat*, forests and land in general were not private property but were owned by the community and cultivated by households or family groups. The land was regularly redistributed among the community’s members in a rotating system and under the supervision of the *adat* leader. Land rights were/are inherited bilaterally and divided between sons and daughters. Access to customary land is granted by customary authorities, including *adat* leaders (*kepala adat*).

Figure 4. Land allocation in the Harapan region in 2012.



Source: S. Steinebach 2013.

Table 1. Land allocation and related authorities, land categories and legal status in the Harapan region.

Land allocation	Area in ha	Authority	Land category	Legal status
Communal village land non-transmigration	27,635	NLA/MoF	State/private land	Mixed
Transmigration scheme	18,000	NLA	Private land	Private property
Oil palm plasma	22,000	NLA	Private land	Private property
Oil palm inti	33,252	NLA	Concession/lease	State land
Industrial timber	14,113	MoF	Concession/lease	State land
Forest Conservation	65,000	MoF	Concession/lease	State land
Total	180,000			

6. Cultural diversity, land use and access to land

The preceding paragraphs have shown how the Harapan region is covered by a web of regulations and the land has been allocated accordingly. Hence, the major part of the land has been distributed among a number of transnational concession holders – and at the expense of the local population. These people have increasingly voiced their claims accompanied by protests and occupations since the end of the centralistic Suharto regime.

In this paragraph, we now turn to our empirical data that focus on demographic and socio-political processes and problems that take place on the spot. We will show how the regulations and the concessions granted to companies and institutions, on the one hand, firmly structure the whole region. However, this grid of regulation and use is continuously undermined by individual actors due to lack of trust in the state and its authorities, and lack of law enforcement. We start with the cultural diversity and discuss the livelihood systems practiced.

Our survey in the three villages indicates (see Comparative Data, Appendix 1) that the ethnic or cultural diversity in the Harapan region is striking: There are probably only 6,000 members of Batin Sembilan and Jambi Melayu people living there. By contrast, there are at least 60,000 transmigrants from different parts of Java (and with different cultural backgrounds) living in the area. These population figures, however, represent only the official picture, not the reality. An estimated number of 40,000 of spontaneous migrants from Jambi province (Bangko and Kerinci), Palembang, south-east of Jambi, and northern Sumatra, people subsumed under *orang Medan*^{xviii} (among them, Batak), and Javanese (of different geographic and ethnic origin), who were often attracted by the reports the transmigrants had sent home, have settled in the Harapan region. However large the number of spontaneous migrants in fact is – spontaneous migration continues – this group represents the second largest population of the area.

In the village of Markanding (originally an autochthonous village), the Batin Sembilan (or Suku Anak Dalam) constitute only 20% of the inhabitants, while 60% come from other parts of Sumatra and 20% from Java. From the point of view of religion, 5% are Christians (mostly of Batak origin), while most inhabitants are Muslim (though of varying orthodoxy) in the other village (see Comparative Data, Appendix 1, and Additional Data, Appendix 2). In the transmigration village of Marga Mulya, as can be expected, the majority (85%) of the people originate from Java and 15% from north Sumatra; 10% are of Chinese descent. In Bungku,

which was originally a resettlement of Batin Sembilan, the Batin Sembilan (who also call themselves Suku Anak Dalam) constitute 10% of the villagers, while 70% come from other parts of Sumatra and 20% from Java (including Sundanese). All villages display an impressive population growth: From 60 households originally in 1940, Markanding counted 733 households (i.e. 12-fold more) in 2011. Bungku started with 50 households in 1973, and counted 2,864 in 2011; an almost 57-fold increase. These figures illustrate the high influx of migrants from another angle. Marga Mula started with 500 households in 1986; it had more than doubled (1,102) up to 2011. The relatively high influx of migrants – in the frame of transmigration schemes and unregulated immigration – turned the original inhabitants of the region into a minority.

Table 2. Village growth and share of Batin Sembilan among the population in Bungku village.

Year	Number of HHS	Number of dusun	Number of RT	Percentage of Batin Sembilan inhabiting Bungku
1973	60 ¹	1	1	100%
1999	370 ²	1	1	50%
2001	446 ³	2	2	43%
2002	No data	2	7	69% ⁴
2009	3,000	5	25	20%
2012	6,000 ⁵	5	33	10%

¹ Dinas Sosial, Tenaga Kerja & Transmigrasi Propinsi Jambi (2010:28)

² Saudagar (2002:29)

³ Saudagar (2002:29)

⁴ The increase of the percentage of Batin Sembilan is the result of further logging activities in the area. In the early-2000s, the area where the *dusun* Johor Baru I was planned to be set up was deforested and the Batin population resettled in the new neighbourhoods (RT) 3-7.

⁵ According to Pak Isak Roni BPD Bungku, the number of HHS in Bungku was about 12,000 in September 2012! According to Anonymus (2011:118), the number of HHS in Bungku was 2,846. Whereas this number seems too low (an average only 90 HHS per RT), the number of 12,000 HHS seems very high. Therefore, we chose the mean of 6,000 HHS, which seems to be close to conditions on the ground.

The aim of most migrants is to become engaged in rubber or oil palm businesses, preferably by cultivating their “own” piece of land, i.e. they want to become smallholders. A significant difference between the three villages exists with regard to the range of livelihood systems practiced. Shifting cultivation and hunting is practiced in two villages (see Comparative Data, Appendix 1, and Additional Data on Markanding and Bungku, Appendix 2) with a partly autochthonous community, though only to a limited extent (not least due to a lack of suitable land). In the cases we were able to investigate, these traditional forms of subsistence are practiced in areas designated as conservation areas (PT REKI and Tahura).

This livelihood system is not practiced in the transmigration settlement of Marga Mulya.

Our survey also shows that the majority of the inhabitants of a village are engaged in either oil palm or rubber cultivation. In Marga Mulya, the transmigration village where people received 2 ha plots with oil palms, half of the inhabitants, 2,019 people (probably most of the

adults), are smallholders; they are engaged in the *inti-plasma* plantation systems with 22,000 ha *plasma* and 6,300 ha *inti*. They work on the principle of share-cropping (*bagi hasil*), i.e. they receive a certain amount of the net yield from their oil palm plots.

The remainder of the inhabitants are divided as follows: 247 people identified themselves as traders; others have specialized in animal husbandry (especially cattle and chicken); 358 people earn their living as farm or plantation workers. In Bungku, similarly, about half of the population indicated that they are small-scale farmers (4,995) and independently cultivate 25,000 ha of oil palms (i.e. about 5 ha per capita^{xix}). Rubber is cultivated on 5,000 ha. The remainder of the inhabitants are divided as follows: 1,900 people work as farm labourers, and 250 people designate themselves as traders. The percentage of people who characterize themselves as farmers is much smaller in Markanding: only 744 people (out of 3,217), and only a few work as farm labourers (50) or traders (100). Nevertheless, these farmers cultivate a total of 12,000 ha of oil palm plots (i.e. about 16 ha per capita, but see below) and 5,000 ha of rubber. In both villages with Batin Sembilan inhabitants (or rather Suku Anak Dalam), Markanding and Bungku, villagers acknowledged that they have occupied land that had been granted as concession to oil palm companies. The high figures of oil palm plots managed by farmers in these two villages have, at least partly, to be explained in terms of land occupation and use (see Table 3.) The activists not only occupy some parts of the plantation, but also harvest and sell oil palm fruit for their own profit. These actions have to be understood as a result of the conflicting regulations concerning land rights and land use, and especially the fact that the original inhabitants of the area and their rights, which are basic human rights, have been ignored by the government for decades (for a detailed analysis of the occupation of PT Asiatic Persada in the Harapan area, see Steinebach 2013). Moreover, these illegal actions are a manifestation of the scarcity of land as a resource. There is, as our figures have shown, no longer any “free” land available.

A comparative look at the three villages, the livelihood systems practiced and the infrastructure of the village (power and water supply, schools, markets, and roads) reveal that the government-promoted transmigrant settlement of Marga Mulya is socio-economically definitely better off than the other two. The economic and social security is higher because people own land. The level of conflict also seems to be much lower than in the other two villages (see Appendix 1 and 2).

The availability of certified land is limited and legal land titles are difficult to get. If people cannot manage to buy certified land – which is, as we have pointed out, according to the regulations in force, only the land originally allocated to the transmigrants – they turn to other options for getting access to land.

Purchasing community land as private property is officially not possible and regarded as illegal by state law; it also contradicts customary law. Nevertheless, the selling and buying of parts of communal land is practiced. Even land that is allocated and used as concession land by private or parastatal companies is sometimes sold and bought. As this applies to many parts of the Harapan area, cultivating illegally acquired land (whether as assumed property or rented) always entails the risk of being evicted from the land by the concession holders – or state authorities are called upon.

Many migrants try to acquire land and use it for cultivation in one way or the other. The migrants’ decision to get access to communal land depends highly on their financial situation, their social networks and, over all, their willingness to take the risk of acting in an illegal way. One possibility is to settle in a (preferably “autochthonous”) village and receive a residence permit (KTP) that allows access to communal land. Access to village or customary land is then granted by local authorities in exchange for the payment of compensation (*ganti rugi*), but always with the consent of the head of the village. Agricultural activities on communal

land also make the migrants morally and financially dependent on the local authorities. This creates patron-client relationships in which the decisions about land use and the sale of the crops cannot always be autonomously made by the immigrant farmers.

Wealthier people (not necessarily migrants) also purchase land from local authorities but do not cultivate the land themselves. They usually live in other areas of Jambi or Sumatra and leave the farming of the land to migrants who cannot afford to pay compensation or are not backed by reliable network connections. The work of farm labourers (*buruh tani* or *kuli*) in the service of other people includes the opening of forested land (*buka tanah*), preparing and planting the land, as well as rubber tapping or harvesting of oil palms.

The following example illustrates the way in which spontaneous migrants from Kerinci set foot in the Harapan area and how they are followed by an influx of further family members and families:

People from Kerinci came to the Harpan area in search of farmland and started to settle in a village bordering the Tahura Forest Conservation Area shortly after 2006/2007. By now, more than 100 families from different villages in the Kerinci district live inside the nearby Tahura forest where they cultivate oil palms. The migrants had received permission to open farmland inside the Tahura from the current (2012) village head, whose father-in-law had been the previous village head. This former village head had already accredited the official status of a neighbourhood (RT) to the immigrants' settlement. He, therefore, legalized the settlers' presence (at least from the village's administrative perspective) but made them dependent on him. As traders from outside this village are forbidden to use the roads in the Tahura built on behalf of the village head, the farmers are more or less forced to sell the harvest to the village head – and below the market price.

The successful agricultural activities within the Tahura also attract relatives of the settlers, as the case of Pak Elias and his brother shows:

Pak Elias (pseudonym) nowadays owns 16 ha of land inside the Tahura. When he initially came to the village, he approached the village head to get access to land. He paid 300,000 IDR for 1 ha of land inside the Tahura Conservation Area. Pak Elias was informed that this money would be handed to the village cashier and was for the benefit of the whole village.^{xx} With this transaction, he was told, he became the rightful owner of the land that can now be inherited and sold by him. Pak Elias sent word to his brother and his family who did not own land in Kerinci; he invited them to come and stay with him. The family came and started to work for him. Their work included the planting of oil palm seedlings, tending the young palms, applying fertiliser and herbicides, as well as harvesting the oil palm fruit. For this work, the family receives free board and lodging as well as a share of the profit generated by the oil palms. Furthermore, Pak Elias will later share the land with his brother according to the share system *bagi tiga* (2/3 to 1/3). This means that Elias' brother will receive 1/3 of the 16 ha he had planted for his brother once the oil palms are harvestable. He will then be the “rightful” owner of the 5.3 ha and can manage the land on his own.

This example of the continuous influx of settlers and the way in which local authorities grant land to them even in areas designated as conservation areas demonstrates how local authorities can easily (mis-)use their position: They ignore state regulations for their own profit and create new relationships of dependency (patron and client relationships). We estimate that about 43% of the land use in the Harapan falls under the “illegal” heading

according to state law (see Table 3). The (illegally) produced oil palm fruit, nevertheless, enter the international market, since none of the oil mill owners ever ask where the fruit were produced. Thus, these settlers' (and others') cultivation in areas destined for other uses has influence from the local level up to the national and even international level through the sale of their cash crops.

Table 3. Land allocation and occupation in the Harapan area.

Activity	Company name	Year of concession granting	Remark	Concession size (ha)	Located in the Harapan research area (ha)	Farmer activities (ha)
Oil palm	PT PN VI ¹	1983	plasma	22,000	22,000	
		1983	inti	10,910	6,368	
	PT Asiatic Persada	1986	inti	20,000	20,000	17,500 ²
	PT Jamer Tulen	2000	expired	3,871	3,871	3,871 ³
	PT Maju Perkasa Sawit	Unclear ⁴	expired	3,381	3,381	3,381 ⁵
Total oil palm				60,162	55,620	24,752
Industrial timber (HTI)	PT Anugrah Alam Sejaterah	2009		22,500	10,000	5,094 ⁶
	PT Wanakasita Nusantara	1995		9,030	4,113	1,645 ⁷
Total HTI				31,530	14,113	6,739
Ecosystem restoration	PT Restorasi Ekosistem Indonesia	2007/2010		101,355	49,170	16,669 ⁸
Forest conservation	Taman Hutan Raya Sultan Taha Syaifuddin Senami	1999		15,830	15,830	10,290 ⁹
Total conservation				117,185	65,000	26,959
Total all				208,877	134,733	58,450

¹ PTP Nusantara VI (2011:16).

² Yayasan Setara (2012:13).

³ Yayasan Setara (2012:9).

⁴ The company applied for a location permit in 1991 which was not granted by the Bupati.

⁵ Yayasan Setara (2012:9).

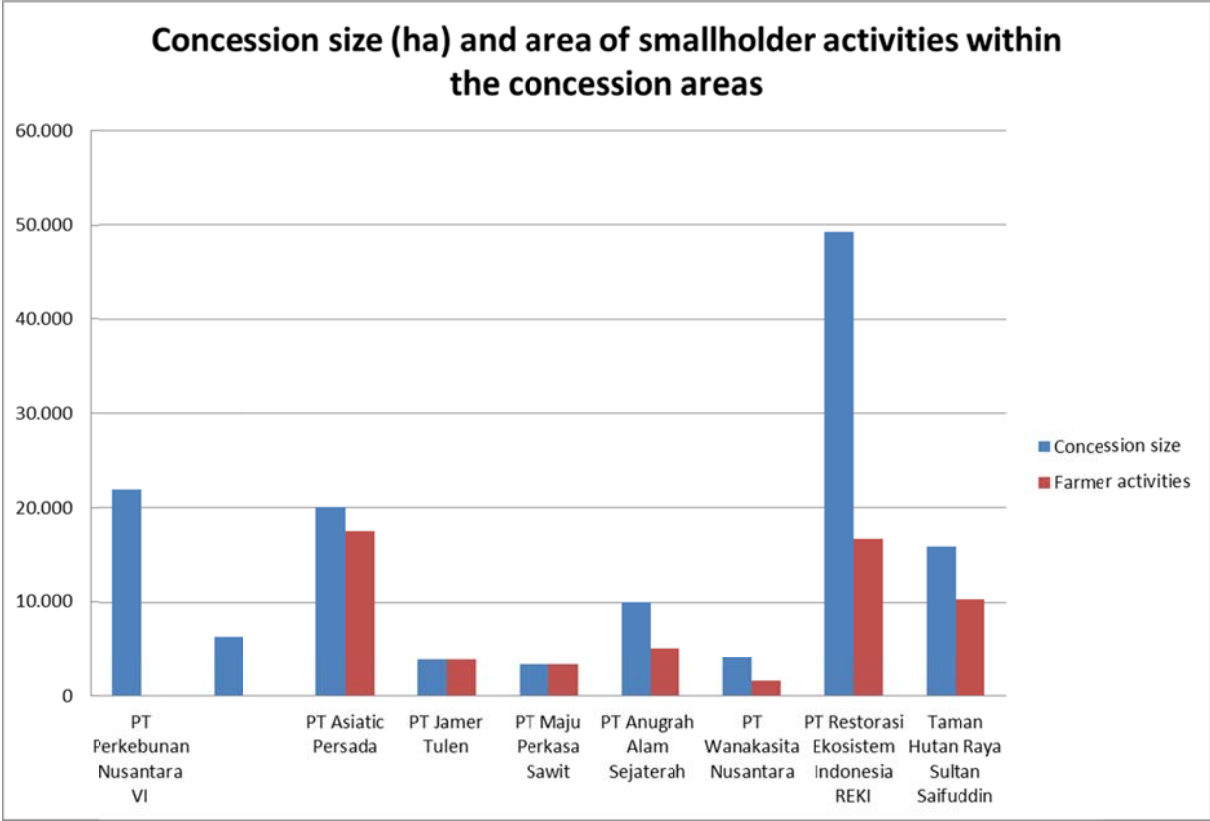
⁶ Bisnis April 2, 2013.

⁷ Pemerintah Kabupaten Batang Hari (2010:10).

⁸ Burung Indonesia August 28, 2013.

⁹ Antaranews Jambi February 23, 2013.

Figure 5. Concession areas and share of farmers' activities within the concession areas.



7. Conclusion

We suggested at the beginning of this paper that the international market and its demand, the regulations concerning the Harapan region, and the allocation and distribution of its land decisively determine the livelihood systems practiced by the inhabitants there. The regulations that govern the land use, the actual distribution of the land and the agribusiness that dominates the region constitute a kind of grid that leaves only limited room for the deployment of livelihood systems that are independent of this globally interlinked system. Almost no space is left for traditional forms of land use as formerly practiced by sections of the autochthonous inhabitants, such as shifting cultivation; it is nowadays only practiced in the REKI area. Rubber is, as far as we could make out, only produced under conditions of relative land tenure security, which is lacking, especially for the spontaneous migrants, in many parts of the Harapan area. As already mentioned, we estimate that 43% of the Harapan region is, from the point of view of state law, illegally used.

In sum, the interaction of global needs and demands with their local implementation in the form of large-scale rubber, oil palm and timber production has generated a modernization push which has reached and is rapidly transforming all communities regardless of their cultural background, though in differing ways. Thus, the Harapan area can be characterized not only as a region where the formerly extensively managed lowland rainforests are transformed into an agro-industrial production zone, but also as a region where far-reaching economic and socio-cultural transformations of all the communities take place. As a consequence, new fault lines of social and cultural differentiation arise.

The farming out of almost the whole province to concession holders (firstly, logging concessions, succeeded by production concessions) and the introduction of large-scale plantations and transmigration projects also divided the inhabitants of the area into classes of landowners and landless people. Some, like the transmigrants, possess land and land titles which open up a wide range of economic opportunities (semi-independent or independent farming, getting bank loans for starting all kinds of business, etc.). On the other hand, wage workers or people using land without certificates and even the autochthonous communities lead a precarious livelihood.

Access to land, to become the owner of a certified plot of land and to cultivate the land, preferably with cash crops, therefore, is a fundamental hope and goal of the landless. Here, the autochthonous communities, though by now only a numerical minority, are in a more favoured position – at least with regard to the future when their claims and rights will hopefully become acknowledged – than spontaneous migrants. As our investigations showed, the same plots of land are sometimes sold to different people – but each transaction takes place without any valid document or official land title according to state law. Thus, as we have demonstrated, the grid of regulations and the allocation of concessions that cover most of the Harapan region are contested by local authorities who make use of the land as they will and for their own profit. These self-determined actions, however, are only possible due to the continuous influx of migrants attracted by the possibility of participating in the oil palm economy. This situation puts pressure on the scarce resource of “free” land and creates a land market where land is sold and bought to generate profits within a short period of time.

To summarize, we identified four major challenges that characterize the Harapan area (and beyond). All of them are mirrored in the data we collected in the three villages we investigated (see above and Appendix). Firstly, the land rights of the autochthonous people (Batin Sembilan, or Suku Anak Dalam, and Jambi Melayu), Indonesian citizens who had already been living there before the colonial power and later the Indonesian state became the ruling authority, have been grossly ignored since their customary land became sold to companies by the state (however, see Introduction and the changed legal situation since May 2013). The second problem is the still continuing influx of migrants who aim at participating as farmers in the cultivation of the “booming” cash crops, mainly oil palm fruit; they often compete with autochthonous communities in the struggle for land. The third problem consists of an absence of trust in the state and the reliability of its regulations. The fourth problem consists of a lack of enforcement of the existing laws as individual cases have shown; this mainly concerns the land designated as conservation areas since the authorities on different levels perform what is usually called “the tragedy of the commons”, i.e. their actions are often guided by personal interests and goals. This “tragedy” also implies that the efforts to protect or generate sustainable tropical lowland rainforest ecosystems or to contribute to climate protection are continuously counteracted at different levels.

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Notes

ⁱ The data have been collected by Stefanie Steinebach and five assistants (Ningsih Susanti, Eko Setiano, Andi Sulfiani, Fadilla Mutiawara, and Dany Hadiana) in the villages of Markanding, Marga Mulya and Bungku in 2012. We are grateful to Dr. Rosyani, our colleague and counterpart in Jambi, with whom we discussed many issues raised in this paper and who supported us in every respect. However, we are solely responsible for the preliminary conclusions we draw in this paper.

ⁱⁱ Bajubang encompasses 120,351 ha and Sungai Bahar, 61,850 ha.

ⁱⁱⁱ REKI received a concession for an area in the province of South Sumatra already in 2007.

^{iv} Indonesia, as the biggest palm oil producer of the world, with 9.4 million ha of oil palm plantation and a total produce of 21 million tons of crude palm oil (CPO) by 2010, expects to reach a production capacity of 40 million tonnes by 2010 (Jiwan 2013:56).

^v "Suku Anak Dalam" is a term originally introduced by the Dutch and used by the local government to classify ethnic groups according to certain cultural characteristics. "Suku Anak Dalam" is, therefore, a superordinate social and political category which encompasses different ethnic/cultural groups (Saudagar 2002). The name "Suku Anak Dalam" has been chosen by some Batin Sembilan groups and has to be understood in the context of positioning themselves and their land claims vis-à-vis the state and transnational companies. We refer to these groups as "Batin Sembilan" to avoid a political connotation.

^{vi} The Dutch imported the oil palm (*Elais guineensis*) from West Africa to Indonesia in 1911. The first specimens were planted in the Botanical Garden in Bogor. Commercial plantation development started in 1911 (Jiwan 2013:51).

^{vii} These smallholder systems also served the resettlement schemes of the colonial power and order to keep the inhabitants under control.

^{viii} For a reassessment of van Vollenhoven, see Benda-Beckmann and Benda-Beckmann 2011.

^{ix} Undang-Undang Pokok Agraria or UUPA.

^x The process of acquiring an HGU involves various institutions at regency, provincial and national level. After acquiring a location permission at regency level, an application for HGU is submitted to the Head of the Land Office at the provincial level (Badan Pertanahan Nasional-Propinsi).

^{xi} On September 19, 2011, the Indonesian Constitutional Court ruled that Articles 21 and 47 of the 2004 Plantation Law (Law Act No. 18) contravene the Indonesian constitution. In the past, Articles 21 and 47 of the Plantation Law were constantly quoted by plantation owners, the police and courts when dealing with farmers in order to criminalize their protests against further expansion of monoculture plantations. Both articles declare *per se* that any entering and occupying of plantations is illegal, and might result in imprisonment for up to five years and a fine of 5 billion Rupiahs.

^{xii} Legally designated "forest areas" may not necessarily have forest cover (Indrarto 2012).

^{xiii} Article 14 of the 1967 BFL, and Government Regulation No. 21/1970.

^{xiv} The Forestry Law was revised in 1999 but it still decrees that all forest, and the natural richness within it, is under the control of the state (article 4), and instructs the central government to regulate its management and exploitation. The law then (article 5) discerns between state forest, where no private rights can be established, and private forests, where this is possible. Customary forest, *tanah adat* or *ulayat* as claimed by the Batin Sembilan, fall under state forest and can only be recognized when found to still be relevant and not conflict with national interests. Again, the vague definition of "national interests" leaves the power of the state virtually uncontested and beyond control (Bakker and Moniga 2010; Rachman 2011).

^{xv} Our research showed that house gardens are relevant for food security especially during the first couple of years when income is very low. Over time, these house gardens are often abandoned and the land planted with cash crops.

^{xvi} No reliable data exist concerning the amount of hectares of land which are really privately owned in the context of transmigration schemes in the Harapan region. Here, the figures display some inconsistencies. The total amount of plasma is rendered at 22,000 ha; however, if each of the 14,000 households has indeed received 2 ha, this would exceed the amount given.

^{xvii} However, according to official statistics, the area claimed by inhabitants of Bungku ranges between 40,000 and 77,000 ha (see Comparative Data, Appendix 1, and below).

^{xviii} Medan is the capital of North Sumatra.

^{xix} Note that the state allocates 2 ha of oil palm plots to transmigrant households. This amount is considered sufficient for living. The distribution of land among the villagers is uneven and the accumulation of land, the buying up of land by economically successful individuals, results in social and economic stratification.

^{xx} We were unable to verify this.

Appendix

Appendix 1. Land use, land-use distribution and demographic information on the regencies (*kabupaten*) and districts (*kecamatan*) of the Harapan landscape.

Number of transmigrants placed in the regencies of Batang Hari and Muaro Jambi

	Batang Hari	Muaro Jambi
Number of transmigrants placed between 1983 and 2002	5,272 HHS 22,372 people	14,196 HHS 60,767 people
Population density/km ² 2010	38	39

Source: Jambi Dalam Angka 2002, 2011.

Land use and demographic development in the districts of Bajubang and Sungai Bahar

	Bajubang	Sungai Bahar
District Area (ha)	120,351	61,850
Area of forest (ha)	58,147	
Area of rubber (ha)	22,555	529
Area of oil palms (ha)	16,807	7,861
Area of rice (ha)	661	193
Number of villages	8	24
Population (no. of people)		
Population in 1990	22,214	20,400
Population in 2000	25,861	41,345
Population in 2010	35,249	51,170
Population density/km ²	29	83

Source: Kecamatan Dalam Angka 2011.

Appendix 2.

Comparative data on three villages (*desa*) in the Harapan area¹

		Markanding	Marga Mulya	Bungku
1	Kabupaten (Regency)	Muaro Jambi	Muaro Jambi	Batang Hari
2	Kecamatan (District)	Sungai Bahar Utara	Sungai Bahar	Bajubang
3	Dusun	3	4	5
4	RT	17	12	33
5	Village status	Mixed autochthonous and transmigration settlement	Transmigration settlement	Resettlement village
6^A	Year of village founding	1940	1986	1973
7	Number of households (HHS) in the year of founding	60	500	50
8	Implementation of governmental transmigration scheme	1984	1986	none
9	HHS in 2011	733	1,103	2,864
10	Inhabitants in 2011	3,217	4,214	9,722
11	Education			
	Primary School	402	805	3,500
	Middle school	30	626	3,600
	Technical school	100	1,159	140
	Bachelor	10	123	20
	Master	10	?	115
	PhD		?	2
12	Male	2,100	2,250	5,437
	Female	1,117	1,964	4,433
13^A	Admin. structure	See Appendix	See Appendix	See Appendix
14	Housing conditions			
	Permanent (brick)	500	958	105
	Semi-permanent (wood)	70	75	2,579
	Not permanent (tents)	100		180
15	Adjacent villages	Ladang Peris Pinang Tinggi Berkah Bahar Mulia	Berkah Mekar Sari Makmur Paca Mulya Suka Makmur	Pompa Air Markanding Durian Luncuk Singkawang

16	Livelihood systems			
	Smallholder farmers ²	744	2,019	4,995
	Smallh. farm workers		228	1,900
	Plantation workers	50	130	?
	Palm oil factory workers	none	none	none
	Shifting cultivation	Yes	No	Yes
	Hunting	Yes	No	Yes
	Animal husbandry		Yes	
	Traders	100	247	250
	Use of occupied land	Yes	No	Yes
Selling of illegally harvested oil palm fruit	Yes	No	Yes	
17^A	Communal land	3,810 ha	1,814 ha	500 ha /77,000 ha ³
18	Housing area	?	140 ha	500 ha
19	Other (sports field, etc.)	?	5.85 ha	5 ha
20	Smallholder oil palms (independent)	12,000 ha	1,667.15 ha	25,000 ha ⁴
21	Smallholder rubber	5,000 ha	3 ha	3,000 ha
22	Smallholder jungle rubber	?		2,000 ha
23	Oil palm plantations PT. PN VI			
	Inti Plasma	3,883 ha	2,025 ha 22,000 ⁵ ha	
23	PT. Asiatic Persada			
	Inti	7,150 ha		27,000 ha
24	Acacia plantations			8,000 ha
25	Conservation areas			
	PT REKI Tahura	347		3,000 ha 15,000 ha
26	Livestock			
	Cows		287	
	Goats		73	55
	Chickens		64,702	1,500
26	Ducks		269	200
27^A	Multicultural composition			
	Batin Sembilan	20%	5%	20%
	Medan/Batak	40%	85%	10%
	Jawa	20%		40%
	Palembang	20%		5%
	Melayu Jambi			15%
	Chinese		10%	
	Minangkabau			
	Sundanese			5%
Others			5%	
28	Religion			
	Muslim	80%	96%	92%
	Christian	15%	4%	8%
	“Animistic”	5%		
28	Other	none	none	none

29	Religious facilities			
	Mosque	4	2	8
	Musholla	5	21	9
	Christian church	4	1	3
30	Education facilities			
	Kindergarten	1	2	2
	Primary school	1	2	8
	Middle school		1	2
	High school	none	none	none
31	Health-care facilities			
	Puskesmas	1		
	Posyandu	2	4	4
	Polyclinic		1	
32	Water supply			
	Well	800	1,103 HHS (100%)	1,500 HHS (52%)
	River			1,300 HHS
	Water pipe	none	none	none
33	Electricity	Power supply system	Power supply system	Diesel generators
34	Bank	1	1	
35	Market places	Weekly market	Permanent market in the neighbouring village of Suka Makmur (1 km)	Weekly market
36	Industry	Oil palm processing factory at Bunut	Oil palm processing factory at Pinang Tinggi	
37^A	Conflicts			
	Intra village	Yes	Potential	Yes
	Inter village	Unknown	Unknown	Unknown
	Village – companies	Yes	No	Yes
38^A	Conflict resolution			
	Intra village	Adat	State law	Adat
	Inter village	Adat		Adat
	Village – companies	Mediation		Mediation National law

¹ These comparative data are a compilation of village statistics, official reports and interviews with village secretaries carried out by Steinebach and her field assistants Eko Setianto, Ningsih Susianto and Dany Handayani.

² This category would need further differentiation according to the status of the smallholders (whether *plasma* or independent).

³ According to Anonymus 2011: 114. The figures on communal land given by different authors are inconsistent: They range between 40,700 and 80,000 ha. The villagers of Bungku only pay tax for 500 ha of land that is officially referred to as village land.

⁴ Estimation by Steinebach during a survey in 2012.

⁵ This is the total size of land allocated to smallholders within the *plasma* system by PTPN VI. Therefore, this figure does not only refer to Marga Mulya, but also to other neighbouring villages like Markanding.

Appendix 2

Chronology of events related to land issues in the history of Bungku

Year	Event
Since 1932	Oil drilling by the Dutch, and by the Indonesian state after Independence.
1970	PT ASA commercial logging of ironwood trees in the area. Commercial logging by PT Tanjung Johor in the area that is now <i>dusun</i> II (Johor Baru).
1972/73	Batin Sembilan were offered resettlement by the Social Department.
1982	Bungku became an administrative village (<i>desa</i>).
1985	PT BDU was given a 40,000 ha concession by the government.
1985	PT Asia Log started logging in the area; this has been PT REKI since 2010.
1986	PT BDU (PT Asiatic Persada) received a concession to establish 20,000 ha of oil palm plantation without plasma.
1987	A Forest Department inventory showed that more than 2,000 Batin Sembilan families who practised shifting cultivation on around 4,000 ha were living within the concession area granted to PT BDU. ¹
1992	PT BDU secured a Forest Release Permit for 27,600 ha from the Forest Department. PT BDU changed its name and became PT Asiatic Persada (PT AP).
1999	15,000 ha of the remaining forest, claimed by the inhabitants of Bungku, was designated as a nature conservation area (Tahura) by the Forest Department.
1999	The <i>kabupaten</i> Batang Hari was divided into the two <i>kabupaten</i> – Batang Hari and Muaro Jambi; boundaries between these two <i>kabupaten</i> are still unclear. This leads to conflicts over land because of unclear land status and political authority.
2002	PT AP subsidiaries (PT Jamar Tulen, PT MPS) received permission to plant around 7,500 ha with oil palms from the Regency of Muaro Jambi.
2002	Three mini primary schools built by PT Asialog in 2000 were not operating. Around 97% of the Batin in RT 5-7 were illiterate.
2005/6	A social housing area for Batin Sembilan was built by the Social Department in Johor Baru (<i>dusun</i> II).
2005	Villagers started occupying parts of the PT AP oil palm plantation, including PT Jamar Tulen and PT MPS. The Regency of Batang Hari did not renew the PT Jamar Tulen and PT MPS concessions.
2006	PT AP was sold to the Wilmar Group (previously the Asiatic Rim and Cargill groups). PT AP encroached the village forest of Bungku and illegally planted 525 ha with oil palms.
2010	PT Reki received a reforestation concession (Harapan Rainforest).
2012	Ongoing conflicts with PT Asiatic, PT AAS (acacia plantation) and PT WKS (acacia plantation). I did not hear about this information as there is no PT WKS land around PT Asiatic Persada.

¹ Colchester, M., Anderson, P. and Asep Yunan Firdaus (2011:11).

Chronology of events related to land issues in the history of Markanding

Year	Event
1940	Founding of the original village (<i>dusun</i>) of Markanding by the Batin Sembilan.
1970	Logging concessions for the area were granted to four companies: PT Tanjung Johor, PT Tanjung Asa, PT Asia Log, and PT Tanjung Jati.
1978 – 1981	Road construction and preparation for the establishment of an oil palm plantation.
1980 – 1983	PTP Nusantara (PTPN IV Gunung Pamela) received a concession for 50,000 ha of land in the village areas of Markanding and Tanjung Lebar. PTPN IV cleared land and started to plant oil palms in the transmigration area of Sungai Bahar.
1984	PTP Nusantara started to plant oil palms on the land claimed by the inhabitants of Markanding.
1984 – 1985	Javanese transmigrants arrived in Sungai Bahar.
1985	The original Batin Sembilan inhabitants of Markanding were resettled by the government. The programme was called TRANSOS.
1985	Markanding became an administrative <i>desa</i> .
1990 – 1991	The road was asphalted by the government.
1990	Opening of the first local market place.
1993	Establishment of traditional weekly markets in different neighbourhoods.
1993	Building of oil palm fruit processing factory by (PKS) Bunut PTPN IV/VI. Capacity 30,000 tons/hour. ¹ Total need of manpower for factory and plantation work around 8,000 people.
1995	Processing factory at Bunut starts to operate.
2003	Building of the health-care facility (Puskesmas).
2004 – 2005	Power supply (electricity) (PLN) reaches Markanding.
2008	PKS Bunut consolidates with the PKS Sungai Bahar Group, and PKS Bunut becomes part of the Sungai Bahar Group II (PSB II).
2008	A branch of the BRI bank opens in Markanding.
2008	Markanding is divided into Markanding and Sungai Dayo

¹ The capacity of oil palm processing factories varies between 30,000 and 120,000 tons per year.

Chronology of events related to land issues in the history of Marga Mulya

Year	Event
Before 1980	Batin Sembilan groups used the area for shifting cultivation. These groups were made sedentary and resettled in Markanding, Bungku, Nyogan, and Rantau Harapan.
1980	Logging concessions for the area were given to three national companies, PT BDU, PT Tanjung Johor and PT Tanjung Asa.
1981	The government established an oil palm plantation in Pinang Tinggi with an <i>inti-plasma</i> scheme. The area of Marga Mulya (Unit 2) still belonged administratively to Markanding.
1982 – 1983	PTPN VI established an oil palm plantation.
1986 – 1987	Opening of Unit 2 (Marga Mulya). Javanese transmigrants arrived and were located according to their origins in Java (Central, East Java, Yogyakarta). The migrants were given land certificates for 2-3 ha for each family.
1987	Oil palm fruit processing factory (PKS) was built in Pinang Tinggi. Capacity 60,000 tons/hour. ¹ Total need of manpower for factory and plantation work was around 8,000 people. ²
1988	Bank loans were granted to transmigrants by circulating bank representatives. Through these loans, they should be able to participate in the companies' plasma schemes.
1991 – 1992	Most of the Javanese transmigrants had already paid back their loans – this meant that the land certificate was no longer used as a deposit for the bank. Land could now be sold easily.
1997 – 1998	Oil palms reached their most productive age after almost 20 years. People started to plant oil palms around their houses and on land destined for other use.
2009	A new complex of houses was built (<i>jalur 3</i>) according to the inhabitants' geographic origin (Javanese, Batak, Melayu Jambi, Yogyakarta).

¹ The capacity of oil palm processing factories varies between 30,000 and 120,000 tons per year.

² These people were either provided with settlements inside the plantation area or were members of the transmigration scheme and lived in the corresponding part of the village.