

# **Land Administration as a tool in Good Governed Urbanization**

Rahmi Yudianti  
May, 2010

# Land Administration as a tool in Good Governed Urbanization

by

Rahmi Yudianti

Thesis submitted to the International Institute for Geo-information Science and Earth Observation in partial fulfilment of the requirements for the degree of Master of Science in Geo-information Science and Earth Observation, Specialisation: Land Administration

Thesis Assessment Board

Thesis Assessment Board:

Chair: Prof. Ir. P. van der Molen

Supervisor: Ir. M.C. Bronsveld

Member: Prof. Dr. J.A. Zevenbergen

Member: Ir. W.T. de Vries



**INTERNATIONAL INSTITUTE FOR GEO-INFORMATION SCIENCE AND EARTH OBSERVATION  
ENSCHEDÉ, THE NETHERLANDS**

### **Disclaimer**

**This document describes work undertaken as part of a programme of study at the International Institute for Geo-information Science and Earth Observation. All views and opinions expressed therein remain the sole responsibility of the author, and do not necessarily represent those of the institute.**

# Abstract

---

Urbanization is the process of city growth and development. Due to urbanization, the percentage of people living or working in urban places increases compared to the percentage living in rural places. Urban areas offer immense opportunities everywhere. They are important engines of economic growth, they provide significant economies of scale in the provision of jobs, housing and services and they are important centres of productivity and social development. Cities in most countries are also nodes for political activity. Good governance is an enabling tool, which ensures that cities carry out their functions with maximum effectiveness (Taylor 2000).

Good governance encompasses a broad agenda that includes effective government policies and administration, respect for the rule of law, protection of human rights and an effective civil society. In the broad definition of good governance sustainable development, especially in relation the utilization of natural resources and environmental management, is also part of it. Currently the issue of good governance is widely regarded as one of the key ingredients for poverty reduction and sustainable development. It can be achieved in an enabling economic environment responsive to the basic needs of the people. It requires sound economic management and the sustainable use of resources as well as the promotion of economic and social rights. One of the commonly employed methods for the protection of these rights is through an effective Land Administration system.

Land administration can be one of the tools to be implemented using good governance practices in urbanizing areas. The reason of applying land administration in urbanization is to ensure that all interest on land (space) of public, private and civil society can be balanced and harmonized. Conflicts of interest will be ruled out and controlled. Therefore all parties will get fairer treatment. Ensuring that master, land use, detailed and any other spatial base planning is well and consistently implemented. Making sure that land tenure (rights) are protected, land is fairly valued in a transparent and accountable manner to ensure that land for investment and development can be appropriated or acquired.

Urbanization consequences, both positive and negative, are also faced in Indonesia. Urbanization has promoted better life condition for Indonesian citizens have been benefiting by urbanization. Indonesia's economic growth cannot be separated from the urbanization process. However, negative impacts have been massively deteriorating the urbanization achievement. Regarding the relation of land administration and good governance during urbanization process it is found from the case study that at sustainability, transparency and accountability, and security principles land administration play a centre role. Effective Land administration functions; land tenure, land use and land valuation as has been experienced in developed countries like the Netherlands ensuring that the negative impacts of urbanization can be prevented. In the Netherlands the planning aspect will reduce and even prevent negative impact as the availability and access to land for all citizens equally appropriate for current and future generation. The availability and accessibility of any land related information for all citizen provided by a transparent land information system increase level of integrity and support from citizen for city development. All citizens confidently support the development and market economy with high integrity of trusted clean government triggered by transparent in land management and land administration services. Rights of citizen are equally respected and protected, any violence and unjust

to vulnerable groups can be prevented as security of land tenure is equally applied to all citizen. In Indonesia both government and citizens face dilemmas during the urbanization process. Weak governance ironically brings land scarcity to current and uncertainty for future demand on land. Lack of trust triggered by less credibility of government in managing and administering land generate various pattern of land conflicts. Force eviction has been the nightmare for vulnerable groups and also high risk assignment for government; these are the negative impact of weak governance during urbanization process.

Enhancing land administration in Indonesia is under the evolving process. The effectiveness of any policy, management and administration of land are the means to ensure good governance in land administration. All rights on land of all citizens are equally protected through a credible system. The ways to comply with those situations, land has to be secure and allocated accountably for all citizen current and future demand. Therefore land use planning should be considered to be a high integrity tool, transparent and providing equal certainty and security for all citizens. Increasing level of transparency and accountability is ultimately a priority by ensuring all land are registered soon and all appropriate land data are available, accessible publicly. A modern land law with secure types of land rights for all and positive system of land registration is needed to enhance the legal and administration system of land. Lastly, an international standard of land valuation is needed to support the newly initiated land acquisition law.

# Acknowledgements

---

My first appreciation to Allah SWT for the unexplainable and grace gave me life and strength to enable me come this far.

I am very thankful to my supervisor Ir. M.C Kees Bronsveld and the chairman Prof. Ir. P. van der Molen for their supports in term of constructive direction, criticisms and encouragement given through out the research fase of my Msc. program. I very much appreciate for all that you have done for me. I also like to express my appreciation to Prof. Dr. J.A. Zevenbergen and Ir. W.T. de Vries (members), as well as all other staff members of the department for their support during my entire study.

It is my honour to express high appreciations and deep thankfulness to all possibility to have the opportunity to be the awardees of StuNed scholarship and one of the National Land Agency employees who officially got the study service abroad. For this honour I should mention many names, but with regards to the other I specifically thank to Mrs. Ungki and Ms. Siska of NESO Jakarta and Drs. Pelopor Yanto, MEngSc., Head of Foreign Cooperation Unit of the National Land Agency, for all of their unspoken support and facilities.

Special thanks go to my best friend Ilda Nursiah, and also to Firman Singagerda, Daniel Louhanepessy, Fajar Adi, Kurnia Wulansari, Wahyu Sari Sabekti, Sugi Felix and all my friends in ITC. I will always remember the happiness that we shared in the Netherlands.

To my entire classmates in Land Administration course 2008, thank you for your encouragements, friendship and all pleasure we have shared.

How can I conclude without sending deepest love and saying thanks to my dearest mother, father, brothers and nieces. Thanks for your love and understanding. You raise me up, to more than I can be.



# Table of contents

---

<b>1.</b>	<b>Introduction</b> .....	1
1.1.	Background .....	1
1.2.	Problem Statement .....	2
1.3.	Research Objectives .....	2
1.4.	Research Question .....	3
1.5.	Methodology .....	3
1.6.	Research Design .....	5
1.7.	Thesis Structure .....	5
<b>2.</b>	<b>Urbanization Trend and the Consequences</b> .....	7
2.1.	Introduction .....	7
2.2.	Change of landuse caused by urbanisation.....	9
2.3.	Socio Consequences .....	10
2.4.	Environment .....	11
2.5.	Economic Development .....	13
2.6.	Conclusion.....	15
<b>3.</b>	<b>Land Administration Aspects of Urbanisation</b> .....	18
3.1.	Land Use .....	18
3.1.1.	Land-use rights .....	19
3.2.	Land Planning.....	20
3.2.1.	Planning Control Systems .....	20
3.2.2.	Planning approaches.....	20
3.2.3.	Operations of planning systems.....	20
3.2.4.	Legal means of planning control .....	21
3.2.5.	Urban Land-Use Planning and Regulations .....	22
3.3.	Land Tenure .....	22
3.4.	Conclusion.....	24
<b>4.</b>	<b>Good Governance in Urbanization</b> .....	26
4.1.	Good Governance.....	26
4.2.	Component of Good Governance.....	27
4.3.	Good Governed Urbanization.....	28
4.4.	Conclusion.....	30
<b>5.</b>	<b>Good Governed Urbanization in Land Administration Perspective</b> .....	32
5.1.	Good Governed Urbanization and Land Administration .....	32
5.2.	Good Governance and Land Administration in Developing Country .....	34
5.2.1.	Success story from Developing Countries .....	35
5.3.	Conclusion.....	37
<b>6.</b>	<b>Good Governed Urbanization in the Netherlands and Indonesia</b> .....	39
6.1.	Urbanization process in Indonesia.....	39
6.2.	Urbanization process in the Netherlands .....	42
6.3.	Good Governed Urbanization and Land Administration in the Netherlands and Indonesia	44
<b>7.</b>	<b>Discussion, Conclusions and Recommendations</b> .....	56
7.1.	Discussion .....	56



7.1.1.	Method .....	56
7.1.2.	Results: .....	57
7.1.3.	Limitation .....	59
7.1.4.	Improvement of method .....	60
<b>7.2.</b>	<b>Conclusions</b> .....	<b>60</b>
7.2.1.	Research Objective 1: To analyze the phenomenon of urbanization .....	60
7.2.2.	Research Objective 2: To understand the components of good governance in the urbanization process .....	61
7.2.3.	Research Objective 3: To investigate at the role of land administration in urbanization process from the good governance perspective.....	62
7.3.	Recommendations .....	63

## List of figures

---

Figure 1 Organization of Research Activities .....	4
Figure 2 The agglomeration index helps to compare urbanization across regions.....	8
Figure 3 The Urbanization Phases, the Combined Growth and Decline of the Urban Center and the Urban Fringe Area.....	10
Figure 4 Conceptualization of urban land use transition causes environmental problems, inspired by the DPSIR framework .....	12
Figure 5 Urbanization Process.....	17
Figure 6 the legal means of planning control .....	22
Figure 7 Relation between Humankind and Land .....	22
Figure 8 Evolution of people to land relationship .....	23
Figure 9 Interplay of the Domain of Governance.....	27
Figure 10 Good Governed Urbanization .....	31
Figure 11 Location of Indonesia.....	40
Figure 12 Urban-Rural Population of Indonesia .....	40
Figure 13 Urban-Rural Poor of Indonesia .....	41
Figure 14 Register – Non register Land Parcel in Indonesia.....	42
Figure 15 Land Use 1993 and Claims 2030 .....	44

## List of tables

---

Table 1 Research Objectives and Research Questions.....	3
Table 2 Data collection .....	5

# 1. Introduction

## 1.1. Background

Urbanization as the machine of city development brings about consequences to the active as well as the passive stake holders. The active stakeholders are the actors of urbanization and city development. They are Peoples in public sector (government institutions), private sectors, and society (civil society). The passive recipients of the consequences will be environment with all aspect of it.

One of the government's duties is to make sure that urbanization goes well with collaboration of people (actors) which are government, private sectors and society. Government as the core responsible actor for ensuring the harmony of the city is obligated to manage urbanization by applying good governance. To become good governance, government also has to consider about how to have a good environment.

In terms of the initiative to implement good governance principles in Land Administration in Urban areas, Netherlands sets a good example particularly in developed countries. Land development and spatial planning in the Netherlands has been viewed as a highly managed and integrated process. The public sector plays a major role in supplying land for development. Land supply has been seen as a public service utility and taken for granted. Private ownership in general has never had a important position in the Dutch culture, in contrast to the US, France and Germany. In the Netherlands there is a statutory land readjustment for agricultural reconstruction in rural areas (Louw 2008).

In Indonesia, urban development should focus on rehabilitation of infrastructure and residential areas in several cities and regions. Another very important matter for urban development in Indonesia is to establish good urban governance, to make urban development process transparent and accountable to all stakeholders involved in it, free from corruption, collusion and nepotism (Firman 2002).

The problems of urbanization in most of developed countries like the Netherlands will be not as big as in most of developing countries like Indonesia. If the problem in most of developed countries are to fulfilments of considered the demands of high quality satisfactions provided by good governance including in the role of an effective land administration, in developing countries, problems mostly relate to the establishment of good governance such as an effective land administration. While spatial planning and land development in the Netherlands has been a highly managed and integrated process, Indonesia faces problems of informal settlements/squatters, slum area, overlapping land use, force eviction, conflict of interest of agriculture land or city purpose use, etc.

Reason why the government has to intervene in urbanization is because urbanization has consequences which have positive and negative impacts. Urban poverty and slum areas are examples of negative impact of cities which fail to implement good urban governance. Many people moving to the cities seeking good life opportunities leads the city population, particularly in developing countries, to increase beyond the capability of the city to provide demands on housing and infrastructures.

Unplanned land utilization, informal settlement (squatters) and force eviction are the consequence. Government has to manage how to avoid the negative aspects and at the same time keep the positive aspect that benefits all cities in habitants. Recently, when urbanization considers being the trend and market economy will be the basis of development, the hot issue will be how to manage this process under the good governance principles with the adoption of sustainable development and a harmonious society. This study will look at urbanization from the perspective of good governance and land administration.

## **1.2. Problem Statement**

Recently, urbanization is considered being the trend of the city growth and development process. Government usually, with the collaboration of private sector and society, takes action to intervene in urbanization. Those actions are initiated due to the positive and negative impacts as the consequences of urbanization. Commonly, the initiative is generalized as good governance. The latest is an enabling tool to ensure that cities will carry out functions with maximum effectiveness.

Good governance is widely regarded as one of the key ingredients for poverty reduction and sustainable development. One of the commonly employed methods of good governance is an effective land administration system. The role of land administration for good governance in urbanization is to ensure that all interest on land of public, private and civil society can be balanced and harmonized. Conflict of interest will be ruled out and controlled. Therefore all parties will get fairer treatment under the urbanization and the environment will be managed in a sustainable way.

While an effective land administration as good governance tool should be intervening the urbanization process the reality may be different. Some countries have enjoyed the benefits of city growth and developments triggered by the good governed urbanization, particularly the effectiveness of land administration ruling out all interest on land in to balance and harmonious circumstances. Under the name of good governance, despite the fact that, land administration has been implemented in those “unfortunate” countries the effectiveness is not obtained. This reality has been indicated as problems that should be solved using the principles of good governance of urbanization in developing countries like Indonesia. How land administration should be playing a role in the urbanization process needs research.

## **1.3. Research Objectives**

Main objective:

To investigate how land administration components can contribute to a good governed urbanization process.

The sub-objectives of this study are:

- 1) To analyze the phenomenon of urbanization.
- 2) To understand the component of good governance in urbanization.
- 3) To investigate at the role of land administration in the urbanization process with a good governance perspective.

## 1.4. Research Question

General question:

What role does land administration play in the urbanization process using good governance?

Sub-questions:

Following sub-question will be answered to answer the general question of this research.

No	Research Objectives	Research Questions
1.	To analyze the phenomenon of urbanization.	<ul style="list-style-type: none"> <li>• What are actually the reasons (drivers) behind the urbanization process?</li> <li>• What are the consequences of the urbanization process?</li> </ul>
2.	To understand of good governance in the urbanization process.	<ul style="list-style-type: none"> <li>• What is good governance?</li> <li>• What are the components which have to be in place to make it good governance in urbanization?</li> </ul>
3.	To investigate at the role of land administration in urbanization process from the good governance perspective	<ul style="list-style-type: none"> <li>• What is the relation of land administration with good governance during the urbanization process?</li> <li>• How should land administration in Indonesia be enhanced in order to reach good governed urbanization?</li> </ul>

**Table 1 Research Objectives and Research Questions**

## 1.5. Methodology

To conduct this research and particularly to answer the research questions, data processing and data analysis need to be done after the required data are obtained and prepared. These activities in this study were organized as shown in figure 1.

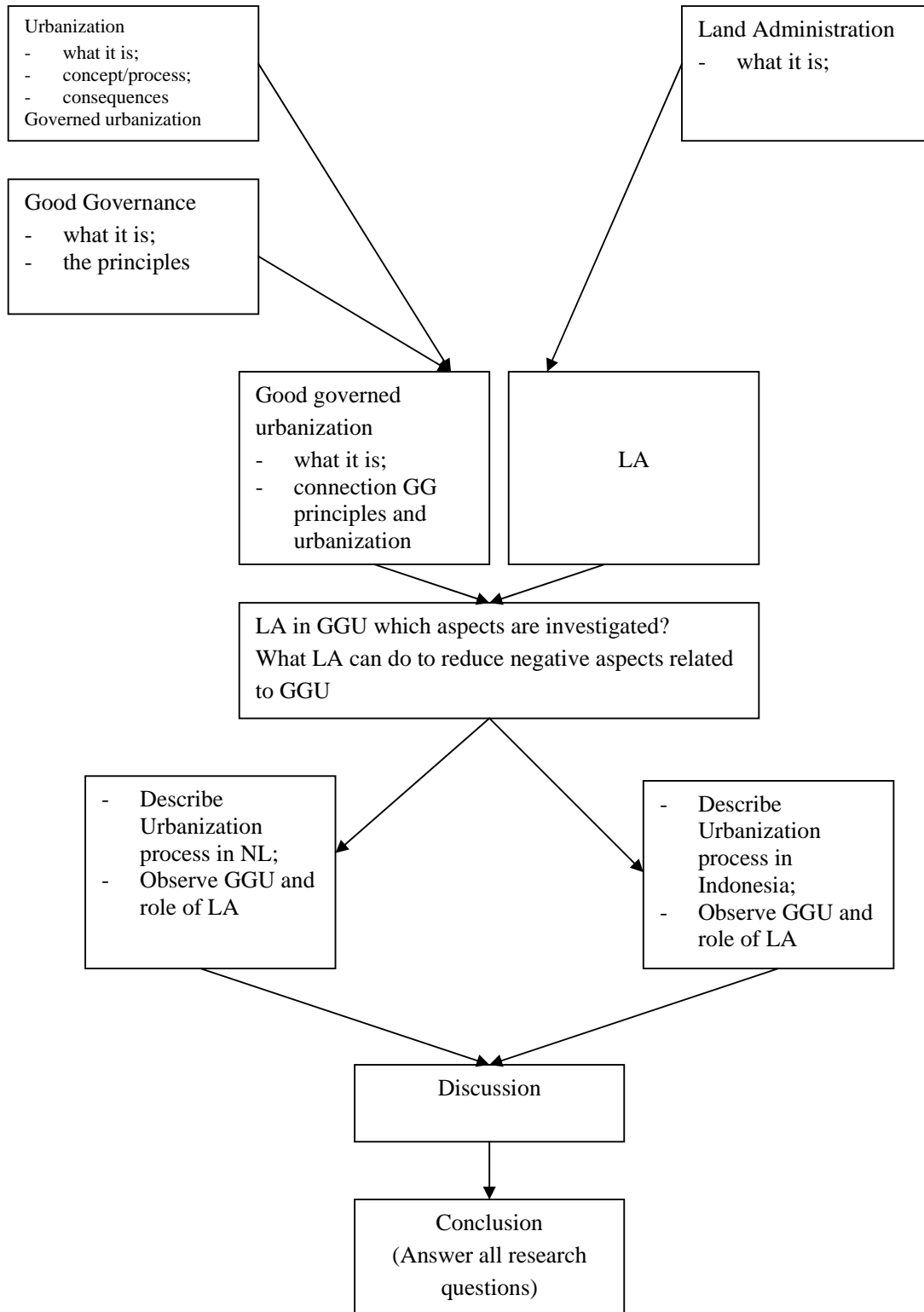


Figure 1 Organization of Research Activities

## 1.6. Research Design

### Step 1: Understanding the problem through literature

Data	Data type	Method	Material	Data collection
Urbanization, Land Administration, Good Governance. Literature requirement	Secondary	Literature study	Expert arguments	arguments
Existing process in Indonesia and the Netherlands	Secondary	Documenting Literature	Reports at Government	Decree

Table 2 Data collection

### Step 2: Analysis the data

From the data collection, will analyze the compatibility of the theory and literature study on what happened during urbanization process and how to become good governance. On this step will analyze how to reach the good governed urbanization.

### Step 3: Desk review of the Netherlands and Indonesia experiences

This study will be doing desk review of the Netherlands and Indonesia experiences on good governance of urbanization specifically comparing the role of land administration.

### Step 4: Conclusion, discussion and recommendation

The last step will be the closing remark of the thesis. It will contain with conclusion, discussion and recommendation obtains from analysis of the study.

## 1.7. Thesis Structure

### Chapter 1: Introduction

This chapter consists of research background, problem statement, conceptual framework, research objectives and methodology.

### Chapter 2: Urbanization Trend and the Consequences

This chapter consists of reference about urbanization and the consequences to landscape, socio economic perspective, environment etc will be the focus discussion.

### Chapter 3: Urbanization on Some of Land Administration Aspect

This chapter will see the impact on the land administration perspective such as land planning, land tenure based on the literature study.

### Chapter 4: Good Governed Urbanization

This chapter will consist about theory on how to become good governance.



**Chapter 5: Good Governed Urbanization in Land Administration Perspective**

This chapter Review the urbanization consequences and the effectiveness of legislation to reach good governed urbanization.

**Chapter 6: Good Governed Urbanization in Indonesia and the Netherlands**

This chapter introduces urbanization process and review good governed urbanization in Indonesia and the Netherlands

**Chapter 7: Discussion, Conclusion and Recommendation**

This chapter presents conclusion with line on answering the research objectives with discussion analysis based on land administration concept and also designs recommendation for the further studies.

## 2. Urbanization Trend and the Consequences

### 2.1. Introduction

The urbanization can be interpreted as the movement of people from rural area to urban area or from their village to cities to find a better life such as job opportunity, business, activities, comfort or better quality of life (service and quality) (Tang, Wang et al. 2008). Under rapid urban expansion, migrants may account for up to 75 percent of the total increase in major city population and the number of temporary sojourners may be still larger (Friedmann and Wulff 1976). The understanding leads the paradigm of most people to look over urbanization as a negative social phenomenon. Therefore, it should be solved and avoided.

The phenomenon is not without any reason. The rapid urbanization process and concentration of population in metropolitan areas is a result of the mass migration of people's from rural to urban areas. In spite of the increase in national wealth and personal income, the condition of urban areas is declining, the quality of life is diminishing. The rapid influx of migrants into the central cities has resulted in overcrowding. The realities that explicitly rise to the eye of public, particularly ordinary people, following urbanization are negative.

With the reason of this understanding of urbanization, it is not surprising if some cities pay serious attention on urbanization. Some how, resources are been mobilized for combating urbanization. Further, in some cities the action event biases and become the war to the weak of marginalized, informal and poor citizens.

Basically urbanization is not that bad. Urbanization is a great way of development for the shake of human being better quality of life and welfare. However, urbanization encompasses a wide range of consequences; positive and negative. Urbanization refers to the growth of towns and cities, often at the expense of rural areas, as people move to urban centres in search of jobs and what they hope will be a better life. According to Darin-Drabkin (1977) the basic trends in world urbanization are:

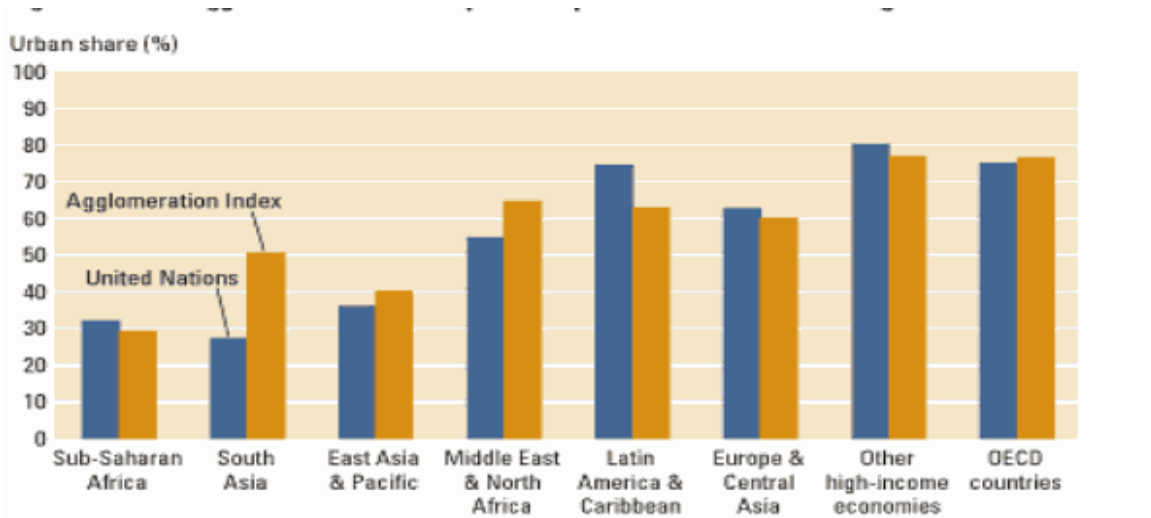
- An increasing percentage of world population is living in urban areas, the largest cities having the fastest growth.
- Employment within these metropolitan areas is becoming concentrated in the city centre.
- Population growth is mainly occurring in the outlying regions of the metropolitan area.

In order to analyze the good governed urbanization, firstly the understanding has to be addressed to the phenomenon and the consequences of urbanization. In this chapter, the phenomenon of urbanization worldwide will be analyzed from literatures and any available sources. The consequences of urbanization will also be reviewed to understand the change in the trend of growing number and size of cities. The result will than be presented as desk review report of the worldwide trend of urbanization and its major consequences; positive or negative.

In addition, cities evolve at different paces according to their own history and the geographical situation they are located in. According to Keiner, Koll-Schretzenmayr et al. (2005) cities are looked as:

- displayed the heights of ingenuity and the depths of depravity;
- social in the extreme and induce individualism and anomie;
- motors of economic growth and breed terrible inefficiencies;
- crucibles of citizenship and the terrains of class conflict;
- sites of spontaneity that are being planned and re-planned;
- increase local diversity, even as drive globalism;
- embody environmentalists' worst nightmare and greatest hopes for the future;
- distinction between urban and rural is eroding.

There is general agreement that cities play an important role in all human kind lives today and in the years ahead. Back to the history of over the past 50 years, after industrial revolution, the trend has been an “explosion” in the growth of cities. Urban centres grew rapidly, both in their numbers and in their size – this is called “urbanization”. Currently, the most rapid urbanization is taking place in Asia, Latin America and Africa. South Asia poses the paradox being least urbanized region (27 percent urban) in the world while also the most densely populated. South Asia’s urban share in 2000 was 42 percent, making it more urbanized than both Sub-Saharan Africa and East Asia and the Pacific (World Bank 2009).



**Figure 2 The agglomeration index helps to compare urbanization across regions**

(Sources: Chomitz, Buys, and Thomas 2005; Nelson 2008; Satterthwaite 2007; United Nation 2006 in World Bank 2009).

Cities as the result of long years of human development, has been called the highest forms of social organization. The complexity of road systems, transportation, building laws, markets, food distribution, education systems, etc., shows the meaning of the statement. Following the industrialization, large numbers of people moved to cities in search of jobs, mostly in factories, and since then there has been an unprecedented growth in the number and size of cities worldwide.

Global Report on Human Settlements, An Urbanizing World, for release in early 1996 by the United Nations Centre for Human Settlements (Habitat), indicates some 500 million people in cities and towns throughout the world are either homeless or live in life- threatening poverty. Overcrowding in

cities also causes problems with waste disposal, health and pollution. There are other salient urban problems as well, among them violence, crime, drugs, and the over-consumption of energy and other resources. Most of these problems affect not only the city itself but the countryside and often the entire world. In short, cities contain within them the key challenges facing our civilization.

These are the two sides of the city, the positive and the negative aspect that could happen during urbanization process, the promise of success and the threat of disaster. We may never be able to create a perfect city, but we can certainly make improvements. The problem is not with cities but the problem lies in the management and the development of cities.

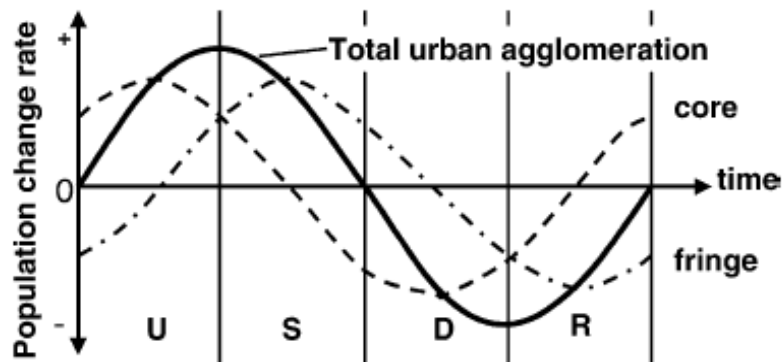
## **2.2. Change of landuse caused by urbanisation**

Urbanization is closely related to industrialization and economic growth and spread with the innovations caused by industrial revolution. The concept of differential urbanization, which is very significant for understanding the change of landscape in the countryside due to urbanization processes.

The urbanization can also be viewed as the transformation of an area on earth surface to urban pattern of land use caused by increasing demand of land for urban activities such as housing, industry, services, infrastructure, public area, etc. From the landscape perspective, urbanization can mean as a multifaceted process of transform of rural lifestyles into urban ones. This transformation process is associated to the introduction of new transportation modes, in particular of the masses mobility such as railroad. The growing globalization of decision-making and all activities causes changes those are difficult to handle by the people living on the local level. The new tools and methods which are researcher, planners and policy makers need to cope these processes will be difficult as trans-disciplinary approach is recommended and good communication is required (Antrop 2004).

Usually, in the beginning urbanization was measured as a diffusion process starting from the growing urban centres. The process then affected the countryside in concentric spheres of differentiated influence. In fact, urbanization processes much more complex. Therefore, many city models have been made for urban land use structure. Antrop and Van Eetvelde (2000) defined urbanization as a process that transforms the natural landscapes or rural into urban and industrial. Currently, urbanization is also the influences the processes of the rural countryside and no longer only the growth of cities or towns. Physical transformation process as represent by the growing of urban utilities such as residential and industrial area are the actual conversion of land from the previous agricultural utilities of rural area. Those process in reality mostly driven by any social and economic factors. The role of government mostly regulating and manage the process to ensure that the transformation will not contra productive and triggers any damage.

Accommodating the need of reachable prize of land urban population seeking land in fringe area and core urban area loses the population. The condition is physically converting land use from agriculture to housing and industrial utilization in fringe area. The third phase of urbanisation process physically characterized by the beginning decline of population in both core and fringe urban area and commonly called as dis-urbanization. The forth phase of urbanization is re-urbanization. After passing thorough declining stages, city recovered indicated by starting grow of population in inner city and follow by population grow in fringe area. These stages ultimately bring grow and decline demand on land and physically changing land use pattern. To model the phases experts figured out in a figure 3 as below:



**Figure 3 The Urbanization Phases, the Combined Growth and Decline of the Urban Center and the Urban Fringe Area**

(Source: Champion , 2001; Geyer and Kontuly, 1993; Van der Berg et al, 1982; Klaassen et al, 1981 in Antrop, 2004)

The urban population in the world has been estimated 2.4 billion people in 1995 and a doubling is expected for about the year 2025. Then, for the first time in history, the urban population will be larger than the rural one (Habitat 1996). As experiencing from the history of urbanization, the rapid grow of urban population during the urbanization process, will directly bringing impact to land use pattern in core area and fringe area of the cities as well. Grow and decline of urban population in both core and fringe urban area will make highly dynamic the land use patterns. Traditional land use pattern for agriculture utilization in fringe urban area will rapidly change to non-agriculture following the demand on land to accommodate urban land utilities such as housing, industrial and any others cities infrastructures.

Land use changes mostly begin at particular site and are caused by a particular achievement. It is not easy to forecast where and when such almost random actions may happen, but fortunately their nature is not countless. Some models using concepts such as initiators and attractors formulated after Study on the recent landscape changes in Mediterranean (Antrop 1993) It is found that the initiators are ideas, decisions, rules or events that start new developments in an area. The area may be remote and directly or physically linked to the place were the initiator is located. A new development for the region that becomes disclosed for example can be initiated by new road. Attractors can be defined as places that initiate irreversible changes in their surroundings.

### **2.3. Socio Consequences**

Urbanization is where growth, development and modernization happened in general of a country and increasing share of services sector and declining share of agriculture of an economy in particular. The area gradually changes with support for better certain basic infrastructure like main roads, drinking water, telecommunication, electricity, houses etc. Urbanization promotes growth of the services sector such as trade and commerce, transport and communication, real estate, hotels and tourism and constructive activities that creating job opportunities. Because the job opportunities become limited in

the rural areas due to surplus workforce in agriculture and inadequate job opportunities in industrial sector many people migrate to cities for jobs, education and medical aid.

As one example of socio consequences on the urban areas is housing. Housing is not a simple category that can be viewed from a single perspective. On one hand, housing is one of the basic human needs and the right to adequate housing has been classified as a basic human right. On the other hand, housing constitutes a special type of private property, traded on the market (Martin Lux 2003). Homelessness is a phenomenon that all urban dwellers have heard about. Common as it is, it is hard to measure. A person without a roof is homeless. And also who are living on urban slum without having a good basic services, no access to water and sanitation. Comparing homelessness in developed and developing countries, generally in developed countries more attributable to personal or household circumstances than to a failure of the housing exist, homeless people need a range of social support and welfare systems to help them gain access to it and to the services that might lift them out of homelessness, on the other hand homelessness in developing country, formal housing supply systems simply fail to provide enough shelter to fill the demand particularly among low-income groups (Levinson 2004).

Poor housing also makes people more vulnerable to disaster. Free space in urban areas tends to be on marginal lands such as steep hillsides, ravines and watercourses. Homelessness is related to poverty. Homelessness that is growing because the demand of the land increases causes people who need land to live on but do not have land to build a house occupy land illegally by using state land or private land which is abandoned by the owner. High rents, lack of available urban land, a government's inability to build affordable housing and sudden shocks to the economy that make people lose their jobs are some of the direct causes of homelessness.

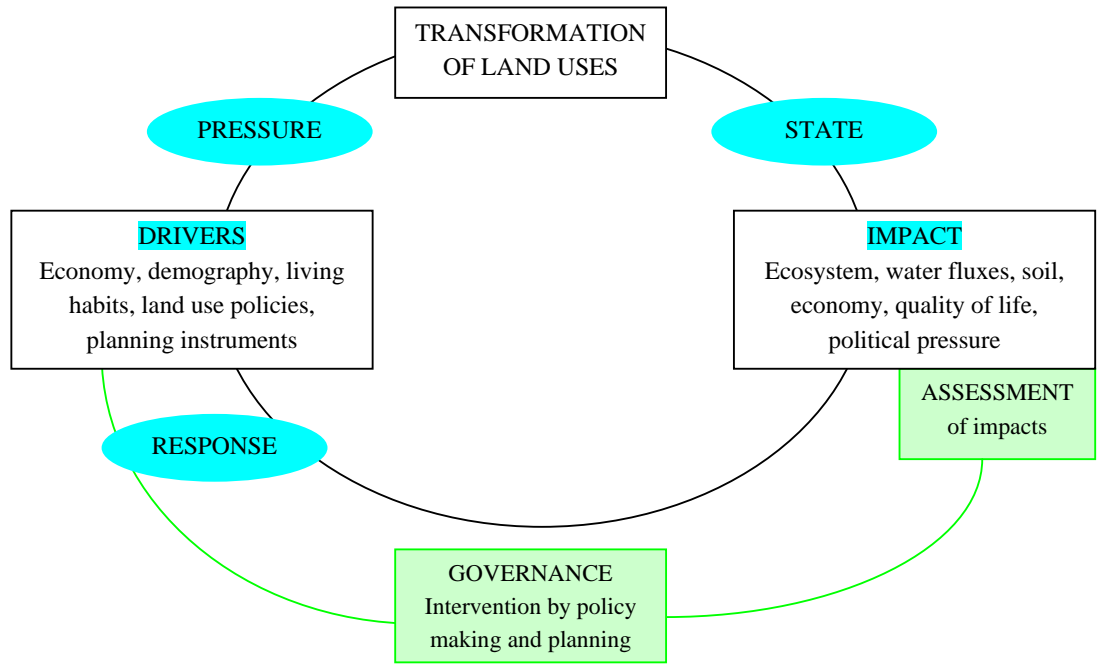
In developing countries, official efforts to address homelessness are limited and indeed often negative or unhelpful. They may take the form of harassment, violence, eviction or displacement of settlers and imprisonment (Levinson 2004). There is one example way on addressing mass homelessness and low-income squatter settlements. By using land allocation policies which aim to provide homeless people with legal tenure to land which they can build their own homes.

## **2.4. Environment**

Urbanization is a social process of global proportions. This sub chapter will see on how urbanization makes an effect on the changing of natural environments, and outlines a conceptual framework within which the effects of urbanization on natural environments may be interpreted, and how the effect of urbanization processes on natural environments is able to rectify them for the benefit of society and the well-being of nature. From environment view point, urbanization can be characterized as a massive shifting and centralization process of resources, industries and population in a particular area. The prominent feature triggered by urbanization usually shifting the traditional agriculture-based forms and results to the mass population and industry and the expansion of urban land. During urbanization usually caused the rational and concentrated utilization of resources. Moreover, it will the become ground for misuse of resources and deteriorating of the environment. If urbanization comes with the background of deficiency of water, it will bear of depressed on water resources and environment and the intimidation will destroy the surrounding environment to various extents during its development process. On the other side, the delicate environment will notably limit the development of cities. It will

also obstruct the urbanization, event worse it will ruin the cities as the environment has been damaged (Qiao, Fang et al. 2006).

Land consumption in urbanized areas in particular residential development, transportation, and economic growth belongs to the serious environmental pressures on landscapes worldwide. During the urbanization processes specific land use transitions are with regard to the functionality of soils, water balance or habitat quality at specific locations.



**Figure 4 Conceptualization of urban land use transition causes environmental problems, inspired by the DPSIR framework**  
 (Source: Nuissl, Haase et al. 2009)

Figure 4 presents a flowchart that illustrates on how the problems of environment arise during urbanization processes. The flowchart constructs upon the model of “Driving Forces of environmental change, Pressure on the environment, State of the environment, Impact on population, economy, or ecosystems and Response of the society” (DPSIR-model) which is used in interdisciplinary environmental research and as a general framework for organizing information about state of the environment. Basically, it conceptualizes human-environment interactions as the (more or less permanent) exertion of pressure, caused by societal driving forces, on the environmental media, leading to a certain state of the environment that exerts particular impact. It is then essential to the DPSIR-model that this impact possibly has a feedback effect on the driving forces (cf. Brandt,2000; Ravetz, 2000 in Nuissl, Haase et al. 2009). On the figure 4 also clearly illustrates what is needed to achieve a sound impact assessment which is must draw on reliable land use data of urban land use transition to concern future developments. The practical use of an assessment of urban land use transition increasing, if it provides policy makers with a better understanding of the consequences of specific types of land use transition in specific location. The model also shows that the information on

the impact of the urbanization processes in particularly of environmental problems does not directly lead to improve the policy. But it helps policy makers and planners for advising from such information regarding potential consequences on their decisions and actions in particular existing institutional structure and government strategies. The practical use of assessment on the increasing of land demand provides the policy makers and planners to be ready for the consequences that will happen in particular on environmental problem such as ecosystem, water fluxes, quality of life etc. Finally, for an impact assessment to become practically relevant goals is needed against which the results of the assessment can be evaluated (Nuissl, Haase et al. 2009).

Some examples of the environmental problems during urbanization processes are;

- Water balance as a result of surfacing.  
Sealing open land in connection with the compaction and degradation of the soil's drainage network results in accelerated surface run-off and makes negatively affect the water regulation in the area. An increasing in surface run-off and the respective decrease in water leads to affect groundwater flow in the adjacent area and water supply for vegetation and also to diminish water content in the urban atmosphere and increase flood risk. The effects of land consumption are because of the increasing on land demand on an urban region's that caused water balance and flood risk (Nuissl, Haase et al. 2009).
- Increasing in traffic as a regional effect.  
Increasing in traffic on urban areas cannot be understood by looking at single land unit that are modified in terms of land use. Also it depends on the distribution of adjacent land uses and the availability of transport network such as roads, public transport and cycling lanes. The creation of large housing or commercial sites also often has impact on the urban region in terms of transportation area and traffic flows and indirectly noise and air pollution (Nuissl, Haase et al. 2009).
- Endangering of habitats as a regional effect.  
With respect to the habitat suitability of urban area depends on variable; edge density of urban forests, distance between built-up structures or patch size.

Urban areas as centre of resource consumption have been seen a spatially disproportionate contaminating capacity, the effect beyond urban boundaries and relate to global problems such as climate change and habitat distraction. Despite the reduction of pollutant in urban areas, the array of chemicals, toxic metals in air, water and soil system has increased. Also the sheer volume of waste creates considerable problems of disposal and cause problem concern a desirable quality of life. The containment, pollution is now a social aspiration behind the urban agenda of integrated pollution control, monitoring, regulation and charges, re-use and recycling of waste (Brand and Thomas 2005).

## **2.5. Economic Development**

The world we are living in – and the world we continue to build together – is the product of many forces, including globalization and urbanization. But urban scenarios are surprisingly neglected, and often misunderstood in the larger development context. Rural and urban life and economies are often seen as quite separate, but they are more intimately linked and inter dependent than many realize (Tannerfeld and Ljung 2006).



As widely understood the world rapid conversion to the condition of urban society has been the carrier of large challenges everywhere. The symptoms to different countries appear in many forms. Urbanization has been the contributor of both a requirement for – and a result of – economic, cultural and social development. Despite city is un-avoidably pointed out by many people as thing negative and threatening. Tannerfeld and Ljung (2006) describe that a prerequisite for this type of change is economic growth, which cities generate and which can be strengthened by infrastructure improvement and institutional reform.

Many believe that urbanization is driven by some well-established economic relationships. The share of agriculture in The gross domestic product (GDP) declines drastically as a country's economic development increases (Tannerfeld and Ljung 2006). The urban economy in low-income countries is related to economies of scale and agglomeration that make enterprises in large cities more productive than those located in small town and rural areas. Agglomeration economy is founded on a large number of factors, such as: a large and diversified pool of labour (which in turn improves labour productivity); a greater local market, making it easier to reap the benefits of scale in production; easier access to supplier and specialized services; lower information and transaction costs; and, because of easier face-to-face meetings and more diversified contact networks, an environment that encourages innovation. In the condition of agglomeration economies, urban centres account for a much larger share of GDP than the population share. Therefore, it can be says that they are the engines of development.

Happening in many cases the key role of urban economy in national development makes improving urban productivity a strategic task. Urban productivity will face constrain and slow down by: deficient infrastructure, inappropriate regulatory frameworks, weak municipal institutions, corruption and inadequate financial services, as well as environmental degradation, health and unsanitary conditions, violence and crime.

In the rural urban linkages, economic factor predominantly shows that urban and rural developments are complementary and are part of the same development process. Remittance is an economic phenomenon bridging urban-rural linkages. Rural-urban migration is often became a strategy of 'income diversification' at an individual or household level. Money gain in the city is sent to family in the village. On the back wave, agriculture products are brought to urban area for consume or sold. Several case studies have indicated this wave of economic life. According to Tannerfeld and Ljung 2006 this kind of economic pattern is not accurately reflected in official statistics. But echoing several case studies they suggest that remittances represent a substantive contribution to rural households. Indeed, growing city with a growing economy is a growing market. The condition develops another economy linkage of rural-urban. The value of farm production will increases rapidly near these urban centres. Together with the capacity of urban area absorb underemployed rural people, will then raised the per capita income of rural area. Tannerfeld and Ljung (2006) argue in the long run it is difficult to see how economic development, including productive and sustainable agriculture can take place if the urban economy does not develop. There is no contradiction between urban and rural development. it is worth noting that many of the highly urbanized countries like Denmark, Netherlands, Canada, Israel, etc. are at the same time major agriculture producers.

One of the most influenced relation of urbanization and economic development is land and land market. Land always the key main capital of urban development. Rapid increase in urbanization in any

forms consequently will increase demand on land and fostering the land market grow. There is no lack of land. The problem is dysfunctional land markets, misguided regulations and a lack of pro-active land management policies (Tannerfeld and Ljung 2006). Value of land and number of land transaction in urban area will ultimately contribute much to the economic grows. Land developments will always the trigger of inflow capital by the same time distribution of capital through labour wages, goods and services purchase and many others.

Even in the condition of the poor growing urban centres with the reality of lack of affordable land for housing, economy is develop as it is. More effective land and housing market would improve the situation and remove one of the obstacles for economic development as well.

## **2.6. Conclusion**

The urbanization can be interpreted as the movement of people from rural area to urban area or from their village to cities to find a better life such as job opportunity, business, activities, comfort or better quality of life (service and quality). And the urbanization can also be viewed as the transformation of an area on earth surface to urban pattern of land use caused by increasing demand of land for urban activities such as housing, industry, services, infrastructure, public area, etc.

The drivers of the urbanization process are the population growth in urban areas and the migration of people from rural to urban areas. The migration growth is mainly influenced by the movement of people seeking job opportunities which are promises by economic grows resulted by city development and many kinds of city life styles. Many experts believe that the drivers of urbanization are some well-established economic processes.

Economy is then the main reason of urbanization. The migration trend of people from rural area to urban area cannot be separated from the urban economy which promises many job opportunities. To the growing economy throughout the transformation or development in an urbanization process many people put the hope of better life opportunities. Urban economy has been the major source and machinery of a state or even the world economy growth.

Another driver of urbanization is the city population. Population is means as the number of people live in certain community groups. Population can be categorised as the trigger, developer and the resource of urban development. In term of urbanization the number population is mostly linked and blamed as the problems carriers. Over population has been pointed out as the problem bottom line of several cities in developing countries. The level of urban population is triggered by migration and natural factors (birth and death). Migration of people from rural area to urban area in urbanization commonly related to jobs, education and medical aid. The limited job opportunities in rural areas due to a surplus of workforce in agriculture and inadequate job opportunities in industrial sector are a motive of many people to migrate to cities. To view at migration as urbanization related phenomena leads to a narrow perspective and to a closed migration policy to a city in order to prevent urbanization which also is viewed as negative.

The Demography of urban areas is denser compared to rural area. Because the area of city continuously grows, the demography of urban areas is one of the most critical issues in urbanization. Urban demography, including their size, growth, density, and distribution, and birth, marriage, disease

and death rates has been both the positive and negative sides of urbanization. Initiatives in terms of preventing negative impact of urbanization are often directed to the demography aspect.

In many circumstances, the role of urban economy in national development makes urban productivity become a strategic mission. Despite the strategic position, in most cases urban productivity face constraints and therefore slows down because of: deficient infrastructure, inappropriate regulatory frameworks, weak municipal institutions, corruption and inadequate financial services, as well as environmental degradation, health and unsanitary conditions, violence and crime.

Governed urbanization is concerned with policies, plans, programs and practices that ensure the needs of the population walks parallel with the needs of the city such as economic opportunities, housing and basic services (Brillantes, 2004). Also governed urbanization also about managing the matters of a city is continues processes starting by planning process, implementation instruments and maintenance process (van der Molen).

The urbanization process has the positive and negative aspects. Government creates the positive aspects of urbanization process, such as:

- Support for better certain basic infrastructure like: main roads, drinking water, telecommunication, electricity, houses etc.
- Promotes growth of the services sector such as trade and commerce, transport and communication, real estate, hotels and tourism and constructive activities that creating job opportunities.
- Creates job opportunities become limited in the rural areas due to surplus workforce in agriculture and inadequate job opportunities in industrial sector many people migrate to cities for jobs, education and medical aid.

Government avoids the negative aspects of urbanization process, such as:

- Housing: homelessness is a phenomenon that all urban dwellers have heard about.
- water pollution are causes of urban illnesses
- Increase of poverty and the poverty problems (informal settlement, slum areas, force eviction, etc.) are not solve, poor people as vulnerable group are victimize and event criminalized and their rights (including basic human rights).
- Socio economic conflicts.
- Environment quality degradation (destroyed) such as conversion of green area, increase of arid land, slum area, lack of utilities. For example illegal transfers of property rights in national park, catchment's areas of water.
- Land grabbing/illegal transfers of state land because of lack of transparency, accountability and effective mechanism that encourage corrupt government officials to transfer state land to political elites or for their own benefit.

The process of urbanization can be described as in the figure below:

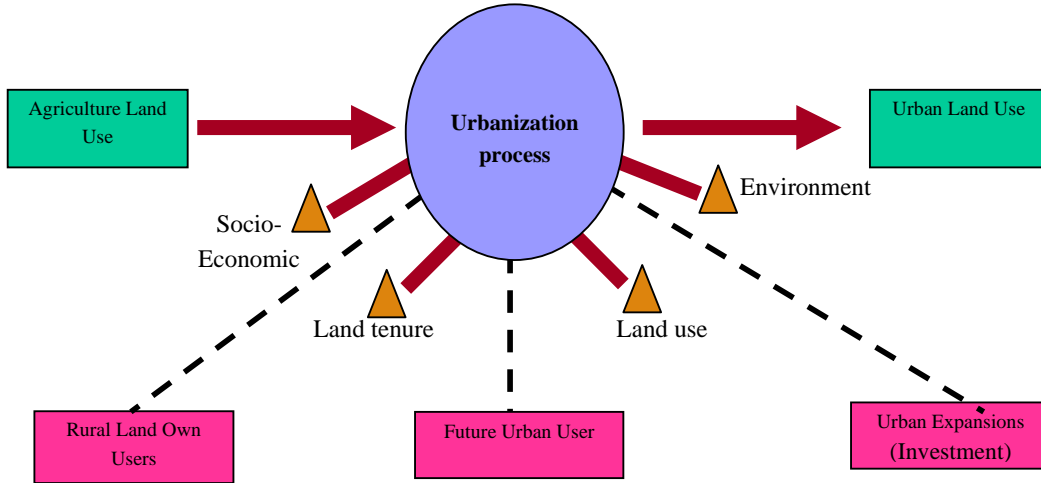


Figure 5 Urbanization Process

### **3. Land Administration Aspects of Urbanisation**

Land administration as generally understood, covers a wide range of activities that could mean different things for different people as mentioned above. This study will at least refer to two definitions to describe the term of land administration as a whole. Dale and McLaughlin (1999), defines the terms of land administration as referring to public sector activities required to support the alienation, development, use, valuation and transfer of land.

According to Enemark (2003), an efficient system of land administration is necessary but not sufficient to ensure the best use of land as a resource. Land management can be described as the process by which the resources of lands are put to good effect. It covers all activities concerned with the management of land as a resource both from an economic, social and environmental perspective. It includes policies and regulations for farming, mineral extraction, nature protection, property valuation and taxation, development and management of utilities and services, and physical planning. Land management is about policies, planning control, regulation, implementation, and development. Land management, this way, encompasses all those activities associated with the management of land as a resource that are required to achieve sustainable development. Terms and definition of land policy as a part of the national policy are on promoting objectives such as economic development, social justice and equity, and political stability. Land policies may be associated with: security of tenure; land transactions and access to credit; sustainable management and control of natural resources and the environment; the provision of land for the poor; ethical minorities and women; land use and physical planning; real property taxation; measures to prevent land speculation; and to prevent land disputes (Enemark, 2003).

#### **3.1. Land Use**

From the physical perspectives, urban or city development can also be formulated as spatial or geographical refinement. The dynamic of land use is the consequence of urbanization in regards to accommodating various demands of space for city life. The complex of various city demands have to be fulfilled is directly related to the level of the city development. One of the essential parts of land administration system is managing the use of land. Conversely, the way of land use control varies all over the world. Land use management in some developing countries may be means very basic to include only the allocation of land rights or approval of building constructions. The means in developed countries possibly will include advanced systems of planning control based on an integrated approach to land use management.

Even if land use planning is normally considered as a separate discipline, the processes of land-use control should be considered as a coherent part of the Land Administration System (LAS) in any country. Williamson, Enemark et al. (2010) argued the four functions of land administration, including: land tenure, land value, land use and land development are interrelated and should allow for the land to be treated coherently as a whole. Some type of land use planning and regulation is essential

to manage development and prevent unregulated settlements, to protect natural values and manage environmental impact. The ways of doing the planning is an essential policy decision for any authority. How is a country commence planning and regulation vary according to their historical experience, their economic values, and competency at building systems, social needs, legal framework and many other factors. The level of maturity in the overall LAS will influence the design of any national or local system.

The control of land-use in urban and rural areas as well as management of natural resources are includes in Land-use management. Control of land use possibly will be executed through spatial planning at various administrative levels. The implementation is often supported by land-use regulations within the various sectors such as agriculture, environmental protection, water catchments, transport, and so on (Williamson, Enemark et al. 2010).

Sustainable use of land should be ensured by an effective land-use management. It is should be also effective in terms of land development. Those are includes for example design of new urban areas, allocation of hazard and polluting facilities, and design and implementation of infrastructure such as roads, railways, and electricity lines. The prevention of unauthorised or informal improvement that may complicate appropriate development at a later stage and impose huge costs on society should also be ensuring by a proper land-use management.

The key to preventing and legalising informal urban development can also by ensured by the establishment of mature systems that are trusted by the citizens. This goes for, at least, the developed part of the world. In developing countries this approach must be supplemented by a range of measures that address the issues of poverty, health, education, economic growth, and tenure security.

Land use has been described within many works from different point of views. Dale and McLaughlin (1999) defined land use as the economic and cultural activities practiced upon the land. The distinct term of land cover from land use, it comprises the physical state of the land and describes the quantity and type of vegetation and other material that occurs on the earth surface. However, land use and land cover are interconnected by human actions, which directly alter the physical environment.

Dale and McLaughlin (1999) argues that since human obstruction and natural processes - mostly interrelated to human action - could change the landscapes over the time, the land is or will be used has an important role on sustainable development. It is must be considered and find out the way the land is to be developed, as well as the monitor on how land is developed. Therefore, a tool is needed to achieve the sustainability.

### **3.1.1. Land-use rights**

The most important rights in land are ownership and long term leasehold are. The general content of these rights is well understood. Despite, the actual content are may vary between countries and jurisdictions. The term of rights to land is also including the rights of use. The right of use land may be limited through several conditions. The conditions may vary including: public land use regulations and restrictions, sectoral land use provisions, and also various kind of private land use regulations such as easements, covenants, etc. Many land use rights are therefore in fact restrictions that control the possible future use of the land.

The role of land use planning and restrictions are continuously increase and important in order to guarantee effective management of land-use, provide infrastructure and services, protect and improve the urban and rural environment, prevent pollution, and pursue sustainable development. (Williamson, Enemark et al. 2010) stated that planning and regulation of land activities cross-cut tenures and the land rights they support. The way planning and regulation of land activities intersect is best explained by describing two conflicting points of view to land use planning – the free market approach and the central planning approach.

## **3.2. Land Planning**

### **3.2.1. Planning Control Systems**

Planning systems vary considerably in terms of scope, maturity and completeness, and the distance between expressed objectives and outcomes. The systems also vary in terms of the locus of power e.g. centralisation versus decentralisation and the relative role of the public and private sectors e.g. planning led versus market led approach (European Commission 1997 in Enemark 2007). More generally, planning systems are influenced by the cultural and administrative development of the country or jurisdiction – just like is the case for cadastral systems.

### **3.2.2. Planning approaches**

Influencing by historical and cultural developments and geographical and economic condition of a country, approaches to spatial planning vary considerably throughout the world. Approaches to spatial planning Across Europe, can be identified in four major traditions (European Commission 1997 in Enemark 2007):

- *A regional economic planning approach*, where spatial planning is used as a policy tool to pursue wide social and economic objectives, especially in relation to disparities in wealth, employment and social conditions between different regions of the country. Central government inevitably plays a strong role. France is normally seen as associated with this approach.
- *A comprehensive integrated approach*, where spatial planning is conducted through a systematic and formal hierarchy of plans. These are organised in a system of framework control, where plans at lower levels must not contradict planning decisions at higher levels. Denmark and the Netherlands are associated with this approach. In the Nordic countries local authorities play a dominant role, while in federal systems such a Germany the regional government also plays a very important role.
- *A land use management approach*, where planning is a more technical discipline in relation to the control of change of use of land. The UK tradition of “town and country planning” is the main example of this tradition, where regulation is aiming to ensure development and growth is sustainable.
- *An Urbanism approach*, where the key focus is on the architectural flavour and urban design. This tradition is significant in the Mediterranean countries and is exercised through rather rigid zoning and codes and through a wide range of laws and regulations.

### **3.2.3. Operations of planning systems**

The European countries can be classified as follows (European Commission 1997 in Enemark 2007):

- The UK has a discretionary system, yet there tends to be a close relationship between objectives of the system and the actual development.
- Denmark, Finland, Ireland, and the Netherlands have a moderate degree of flexibility in decision making, and planning objectives and policies are close to development that takes place.
- France, Germany, Luxemburg and Sweden all have systems which have little flexibility in operation, and where development is generally in conformity with the planning regulations.
- Belgium and Spain both have rather committed systems while there is only moderate relationship between objectives and reality.
- Finally there is group of countries, Greece, Italy and Portugal, where the systems are based upon the principle of committed decisions in plans, but where in practice there has been considerable discrepancy between the planning objectives and reality.

#### **3.2.4. Legal means of planning control**

In the legal means of planning control, the connection between the functions of the public and the private sectors is governed by the extent to which realisation of spatial planning policy relies on public or private sources. It is also the extent to which development might be characterised as predominantly plan-led or market-led.

According to Enemark (1999) the Danish system, is generally plan-led and highly decentralised. In Denmark, the Ministry of the Environment establishes the overall framework in terms of policies, guidelines and directives. The general planning regulations at local level (municipalities) and further detailed in the legally binding local/neighbourhood plans is the way to determine the Development possibilities. Granting building permits that serve as a final control in the system is also the responsibility of Municipalities. Planning at municipal level is comprehensive. It also includes determination of land policies, land use planning, and land use regulations in terms of urban/rural zoning and regulation frameworks for the content of more detailed and legally binding local/neighbourhood plans that must be provided prior to any major developments. Before final adoption these plans have to be submitted for public debate and for public inspections and objections. This process gives the opportunity to the public participating in the planning process at all levels. Once the plans have been adopted, opportunity for an appeal, inquiry or compensation regarding the contents of an adopted plan, even the binding local plans is closed. Since the planning is considered as politics. The procedures of public participation are regarded as adequate to legitimate the political decision.

Planning regulations established by such planning systems are mainly restrictive (Enemark 1999). The system may ensure that undesirable development does not occur, but not that desirable development actually happens at the right place and at the right time, because the planning intentions are mainly realised through private developments. A development proposal out of line with the plan may be allowed, either through a minor plan departure, or by changing the plan itself prior to implementation. This process includes public participation. The development opportunities are finally determined by the municipal council. On the other hand, development proposals that conform to the adopted planning regulations are easily implemented without any time delay. These legal means of planning control are shown in Figure 6 below.



Political decision / Development proposal	Desirable	Undesirable
Conform to adopted planning regulations	Permission	Prohibition
Does not conform to planning regulations	Adjustment	Refusal

**Figure 6 the legal means of planning control**  
(Source: Enemark 1999)

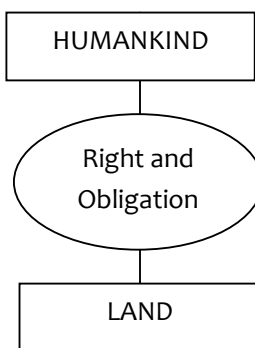
### 3.2.5. Urban Land-Use Planning and Regulations

Urban planning is an old tool used in early times for designing new cities. In modern times urban planning is still used for designing new cities or neighbourhoods but is also used for planning and regulation of existing urban areas, urban regeneration, and more generally improvement and protection of the urban environment (Williamson, Enemark et al. 2010)

Urban planning may considerably vary between countries. The variety may from some very basic means of controlling urban development to very sophisticated systems of planning control including social, economic and environmental aspects.

### 3.3. Land Tenure

Land tenure basically describes the manner in which rights in land are held (Dale and McLaughlin 1999). Land tenure is also can be define s a broad set of rules, some of which are formally defined trough laws concerning land and property while others are determine by custom. Additionally, Dale and McLaughlin (1999) argue that besides covering the rights to gift or grant land, buy and sell it, or mortgage it; land tenure also covers the rights to use the land subject to certain restriction and obligation. These arguments are in accordance with the relationship between human kind and land as depicted in figure 6.



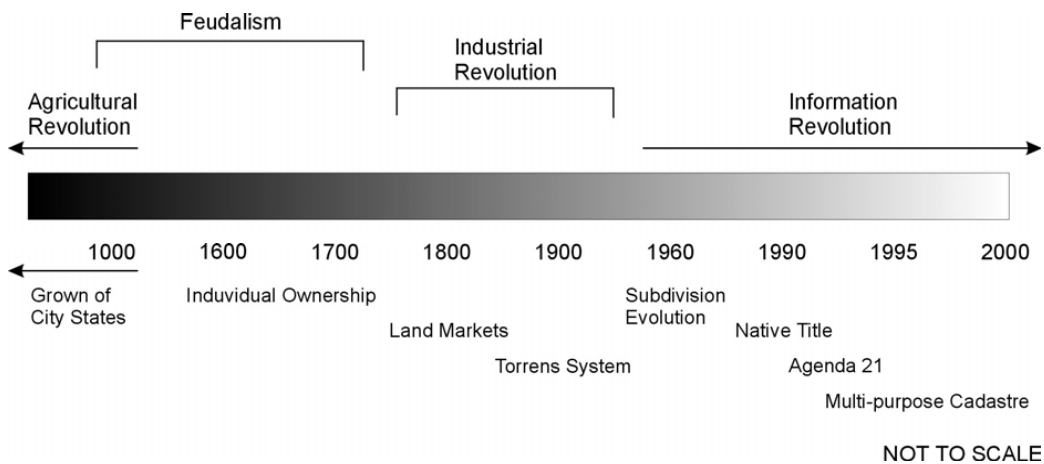
**Figure 7 Relation between Humankind and Land**

(Source: Adopted from Dale and McLaughlin 1999 and Hessen and Williamson 1990 as cited in Zevenbergen 2002)

Rights, restrictions and obligations to land are varied country to country. Basically the form of rights, restrictions and obligations to land is based on combinations of group, state and individual land rights (Dale and McLaughlin 1999). Furthermore, the category of land regimes, which are open access, communal or common, private and state land as identified by Feder and Feeny (1991), as cited in Dale and McLaughlin (1999).

The basic concept of security of land rights is based on recognition of land and the rights attached to it. Such procedure to recognize the legal interest, including ownership and/or use, in land is called land registration (McLaughlin and Nichols, 1989; cited in Zevenbergen 2002). It includes as well the regulation of the character and transfer of land rights into the above mentioned well defined legal interest (Dale and McLaughlin 1999). Additionally, Henssen and Williamson (1990), as cited in Zevenbergen (2002), explain the interconnection among concept described in figure 4, land registration and cadastre. In the scope of land tenure, land registration concept is used to answer the question on who the land owner is and how the land owner can be connected to the land, while the cadastral system concept answers the questions regarding the land itself. This argument also satisfies the inertial cadastral system triangle.

Historically, in terms of land tenure, there is continuum evolution of people to land relationship over the centuries. The evolution depicting that there were the changing relationship of people to land during the time from feudal tenures, to individual ownership, the growth of land markets driven by the Industrial Revolution, the impact of a greater consciousness about environmental dimension and more recently the social dimension in land (Ting, Lisa et al. 1999). The evolution shows that people to land relationships is not stable but is continually evolving. Economic paradigm drove land markets and then tempered by environmental and more recently social paradigm, as depicted in figure 7.



**Figure 8 Evolution of people to land relationship**  
(Source: Ting, Lisa et al. 1999)

### 3.4. Conclusion

Land administration includes: the way people think about land, the institutions and agencies people build, and the processes of these institutions and agencies is managed. Land Administration is basically about system and process of: securing the tenure to land and property, valuating land and property, controlling land use and development of land.

Land administration is the process of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies. Land administration in this regard is about:

- the processes of regulating land and property development and the use and conservation of the land,
- the gathering of revenues from the land through sales, leasing and taxation, and
- the resolving of conflicts concerning the ownership and use of land.

A land administration system is basically formulated as a way to convey the land policy goals. As previously described, a land administration system will bring about to the essential policy goals with issues such as economical growth, sustainable development and poverty alleviation. Land administration as an execution tool of land policy and comprises public sector activities on tenure, use, and value of land which are interacting with each other within the scope of cadastral system and facilitate the operation of land administration. To be able to carry those means, the land administration system should be effective and efficient. Land administration is the process of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies.” (UNECE 1996). More, Dale and McLaughlin (1999) defined land administration as the processes of regulating land and property development and the use and conservation of the land, the gathering of revenues from the land through sales, leasing and taxation, and the resolving of conflicts concerning the ownership and use of land (Dale and McLaughlin 1999). Land administration has a function to enhance legality and provide information about land.

Land administration in the urbanization process may bring socio-economic consequences. Urbanization consequences may in one hand bring about the welfare closer to the reality of live. Dramatic transformation can certainly means the present of any facilities to support, eases and lift up the quality of life. In one hand, facilities for health, education, transportation, recreation etc. are built and provided and continuously upgraded during the urbanization. Economic growth will present job opportunities and stimulating city and national growth. But in the other hand, urbanization can bring about imperfection in to city history. Dwellers, informal settlement, slum area, environment degradation, social instability etc. are the realities in many urban areas. Any policy to whether ensure the positive socio-economic outcomes of urbanization or to prevent it is negative impacts will, executed effectively or not, be closely related to land administration.

One of the essential parts of land administration system is managing the use of land. The dynamic of land use is the consequence of urbanization in regards to accommodating varies demands of space for city life. Varies demands of the urban lifestyle have to be fulfilled is directly related to the level of the city development. Therefore, from the physical perspectives, urban or city development can also be formulated as spatial or geographical refinement. The way of land use control varies all over the world. Land use management in some developing countries may be means very basic to include only

the allocation of land rights or approval of building constructions. While, the means in developed countries possibly will include advanced systems of planning control based on an integrated approach to land use management. As urbanization process are continue both developed and developing countries need the role of land administration as the means to bring about the process to preventing imperfection.

The role of land use planning and restrictions are continuously increasing and this is important in order to guarantee effective management of land-use, provide infrastructure and services, protect and improve the urban and rural environment, prevent pollution, and pursue sustainable development. Planning and regulation of land activities cross-cut tenures and the land rights they support. Despite the importance of land use planning, in many cases has been one of the most common backgrounds of imperfections in urban area. Ineffective land use planning and weak of enforcement is blamed as the caused of imperfection in urban areas while the land use planning is present. Corruption, collusion and nepotism have been underlining many failures of consistency in executing land use planning. The planning can often change following the need of capital holders. None the least, land use planning in developing countries usually is kept secret and is non-transparent.

Land tenure basically describes the manner of how rights in land are held. Land tenure can also be defined as a broad set of rules, some of them are formally defined through land and property related laws, and some others are determining by custom. Land tenure covering the rights to gift or grant land, buy and sell land, and mortgage land. Land tenure also covers the rights to use the land subject to certain restrictions and obligations. These arguments are in accordance with the relationship between human kind and land. There is a continuum evolution of people to land relationship over the centuries. Urbanisation can be characterised in terms of the changing relationship between people and land in time. The changing relationship has been interrelated to the nature of land administration system development during the period. As land administration is also changing, the patterns of land tenure continuously evolutes. The main point in terms of land tenure to urbanization process is the security value. Security of tenure is related to values in the land market.

## 4. Good Governance in Urbanization

### 4.1. Good Governance

The essences of the governance aspects can be traced from some definition. The term ‘governance’ in neutral sense refers to the range of relationships between civil society and the state (McCarney et al, 1995; Swilling, 1997 as cited in Devas, Amis et al. 2004). The United Nations Development Programme (UNDP) in Devas, Amis et al. (2004) defines governance as:

*“...the exercise of political, economic and administrative authority to manage a nation’s affairs. It is complex mechanisms, processes, relationships and institutions through which citizen and groups articulate their interest, exercise their rights and obligations and mediate their differences”.*

According to Stoker 1998 in Devas, Amis et al. 2004, governance is:

*“...the action, manner or system of governing in which the boundary between organizations and public and private sectors has become permeable....The essence of governance is the interactive relationship between and within government and non-government forces”.*

During the last decades, good governance is increasingly recognized as critical to effective development. Governments with a record of transparency, accountability and responsiveness are far more likely to attract investment, provide high-quality public services and manage resources more cost-effectively than those which activities are opaque and not open to public scrutiny (Bell 2007).

Commonly, a range of approach to governance indicates ambiguity regarding conceptual validity of sharp distinctions between market, state and civil society as common in past work. The distinction between sectors is unclear among the experts of governance. Government is required to obey the official institutional structure and level of decision making authority. The concept of governance is broader and directs attention to the division of authority internal and external of government. The intention is on the independence of governmental and non-governmental forces in achieving economic and challenges. Governance is about governmental and non-governmental organizations working together. The stressing is about how the challenge collective action is answered and issues and tensions related with the change in the pattern of governing (Pierre 1997).

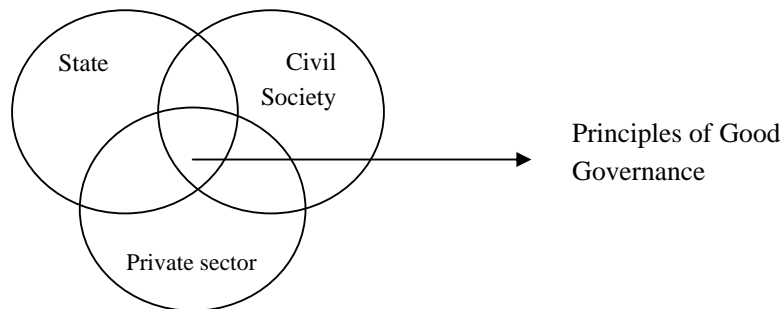
According to Graham, Amos et al. (2003) definitions of good governance can be challenging, subtle, complex and powerful. Let us begin by a definition of what governance *is not*. Governance is not synonymous with government. This confusion of terms can have unfortunate consequences. A public policy issue where the heart of the matter is a problem of "governance" becomes defined implicitly as a problem of "government", with the corollary that the onus for "fixing" it necessarily rests with government. Since governance is not about government. Partly it is about how governments and other social organizations have the interaction, how they relate to citizens, and how decisions have been taken in a complex world. Thus governance is a process whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render account.

## 4.2. Component of Good Governance

Three actors' government, private sector, and civil society are critical for sustainable urbanization. While the government have made the role to reach legal urban environment and conducive political, the private sector create property through generation of production and employment. On the other hand, civil society is covering of various interests groups facilitate political and social interaction in urban environment.

The analysis of urbanization stakeholders is about the relationships and interactions between them including a whole range of actors and institutions that ensure what happens within the city. The actors and institutions involved include:

- private sector businesses, both corporate and informal;
- civil society, including community-based organizations, NGOs, political parties, religious groups, trade unions and trade associations
- the whole range of governmental agencies of national, regional and local government, including traditional authorities where they exist.



**Figure 9 Interplay of the Domain of Governance**  
(Brillantes, 2004)

Civil society mostly stand as the balancing power to public sector and actively acting as important empowerment agent for the pro poor policies achievement. Civil society consists of many types of groups with great variety of different objectives. Some of them have no concern with equity or poverty. Common sense city administrators realized the need of accommodating the participation and accountability of any society components to ensure the policies made included the interests of weak citizen such as the poor. Elite groups may not agree or at least use their power to counter weigh and even prevent the interest from being accommodate.

The idea is that the residents of a particular locality should transform themselves from passive to active participants. Citizens are seen as actors, not objects. Government must not only listen to the people, but also involve them actively in all stages of policy process. (Keiner, Koll-Schretzenmayr et al. 2005)

The actors who have involved on the urbanization processes representing not only public sector but also the private and the voluntary sectors. The actors were involved in the independent relationships

but still respect for the state. The partners are willing to get involved because they can achieve the maximum benefit both individually and collectively. Such participation is usually based on mutual interests, exchange of resources, and commitment, although the relations between the participants do not have to be balanced.

As identified in the UN-HABITAT Global Campaign on Urban Governance, the characteristics of good urban governance is by using the following principles: sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement and citizenship, and security.

### **4.3. Good Governed Urbanization**

Good governed urbanization is designed to as the responds to and benefits all sectors of society, particularly the urban poor, and attempts to eliminate any forms of exclusion. The goal to be achieved is the improvement of the quality of life in cities, especially for the poor and marginalized groups, protecting environment and responsible to the new urban area. The strategy for achieving the goal is by implementing the principles of good urban governance. Good governed urbanization is an enabling tool to ensure cities can carry out their function with maximum effectiveness which is can gain positive aspects and avoid negative aspects that could happen during urbanization process. Implementing good governed urbanization is the way of achieving sustainable development.

Good governed urbanization proposes that good governance is characterized by sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement and citizenship, and security, and that these norms are interdependent and mutually reinforcing (Williamson, Enemark, et al., 2010). These proposed norms related to urbanization process are introduced below and include a range of illustrative operational principles for their implementation:

#### 1. Sustainability;

Sustainability during the urbanization process is where cities must balance the need of social, economical and environmental aspects.

In all dimension of urban development should:

- Consider clear commitment on the balance of social, economic and environmental purposes (now and in the future);
- Reconcile divergent interest for common resources (in this case land). For instance, the interests of people already living in the area and new settlers;
- Promoting economic activities to reduce urban poverty;
- Produce and enforce environmental plans to prevent environmental degradation by human activities (changed land use).

#### 2. Subsidiarity of authority and resources to the closest appropriate level.

Implementing subsidiarity principle in urbanization becomes the means of responsibility to allocate service provision at the closest appropriate level consistent with efficient and cost-effective delivery of services. The potential for inclusion of this will maximize the citizen in the urbanization governance. The responsiveness of policies and initiatives to the priorities and need of citizens should be improved through decentralization and local democracy. With sufficient resources and autonomy cities should be empowered in order to meet their responsibilities.

Practical means of this principle in urbanization include:

- Responsibility for service provision should be allocated on the basis of authority and resources to the closest appropriate level; For example municipal level knows better where to allocate road which is suitable the need of a city;
- To maximize the potential for inclusion of the citizen in the process of urban governance, and to the efficient and cost, to maximize the inclusion of newly arrived people in the management of new neighborhoods;
- Effectiveness of services where cities should be empowered with sufficient resources and autonomy to meet their responsibility (depending on the size of the new neighborhoods and the services). Newly arriving people need services like water, sanitation, sewage. The organization of these services must be on the most appropriate level (new neighborhoods or higher levels);
- Decentralization and local democracy should improve the responsiveness and policies and initiatives to the priorities and needs of citizens.

### 3. Equity;

All parties, particularly the vulnerable groups have the equal access in all decision making process of the city including the access to and use of resources (including land).

Practical means of realizing equity principle in urbanization include:

- Equal access of women and men and all citizens to resources and services and receive the same service standard;
- Ensure economic development policies to support the informal sector and also for new urban area;
- Promote equal inheritance rights for land and property;
- Determining equitable principles to prioritize infrastructure development and urban services prices.

### 4. Efficiency;

Cities management financially cost effective in the use of resources and for delivering services and attracting the contribution of private sector to the city economy.

Practical means of realizing this principle for urbanization include:

- Promote integrated, inter-sectoral planning and management, including land use planning because of the demand of the city;
- Improve the effectiveness and efficiency of local revenue collection for the city development;
- Remove unnecessary barriers to secure tenure and to the supply of finance for the city development;
- Develop and implement fair legal and regulatory frameworks to encourage commerce and investment, minimize transaction costs, and legitimize the informal sector.

### 5. Transparency and accountability;

Accountability of authorities is a fundamental aspect of good governance. There should not be corruption in the city administration. Transparency and accountability is important for the credibility of the authorities to city stakeholders. Participation is the key element in promoting transparency and accountability.

Practical means of realizing transparency and accountability principle in urbanization include:

- Regular, independently executed programmes to test public officials integrity response;
- Removing administrative and procedural incentives for corruption, including simplifying local taxation systems and the reduction of administrative discretion in permit processing;



- Creating public feedback mechanisms such as hotlines, complaint offices and procedures, citizen report cards and procedures for public petitioning and/or public interest litigation;
- Promoting the public's right of access and all citizen can get city information;
- Providing access to city information to create a level playing field for potential investors.

#### 6. Civic engagement and citizenship;

Civic engagement and citizenship is the way to consider people as the wealth of cities. All citizens should be empowered to be able to actively contribute to the common benefit.

Practical means of realizing this good governance principle include:

- Establishing the legal authority for civil society to participate effectively through such mechanisms as development councils and neighbourhood advisory committees;
- Making use of mechanisms such as public hearings and surveys, town hall meetings, citizen's forums, city consultations and participatory strategy development;
- Undertaking city referenda concerning important urban development options.

#### 7. Security;

Every citizen has to feel secure on all of their right. Cities should make every effort to avoid conflict and provide security to the citizen, including security of tenure.

Practical means of realizing security principle in urbanization include:

- Promote security of tenure, recognizing a variety of forms of legal tenure for people at risk of forced evictions, therefore citizen and new urban citizen feel secure on what they have.
- Promote security of livelihoods, particularly for the urban poor, through appropriate legislation and access to employment, credit, education and training;
- Implementing environmental planning and management methodologies based on stakeholder involvement;
- Formulating strategies and action plans addressing all forms of abuse against the citizen.

## **4.4. Conclusion**

Although the trend has been showing changes in the role of government and state in the initiative and policy making process also in the management and administration of city developments. Traditionally urban management is handled only by the state. But this can not be considered anymore to address the needs of complex problems which occur in the urbanization process. The relationships and interactions between urbanization actors are to ensure that city does not go wrong to reach good governance. The actors of good governed urbanization are:

- private sector businesses, both corporate and informal;
- civil society, including community-based organizations, NGOs, political parties, religious groups, trade unions and trade associations
- the whole range of governmental agencies of national, regional and local government, including traditional authorities where they exist.

The good governed urbanization can be reached when there is interaction between the actors and the actors who are involved on the urbanization process representing not only the public sector but also the private and the voluntary sectors. The actors were involved in the independent relationships but still

respect for the state. And all of the interactions are to gain the purpose to protect the poor, maintain equity, protect environment, and are responsible for the new urban area.

Good governance can be reached when the seven principles of good governance can be implemented. These principles are: sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement, and security.

The relation can be showed in the figure below:

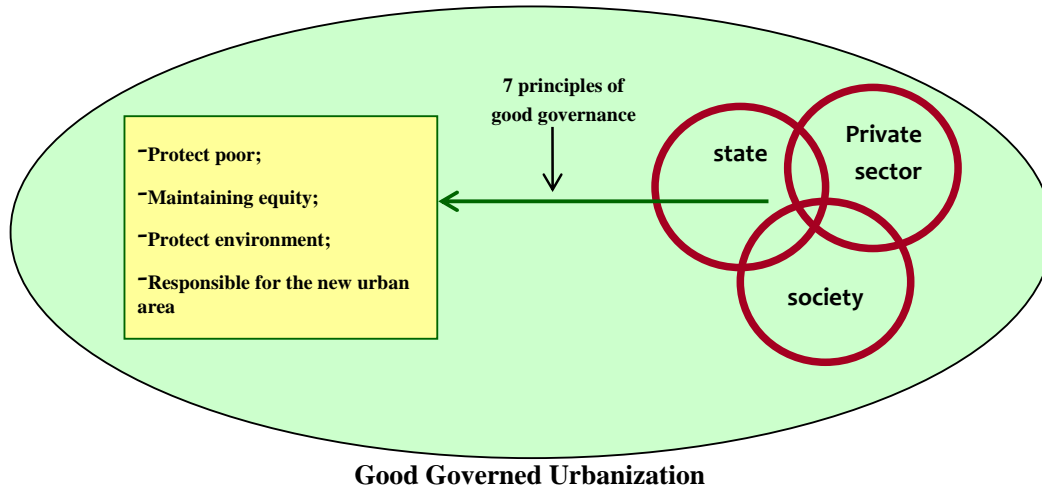


Figure 10 Good Governed Urbanization

## 5. Good Governed Urbanization in Land Administration Perspective

Previous chapters have discussed the urbanization processes and the negative impacts that might be occur during the process on general aspect such as socio-economic consequences, environment, transportation and also specific on some land administration view. Also previous chapter have discussed good governance on how and who are involved on to reach good governance. However the negative aspects of urbanization that might be happen during the urbanization process can be prevent by implementing good governance and in this chapter will discuss on preventing urbanization go wrong, particularly related to land, government have to take initiatives by implementing good governance in land administration.

### 5.1. Good Governed Urbanization and Land Administration

Studying the aspect of good governance in urbanization and relating to land administration, we can summarize that the role can be contributed by land administration to those good governed urbanization principles are:

1. Sustainability

Land use planning and the implementation for environmental, social and economical balance.

2. Subsidiarity of authority and resources to the closest appropriate level.

Increasing the autonomy of local land administration while introducing check and balance at national level.

3. Equity.

Equal access of women and men and all citizens to resources (land) and services and receive the same service standard. In the case of urbanization all group of citizens should also have equal access to land.

The land information can also be modeled to find out better and reliable land for an affirmative policy and actions for vulnerable groups such as for poverty reduction. Land information will facilitate the authority in treat the citizen equally. All group citizens can be facilitated to the benefit of the urban development. Those are possible, since the information related to land can provide accurate and complete data of land as common demand to the table of policy maker. Therefore the policy that are resulted and implemented should be able to avoid inequity treatment.

Land administration contribution usually characterized as pro-poor support. Land administration will contributes to urban development while protecting the rights on land of citizens, especially vulnerable groups such as poor people, orphans, women and widows and ethnic minorities. By good land tenure vulnerable groups in urban areas will legally protected against forced eviction from their land.

#### 4. Efficiency.

Procedure to register land and property should be short and simple and the suitability of land use with the land availability can be met for efficiency land use planning and implementation.

#### 5. Transparency and accountability.

The transparency on have the access of information related to land right, land use and land value.

The land administration system is the primary collector, recorder and disseminator of essential land information. Therefore, land information can increase the transparency because all information will facilitate urban development to consider clear commitment on the balance of social, economic and environmental purposes, arrange commitment for present and future generation, reconcile divergent interest for common resources (in this case for instance; land), and include commitment for urban poverty reduction. In land information all information related to land are available including land rights attached to land, land use requirement; including any limitation. The accessibility also including to property rights, responsibility and restriction, support for land transfers, provision evidence of ownership, information for property taxation, monitoring land market and land use planning which are important in the context of land administration (Williamsom, Enemark et al, 2010). Those information will facilitate the authority in making policy more easily and accurate. It also can be used to monitor and control the urban development. Therefore, the commitment for current and future generation in terms of the availability and quality of land as common resource can be fulfilled.

Land administration with the transparent and accountable manner of formal land tenure ensures that transaction costs are regulated and taxation is more equitably bear.

In relation to land use function of land administration will increase responsibilities and accountabilities of government for sustainability with the real commitment on environment stewardship. Government becomes more responsible and accountable for the management of land as common resource. With a reliable and accessible spatial data supports good environmental stewardship.

If land value is exist and it is provides based on transparent land transaction, land development can be done free of corruption, collusion and nepotism. Business on land can be run also based on good governance. Well administered land valuation will lead the urban development to the clean government. Land acquisition with any corruptive sense will certainly avoided because land value is transparently accessed by all parties when land is needed for development.

#### 6. Civic engagement and citizenship.

Improving access to information, customer surveys to report corruption and misconduct as the strategy to achieve client orientation and responsiveness in land administration.

#### 7. Security.

Promoting security of tenure, including freedom from persecution, force eviction and provision of land tenure security.

By administering the land tenure will provide security of tenure to the land owner. This means land right of citizen are protected. Business on land (buy and sell, mortgages and any dealings) are certain and protected by the law. Government can acquire land for infrastructure and any other development

for public purposes certainly without any violence on citizen right. This means that urban development can be done without any damage and violence on citizen rights.

Land administration will enables greater public confidence from investors. Therefore land administration with the increases of overall security of land tenure, will contributes to the economic growth of urban development.

## **5.2. Good Governance and Land Administration in Developing Country**

As mention previously, good governance in land administration are about secure tenure and access to land have been universally accepted as a fundamental element in promoting economic growth and social development. However, recent efforts to secure tenure restore rights and enhance real property markets under pressure from increasing demand and competition for land, while partly successful, have in several developing countries led to tenure insecurity for disadvantaged groups, consolidation of wealth and marginalization of the poor. One reason has been weak governance (Zakout, et al., 2006). It is a pity, according to Zakout, et al. (2006), while appropriate technical solutions for securing property rights have become accessible and affordable, widespread corruption; incoherent and inconsistent legal framework, weak judiciary, and poor public sector management have been recognized as the key obstacles hindering change.

Weak public sector management, land administration is usually characterized by bureaucratic and political corruption. Land administration agencies in many developing countries often are considered to be one of the most corrupt and inefficient government agencies. Bureaucratic corruption in land administration is mainly related to land registration, surveying and property valuation, and includes all kinds of informal payments to obtain or speed up service, to get a service that has already been paid for, to avoid inspections of a property or to pay for illegal services (e.g. registration of fraudulent titles or the undervaluation of property to save taxes). Political corruption (state capture) mainly concerns state land management and includes state land management and includes activities such as the illegal sale and lease of state land by public officials, as well as transfers of state property to political elites. Such corruption may affect other aspect of governance, for example the impartiality of courts dealing with land conflicts and litigation.

Initiating good governance in land administration will preventing urbanization go wrong since good governance in land administration aims to protect the property rights of individuals and enterprises as well as of the state by introducing such principles as transparency, accountability, rule of law, equity, participation and effectiveness into land-related public sector management.

Urbanization with weak governance in land administration will lead to: imperfection which are indicated by insecurity of tenure, high transaction costs, informal land transactions/informal property market, reduce private sector investment, land grabbing/illegal transfer of state land, limited local revenue, land conflicts, landlessness and inequitable land distribution, social instability, social exclusion and political instability, erosion of ethics and standards of behavior, and unsustainable natural resources management (Zakout, et al., 2006).

In the condition of weak governance, the legitimate land users can easily loose possession or ownership right, lead to land transfer through land administration with the absence of good

governance, includes: transparency, accountability, equity, fairness, legal security and the rule of law. Transaction cost of land is increased triggered by informal payments in addition to the existing taxes and fees for registering property transaction. Furthermore informality and insecurity of tenure especially for the poor increases as the disincentives of high cost land transaction costs. Insecurity property rights and high transaction costs are disincentives for private sector investment. In addition, reputable international businesses will avoid countries where they have to compromise their integrity and principles. Lack of transparency, accountability and effective mechanisms for sanctions encourage corrupt government officials to transfer state land to political elites, or for their own benefit. Taxes and fees, including: land tax, transfer tax, capital gain tax, registration fee etc., as revenue for state are reduce collected, since land transaction go informally. Collection revenues from sale and lease of public property will also be reduces as state lands are transferred illegally.

At the end, tenure insecurity as consequence of weak governance often increases land conflict – both between individuals and between individuals and the state. The systems that are corrupted often marginalize the poor, who may not be able to afford to legalize their transactions, leaving them with little or no protection under the law – often making them vulnerable to eviction by political elites. Political stability of the nation may undermine as administrative corruption and state capture reduce confidence in the government and many generate land conflicts, land poorness and even landlessness. Weak governance in land administration will be indirectly bringing consequences of a decreasing sense of obligation to pay tax, to apply for proper titles and building permits or to stick to zoning regulation. Natural resources are harmed or even devastated, doe to illegal transfer of property rights of protected areas and like.

### **5.2.1. Success story from Developing Countries**

To mention the fact, some good practices can be presents as indicative prove if confidence on good governance in land administration can be the source of preventing imperfection as urbanization go wrong in relation to land. Within the implemented good practices, service standards and improved services; counter offices; client survey; hotline; public access to cadastre via internet – web-based land information system; transparent state land management – state land reforms; and people’s participation in adjudication and demarcation are needed to guarantee the implementation of good governance principles.

#### **Web-based land information system in El Salvador**

El Salvador’s National Registry Centre (Centro Nacional de Registros, or CNR), has just established by legislative decree in 1995. The registry centre has become a modern decentralized institution. The institution has been consolidates into one single agency with the functions of property registration, cadastre and mapping, thereby facilitating simultaneous access to juridical and cadastral information for each parcel and increasing security by avoiding overlaps. During the period, service standards within the institution have been greatly improved and response times to client requests sharply reduced. Registration of standard real estate transaction now takes fewer than 5 days, compared to 30 to 45 days in 1997 under the old system. The average number of visits service users need to pay to CNR offices to register land transactions has been reduced from 3.5 to 1.5. Similarly the amount of time needed to process a credit request in the modernized departments was reduced from several months to less than a month (Zakout, et al., 2006).

One of the significant institutional developments was the institutionalization of a client orientation in this public sector agency. The institution has turned itself into a service provider with clearly established service standards. A certification process has been instituted for CNR offices, which will guarantee better quality, transparency and accountability, including efficient client feedback mechanisms.

### **Access to digital cadastre and land registry through the Internet in Croatia**

Searching cadastre as well as land registry in Croatia, it is now possible to search on the internet. Cadastre data available are: parcel number, address/location, area, land use and name of the user. The search is possible by choosing the local cadastral authority and entering the cadastral district and either the parcel number or the user's sheet number. Within the Zagreb cadastre, it is also possible to search prosperities by choosing the address (street and house number). Within the first seven months of operation, 12 million hits have been recorded (Zakout, et al., 2006).

The available land registry data in internet are: cadastral number, address/location, and area, land use, owner's name, all properties listed in a single owner's sheet, all mortgages and charges. The search is possible by choosing the local municipal court and entering the cadastral district and the parcel number. The search is not possible by the name of the owner, the owner's sheet number or the address of the property. This is an important security measure to guarantee data protection. For the moment, the main purpose of this website is to allow users to look up their own information as it is currently given in the land registry, though for an official extract they still need to visit the land registry office. Within the first nine months of operation, already 21 million hits have been recorded (Zakout, et al., 2006).

The benefits of web-based cadastre and land registry in Croatia are that the data are easy to reach, there is less queuing in cadastral and land registration offices, publicity is significantly improved and consequently there is more transparency.

### **Small steps towards stake land reforms**

A number of countries have taken first steps of state land reform:

In Egypt, state land is being administered, leased or transferred by the various sectoral ministries. The government has recognized that the current structure of state land management contributes to inefficiency and non-transparent procedures. The government has initiated a process to reform in the system through consolidation of all state land management under one agency (the Ministry of Finance), the undertaking of a full inventory of state land and the development of clear and transparent procedures to manage, lease and transfer state land. The reform has just started and probably will take a few years to be completed (Zakout, et al., 2006).

According to Zakout, et al., (2006), by making the digital cadastral data publicly available digital cadastral data and ownership information through the internet can serve several objectives:

- Reduce time for clients through easy and fast access to cadastral data and land registry information from home or internet cafes.
- Lower costs for clients in the form of fees and informal payments to receive data from cadastral offices and land registries.
- Greater transparency and fewer opportunities for bribery.

- Decreased workload for the cadastral and land registry office staff, which allows them to focus on transaction registration and backlog reduction (in those cases where land registration and/or cadastre are not up to date). The updated and verified cadastral and land registration information can then contribute to greater transparency, clarity and efficiency of the land administration.

Further, the provision of an entire land information system through internet – normally for those organization and people who are involved in the local land and service facility management, such as urban and regional planning authorities, land registry, cadastral offices, notaries, utility companies, telephone companies, building construction authorities etc. even banks can be given restricted access to part of the data. Depending on the objectives of the land information system, the data available and the institutions interested in participating, it can have different shapes. In all cases it increases transparency and efficiency of land administration and management.

In terms of transparent state land management – state land reforms as best practiced and presented above, notes can be taken are lays on the responsibilities, clarity and transparency. In the condition of a lack of clearly defined responsibilities for public land can easily result in a de facto open-access situation: any-body can use the land, claim rights to it, sell or lease it. The result can be misuse or overuse of the land and reduced government revenues from sale or lease of the land. Zakout, et al, (2006), promotes that there are several important measures to improve state land management that also contribute to a reduction in state capture. A key prerequisite for transparent state land management is a state land inventory. Only when it is known (and transparent) to everyone which land belongs to the state, can public land be used for the maximum benefit of society. In a second step, it has to be clarified which institutions (ministry, municipality, administration) at which level (national, regional or local) takes responsibility for this land and therefore controls the land use, the right to identify the land user, the duty to define the kind of contract (lease, concession ect.) and the right to generate income from that land. There is no single solution for this: state land can all be under one ministry, or it can be administered at the local level by the corresponding municipality. In any case, there has to be clarity and transparency.

At the end, the people's participation in adjudication and demarcation presenting the implementing of good governance includes people's participation. It is clear that a crucial step within land administration in which the affected population should be involved is the identification of parcels and their owners and the determination of boundaries. Situation where landownership is registered or boundaries are (re-) established are: systematic registration, post-conflict situations (e.g. returning refugees and resettled people), privatization of land and post-disaster situations such as after floods, hurricanes, landslides, and volcanic eruptions.

### **5.3. Conclusion**

As Mention previously, land administration can be important in an urbanization process. As found in many cases, weak land administration may be insufficient to direct urbanisation to the needed circumstances. It may even be worsening the process and bring the urbanization in the wrong direction. Contrarily, good governance in land administration empirically shows the success to facilitate the urbanization process and prevent the negative consequences of urbanization. This many



sources show that both developed and developing countries need the role of good governance in land administration to ensure urbanization will not go wrong.

Land valuation system has been based on transparent land transaction. All dealing on land particularly buying and selling has been possible and unclosed to trusty and high integrity land valuation institutions. Land market becomes leverage for economic growth and investment in the urbanization process. In these conditions a government will also have the valid information for deciding any appropriate policy on land including to decide, for instance, a pro poor land use policy, to protect environment from damage, to prevent socio economic instability etc.

In many developing countries, good governance in land administration has been implemented in some cases in limited areas and activities. Based on success story from developing countries, it can be listed some finding as follows:

- Web-based land information system in El-Salvador.
- Front office function in Moscow with goals to improve the agency's image, reduce corruption, and better costumer services.
- Access to digital cadastre and land registration trough the internet in Croatia

## **6. Good Governed Urbanization in the Netherlands and Indonesia**

This chapter is to assess and provides the condition and situation of land administration with good governance perspective in accordance specifically to urbanization. It is about the of assessment land administration including the practices, programs, institutional arrangements and basic of legal and regulation. The implications of good governance in land administration to urbanization will be presented in this part. The assessment is based on desk review of any sources including literatures, articles and web/online materials.

This chapter will provide the condition of dramatic process of transformation and the possibility of any negative aspects of urbanization process if weak governance in land administration is occurred in urbanization process.

### **6.1. Urbanization process in Indonesia**

Geographically, Indonesia is located in South East Asia and is the largest archipelago nation in the world. Indonesia is bound by Malaysia and the South China Sea to the northwest, Papua New Guinea to the east, the Pacific Ocean to the northeast and the Indian Ocean to the southwest. The country consists of five main islands, Java, Sumatra, Sulawesi, Kalimantan (60% of Borneo) and Papua as well as 13,667 other small islands and islets. The five main islands account for 90% of the total land area and each island has its own coastal and mountain regions. The islands of Sumatra, Java and Kalimantan are densely forested while most of the rivers are short and principally used for irrigation. The most 5 major cities of Indonesia are Jakarta 8,259,300, Surabaya 2,421,000, Bandung 2,026,900, Medan 1,686,000, Semarang 1,005,300 (1990). Indonesia Land Use composition in most is forested 62%, pastures 6%, agricultural-cultivated 17%, other 15% (1993) the data are extracted from Central Biro of Statistic of Republic of Indonesia (BPS), of years 1990 – 2005.

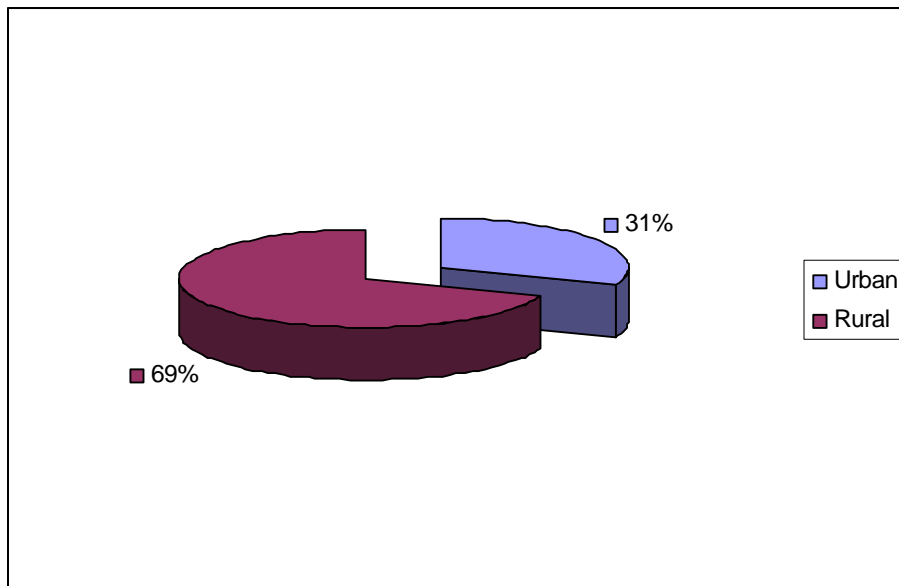
In 2009 Indonesian population was estimated to be 231 million. Density is uneven with most people in Java 58 per cent (BPS, 2009). Average population density is 1.21 people per km<sup>2</sup>, but reaches 134.16 people per km<sup>2</sup> of land area in Java. The population consists of over 300 ethnic groups largely of Malay origin. These include the Javanese who account for 45% of the population while the Sundanese account for 14%, the Madurese for 8% and the Malay for 8%. The principal ethnic minority group is the Chinese (BPS, 2009).



**Figure 11 Location of Indonesia**

(Source: the world fact book, <https://www.cia.gov/library/publications/the-world-factbook/geos/id.html>)

Demography density is 93 persons per sq km (241 persons per sq mi) (BPS, 1991). Urban-Rural population is 30.9% urban, and 69.1% rural (BPS, 1990). Country sex distribution of population is 49.9% male, 50.1% female (BPS, 1990). The current life expectancy at birth is 55.6 years male, 58.9 years female (BPS, 1991). The portion of population age breakdown is 37% under 15, 28% 15 to 29, 18% 30 to 44, and 11% 45 to 59, and 5% 60 to 74, 1% 75 and over (BPS, 1990). Country birth and death rate are Birth Rate; 32.2 per 1,000 (BPS, 1991). Death Rate is 11.7 per 1,000 (BPS, 1991). Increase Rate of population is 20.5 per 1,000 (BPS, 1991). Lastly, infant mortality rate is 90.0 per 1,000 live births (BPS, 1991).



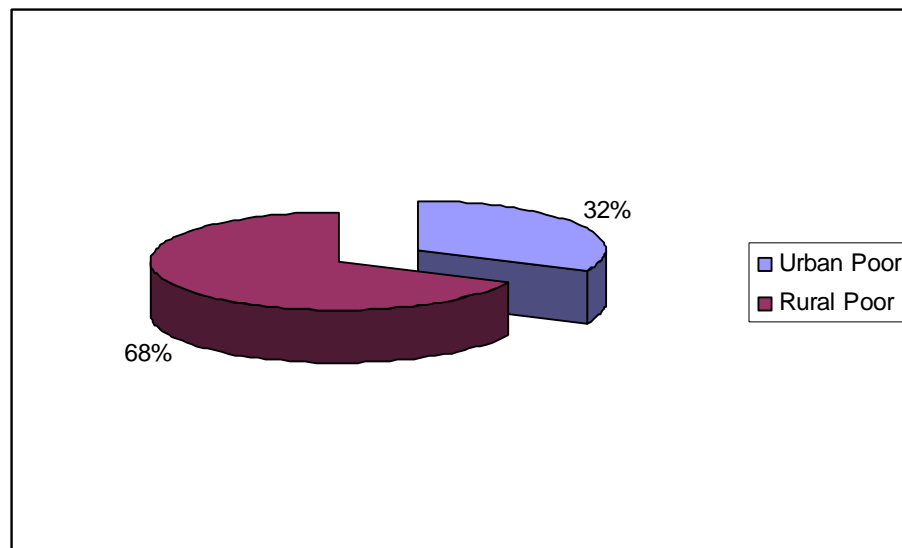
**Figure 12 Urban-Rural Population of Indonesia**

(Source: Indonesia's Central Bureau of Statistics (BPS))

Indonesia is urbanizing rapidly, urban areas grew at a rate of 4.4% per annum between 1990 and 1999, approximately triple the national population growth rate of 1.5%. Already, Java, overwhelmingly the most populated island, is 65% urbanized with an urban population of 78 million. In 2025, the country is expected to be 61% urbanized with an urban population of 167 million people. Jakarta is the dominant city, and capital, anchoring an extended urban region of approximately 17 million people (BPS, 1990 – 2000). Eight major cities, five of them on Java, have populations in excess of one million people.

Interestingly, because of the extremely high rural densities surrounding most Javanese cities, and many outer Indonesian urban centres, 30-35% (BPS, 2000) of urbanization is occurring through transformation of rural settlements into urban places as urban areas spread outward and envelop rural communities.

In 1999, the urban poor numbered 15.7 million, the rural poor 32.7 million. In other words, over 32% of the poor in Indonesia are in urban areas, the highest ratio in developing East Asia, and a major cause for concern (extracted from BPS data, 2000). A large percentage of urban residents in Indonesia live very close to the poverty line (both above and below it) so that relatively minor changes in the circumstances of households or urban economies can move large numbers of people into or out of poverty. It is for this reason that the performance of urban economies is so important in affecting the well being of Indonesian families. The sensitivity of urban people to economic swings was illustrated by the financial crisis of 1997 (krismon), which affected urban people much more severely than rural. For example, urban poverty increased at a rate twice that in rural areas; urban spending on food decreased by 28%, driving peri-urban agriculture, particularly in the Jakarta extended urban region (BPS, 2000).

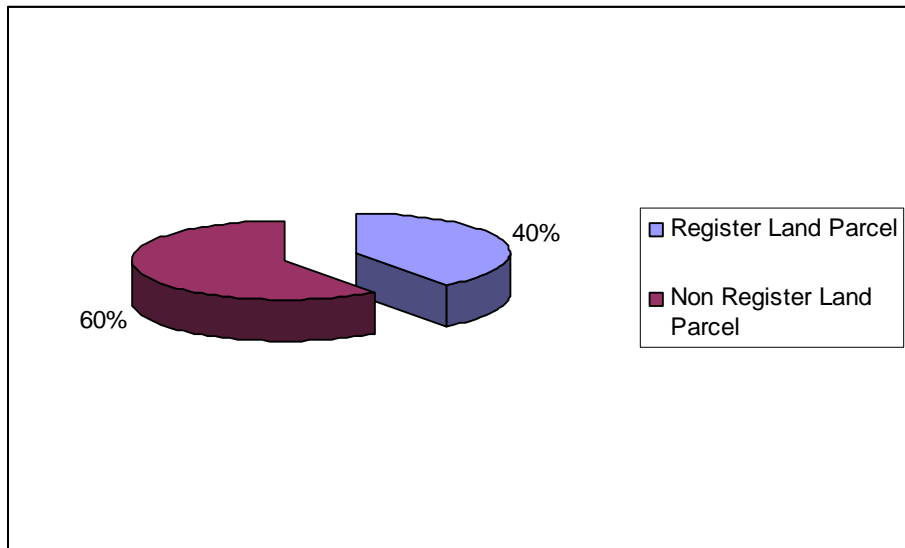


**Figure 13 Urban-Rural Poor of Indonesia**

Source: Indonesia's Central Bureau of Statistics (BPS) data 1999

Related to the foregoing is the issue of land, particularly on Java, a relatively small island, home to 120 million people. Administration of land is inefficient, and still, despite the ongoing decentralization

process, in the hands of a national government agency. Only about 40% of an estimated 85 million land parcels in Indonesia are currently registered (BPN, 2007).



**Figure 14 Register – Non register Land Parcel in Indonesia**  
(Source: The National Land Agency of Republic of Indonesia (BPN), 2007)

The physical and financial dimensions of urban service needs are dramatic. To double the coverage of urban water supply and sewerage to 65% of the urban population over a ten year period would cost between \$10 and 20 billion US (BPS, 2000). Urban watershed management is a major problem, Indonesian watersheds, because of the island topography, tends to be short, and thus difficult to manage well. Most cities are in estuary areas at the mouths of these short, intense, and highly variable, watersheds. Impacts of inadequate water management include flooding, water pollution, etc.

Other pressing physical problems include urban transportation, surprisingly the economic crisis did not slow purchase of automobiles because they were viewed as a hedge against inflation and devaluation; maintenance of infrastructure (which has decreased since 1997); and the need for investment in capacity in a variety of infrastructure areas to meet demand, such as power generation.

Looking deeply into urbanization and good governance relation in Indonesia, this study is directed to review the sources of Jakarta. With regards to others urban area in Indonesia, Jakarta can be the big picture of both success story and imperfections. Since Jakarta plays dominant role in many respect in Indonesia. Jakarta has clearly the high concentration of urban population and plays as political, economical, cultural and transportation centre of Indonesia. Therefore, choosing Jakarta as the source of study analysis is reasonable enough, instead of struggling with limited available source of any other urban area of Indonesia.

## **6.2. Urbanization process in the Netherlands**

The Netherlands is a country populated by 16 million people, 13 million pigs, 4 million cattle and 100 million chicken all crowded on 33,885 km<sup>2</sup> of land (466 inhabitants/km<sup>2</sup> in 2000). The Netherlands is one of the most densely populated and urbanized countries in the world with 466 inhabitants/km<sup>2</sup> in

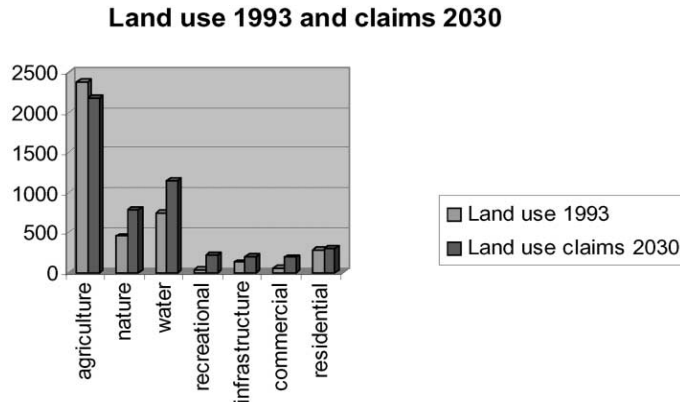
2000. Dutch citizens are confronted with a scarcity of land and threat of overcrowding (Metze, 1996; Central Bureau of Statistics, 2000 as cited in van der Valk 2002).

Physical, social, cultural, economic and administrative conditions are taken into account to gain a deeper understanding of the driving forces in spatial and environmental planning in The Netherlands. In the rapidly development of the western part of the country into an urban field, formerly known as Randstad or Ring City the planning taking those factors into consideration. Randstad is a horse-shoe shaped belt of old cities and new growth centres inhabited by 6.5 million people. In the middle of the outward expanding urban field is the Green Heart, the central park of the Dutch Green Heart Metropolis. This metropolis situated in the delta of the rivers Rhine and Meuse, thus also labelled Delta Metropolis, is an integral part of the Western European Metropolis with the Ruhr area, The Belgian Triangle and London (Hall, 1982; Dieleman and Musterd, 1992; Faludi and van der Valk, 1994 as cited in van der Valk 2002).

For an example in the Netherlands, the rapid development of Randstad become Delta Metropolis is the clear picture of urbanization process which facing opportunities and threats. On the bright side: rapid growth in the number of jobs, booming building industry, accretion of tax income from real estate, renovation of the old urban fabric in historic cities and finally, the conservation of scenic landscapes. On the other side the threats are including: congestion, noise pollution, a split of society between a white upper-class and an under-class of ethnic minorities, rocketing prices for land and real estate, and a system of governance that is generally considered obsolete but highly resistant to reform.

The phenomenon has raised the awareness of the needs of a metropolis leads planners and politicians to implement strategies of intensification and multiple land use in order to implement: inefficient land use. This includes high rise buildings, subterranean parking space, combining anti-noise walls and dwellings or using schools as meeting places in the evenings. It is the continuation of an old policy to fight urban sprawl. It also helps to stop and prevent fragmentation of the national ecological network under construction.

Emerging environmental problems of urban sprawl have been on the national political agenda since the 1920s (van der Valk 2002). Urban sprawl has grown as a result of population pressure. Population density in The Netherlands has risen from 157 inhabitants / km<sup>2</sup> in 1900 to 466 in the year 2000. Land is a scarce commodity. Still, only 14% of the land is used for urban purposes (built up area) and 70% is used by agriculture. The built up area has grown 16% between 1977 and 1998. The number of dwellings has grown 32% in the same period.



**Figure 15 Land Use 1993 and Claims 2030**  
(Source: Arnold van der Valk, 2002)

Despite the fact, as described van der Valk 2002, the Central Plan Bureau (for economic planning) has produced three scenario's for land use claims in the year 2030. The no-regret option has a substantial growth for nature preservation and development (125,000 ha), forestry (40,000 ha), dwellings and urban development (in the range between 100 and 200,000 ha). The sum equals the area of a medium sized province in The Netherlands. Agriculture is supposed to give up land for other uses. The size of land and water of the country is 4.2 million ha. The huge claim on agriculture is open for debate though since the best agricultural land is situated in the western part of the country where pressure of urbanization is most intense.

### 6.3. Good Governed Urbanization and Land Administration in the Netherlands and Indonesia

In order to analyze the role of land administration in good governed urbanization this part will comparing land administration system and practices in Indonesia and the Netherlands. The analyses are focused on the good governed urbanization principles. Sustainability, transparency and accountability and security are among the principles chosen to be analyzed. Reason to the limitation of analysis on those three principles is due to the best information available both in Indonesia and the Netherlands. Time constrain is also the reason behind the limit of analysis to those principles. The importance of other principles is not downgraded. As the study is done by desk review of sources such as literatures, articles, study reports etc, not many sources can be access during the time.

The principles of GGU in LA	The Netherlands	Indonesia (Jakarta)
Sustainability.		
- Are land use plans made according to the good governance rules. (all stakeholders)	yes	citizens not involved
- LUP includes socio-economic and environmental aspects	yes	Limited
- implementation of change according to land use planning	Change based on economic condition	can be changed by private sector interest

<p>Subsidiarity</p> <ul style="list-style-type: none"> <li>- Simple procedure in collection of fees</li> <li>- Autonomy on local land administration for services</li> </ul>	Not studied	Not studied
<p>Equity</p> <ul style="list-style-type: none"> <li>- Equal access of women and men to land.</li> <li>- Equal access for all group of citizens (incl new ones)</li> </ul>	Not studied	Not studied
<p>Efficiency</p> <ul style="list-style-type: none"> <li>- short and simple procedure to register land and property</li> <li>- The suitability of land use with the land availability can be met for efficiency land use planning and implementation</li> </ul>	Not studied	Not studied
<p>Transparency and accountability</p> <ul style="list-style-type: none"> <li>- Access information related to land use, land tenure and land value.</li> </ul>	yes	lack of transparency
<p>Civic engagement and citizenship</p> <ul style="list-style-type: none"> <li>- web services to access information</li> <li>- customer surveys to report corruption and misconduct</li> </ul>	Not studied	Not studied
<p>Security</p> <ul style="list-style-type: none"> <li>- Every citizen has to feel secure on all of their right.</li> <li>- no force eviction</li> </ul>	yes	Many disputes

Case studies:

**1. Sustainability:**

For sustainability the next criteria will be used to evaluate the cases in the Netherlands and Indonesia:

- Are land use plans made according to the good governance rules. (involve all stakeholders)

A strong regional planning system and efficient mechanisms of horizontal and vertical co-ordination between government departments and levels, a broad public debate between researchers, policy makers, stakeholders and citizens and strong efforts to raise public awareness of the importance of preparing regions and cities for a sustainable future (Wegener, 2009)

Base on the Netherlands legal system, spatial planning, all three-tiers of government have planning powers. National and provincial land use plans are broad framework plans and policy guidelines. The municipalities have the statutory power to make both framework plans (structuurplannen) as well as binding land allocation plans (bestemmingsplannen). The Spatial Planning Act includes a consistency requirement for local and regional plans and for the plans of the spending departments. These plans must comply with the national framework plans for spatial planning. The minister of housing, spatial



planning and the environment have the legal powers to give directives to provinces and municipalities. This is a last-ditch action, which is seldom used. The process of communication between the tiers of government is characterized by consensus building and mutual adjustment (van der Valk, 2002).

The level of agreement in the Netherlands is high for its land use planning and it is determined by the extent to which its citizens agree on what desirable land use is. The procedure of public interest which is agreement about the content of planning policies, procedures for producing and adopting the policies includes a trust in the politicians and public officials who are responsible for those procedures and taking decisions (Needham, 2007).

In Indonesia, in accordance with the new decentralization laws, the Spatial Planning Law 26/2007 stipulates explicitly the authority of provincial governments (pemerintah propinsi) and of district governments (pemerintah kabupaten and pemerintah kota) in spatial planning. Such provision is not stipulated in the previous spatial planning law. In the previous law, the central government is responsible for spatial plan that covers areas in two or more provinces and the provincial government is responsible for spatial plan consisting of areas in two or more districts (kabupaten/kota). In the new law, spatial planning consisting of two or more provinces becomes the authority of respective provinces and should be used as a coordination tool for both provinces. The central government is no longer authorized to coordinate the spatial plan in the areas consisting of two or more provinces. The similar rule also applies to spatial planning covering two or more districts.

Law 24/1992 and PP 47/1997 on National Spatial Planning form the foundation for urban spatial planning in Indonesia. The National Spatial Development Plan is translated into a Regional Spatial Development Plan, a City or District Development Plan and detailed partial and technical plans. The main offshoots are Sector Master Plans which translate long-term views into long and medium-term infrastructure projects (ADB, 2001: p.41). These plans are not integrated with local economic planning or the budget; they are not prepared after public consultations and are perceived as being inflexible and corrupt, resulting in low commitment to their implementation by the public.

- LUP includes socio-economic and environmental aspects.

The Netherlands has developed a comprehensive environmental planning at all levels of administration. The primary goal of spatial planning and growth management is to enhance the quality of life. According van der Valk (2002), in The Netherlands quality of life is linked to sustainability, liveability and quality of the spatial environment. Sustainability and liveability refers to the quality of the physical and social environment in a territory. Sustainability, liveability and spatial quality are linked to a well-maintained physical environment (townscape, landscape, neighbourhood, and public space), a clean and healthy environment, a safe environment, an environment that allows residents freedom of choice (mobility, living conditions, and amenities) and finally variation and opportunities for identification.

In the Netherlands context, common indicators for the determination of the quality of life are: employment, adequate housing, safety, a healthy environment, clean air and water and adequate level of servicing. Promoting long term sustainability of the physical environment is an important element of liveability (van der Valk, 2002).

Brundtland Committee in 1991 introduced the term, “.....*development that meets the needs of the present without compromising the ability of future generations to meet their own needs...*” the ability of the future is about minimizing resource consumption, maintaining the capacity of natural systems, improving environmental quality. And nowadays in the Netherlands, land use planning can be acceptable only if it is sustainable which is considering the environmental consequences and also be socially and economically acceptable (Needham, 2007).

In Indonesia, one of the important provisions of the Spatial Planning Law 26/2007 is the requirement of at least 30% of urban areas for open spaces. The open spaces can be public and private open spaces. More specifically, public open spaces account for at least 20% of urban areas. In addition, this law stipulates that forest areas must be account for at least 30% of river stream areas. Such provision was not included in the previous spatial planning law.

In Indonesia the urgency to enhance quality of life is high for a large portion of the population, the principles to avoid lasting environmental damage are also urgent given the state of environmental quality in many urbanized areas, and increasingly so in area subject to intensive land use pressures and surface mining. This urgency must be recognized in a pro active land policy agenda that seek to avoid environmental disaster, and reduce environmental impacts and human health risk (Schultink and Safik, 2009).

Both Indonesia and the Netherlands take policy and actions for sustainability in the role of land administration of the countries, including for all urban development. With regards to the balance the need of social, economy and environment of both Indonesia and the Netherlands regulations has been enacted. Despite the reality of effectiveness, the approach and instruments of legal basis to ensure sustainability in urbanization under land administration as the means are different.

- Implementation of change according to land use planning

The Netherlands produce plans that are complicated. The results of the implementation of plans are often good but sometimes the implementation has to be stopped or the plan drastically changed, because the economic conditions have turned out differently (Needham, 2007)

In Indonesia, the development of new town in Jakarta Metropolitan Region has had almost nothing to do with spatial planning (Goldblum and Wong, 2000). The developer together with the negligence of local authority has violating many of land use plans. The violations of land use plans mostly due to pressures and interests in locating profitable activities (Firman, 1997). Undeniably, the new town development can only provide a small proportion of the housing stock in the area. Despite the fact that the low density of this development has bring about a significant impact on urban land in the periphery of JMR (Leaf, 1994).

The issue related to governance plying important role in this reality. In case of Jakarta Metropolitan Region, the failure tightly related to the capacity of the local government to manage and execute spatial plans (Rencana Tata Ruang). The capacity for monitoring and controlling land conversion has been disgracefully inadequate, while pressure from the developers is vast. It is common that in the development new towns and large-scale subdivisions in the development area in Indonesia, developers ignored land-use plans and regulations. The source of these ineffectiveness of land use planning

usually related to bribery payments ‘over and under’ the table remain a daily routine in the public sector amid the war against corruption has intensively been promoted.

## **2. Transparency and accountability;**

- Access information related to land use, land tenure and land value.

Looking at the implementing of transparency principle in each land administration functions; land tenure, land use and land value, makes clear differ of Indonesia and the Netherlands. Looking into Indonesia land law (Basic Agrarian Law; the Law number 5 of 1960), transparency has been stated at least in terms of the aims of land registration as stated in articles number 19 of basic agrarian law, concerning land registration. “to guarantee legal certainty, the Government is to implement land registration throughout the whole territory of the Republic of Indonesia... .. the registration includes surveying, mapping and recording of land in a book; registration of rights on land and of transfers of the rights; ranting documentary instruments of evidence of right, which shall serve as strong instruments of evidence.:....but this has not been completed” (ADB, 2009).

In practice since only limited number of land parcels have been registered. The slow process of land registration has been resulted by many factors. Indonesia registration system is unique. There is a registered record that has negative operation of ‘best evidence’ (Lindsey, 2008). According to Lindsey (2008) it does not fit with any of two main international models: land registration (exemplified by Torrens systems, in which registration is the dominant determinant of title, and German style system, which use a combination of registration and notarial deeds to assign title); and a deeds registration (such as land recording in most of the United States). This condition brings about the system of low motivation of land to register their land. The impact is information of land covered by registration is low. Many dealing on land is not register. Therefore land information for transparency cannot be properly provided.

Transparency regarding land tenure in Indonesia can be classified as idea rather than realities and practice. In Indonesia, finding out who has rights over a piece of land is a difficult enterprise because of the low level of official registration, lack of transparency, and low levels of competency within the responsible government agencies. The situation is figured out by an NGO advocate trying to identify who genuinely had rights over a site threatened with evictions, as quoted by Human Rights Watch (2006) as follows:

*First they said that it was the developer’s land. And we did some investigation, but the company could not prove that they had any certificates on the land....The National Land Agency of West Jakarta didn’t give us any information about the land. [They didn’t tell us] who owned it. I went to them, I gave them an official letter from [my organization] and I explained that I wanted to find out about the land. It was like ping-pong—“Go to this division,” and when I went to that division, they said “Go to another division, and then another.” After three weeks I gave up (Human Rights Watch, 2006).*

The current land administration system has also allowed thousands of fake and conflicting land titles to circulate (Server, “Corruption: A Major Problem for Urban Management, Some Evidence from Indonesia.”). The contradictory and complicated situation for that particular site is there are

overlapping certificates on the land and the system cannot distinguish which one is real. There was no legal basis that could prove that the land belonged to one certain person (Human Rights Watch, 2006).

Indonesia has a growing formal property market, although there is still a very high incidence of informal land transactions. There is frequent trade of unregistered parcels guided by customary principles, based on verbal agreements witnessed by villagers. Land titling in Indonesia also appears to have had a significant impact on land prices. As a general rule, registered land in Indonesia is considered to be worth significantly more than similar unregistered land.

Land use function in Indonesia currently stipulated mainly in Spatial Planning Law (Law number 26 of 2007). As stipulated in this law, the land use information should be accessible equally for any citizen (BPN, 2007). The spatial planning law emphasizes the principles, objectives, characteristic of spatial planning and spatial planning phases in Indonesia. Mention in the law, spatial planning in Indonesia has 2 main principles:

1. Utilization of space for all interest in an integrated, effective and efficient harmonious, balanced and sustainable way.
2. Openness, juridical, equality and legal protection.

Further the law describes the objectives of spatial planning in Indonesia are as follows:

1. The realization of an environmentally sound spatial utilization based on the *wawasan nusantara* (the doctrine on the unity of Indonesian) and national resilience.
2. The realization of the orderly use of space in conservation and cultivation areas.
3. The achievement on desirable quality of space utilization for:
  - Realizing intelligent, noble and prosperous way of life on the nation.
  - Realizing the synergy between the utilization of natural and man-made resources by considering human resource factor.
  - Increasing the utilization of natural and man-made resources in an efficient, effective and appropriate way to improve the quality of human resources.
  - Embodying the protection of function of the space, as well as preventing the negative environmental impacts.
  - Embodying the balance between prosperity and national resilience.

By law, starting point of spatial planning in Indonesia is community participation. While, there are basically two institutions in charge on the spatial planning in Indonesia. They are the National Planning Board (*Bappenas*) and Ministry of Public Work. *Bappenas* has the authority to formulate the national spatial plan. Since the national, provincial and municipal/regency spatial planning is by law considered as directive only, the provincial and regency/municipality has the authority to promulgate permits regarding the development in the province and/or municipality/regency in question, especially for the development of spatial zones. Besides using the development control method within the implementation of spatial planning, the building regulation is also used as a means to control the land use in provincial and/or municipality/regency level.

Development of new town in Indonesia particularly Jakarta has had almost nothing to do with any spatial planning of the area (see also Goldblum and Wong, 2000). There have been many violations of land use plans by developers and even by the local government they in Jakarta due to pressures and interests in locating what considered to be profitable activities (Firman, 1997, p.104). Indeed, the new

town development in Jakarta involves only small proportion of housing stock in the area, but the relatively low density of this development has significant impact on urban land in the periphery of Jakarta (Leaf, 1994, p.344).

Land is just like other commodities. It gives benefit to the owner or the right holder. Land right is also being sold and purchased in the market. As part of market transparency, an Index that indicates the movement of price could also be developed to help people to get the information of land market.

Land value is one of the most challenging parts of transparency of land administration in Indonesia. Land value in Indonesia is varies depends upon the purposes. There is market value (actually market price). The notarial deed price will usually different. Nonetheless, there is also land and building tax (*Pajak Bumi dan Bangunan*, PBB) value. None of those values consider being the one that commonly acceptable. Many compensation in land acquisition take long time and even fails to accomplished as no agreement on the amount of compensation.

In Indonesia, it is a quite new thing to have a land market index (Virgo et al, 2010). Property index could be commenced by introducing the (vacant) land price index. There are two reasons indicated by Virgo et al (2010), why Indonesia should start with land price index. First because Land is very static in supply but on the other hand always have increasing demand. It affects the increasing value of land overtime. The second reason is modeling land market is quite simpler than property market. There is very few uniform housing in Indonesia. Most other area have varies kind of housing. It is difficult to generalize the market of big variety of housing type.

Land valuation in Indonesia in the recent time is mostly created and use for tax purposes. Land valuation is one of most important activity for *Kantor Pelayanan Pajak Bumi dan Bangunan* (PBB) the Land Building Tax Service Office. This activity influences success of other activities, like decision-making of potential land and building tax (PBB), acceptance PBB and service to taxpayer (Leksono, et al, 2008).

In the Netherlands land tenure has been transparently provided for public. The land information has been publicly available and even online. The information provided in multipurpose pattern with the content of land tenure, land use and land value all together (van der Molen, 2007).

In the Netherlands, on line distribution of land information is already getting traditional, since the introduction of the first version in 1993 (van der Molen, 2007). Complete renewal of the site in 2004 gave another boost to these sales, right now more than 19 million information products are sold annually, while some ten years ago this was not more than about 5 million. Also the amount of subscribers is steady on growing, currently up to 17,000 customers. The next step (introduction beginning of 2007) is 'MyKadaster' which transforms the Kadaster-on-Line service into a individualized one, giving access to all Kadaster services instead of the need to have various use id's and passwords, the option for users to maintain their own and employees' user-id's and passwords instead of telephone calling to the helpdesk, and individualized newsletters and messages.

One way to get the trust from the public is the available access information about all actions of a public authority taken on behalf of the public (Needham, 2007). In this case is information about land use on having access to confidential information about land delas between the municipality and certain

developers and building firms. So, the citizen knows where they stand with respect to the legal rules, related to building permit against the plan.

In the national spatial policy of the Netherlands its main goal is clearly stated. the main goal of national spatial policy is to create space for the different functions that demand it (and to do so in a sustainable and efficient manner), to safeguard and increase the liveability of the Netherlands, and to improve the spatial quality of urban and rural areas, paying particular attention to creating the right conditions for the application of development planning. More specifically, the government focuses on four general objectives: strengthening the international competitive position of the Netherlands, promoting strong cities and a vibrant, dynamic countryside, preserving and developing important national and international spatial values, and ensuring public safety.

As noted by van der Molen (2007), after the enforcement of the new Law on Spatial Planning (meanwhile enforced in 2008), all spatial plans (emphasis on zoning plans) are compulsory in digital format and digitally exchangeable. Various pilot projects are currently under execution. The aim is better citizen's participation and integration-options with other datasets.

### **3. Security;**

Every citizen has to feel secure on all of their right. Cities should make every effort to avoid conflict and provide security to the citizen, including security of tenure and no force eviction.

Indonesian land use conditions, in urban and rural areas alike, are characterized by weak or not existing guarantees that clearly define ownership, tenure regimes or use rights. This in turn increases the perceived and real conflicts and disputes associates with these rights. Sources of conflicts include disputes between the state, investors and local people.

In Indonesia, the policies and legal for regulating land ownership and land use, offer only minimal security to users, thus increasing their vulnerability to forced evictions (Human Rights Watch, 2006). Almost all of the evicted residents lacked land certificates to indicate that they had rights over their land of the vast majority of poor residents in Jakarta and for people in Indonesia as a whole (World Bank, 2003). The system so far cannot provide secure land tenure in regard of give resident clear legal rights against either the government or private entities who make competing claims on the land. When evictions occur, clear rights to the land place residents in a stronger position to negotiate agreeable quit terms and adequate compensation.

Disputes over land are a frequent source of conflict in Indonesia, and forced evictions are a long-standing and recurring problem in the history of Jakarta. During the rule of earlier Presidents Sukarno and Soeharto, government forces carried out brutal large-scale evictions in order to fulfill the urban planning dreams of city and national leaders, and to serve the private interests of a few privileged developers. Yet Indonesia's transition to democracy has not led to a halt in forced evictions (Human Rights Watch, 2006).

The insecurity of tenure in Indonesia can be traced as the product of several factors: flaws in Indonesia's legal regime for administering land; poor administration by government agencies; corruption by some officials and developers; a lack of transparency by government agencies; and pervasive government violations of the rights of the urban poor.

Indonesia's legal system employs more than 2000 pieces of legislation, regulation, and directives, on land use (Wallace, Parlindungan, and Hutagalung, 1999). The vast majority of these are outdated and overly complex, and many are inconsistent and contradictory (Firman, 2002). Sometimes there are numerous conflicting claims over the same piece of land. According to one study, 65 percent of administrative court cases involve land disputes (Wallace, Parlindungan, and Hutagalung, 1999). Litigation of land disputes is time consuming and often prohibitively expensive for the poor. Although a number of projects over the last few years, supported by both domestic actors and international donors, have proposed a variety of reforms to the Basic Agrarian Law of 1960 (*Undang-Undang Pokok Agraria; UUPA*) that still controls land law issues in Indonesia, no reform has yet been instigated.

Under the current land system, only 1 percent of the land in Indonesia is held in the form of tenure known as Hak Milik that is most closely equivalent to freehold ownership disputes (Wallace, Parlindungan, and Hutagalung, 1999). Instead, almost all land is held in other forms of tenure, which are defined by the kind of use that is permissible for that piece of land. If the holders of the title do not conform to those restrictions, they risk forfeiture of the title to the government. The granting of any of the formal forms of title by the government is also discretionary and no tenure form is available as of right. This ability of the government to revoke even formal forms of tenure creates a dynamic between the state and land users that facilitates corruption, political patronage, and the exploitation of land user disputes (Wallace, Parlindungan, and Hutagalung, 1999). Administrative problems that lead to insecure tenure include slow progress in registration, fees that are prohibitively costly for the urban poor, and inadequate administrative and technical skills within the relevant government agencies. A study in 2000 noted that the land registration process in Jakarta involves seventeen steps, eighteen different agencies, and an average of two to three years to complete (Zaman, 2000). There are over 80 million land parcels in Indonesia, of which only 17 million are currently registered (World Bank, 2005).

At the current rate of registration of 2.5 million parcels every five years, it would take another 125 years to register and provide land certificates for all land in the country. Not only is the cost of the process, in the view of the World Bank, "simply too high" (World Bank, 2003) for the urban poor, it may also require the paying of bribes to officials (Human Rights Watch, 2006; O.B. Server, 1996). The cost of registering land includes not only the basic fees paid to the National Land Agency, but also the costs of obtaining permits for any building construction, of using only permitted construction materials, of building to standardized densities and space requirements, and of maintaining only proper residential activities in a zoned residential area (Leaf, 1993). All of these requirements have significant costs. These costs are sufficient to exclude large portions of Jakarta's population from the official registration system (Human Rights Watch, 2006).

The agencies that deal with land administration, including the National Land Agency, the National Coordinating Agency for Surveying and Mapping, the Ministry of Agriculture, and the Ministry of Forestry have been criticized as being notoriously fragmented and overlapping, and for performing land registrations largely for their own interests (Firman and Susantono, 1998). Moreover, each of these government agencies has branches at both the national and the provincial level, increasing the overlapping web of responsibilities and dispersing activities to individuals with less training and skills.

Finding out who has rights over a piece of land is also a difficult enterprise because of the low level of official registration, lack of transparency, and low levels of competency within the responsible government agencies. An NGO advocate described trying to identify who genuinely rights over a site had threatened with evictions:

First they said that it was the developer's land. And we did some investigation, but the company could not prove that they had any certificates on the land...The National Land Agency of West Jakarta didn't give us any information about the land. [They didn't tell us] who owned it. I went to them, I gave them an official letter from [my organization] and I explained that I wanted to find out about the land. It was like ping-pong—"Go to this division," and when I went to that division, they said "Go to another division, and then another." After three weeks I gave up (Human Rights Watch, 2006).

The current land administrative system has also allowed thousands of fake and conflicting land titles to circulate (Server, "Corruption: A Major Problem for Urban Management, Some Evidence from Indonesia."). The contradictory and complicated situation for that particular site is there are overlapping certificates on the land and the system cannot distinguish which one is real. There was no legal basis that could prove that the land belonged to one certain person (Human Rights Watch, 2006).

In some instances, corruption allows developers not only to acquire land and development permits when their plans do not conform to the spatial plan or zoning regulations, but also to acquire land without the knowledge of the residents actually living on the land (Winayanti and Lang, 2004). As the head of a Jakarta-based legal policy center put it:

The bureaucracy here is corrupt, so people who can't get access can't access their rights. There are people who stay on land for maybe ten years, but then they go to the land office to try and get a certificate, but it's a real problem. You would have to bribe. And even worse, somebody who can pay a lot of money to the office, they can then get the certificate, and then they get the land. It's a problem of corruption in the office, and also the land registration system (Human Rights Watch, 2006).

Even though Indonesian law formally allows individuals who reside on non-state land for more than thirty years to convert their occupation into full ownership, this right is difficult to access because 99 percent of land in Indonesia is considered state-land. The National Land Agency defines land as state-land (*tanah negara*) if it is not held under full-ownership (*hak milik*) and is not claimed by anyone else. Only 1 percent of Indonesian land has been registered as *hak milik* (Rooseboom and Semedi, 2000), and is therefore ineligible for this legal provision. In the rare chance that the plot is not considered state land, strict requirements of proof of occupancy and an expensive process still make this an unlikely option for the urban poor (Human Rights Watch, 2006).

In the Netherlands, land rights are registered in two phases. In the first phase, the parties enter into a contract of sale, which means that they agree on the obligation to transfer a piece of land. That obligation is laid down in a contract of sale, but at this stage ownership has not yet been transferred. That happens in the second phase, in which the intervention of a civil-law notary is mandatory. The civil-law notary draws up a deed of conveyance, which has to be listed in the public registers kept by the registrar. Once he has received the deed, the registrar verifies within a maximum of 4 days whether the registration requirements have been met. If he decides to register the deed, he adds a registration report to the deed, which is then returned to the party offering the land. His decision to register the



deed has retrospective effect to the time at which the land was offered. From that time onwards, the deed of conveyance is registered and the ownership is transferred. The registrar does not issue a title certificate setting out the rights of the new owner. Members of the public are themselves responsible for consulting the deeds in the public registers in order to establish who the owner is and can in principle rely on the details laid down in the deed. The Dutch system should therefore be formally considered to be what is known as a system of deeds. In the event of people suffering losses because the deed contains inaccurate information or because the registrar has erroneously registered it, those people can recoup their losses from the civil-law notary or from the Dutch Land Registry Office.

In the Netherlands, that is a self-administering state body which is liable for errors made by the registrar. Apart from the public registers, the registrar is also charged with keeping what is known as the cadastral register. This is a parcel based property register which – in addition to references to the public registers – also lists the names of rights and title holders. In formal terms, this register serves only for levying tax and no rights can be derived from registration as an owner. In practice, however, registration as a title holder in the cadastral register plays an important role. Before drawing up a deed of conveyance in the cadastral register, the civil-law notary looks into the question of whether the selling party is listed as the owner. Should that not be the case, the civil-law notary is not in principle permitted to draw up the deed. This is stipulated by the governing board of the Order of Civil-Law Notaries following consultation with the insurance company of those civil-law notaries. The insurer wants to limit the risk that he will have to pay out damages because the civil-law notary helped to transfer the property of an unauthorized person or co-operated with someone other than the actual owner in establishing a mortgage right. This forces civil-law notaries to resolve differences of opinion with the registrar concerning the implications of a registered deed in advance of a new transfer. They can do this by eliciting a court ruling using a specific procedure.

In practice, this system adequately serves both the economic interest of smooth legal transactions and the interest of legal certainty. Because the registrar quickly updates his registration, civil-law notaries, who are also responsible for transferring purchase amounts, are able to transfer the purchase amount previously received from the buyer or his mortgage bank to the vendor on the day on which their deed is presented. Proceedings relating to the legal status virtually never arise. This is because the civil-law notary of the parties to the deed investigates in advance the identity, the legal capacity in general and the authority to perform this specific legal transaction. The civil-law notary verifies the selling party's previous acquisition in ownership by making a comparison with the registrar's registration.

The legal boundary of a transferred piece of land is determined in the Netherlands by the intention of the parties, as specified in the deed. It is possible to have the intended boundary measured in advance by a land surveyor of the Land Registry Office, but this is not usually done. If part of an existing parcel is transferred, a land surveyor of the Land Registry Office visits the site after a number of months. He makes a request to the adjacent owners to adjust the boundary at the site. Provided that the boundary does not differ from the description in the deed, the designated boundary is created up to the boundary of a new cadastral parcel. If the parties are unable to agree on the course of the boundary, the Land Registry Office does not create a new cadastral parcel. The cadastral boundaries are not made visible at the site. They are however laid down in a digital cadastral map. This map is based on individual boundary sketches made by the land surveyor, who in rare cases of boundary disputes plays an important role. Agreements have been made with the notarial profession about the registration of drawings in which the boundaries have already been described in outline form.

It is theoretically possible that a boundary other than that originally intended by the parties is designated. In that case, the cadastral boundary is different from the legal boundary. In practice, however, this is never the court's ruling. In the absence of evidence to the contrary, the court assumes that the cadastral boundary coincides with the original intention of the parties, and is therefore the legal boundary. It is for this reason that in the event of a boundary dispute the parties usually accept the cadastral boundary as indicated in the Land Registry. The advantage of this system is that the transfer can take place in advance, without the formality of a survey. Here too, the Dutch system is based on part on the economic interest of smooth transaction legal transactions.

Taking force eviction as the reality, Indonesia is one of the weakest governance countries in the world. Insecure of tenure put the citizen particularly the fragile group of city inhabitants in the treats of eviction any time. Land acquisitions in Indonesia mostly become night mare for both government and the citizen. In contrast, the Netherlands has implemented international best practices in acquiring land. Land appropriation in the Netherlands is based on buy and sale property with high integrity valuation as the base of land value. Security of tenure is guaranty by the efficient and modern land registration and cadastre system.

## **7. Discussion, Conclusions and Recommendations**

This chapter consists of the conclusion with line on answering the research objectives with the discussion analysis based on land administration concepts in good governed urbanization. The aim is directed to find the relation between urbanization and land administration, particularly good governance in land administration in order to find out the way to prevent the negative impact of urbanization. This thesis is aimed to investigate how land administration components can contribute to a good governed urbanization process. Section 7.1 is discussion and considering each sub-objectives and research questions are the bottom-line I drawing conclusions in section 7.2. This chapter is ended by design recommendation for the further studies by section 7.3. This thesis is aimed to investigate how land administration components can contribute to a good governed urbanization process.

### **7.1. Discussion**

The study intended to investigate the role of land administration in urbanization process from the good governance perspective.

Land and natural resource use and its management issues, governance issues, and inadequate land administration infrastructures capacities in urbanization process have been back-grounding problems face by two different countries, one is well developed country and the other is developing country. Empirical data had been gathered through working experiences and secondary data from sources enabled characteristics and description of two different nations with two different development levels to share similarities of the importance role of land administration to achieve good governance in urbanization process.

#### **7.1.1. Method**

The method of this research is literature study which is done by reviewing available sources related to the topic. The data is reviewed and analysed with the focus to find the answers of the research questions. Finally the findings are formulated through analysis in order to draw conclusions and recommendations within the frame of the research objectives.

These findings are in line with the principles of good governed urbanization: 1) Sustainability; 2) Subsidiarity; 3) Equity; 4) Efficiency; 5) Transparency and Accountability; 6) Civic Engagement; 7) Security. And how land administration can play role related to those principles. According to Williamson et al (2010), as governance is the process of governing, therefore land administration is essentially about good governance. The connection can clearly determine from the UNECE land administration principles (2005c) which built on the assumption that “sustainable development is dependent upon the State having overall responsibility for managing information about the ownership, value, and use of land” (Williamson et al, 2010). The connection is extended by the land management paradigm by demanding an even broader approach to governance in land administration.

Infrastructures for management of land in addition to management of information are built by the government. As the means of the decision making process and process of by which the policy (decision) is implemented. This can be traced logically as governance is commonly accepted as the manner of exercising power by government. The exercise is about managing a country's social, economic and resources.

### **7.1.2. Results:**

As described in the thesis, this study focuses on 3 of the 7 good governance principles. The focus is not to undermine the 4 other principle but because of time limit of the study. Those 3 principles are:

- *Sustainability:*  
This principle is characterised as the process of by which the government exercises the power by balancing social, economic and environmental needs while being responsive to the present and future needs of society. Both in developing countries such as Indonesia and developed countries such as the Netherlands, land use (one of land administration functions) are the means of managing land and spatial resources.

But in the implementation of planning to manage the resources, in this case land use planning, in Netherlands the plan can be changed regards the needed of the city, because of economic for example. Whereas in Indonesia the implementation of planning has changed based on the interest some people or organization who has power.

- *Transparency and Accountability:*  
This principle characterised as the way to ensure that each decisions taken and their enforcement follow rules and regulations. In addition, information must be freely available and directly accessible. Land administration is clearly the tools of implementing of each decision taken regarding land. All rule and regulation taken regarding land are enforced throughout land administration functions; land rights (tenure), land value and land use.

Additionally land information services as part of land administration process and essence of land administration results is an effective tools of cheap (if not free) spatial information available and therefore can directly accessible. The reality can be experienced from a modern land administration system. In such system which has expand in developed countries such as the Netherlands, all needed spatial information (mostly about, rights, restrictions and responsibilities) has been layered in a multi-purposes cadastre. The information is provided for any users within citizens and accessible directly online and even in same cases real-time.

- *Security:*

By this principle, all stakeholders must strive for prevention of crime and disasters. Security also implies freedom from persecution, forced evictions and provision of land tenure security. Land administration with land tenure (right) function is about to provide and the guarantee of rights or tenure on land. By the function of titling and registration tools of land administration the property of individual person is bring into public recognition. The government exercise the governance by guarantee of the right from unjust, illegal dealing including force eviction (including the provision of land for public purposes). The advance of the land administration system in a country like the

Netherlands, the high of security of tenure for all citizens are provided. In contrast in developed countries like Indonesia unsecured tenure is one of emerging issues face by citizens particularly the vulnerable group.

As describes above, this study focus to 3 of 7 good governance principles. The focus is not to undermine those 4 others principle but because of time limit of the study. In addition, those three principles giving strong correlation of land administration and good governance practices in urbanization process.

For Indonesia, all the mentioned functions of land administration (land tenure, land use and land value) showed characteristics of the implementation good governance in evolving stage to satisfy good governance principles within urban development. It seems that in Indonesia, the role of land administration throughout its functions has a strong correlation with the level of good governance of urban development. However, in the Netherlands, where the citizens have already enjoyed good governance in urbanization, the importance of land administration is shifted for actualization purposes and high standard quality of life.

Existing Indonesian land law and land administration now seem incapable of meeting the nation's needs (Wallace in Lindsey, 2008). Assessments including by the World Bank project based found lack of land certification or registration as the core problem (World Bank, 2003b: 3, October). Further Wallace (2008) stated the problems even go much deeper. The land rights themselves are incapable of supporting a sound economy or delivering security of tenure. Land administration is infected with corruption, while property policy is poorly developed. Due to those stated inadequacies backgrounds the economic benefit possibly gained from registration of all private land in Indonesia as concluded by Wallace (2008) would not be sufficient to justify the effort. It need sustainable institutional reform, universal registration would likely significantly increase opportunities for systemic corruption and state intervention in private decision-making realms.

Understanding about how land administration works in any country demand a contextual approach, Indonesia is a special case of building understanding from the ground up. Land for Indonesians is primarily a sociological and spiritual construct, rather than a legal and administrative construct, and analysis demands a keen appreciation of normative pluralism (Fitzpatrick, 1977 and this volume; Lavinge-Delville, 2000). According to Wilson (2001), even with the aid from the major donors, reform is not easy. The government cannot undermine the way people think about and relate to their land while attempting to build a market economy. On the other hand, to alleviate poverty, generating wealth is needed by the country, not only from land products. Clear and popular land policies implemented through well designed land law and applied by transparent administration at all government levels are essential for both civil peace and economic growth. Development of land policy capable of engaging Indonesians at large, not just central agencies of government must be the cornerstone of managed change in Indonesia's land administration.

However, the mentioned above correlation are in different level of existence in the Netherlands where the property system is well developed and implemented. The role of land administration here is shifted not only provide tenure security with economic offered-benefits only, but also have sociological, environmental and anthropological aspects in understanding people to land

relationships. Although the citizen depend to their lands and has the important role in the implementation of good governance in an urban development, but the government plays a big role, especially in providing well social security, sustainability, transparency.

Good governance benefit in land administration is central to delivery of appropriate, effective and efficient land administration in both developing and developed countries (Williamson et al, 2010). The FAO projects and themes on governance remarks:

*“The message to land administrators is that they cannot pursue technical excellence in isolation. Their skills and techniques should serve the interests of society as a whole ...Land administrators act as guardians of the rights to land and the people who hold those rights. In doing so, they act to stabilize public order and provide the preconditions of a thriving economy.”(2007)*

The benefits have also been proven by the major international agencies that successful land administration requires accountable government. Further, sustainable system require the interacts of the system with the citizen. By that will build confidence particularly by negating disputes and managing points of tension relating to landownership, use, and availability. Developed countries like the Netherlands have brought the consideration into the real land administration system. Results have been enjoyed by both government and the citizen. As previously describes, the Netherlands can build any needed provisions to regulate tenure, use and value of land. Sustainability principle in the current and the future use of land has been put in policy planning and land use planning. The utilization of reliable and efficient information technology in supporting the cadastre system has brought about the Netherlands land administration system into transparent and accountable system.

### **7.1.3. Limitation**

This research is aimed to investigate how land administration components can contribute to a good governed urbanization process. However the findings in this thesis are meant to find alternatives as tools and in research land administration as a means to prevent negative consequences of urbanization. Some limitations have been met during the study. These are raised in order to give objectivity on this study and may be used as a warning for further researcher. The limitation on the research finding can be as follows:

1. Limited time and lack of fieldwork.  
This research demands a wide range of study objects. Urbanization is a comprehensive area covering socio-economic and physical aspects. Good governance itself is currently growing as a large subject while land administration is not a less wide subject compared to those two. To be able to investigate and correlate them, a relative long time is needed in collecting data and information, analyzing the data and drawing conclusion and recommendation. Since during the study no fieldwork was possible the time constraint was partly elevated. However the study would have been stronger with fieldwork. Because most of the data can be verified and the real effects as illustrated scientific literature can be proven on the field visit.
2. Limited aspects of sustainability

3. Limited related English-text literatures  
Much literature is available on the different topics for Dutch cases, however, for an Indonesian case study, the availability of literature is limited.

#### **7.1.4. Improvement of method**

Taking the benefit of any limitation faced during this study field study is needed for the future related study. The reason of field study is to bring the primary data and information to the analysis without any bias caused by different perspectives among the one who previously collecting, analyzing and presenting the data with the one who use the provided data for further study and analysis.

The study clearly presented the role of land administration as one of government instruments in order to provide good governance during the urbanization process. With good land administration which means good governance in spatial resource management the sustainability, transparency and accountability, and security can be exercised by government to ensure good governance urbanization.

## **7.2. Conclusions**

The conclusions of this thesis are presented following the research sub-objectives and research questions.

### **7.2.1. Research Objective 1: To analyze the phenomenon of urbanization**

#### **Q1. What are actually the reasons (drivers) behind the urbanization process?**

The drivers of urbanization process are population growth and migration of people from rural to urban areas. The migration trend of people from rural to urban areas cannot be separated from urban economy which promises many job opportunities. To the growing economy throughout the transformation or development in an urbanization process many people put the hope of better life opportunities. Urban economy has been the major source and machinery of a state or even the world economic growth. However the strength of the drivers is different from place to place. In the Netherlands the strongest driver comes from the growth of economy and the need more room to accommodate the growth and the increase of requirements that need to be satisfied such as high quality of life and sustainability. In Indonesia, the strongest driver of urbanization is the population growth and rural poverty. People migrated from rural to urban area seeking job opportunities and by poverty pressures. The economic growth in a city like Jakarta is much higher then in rural areas.

#### **Q2. What are the consequences of the urbanization process?**

There are many consequences of the urbanization process. The consequences can be seen from two sides, positive and negative affects. The main consequences of urbanization process are mostly related to socio-economic instability due to the failure to provide justice and welfare and also the transformation of the land use because of the demand of the land in urbanization process. When urbanization goes wrong, those consequences will create negative aspects such as; social conflict and

crimes, economic growth stagnations, poverty, informal settlements, land conflict, human right abuse etc. The impact varies from city to city, country to country but the trend shows that developed countries can prevent the negative consequences much better than developing countries.

In the Netherlands the consequences of urbanization are found to be the decrease of comfort and the degrading of environment when the land use converted from agriculture to urban uses such as housing, infrastructure for transportation while the reserves land is limited. And in Indonesia, urbanization has notably created economic growth and trigger the derivatives such as job creations, infrastructure development, development of new town etc. However the negative consequences are high. The urbanization process in Indonesia is tends to be lacking in governance.

### **7.2.2. Research Objective 2: To understand the components of good governance in the urbanization process**

#### **Q3. What is good governance?**

The good governance on the urbanization can be reached when there is interaction between the actors which are private sector businesses, both corporate and informal; civil society, including community-based organizations, NGOs, political parties, religious groups, trade unions and trade associations; the whole range of governmental agencies of national, regional and local government, including traditional authorities where they exist and the actors who have involved on the urbanization process representing not only public sector but also the private and the voluntary sectors. The actors were involved in the independent relationships but still respect for the state. And those interactions between actors in urbanization process based on principles of good governance. And the principles are sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement, security.

#### **Q4. What are the components which have to be in place to make it good governance in urbanization?**

The specific components which are should be in place in order to reach good governance is when the five principles of good governance can be implemented.

##### **1. Sustainability;**

Sustainability during the urbanization process is where cities must balance the need of social, economical and environmental aspects and consider about now and future.

##### **2. Subsidiarity of authority and resources to the closest appropriate level.**

Implementing subsidiarity principle in urbanization becomes the means of responsibility to allocate service provision at the closest appropriate level consistent with efficient and cost-effective delivery of services. The potential for inclusion of this will maximize the citizen in the urbanization governance. The responsiveness of policies and initiatives to the priorities and need of citizens should be improved through decentralization and local democracy. With sufficient resources and autonomy cities should be empowered in order to meet their responsibilities.



### 3. Equity;

All parties, particularly the vulnerable groups have the equal access in all decision making process of the city including the access to and use of resources (including land).

### 4. Efficiency;

Cities management financially cost effective in the use of resources and for delivering services and attracting the contribution of private sector to the city economy.

### 5. Transparency and accountability;

Accountability of authorities is a fundamental aspect of good governance. There should not be corruption in the city administration. Transparency and accountability is important for the credibility of the authorities to city stakeholders. Participation is the key element in promoting transparency and accountability.

### 6. Civic engagement and citizenship;

Civic engagement and citizenship is the way to consider people as the wealth of cities. All citizens should be empowered to be able to actively contribute to the common benefit.

### 7. Security;

Every citizen has to feel secure on all of their right. Cities should make every effort to avoid conflict and provide security to the citizen, including security of tenure.

## **7.2.3. Research Objective 3: To investigate at the role of land administration in urbanization process from the good governance perspective**

### **Q5. What is the relation of land administration with good governance during urbanization process?**

This relation was studied using the case study methodology. For the three good governance principals (sustainability, transparency and accountability, and security) studied in the Netherlands it was found that in the Netherlands, failure to comply with the land allocation plan is punishable. However, the planning is required to be fair for all land users. Not all stakeholders are involved in the land use planning and the development in Indonesia. The plans are therefore often not executed as planned.

In the Netherlands, land use plans will always be designed with the participation of all stakeholders to ensure the required conditions are met. Land use planning in the urbanization process, will always prevent negative consequences because good governance principles have been adopted. While in Indonesia, land use plans are mostly produced exclusively by the government. The other actors of urbanization are usually absent and ignored. Therefore most of the plans are then ineffectively implemented.

Also in the Netherlands it was found that the planning aspects of land administration the good governance principles where in place will reduce and even preventing urbanization process from negative impact. With good governance the current availability and access to land for all citizens are equally appropriate. By the same time land demand for future generation are confidently considered. Any developments are supported confidently by all citizen and market economy with the high integrity

of trusted clean government which transparent in land management and land administration services. Rights of citizen are equally respected and protected, any violence and unjust to vulnerable group can be prevented as security of land tenure is equally applied to all citizen. In Indonesia both government and citizens face dilemma during urbanization process. Weak governance ironically bringing land scarcity to current and uncertainty for future demand on land. Lack of trust triggered by less credibility of government in managing and administering land generate varies pattern of land conflicts. Force eviction has been the night mare for vulnerable groups and also high risk assignment for government; these are the negative impact of weak governance during urbanization process.

**Q6. How should land administration in Indonesia be enhanced in order to reach good governed urbanization?**

To reach good governance land administration in Indonesia should ensure the effectiveness of the any policy, management and administration of land. The ways to comply with those situations, land have to be secure and allocate accountably for all citizen current and future demand. Therefore land use planning considers being a high integrity tools, transparent and providing equal certainty and security for all citizen. Increasing level of transparency and accountability is ultimately a priority by ensuring all land are registered soon and all appropriate land data are available, accessible publicly. During the land management and administration services transparent fees and procedures are implemented. Public participation are not just formally enacted in law and regulation but formulated in business process and implemented. All rights on land of all citizens are equally protected trough a credible system. A modern land law with secure types of land rights for all and positive system of land registration is needed to enhance the legal and administration system of land. Lastly, an international standard of land valuation is needed to support the newly initiated land acquisition law.

### **7.3. Recommendations**

Some countries have done much to prevent negative impacts of the urbanization process by implementing good governance. But not all of the experiences from those countries could be implemented in Indonesia. On what Indonesia has done to reach good governance is recommended to be continued and enhanced. In particular relating to aspects of land administration process such as; in front and back office; limiting opportunities for brokerage systems and developing land information system through the internet. Such find, implemented in some developed countries and developing countries.

The weaknesses of implementing good governance in Indonesia related to land administration are; transparency of land planning; and data and information on land affairs are lacking. Those weaknesses are recommended to be addressed soon in order to enhance the quality of urban life in Indonesia, particularly Jakarta.

There is a need for further research to study of land administration in urbanization using good governance in Indonesia. One of the issues is how to enhance governance in varies levels of urbanization using land administration as the tool, more specifically how to make land use planning effectively implemented, not neglected and violated due to any pressures and interests in locating profitable activities. Researchers, state authorities; particularly land administrators, land developers

and all urban stake holders need to obtain a comprehensive understanding about land administration in urbanization process to implement good governance.

## References

ADB - Asia Development Bank and National Land Agency, (2009), Consulting Service for enhancing the legal and administrative framework for land project (ADB TA 7038-INO), Desk Review for the Diagnostic Assessment of the Current Land-related Laws, Regulations, Processes, systems, and Institutional Arrangements.

Andersen, H. T. and R. van Kempen (2003). "New trends in urban policies in Europe: evidence from the Netherlands and Denmark." *Cities* 20(2): 77-86.

Antrop, M. (1993). "The transformation of the Mediterranean landscapes: an experience of 25 years of observations." *Landscape and Urban Planning* 24(1-4): 3-13.

Antrop, M. (2004). "Landscape change and the urbanization process in Europe." *Landscape and Urban Planning* 67(1-4): 9-26.

Antrop, M. and V. Van Eetvelde (2000). "Holistic aspects of suburban landscapes: visual image interpretation and landscape metrics." *Landscape and Urban Planning* 50(1-3): 43-58.

Arcadis Euroconsult (1999). Land acquisition and development control. Final Report, the National Planning Agency and Land Development Agency, Jakarta.

Bell, K. C. (2007). *Good Governance in Land Administration*, World Bank.

Brand, P. and M. J. Thomas (2005). *Urban environmentalism: global change and the mediation of local conflict*.

BPN - Badan Pertanahan Nasional Republik Indonesia (2007), *Pusat Hukum dan Hubungan Masyarakat, Himpunan Peraturan Perundang-undangan Pertanahan*.

BPS - Central Biro of Statistic of Republic of Indonesia, of years 1990 – 2005

Brillantes, A. B. E. & ... 2004. *Decentralization and good urban governance : papers and proceedings of the 3rd international conference on decentralization*, Quezon City, University of the Philippines, National College of Public Administration and Governance (NCPAG).

Cervero, R. (1984). "Journal Report: Light Rail Transit and Urban Development." *Journal of the American Planning Association* 50(2): 133 - 147.

Dale, P. F. and J. McLaughlin (1999). *Land administration*. Oxford, Oxford University Press.

Darin-Drabkin, H. (1977). *Land policy and urban growth*. Oxford etc., Pergamon Press.

Devas, N., P. Amis, et al. (2004). *Urban governance, voice and poverty in the developing world*. London etc., Earthscan.

Dieleman, F., Dijst, M., Spit, T., 1997. *Planning the Compact City, the Randstad Holland Experience*, Utrecht: NETHUR. Paper of the Urban Research Centre, Utrecht.

Dorleans, B. (2000). *The land speculations and the city planning problems in Jakarta*. Paper presented to the workshop of 'Indonesian Town Revisited.' The University of Leiden, 6–8 December.

Enemark, S. (1999). *Cadastres, Land Information Systems and Planning - is Decentralisation a Significant Key to Sustainable Development?*, in UN-FIG: *The Bathurst Declaration on Land Administration for Sustainable Development*, FIG Publication Series No 21, FIG Office, Copenhagen.

Enemark, S. (2003), *Underpinning Sustainable Land Administration Systems for Managing the Urban and Rural Environment*; 2nd FIG Regional Conference Plenary Session 3, Marrakech, Morocco, December 2-5, 2003

Enemark, S. (2007). "Integrated Land-Use Management for Sustainable Development." *Spatial Information Management toward Legalizing Informal Urban Development* FIG Commission 3 Workshop.

European Commission (2006): *Communication from the Commission to the Council and the European Parliament on Thematic Strategy on the Urban Environment*. COM(2005) 718 final. Brussels: Office for Official Publications of the European Communities.  
[http://ec.europa.eu/environment/urban/thematic\\_strategy.htm](http://ec.europa.eu/environment/urban/thematic_strategy.htm).

European Commission (2007a): *Sustainable Urban Transport Plans. Preparatory Document in Relation to the Follow-Up of the Thematic Strategy on the Urban Environment*. Brussels: Office for Official Publications of the European Communities.  
[http://ec.europa.eu/environment/urban/pdf/transport/2007\\_sutp\\_prepdoc.pdf](http://ec.europa.eu/environment/urban/pdf/transport/2007_sutp_prepdoc.pdf) &  
[http://ec.europa.eu/environment/urban/pdf/transport/2007\\_sutp\\_annex.pdf](http://ec.europa.eu/environment/urban/pdf/transport/2007_sutp_annex.pdf).

European Commission (2007b): *Green Paper Towards a New Culture for Urban Mobility*. COM(2007) 551 final. Brussels: Office for Official Publications of the European Communities.  
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0551:EN:HTML:NOT>.

Firman, T., and Susantono, B., (1998)., "Transportation and Land Use Dynamics in Metropolitan Jakarta," *Berkeley Planning Journal*, vol. 12, pp. 126-144.

Firman, T. (1998). *The Restructuring of Jakarta Metropolitan Area: a "Global City" in Asia.* *CITIES* 15(4), pp.229-244.

Firman, T. (1997). *Land conversion and urban development in the northern region of West Java, Indonesia.* *Urban Studies*, 34(7), 1027–1046.

Firman, T. (2000), *New town development in Jakarta Metropolitan Region: a perspective of spatial segregation*, *Habitat International* 28 (2004) 349–368.

- Firman, T. (2002). "Urban development in Indonesia, 1990-2001: from the boom to the early reform era through the crisis." *Habitat International* 26(2): 229-249.
- Friedmann, J. and R. Wulff (1976). *Urban transition : comparative studies of newly industrializing societies*. London, Edward Arnold.
- Goldblum, C., & Wong, T. C. (2000). Growth, crisis and spatial change: A study of haphazard urbanization in Jakarta, Indonesia. *Land Use Policy*, 17, 29–37.
- Graham, J., B. Amos, et al. (2003). *Principles for Good Governance in the 21st Century*.
- Habitat, U. N. (1996). *An urbanizing world: global report on human settlements 1996 : executive summary*.
- Habitat, U. N. (2009). "Good Urban Governance: Towards an Effective Private Sector Engagement."
- Human Rights Watch (2006), Interview with Bivitri Susanti, Executive Director, Pusat Studi Hukum & Kebijakan Indonesia (PSHK; Centre for Indonesian Law and Policy Studies), interviewed January 12.
- Henderson, Vernon. (2003). The Urbanization Process and Economic Growth: The so-what question. *Journal of Economic Growth* 8:47-71.
- Iacono, M., D. Levinson, et al. (2008). "Models of transportation and land use change: a guide to the territory." *Journal of Planning Literature* 22 (4): 323-340.
- Wallace, J., Parlindungan, P., Hutagalung, A.S., (1999) "Indonesian Land Law and Tenures—Issues in Land Rights," National Development Planning Agency and National Land Agency Land Administration Project, Part C, p. 1:3).
- Keiner, M. e., M. e. Koll-Schretzenmayr, et al. (2005). *Managing urban futures : sustainability and urban growth in developing countries*. Hampshire etc., Ashgate.
- Kelly, E. D. (1994). "The transportation land-use link." *Journal of Planning Literature* 9(2): 128-145.
- Leaf, M. (1994). The suburbanization of Jakarta: A concurrence of economics and ideology. *Third World Planning Review*, 16, 341–356.
- Leaf, M. (1993) "Land Rights for Residential Development in Jakarta, Indonesia: the Colonial Roots of Contemporary Urban Dualism", *International Journal of Urban and Regional Research*, vol. 17, pp. 477-491
- Lefebure, H. (2003). *Writings on Cities* (Translated and Edited by KOFMAN, E. and LEBAS, E).

Leksono, B. E., Susilowati, Y., and Sukmono, A. B., (2008), Automatic Land Parcel Valuation to Support the Land and Building Tax Information System by Developing the Open Source Software Integrating Generations, FIG Working Week, Stockholm, Sweden 14-19 June 2

Levinson, a. (2004). Encyclopedia of homelessness, Volume 1.

Lindsey, T., (2008) Law and Society, 2nd Edition, the Federation Press, 2008.

Louw, E. (2008). "Land assembly for urban transformation--The case of [ ]s-Hertogenbosch in The Netherlands." *Land Use Policy* 25(1): 69-80.

Martin Lux, L. G. a. P. S. R. I. (2003). Housing policy: an end or a new beginning?

NEEDHAM, B. 2007. Dutch land use planning : planning and managing land use in the Netherlands, the principles and practice, den Haag, SDU.

Needham, B. (2006). Planning, law and economics : an investigation of the rules we make for using land. London etc., Routledge.

Needham, B., B. Kruijt, et al. (1993). Urban land and property markets in the Netherlands, UCL Press.

Nuissl, H., D. Haase, et al. (2009). "Environmental impact assessment of urban land use transitions--A context-sensitive approach." *Land Use Policy* 26(2): 414-424.

O. B. Server, (1996). "Corruption: A Major Problem for Urban Management, Some Evidence from Indonesia", *Habitat International*, Volume 20, Issue 1.

Pierre, J. (1997). Partnerships in urban governance: European and American experience.

Qiao, B., C.-I. Fang, et al. (2006). "Investigation of the Interactive, Intimidating Relation Between Urbanization and the Environment in an Arid Area Based on Grey System Theory." *Journal of China University of Mining and Technology* 16(4): 452-456.

Ratcliffe, J. and M. Stubbs (1996). Urban Planning and Real Estate Development, UCL Press.

Rooseboom, H. J. B., and Semedi, I. S., (2000). "Displacement of People and Resettlement—Indonesia Context," National Development Planning Agency and National Land Agency, p. 3.

Ryan, S. (1999). "Property Values and Transportation Facilities: Finding the Transportation-Land Use Connection." *Journal of Planning Literature* 13 (4): 412-427.

Schultink, G., Safik, A. (2009). Land Policies, Strategies and Guidelines to Strengthen Agrarian Reform; Interim Report submitted to the National Land Agency – Badan Pertanahan Nasional Republik Indonesia (BPN RI) of the Republic of Indonesia and the World Bank.

Suhendar, E. (1994). *Pemetaan Pola-pola Sengketa Tanah di Jawa Barat (Patterns of land disputes in West Java)*. Akatiga Foundation, Bandung.

Tang, J., L. Wang, et al. (2008). "Analyses of urban landscape dynamics using multi-temporal satellite images: A comparison of two petroleum-oriented cities." *Landscape and Urban Planning* 87(4): 269-278.

Tannerfeld, G. and P. Ljung (2006). *More urban, less poor: an introduction to urban development and management*

Taylor, P. (2000). "The Global Campaign for Good Urban Governance." *Environment & Urbanization UNCHS (Habitat) Vol 12 No 1(April 2000)*.

Ting, Lisa, et al. (1999). "Land Administration and Cadastral Trends: the impact of the changing humankind-land relationship and major global drivers." FIG-UN, Technical Papers of the International Conference on Land Tenure and Cadastral Infrastructures for Sustainable Development.

UN-HABITAT, (2003). *Security of Tenure; Best Practices: Regional Seminar on Secure Tenure, Nairobi, 12 - 13 June 2003*.

van der Molen, P., Wubbe, M. (2007). *Sustainability in Land Administration, E-Government and E-Land Administration - As an Example: The Netherlands Coastal Areas and Land Administration – Building the Capacity, 6th FIG Regional Conference, San José, Costa Rica 12–15 November 2007*.

van der Valk, A. (2002). "The Dutch planning experience." *Landscape and Urban Planning* 58(2-4): 201-210.

Virgo Eresta Jaya et al, (2010), *Land Value Indexation in Indonesia: A Pilot Study in Pontianak City, FIG Congress 2010 facing the Challenges – Building the Capacity, Sydney, Australia, 11-16 April 2010*

Wegener, M., (2009): *Possible Future Transport and Land Use Strategies for Sustainable Urban Development in European Cities, Urban and Regional Research Dortmund, Germany, in CIB-W 101 & GCOE Workshop Urban Infrastructure and Land Use Control University of Tokyo, 13 June 2009*

Williamson, I., S. Enemark, et al. (2010). *Land Administration for Sustainable Development, ESRI Press Academic*.

Winayanti, L. and H. C. Lang (2004) *Provision of Urban Services in informal Settlement: a case study of Kampung Penas Tanggul, Jakarta, Habitat International, 28 (1): 41-65*

World Bank, (2009). "World Development Report 2009: Reshaping Economic Geography."

World Bank, (2005) "Land Policy, Management and Administration."



World Bank, (2003), *Cities in Transition: Urban Sector Review In an Era of Decentralization in Indonesia*, Urban Sector Development Unit Infrastructure Department East Asia and Pacific Region, The World Bank.

Zakout, W., et al, (2006), *Good Governance in Land Administration, Principles and Good Practices*, the World Bank, FAO, Washington D.C.

Zaman, M. (2000) “International Comparative Review: Displacement of People and Resettlement,” National Development Planning Agency and National Land Agency, p. 25.

Zevenbergen, J. A. (2002). *System of Land Administration – Aspects and Effects*, Delf University of Technology.