



Food and Agriculture
Organization of the
United Nations

SUSTAINABLE
DEVELOPMENT
GOALS



APCAS/24/B4.10

ASIA AND PACIFIC COMMISSION ON AGRICULTURAL STATISTICS

30TH SESSION

19–24 May 2024
Kathmandu (Nepal)



BETTER PRODUCTION	BETTER NUTRITION	BETTER ENVIRONMENT	BETTER LIFE



BADAN PUSAT STATISTIK



SIDE EVENT B:

Indonesia Experiences with Farm-based SDG Indicators

B4.10:
Indonesia Experience With SDGi 5.a.2
(Women's secure access and equal rights to agricultural land)

Presenter:
Kadarmanto
BPS – Statistics Indonesia



Metadata

Lead Ministry/Agency	Ministry of National Development Planning (BAPPENAS) Ministry of Women Empowerment and Child Protection (MoWECP)
Data users	Government
SDGi data source	<ol style="list-style-type: none">1. MoWECP is as coordinator of various studies related laws and regulations with land ownership.2. If necessary, a review can be carried out with the help of experts in the field of inheritance one ach Law.
Data collection year(s)	In progress
Reference period	2022
Sample size	N/A
Data collection frequency	Every 3 year
Data collection mode	FGD
SDGi reporting status	Process ongoing

General Information on Indicator 5.a.2

Indicator	<p>Indicator 5.a.2: Assesses the extent to which the national legal frameworks (including customary law) guarantee women’s equal rights to land ownership and/or control.</p>
Concept	<p>The six proxies through which indicator 5.a.2 is monitored are the following:</p> <p>Proxy A: Joint registration of land is compulsory or encouraged through economic incentives</p> <p>Proxy B: Compulsory spousal consent for land transactions</p> <p>Proxy C: Women’s and girls’ equal inheritance rights</p> <p>Proxy D: Allocation of financial resources to increase women’s ownership and control over land</p> <p>Proxy E: In legal systems that recognize customary land tenure, the existence of explicit protection of the land rights of women</p> <p>Proxy F: Mandatory quotas for women’s participation in land management and administration institutions</p> <p>For inheritance law, the Islamic Law of Inheritance (Compilation of Islamic Law) is available for those who are Muslim and the Indonesian Civil Code for those of other religions. In Islamic Inheritance Law, there is a distribution of heirs, including male and female, in accordance with the teachings of the Islamic religion. Meanwhile, in Civil Law, the division is according to individuals and does not mention gender and everyone is counted equally.</p>
Calculation Method	<p>Information about proxies is collected and checked against applicable regulations, then levels are created from 0 to 3.</p> <p>Level 0: Proxy does not exist or cannot be placed in the applicable Laws and Regulations;</p> <p>Level 1: Legislation already exists and includes proxies;</p> <p>Level 2: Legislation includes proxies;</p> <p>Level 3 : Regulations under the Act cover proxies;</p> <p>N/A : Proxy cannot be used.</p>
Disaggregation	<p>National level</p>

Legal Assessment

Indicator	Indicator 5.a.2: Assesses the extent to which the national legal frameworks (including customary law) guarantee women's equal rights to land ownership and/or control.
Concept	<p>The six proxies through which indicator 5.a.2 is monitored are the following:</p> <p>Proxy A: Joint registration of land is compulsory or encouraged through economic incentives</p> <p>Proxy B: Compulsory spousal consent for land transactions</p> <p>Proxy C: Women's and girls' equal inheritance rights</p> <p>Proxy D: Allocation of financial resources to increase women's ownership and control over land</p> <p>Proxy E: In legal systems that recognize customary land tenure, the existence of explicit protection of the land rights of women</p> <p>Proxy F: Mandatory quotas for women's participation in land management and administration institutions</p>

Main constraints: Complexity of the methodology

Process

How does it work?

The process requires **buy-in, extensive coordination** and **legal expertise** (and ideally regional and national approaches)

Main steps:

- Outreach FAO colleagues in regional and country offices and SDG coordination mechanism
- Designation of the responsible institutions, focal points and legal expert - Taskforce - Trainings –
- Filling questionnaire and reviewing drafts (mostly 2-3 round)
- Final questionnaire presented for final review and endorsement or submission

Reporting Process in Indonesia

- **2017-2018:** Piloting country at the time of development of the methodology
- **February 2022:** BAPPENAS-SDG Secretariat updates the metadata of SDGs indicators and seeks FAO's technical assistance on the calculation/ monitoring of SDG indicator 5.a.2. FAO shares relevant materials (questionnaire, e-learning, metadata, methodological guide)
- **May-June 2022:** Preparatory meetings and first capacity development session with government focal points of relevant Ministries
- **July 2022:** Second online capacity development session for 35 government focal points , including Bappenas, Ministry of Religious Affairs, Ministry Agrarian and Spatial Planning/BPN, Ministry Social Affairs, Ministry of Legal Affairs, Ministry National Development Planning, NSO.
- **July-September 2022:** Training legal expert who then initiates process with legal experts from Ministries to fill the questionnaire
- **September-October 2022:** Various versions of draft questionnaire reviewed until final draft cleared, incorporating inputs and statistical data shared by government in February-March 2023
- **February 2024:** Online dissemination session of results and exploring ways forward

Indonesia's Questionnaire for SDG Indicator 5.a.2

SECTION 1 – GENERAL INSTRUCTIONS

Respondent Information:	
COUNTRY:	Indonesia
RESPONSIBLE INSTITUTION FOR 5.A.2:	Ministry of National Development Planning (BAPPENAS) Ministry of Women Empowerment and Child Protection (MoWECP)
FOCAL POINT'S NAME AND SURNAME:	Mr. Sanjoyo Kirlan (SDGs Secretariat – BAPPENAS) Mrs. Pribudiarta Nur Sitepu (MoWECP)
SALUTATION (Mr./Ms./...):	BAPPENAS: Mr. MoWECP: Mrs.
RESPONDENT'S JOB TITLE:	BAPPENAS: Manager of SDGs Social Development Pillars MoWECP: Executive Secretary
RESPONDENT'S UNIT/DIVISION:	BAPPENAS: SDGs Secretariat MoWECP: no division
RESPONDENT'S E-MAIL ADDRESS:	sanjoyo@bappenas.go.id ; sanjoyo.kirlan@gmail.com
RESPONDENT'S PHONE NUMBER:	-
NAME AND SURNAME OF LEGAL EXPERT CONDUCTING THE ASSESSMENT	Nukila Evanty
LEGAL EXPERT E-MAIL ADDRESS	nukilaevanty@gmail.com ; nukila evanty <nukila@hotmail.com>
DATE OF COMPLETION OF ASSESSMENT (TO COMPLETE AT THE END)	17 October 2022
DATE RECEIVED BY FAO (FAO TO COMPLETE)	

SECTION 2: LEGAL ASSESSMENT

Form 2: Results of Assessment –Proxy A

To summarize the assessment for proxy A, please tick the appropriate box(es).

Proxy A is present **only** if at least one of the scenarios mentioned in Form 1 is located in a legal instrument – primary or secondary law.

Q.A5 Is the joint registration of land compulsory or encouraged through economic incentives?

- Proxy was not found
 Proxy found in primary legislation
 Proxy found in secondary legislation (order, rule, regulation)

Q.A6 Additional information in relation to this proxy:

(Note any additional information and/or exception(s) to the provision where the proxy was found or any provision that is close to matching the requirements provided for in The Guidelines (Pages 16 - 19, 21) but does not entirely fulfil the proxy.)

<p>The proxy is not present, because there are no legal provisions requiring joint registration in any of the following instruments: Law No. 5/1960 concerning Basic Agrarian Regulations; Government Regulation (PP) No. 24/1997 dated 8 July 1997 concerning Land Registration; Government Regulation (PP) No. 18/2021 dated February 2, 2021; Government Regulation No. 18/2021 dated February 2, 2021, concerning Management Rights, Land Rights, Flat Units, and Land Registration; Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6 Th. 2018-Complete Systematic Land Registration; Presidential Instruction (Inpres) No. 2 of 2018 concerning Acceleration of Complete Systematic Land Registration in All Territories of the Republic of Indonesia dated 13 February 2018.</p> <p>However, both the Marriage Act, No 16 of 2019 (as the revision of Law No 1 of 1974) Chapter VII Marriage Property and the Civil Code provide for community of property as the default matrimonial property regime as required by the methodology. At the same time, the Marriage Act and Civil Code clearly state that the husband is the head of the household which invalidates the presence of the proxy A and B.</p> <p>Neither of these instruments recognize and protect informal marriages. Whereas the Marriage Act recognizes polygamous marriages, it establishes an equal right to the common property for all wives in the case of such marriage.</p> <p>Marriage Act, No 16 of 2019 (as the revision of Act No 1 of 1974)</p> <p>CHAPTER I - THE BASIS OF MARRIAGE</p> <p>Article 2</p> <p>(1) Marriage is valid if performed according to the laws of each religion and belief.</p>

Full Questionnaire:

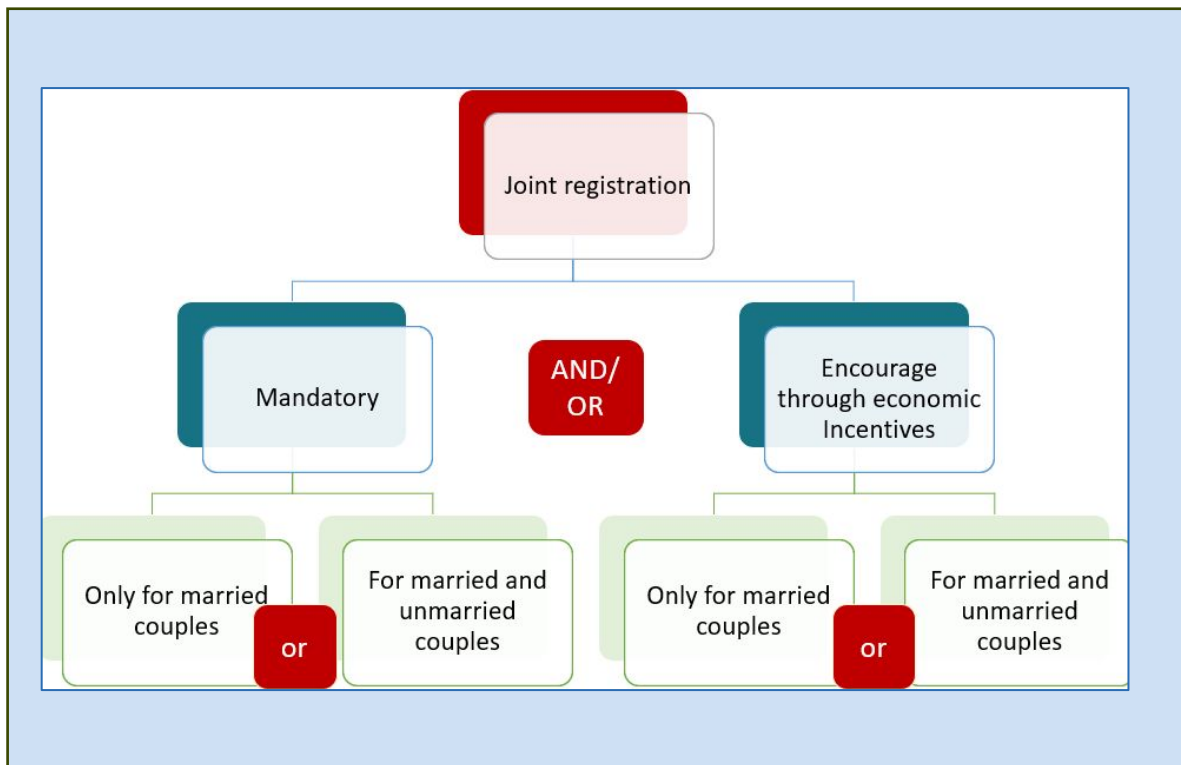
<http://s.bps.go.id/Questionnaire5a2>

Results of Indonesia's SDG 5.a.2 reporting process

SDG Indicator 5.a.2 measures the extent to which national legal frameworks recognize and protect women's rights to own and/or control land (not limited to agricultural lands or populations). It is measured using the following **six proxies**:

- a. Joint registration of land owned by the spouses jointly: **NOT PRESENT**
- b. Spousal consent for disposing of joint marital property : **NOT PRESENT**
- c. Equal inheritance rights for women and girls in estate successions : **NOT PRESENT**
- d. Allocation of financial resources to strengthen women's landownership: **PRESENT BASED ON STATS**
- e. Explicit protections of women's land rights under customary law, if customary law, customary institutions or customary lands are formally recognized: **NOT PRESENT**
- f. Quotas for women's participation in land administration and management: **PRESENT BASED ON STATS**

PROXY A: Joint registration of marital property



Marriage Act and Civil Code :

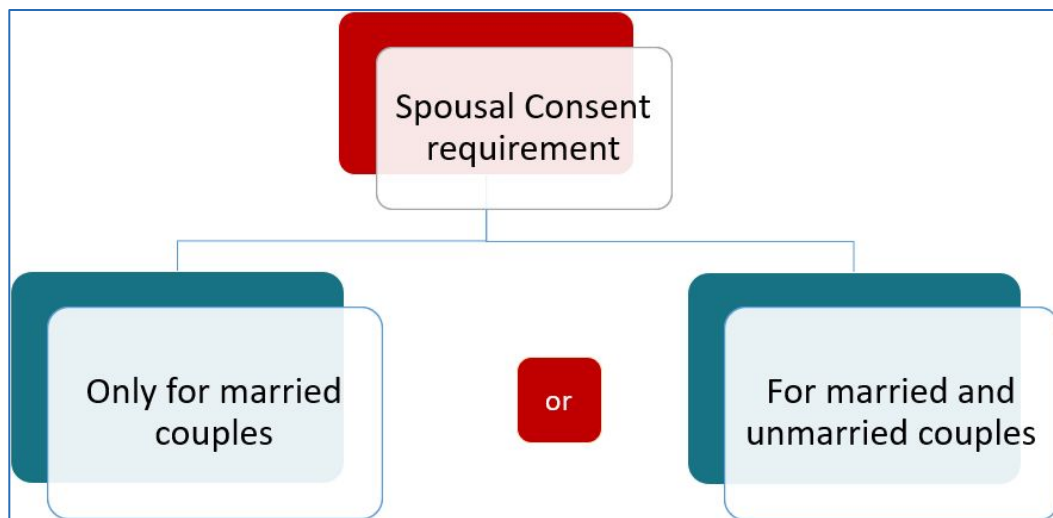
Community of property is the default matrimonial property regime. However, also husband is the head of the household and wife the housewife with obligation to obey. Polygamy recognized – de facto unions not.

No obligation or financial incentives of joint registration in land legislation, including:

- *Law No. 5/1960 concerning Basic Agrarian Regulations; Regulation (PP) No. 24/1997 re. Land Registration;*
- *Regulation No. 6/2018 re. Complete Systematic Land Registration;*
- *Presidential Instruction No. 2/2018 re. Acceleration of Complete Systematic Land Registration*

Kompilasi Hukum Islam di Indonesia

PROXY B: Spousal consent for land jointly owned in marriage



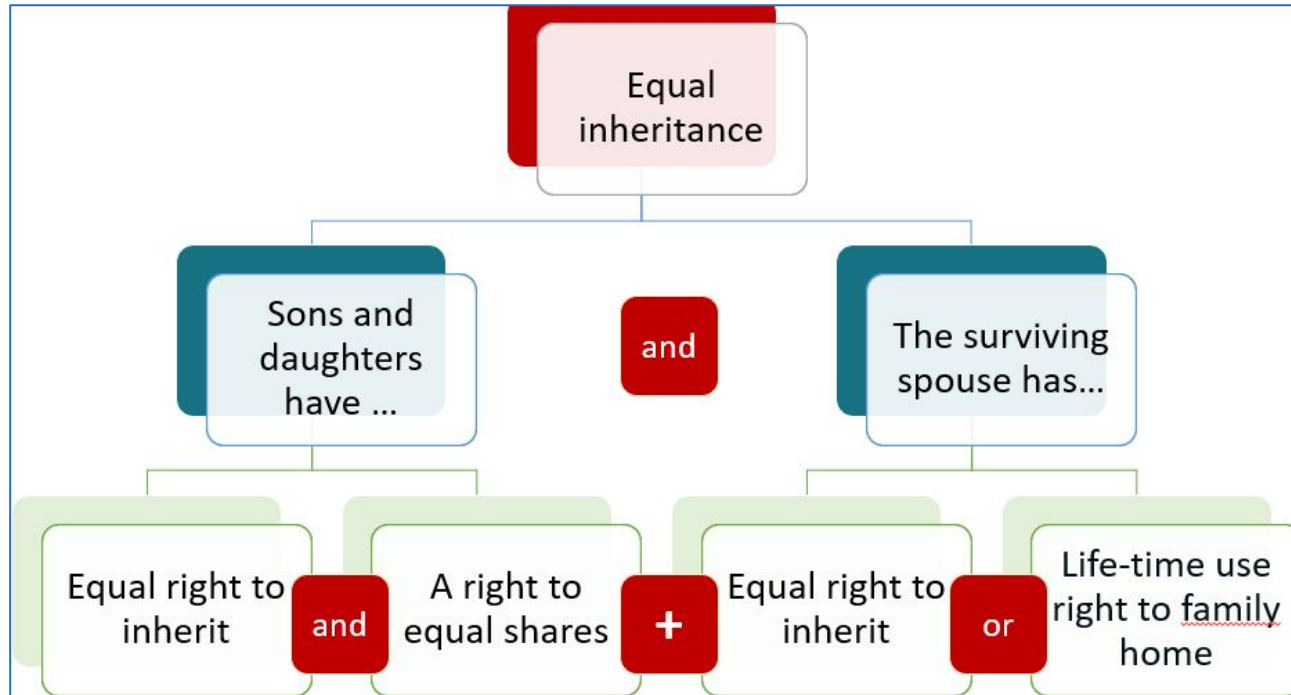
Marriage Act and Civil Code :

- No obligation for husband and wife to jointly manage their marital assets including land
- No protection of such property from unilateral transactions by one of the spouses.
- No obligation for the husband, as the family head, to obtain the consent of his wife for selling, mortgaging, donating or otherwise disposing of joint marital property (or at least family home).

Civil Code provides for the sole power of the husband to manage the joint estate. Husband may dispose of, sell and encumber it without any intervention by the wife.

Marriage Act establishes the possibility of acting with each other's consent

PROXY C: Equal inheritance rights for women and girls



In Indonesia, for inheritance law, the Islamic Law of Inheritance (Compilation of Islamic Law) is available for those who are Muslim and the Indonesian Civil Code for those of other religions.

*Islamic and civil inheritance regime:
Equal right to inherit for all children*

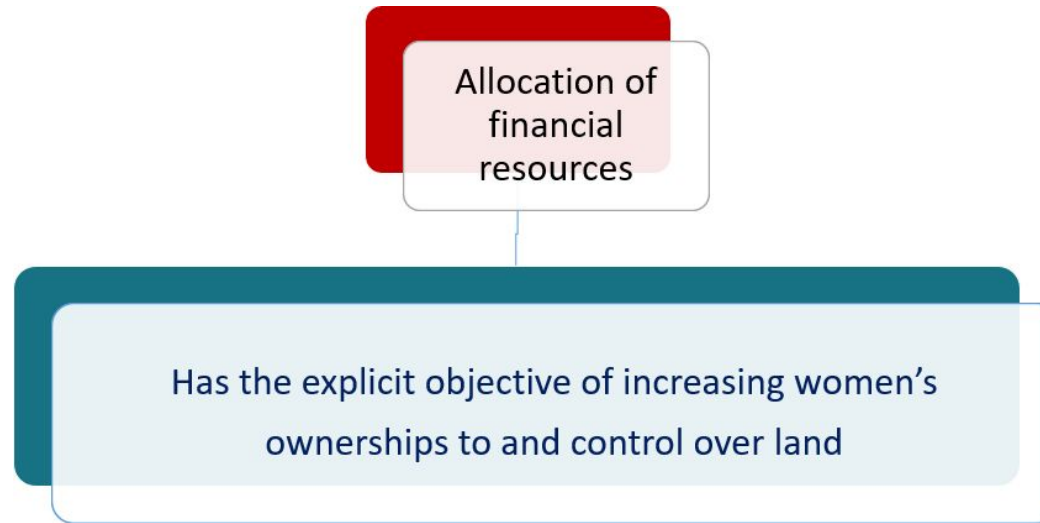
Civil Code:

Equal shares in the inheritance for the surviving spouse and all children regardless of sex

Compilation Islamic Law/ Kompilasi Hukum Islam di Indonesia (KHI) :

Women and girls do not inherit an equal share with men and boys as men are responsible for taking care of the whole family as the head of family.

PROXY D: Funding commitments to advance women's right in practice



No **specific legal or policy instruments or programme** for the allocation of financial resources to increase women's ownership and control over land were found.

STATISTICAL DATA:

- **Buku Tanah** from the Ministry of Agrarian Affairs and Spatial Planning/ National Land Agency: *female owners 41,5 percent*, and male owners 58,5 percent in all 38 provinces of the country.
- SITASI 2021 indicate that there is still a gap in secure agricultural land ownership between men and women.
 - ✓ **SDG 5.a.1 a)** 52% of adult males have secure tenure rights compared to **14% of adult women**
 - ✓ **SDG 5.a.1 b)** Of the entire adult population who have secure agricultural land, around **20% of women** have secure rights to

PROXY E: Limitations of formal recognition of customary law and lands



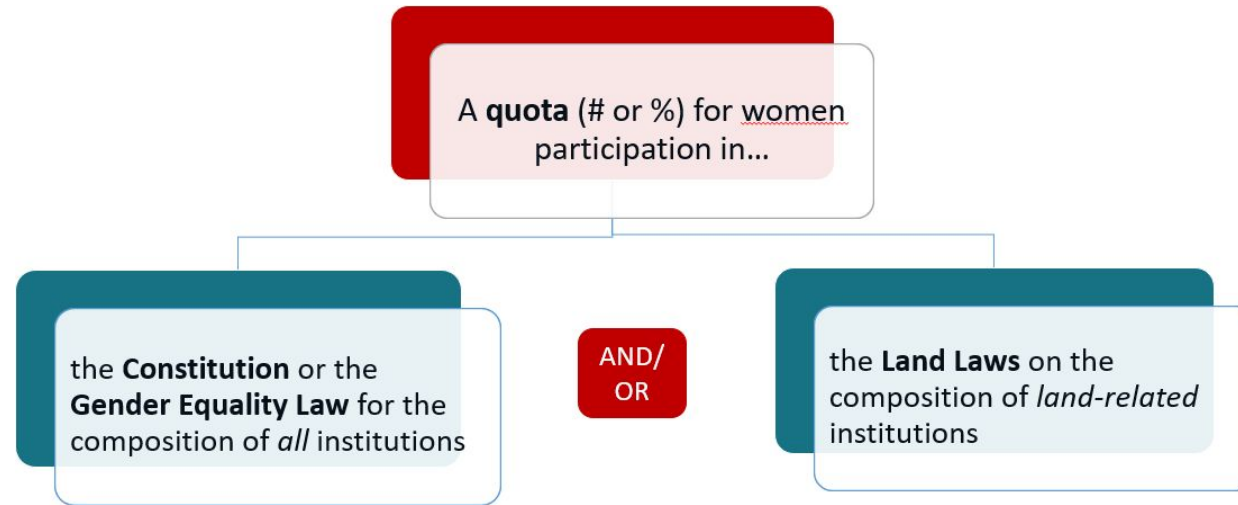
Constitution:

- Recognition of customary law community units and their traditional rights,
- Principles of equality before the law (Art. 28(D)(1)) and non-discrimination (Art. 28(I)(2))
- No rule establishing the hierarchy in case of conflict/limitations to the recognition of customary law

Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (*Undang-Undang Pokok Agraria or UUPA*), Regulation of the Minister of Agrarian Affairs and Planning / National Land Agency No 18 of 2019 concerning the administration of customary land of indigenous people

- No explicitly protections of women's rights to land

PROXY F: Quota to ensure women's participation in land governance



No legal quotas ensuring women's representation in land management and administration institutions (or in all government institutions) found.

STATISTICAL DATA:

- **Buku Tanah** from the Ministry of Agrarian Affairs and Spatial Planning/ National Land Agency: *female owners 41,5 percent, and male owners 58,5 percent in all 38 provinces of the country .*
- SITASI 2021 indicate that there is still a gap in secure agricultural land ownership between men and women.
 - **SDG 5.a.1 a)** 52% of adult males have secure tenure rights compared to **14% of adult women**
 - **SDG 5.a.1 b)** Of the entire adult population who have secure agricultural land, around **20% of women** have secure rights to land vs. around 80% men

Thank you for your attention!

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