

# Indonesia: Mapping on Access to Remedy for the loss of housing

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# Background

- 2021 Discussion with the Working Group
- Research question:

What kind of (dispute resolution) mechanism can be implemented or created for an inclusive access to remedy; by considering all interest-holders and the roles of all actors involved, in loss of housing issues in Indonesia?



# Method & Scope

- Data 2019 – present
- Stakeholder Mapping
- Desk research & interview
- Expert meeting
-  INLU 2022  
INDONESIA NETHERLANDS  
RULE OF LAW AND SECURITY UPDATE
- Pilot project

# Findings

- Causes: evictions & natural disasters
- Natural disasters: relying on top-down assistance
- Evictions:
  - Group leaders
  - Local intermediaries
  - Frequent escalations & violence
  - Little to no opportunity for remedy other than asking for damages through courts

# Evictions – Remedy providers

## *Assistance and/or representations*



## *Mediators and/or decision-makers*



# Evictions – Types of Cases

Based on:

- location (urban/rural)
- actors
- Land Certificate



# International instruments

- Mainly relevant if not a natural disaster
- Dependent on actor involved in eviction
  - Government planning
  - Business operations
  - Individual lease dispute with landlord

# International instruments

- If business operations (sometimes follow on of government planning) involving non-Indonesian business actor such as multinational enterprise, investor or bank
  - Dialogue based mechanisms: e.g. RSPO complaint mechanism, Both ends complaint mechanism, operational level grievance mechanisms
  - Quasi-adjudicative: OECD National Contact Points
  - Adjudicative: arbitration or litigation in national court of home state international actor
- Access to international mechanisms is challenging, in practice only with assistance of international NGO/Trade union



# Recommendations & Discussion

- Streamline case information => how to include all actors/interest-holders? Task force?
- Improve valuation - international standards
- Pilot project => existing konsinyasi system, and how?