

Policy on Free Land Provision for the Transmigration Development in Payahe Transmigration Area, Tidore City, North Maluku Province, Indonesia

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ABSTRACT

The purpose of this study was to determine the provision of free land for transmigration development, identify issues, constraints, challenges in implementing transmigration in the era of regional autonomy, formulate material for consideration policies among limited land for the future. The research applied qualitative; types of data required in this research were secondary and primary data. Main data in this research were in the form of transmigration area development planning documents, regulations and research reports. The results of the study found that people who were at the transmigration development site gave their land for free to the local government accompanied by a report of the handover an area of 4 hectares. The novelty of this research focuses on the policy of providing free land in Payahe transmigration area to gain community support and participation without causing conflict of interest so that the development of the transmigration area can proceed smoothly. The analysis process is focused on aspects of policies and strategies for providing land supply processes and mechanisms, constraints and challenges, and the impact of transformation of land provision policies. Based on the results of the data analysis, it will be grouped and formulated as policy information for the formulation of policies for the provision of transmigration land.

ABSTRAK

Tujuan penelitian ini untuk mengetahui penyediaan lahan gratis pembangunan transmigrasi, mengidentifikasi isu, kendala, tantangan dalam pelaksanaan transmigrasi di era otonomi daerah, merumuskan bahan pertimbangan kebijakan penyediaan lahan di tengah keterbatasan lahan untuk masa yang akan datang. Penelitian menggunakan pendekatan kualitatif. Jenis data yang dibutuhkan penelitian ini adalah data sekunder dan data primer. Sebagai data utama dalam penelitian ini berupa dokumen perencanaan pembangunan kawasan transmigrasi, peraturan perundangan dan laporan penelitian yang relevan. Pengambilan data primer dilakukan melalui wawancara mendalam dengan pejabat instansi daerah maupun pejabat di tingkat pemerintah pusat meliputi warga transmigran di Kawasan Transmigrasi Payahe, pejabat di pemerintah daerah Kota Tidore, pemerintah provinsi Maluku Utara dan pejabat di kementerian Desa, Pembangunan Daerah Tertinggal dan Transmigrasi. Hasil penelitian ditemukan masyarakat yang berada di lokasi pembangunan transmigrasi menyerahkan lahannya secara gratis kepada pemerintah daerah disertai dengan berita acara penyerahan dengan seluas 4 Ha. Kebaruan penelitian ini berfokus pada kebijakan pemberian tanah gratis di kawasan transmigrasi Payahe untuk mendapatkan dukungan dan partisipasi masyarakat tanpa menimbulkan konflik kepentingan sehingga pembangunan kawasan transmigrasi dapat berjalan dengan lancar. Proses analisis difokuskan pada aspek kebijakan dan strategi penyediaan proses dan mekanisme penyediaan lahan, kendala dan tantangan, serta dampak transformasi kebijakan penyediaan lahan. Berdasarkan hasil analisis data tersebut akan dikelompokkan dan dirumuskan sebagai informasi kebijakan untuk perumusan kebijakan penyediaan lahan transmigrasi.

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INTRODUCTION

Land is an important asset for any society (Mukerji, 2017). The presence of the government may ensure the right of the community to live safely, fairly and prosperously, without neglecting the interests of development. All countries in the world currently have problems in land management because land reserves are decreasing while infrastructure development is increasingly being built for socio-economic improvement (Enemark et al., 2014). In Afghanistan, after the fall of the Taliban in 2002, rebuilding was rapid, with the mandate of vacant land resulting from three decades of war. However, there are obstacles because the land left by the community as a result of the prolonged war was forcibly seized by the political elite. Then the land is leased and even sold to the government for builder ref (French et al., 2016).

In the United States of America there are two institutions that have special powers to deal with land issues; Bureau of Land Management (BLM) which functions for land management but has not given positive results. Meanwhile, the Federal Land Policy and Management Act (FLPMA) has limited access to land conflict resolution, even though the legitimacy of the public administration and bureaucracy has the flexibility to resolve land tenure issues (Malay & Fairholm, 2020).

In Netherlands, the increasingly limited availability of land, especially in agriculture and the very expensive price of land, makes it difficult for farmers to rent land for farming. The need for an institution to regulate land rental prices so that it can be reached by all parties both in the short and long term (Needham et al., 2011). Meanwhile, in Switzerland, property development is growing rapidly, but land availability is decreasing. Therefore, the local government issued a long-term rental system policy to the private sector for property development. Meanwhile, agricultural investment and production received less attention (Gerber et al., 2017).

In India, land policy in the colonialism period could protect the rights of land-owners when there were construction of dams, mines, and infrastructure by imposing compensation. However, after the development orientation was directed at growth, amendments to the land law were conducted out by changing the cash compensation system to a transfer system under the control of the United Progressive Alliance (UPA). However, corruption in the price of land sold by the community to the government began to emerge, so that the community did not receive adequate or "proper" compensation. As the result, they get strong resistance from land owners, because many people have lost their homes (Dinda, 2016).

Typical cases also occur in several countries, and one of them is Pakistan. In Pakistan, long-standing disputes over land tenure rights and land governance occur as a result of China-Pakistan cooperation in the development of projects that require large areas of land. This threatens the welfare of the people affected by development, so that a prolonged dispute between the community and the government to accelerate development planning can occur. The government involved the military in intervening in land acquisition. This has made many civilians lose their land ownership rights, because they are not accompanied by compensation (Mehmood, 2019).

The compensation system is also implemented by the Vietnamese government. After four decades of imposing an anti-urban system, in the 1990s the Vietnamese government carried out development reforms from agrarian to industrial, because urbanization was unstoppable. This reform resulted in agricultural areas being turned into urban areas with the consequence of requiring a very large area of land in various cities. However, in urban areas, land is increasingly limited. Therefore, a compensation system for land owned by communities affected by infrastructure development has been implemented (Labbé & Musil, 2014; McPherson, 2012).

The phenomenon of inequality in the land administration system also emerges in the African region. The land administration system in Sub-Saharan Africa does not yet reflect the Human Rights matter. Political commitment from various stakeholders is needed in creating the right to security, peace, and dignity so that partiality can be avoided. Of course, professionals are a group of people who are needed and trusted to manage the land administration system (Enemark et al., 2014). In 2010, Kenya implemented a “new constitution” by carrying out land reforms with the establishment of the National Land Commission (NLC) and Country Land Management Boards (CLMB) which are tasked with resolving corruption due to land acquisition for development purposes. NLC and CLMB carry out coordination in stages by prioritizing community participation to resolve land conflicts, so the distribution of land in Kenya is divided into three categories, namely public, community and private (Bassett, 2020; Boye & Kaarhus, 2011).

In Indonesia, transmigration has been the “flagship” program since the Dutch East Indies, which recently still requires quite a lot of land in one area, and the compensation system is not applied in this case. The community gives their land voluntarily to the local government for the benefit of transmigration development. However, one of the challenges in implementing transmigration in the era of regional autonomy in Indonesia is the achievement of land provision on a large scale. Programs that refer to regional principles and are implemented through the Transmigration Development Area (WTP) approach for the development and realization of new growth centers as well as the construction of Transmigration Settlement Locations (LPT) in order to support growth centers that have developed require land allocation for various purposes, including settlement development, development of business land, and development of economic, social and cultural infrastructure (Wibowo, Ratna, & Mashar, 2013).

In accordance with the clause 28 of Government Regulation (PP) Number 2 of 1999 concerning the Implementation of Transmigration, it is expressly stated that the land for WPT and LPT originates from state land and or land rights and can be transferred to ownership status to be built into a transmigration area marked by a grant letter to the government. In the development period that prioritizes equity and growth as stipulated in regulation number 3 of 1973 concerning Transmigration as a legal patron for program implementation, there are still limited provisions governing land provision with a centralized approach, the government is expected to be able to provide land for transmigration settlement development in wide scale. The purpose of this study is to determine the process of providing free land for transmigration development, identify issues, constraints and challenges in providing land in the implementation of transmigration in the era of regional autonomy, and formulate material for consideration in land provision policies in the midst of limited land for the future.

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Literature Review

Transmigration Land Acquisition Policy in Indonesia

Research on land policy for transmigration programs in Indonesia has been carried out by previous researchers with various approaches. These studies helped researchers to develop other approaches. Therefore, this research is different from research that has been done by other researchers from the aspect of transmigration land policy with a free pattern without conflict of interest between the original resident transmigrants

(TPA), and resident transmigrants (TPS), and the Tidore Islands city government. previous research.

First, the research was conducted Sulasningsih (2019) under the title Transfer of Rights to Land Certificates Owned by Ex-Transmigrations Conducted by Underground Sales (Case Study of Oil Palm Farmers in Kampar Regency). The study found that with the system of buying and selling land through private deals, the buyer cannot change the name of the land that the transmigrant has purchased. The loan could not be secured by the property's ownership status.

Dissertation Research Fitriyah (2012) mit dem Titel Land Procurement and Land Rights Certificate for Transmigration. The results of the research indicate that if the land used for transmigration is community property, which can be demonstrated by a valid land certificate, the local government must accompany it with compensation at the time of exemption so that the community is not harmed.

Another study was conducted Sujadi (2005) titled "Legal Study of Land Disputes in Resettlement Sites, Muara Sungkai District, North Lampung Regency, Lampung Province". The results of his research showed that when planning the land for the development of the settlers, clear and precise elements were not observed, a conflict arose between the heirs and the state, therefore the property status to the land for the settlers was not clear.

Research from other aspects was carried out Yogyandaru & Mayasari (2020) under the title Analysis on Fees Exemption Policy of Land and Building Rights Acquisition in Jakarta. The results of the research stated that the existence of a policy of applying zero percent Customs Fees for Land and Building Rights can help people with middle to lower economic class to obtain the status of their land ownership status. Meanwhile, another research was conducted Mulianingsih et al., (2022) under the title Implementation of Slum Settlement Management Policies in the District of Fifty Kota Pekanbaru. The results of her research stated, related to resettlement, there must be a collaboration between the government and the private sector in their respective roles, specifically the role of self-government in contributing investment in the form of financing to the poor.

Based on the above explanation and reality, little bit of research has been done on the provision of free land for conflict-free transmigration. Meanwhile, the novelty of this research focuses on the policy of providing free land in Payahe transmigration area to gain community support and participation without causing conflict of interest so that the development of the transmigration area can proceed smoothly.

RESEARCH METHODS

This research is a policy research using a qualitative perspective. Policy research is the process of conducting research to support policies or analyze fundamental social problems on a regular basis to help policy makers solve problems by providing recommendations that are oriented towards action and behavior. The policy research activities initiate with a thorough understanding of the problem, followed by the implementation of research to find alternative solutions to problems. The final activity of the research is to formulate problem solving recommendations to be submitted to policy makers. The descriptive method in this study is designed to collect information about real and current or temporary conditions with the aim of describing the nature of a situation that is running at the time it is carried out and examining the causes of a particular symptom.

Data Types and Data Sources

The types of data required in this research are secondary data and primary data. Secondary data collection techniques are conducted out through literature studies and recordings that have been carried out by various parties related to the research topic. The main data in this research are the transmigration area development planning documents, laws and regulations and relevant research reports. Primary data collection was carried out through group discussions involving interested parties (stakeholders). Primary data collection was also carried out through in-depth interviews with agency officials and related parties and field observations. Participants who were interviewed were 17 participants; they were 4 transmigrants in the Payahe Transmigration Area, 7 officials in the Tidore City government, 3 North Maluku provincial governments and 3 officials at the Ministry of Villages, Development of Disadvantaged Regions and Transmigration. The interviewed informants were competent and received an understanding of the problem with the aim of finding alternative solutions to problems.

Research and Analysis Site

The research location used as the unit of analysis is the Payahe Transmigration Area, Tidore City, North Maluku Province. This area is the only transmigration area located in Tidore Islands City which was planned for development in 2005 by the Manpower and Transmigration Office of Tidore Islands City and the Directorate of Technical Planning for Transmigration Area Development, Ministry of Transmigration. Furthermore, the documents resulting from the planning of the Transmigration Development Area (WPT) and the Transmigration Settlement Location Plan (RLPT) for the Payahe Transmigration Area were used as sources of information data in this study.

The analysis process is focused on aspects of policies and strategies for providing land supply processes and mechanisms, constraints and challenges, and the impact of transformation of land provision policies. Based on the results of the data analysis, it will be grouped and formulated as policy information for the formulation of policies for the provision of transmigration land.

RESULTS AND DISCUSSIONS

Transmigration and Land Tenure Policy in Indonesia

The policy of providing free land for transmigration development in Indonesia started during the Dutch East Indies period known as "colonialization" with the aim of realizing forced displacement of workers. After Indonesia's independence, Government Regulation Number 56 of 1958 concerning the Principles of Transmigration Implementation and Government Regulation in Lieu of Law Number 29 of 1960 concerning the Principles of Transmigration Implementation were enacted with the aim of increasing the level of security, prosperity and welfare as well as strengthening a sense of unity. and national unity.

The purpose of implementing transmigration during the New Order era developed into other non-demographic purposes as stated in Law Number 3 of 1972 concerning the implementation of Transmigration. The aim is to improve living standards, regional development, balance, and equitable distribution of development population throughout Indonesia.

Meanwhile, the objectives of implementing Transmigration in the era of regional autonomy are contained in Law Number 29 of 2009 concerning Transmigration and Government Regulation Number 3 of 2014 concerning the implementation of transmigration, among others: first, to

improve the welfare of transmigration and the surrounding community. Second, increasing the distribution of regional development. Third, strengthen national unity and integrity. On the various perspective, changes and developments in the implementation paradigm and policies that regulate transmigration, there is not a single law and government regulation that confirms that the location of transmigration as the implementation of transmigration is not compensated by the central government or local government, because the people who own the land provide compensation free of charge to the government for the implementation of transmigration. But in the process, the transmigration failed. One of the factors is the lack of local government commitment. In this case, the government did not issue a budget for land acquisition for transmigration sites. Amendments to the law on transmigration and government regulations must state that the land that will be used as a transmigration location must be compensated in accordance with the Tax Object Sales Value (NJOP) of the local government; considering that the land owned by Indonesia has decreased significantly every year. With the compensation from the local government, the commitment and concern of the local government to implement and develop the transmigration program in their area will emerge.

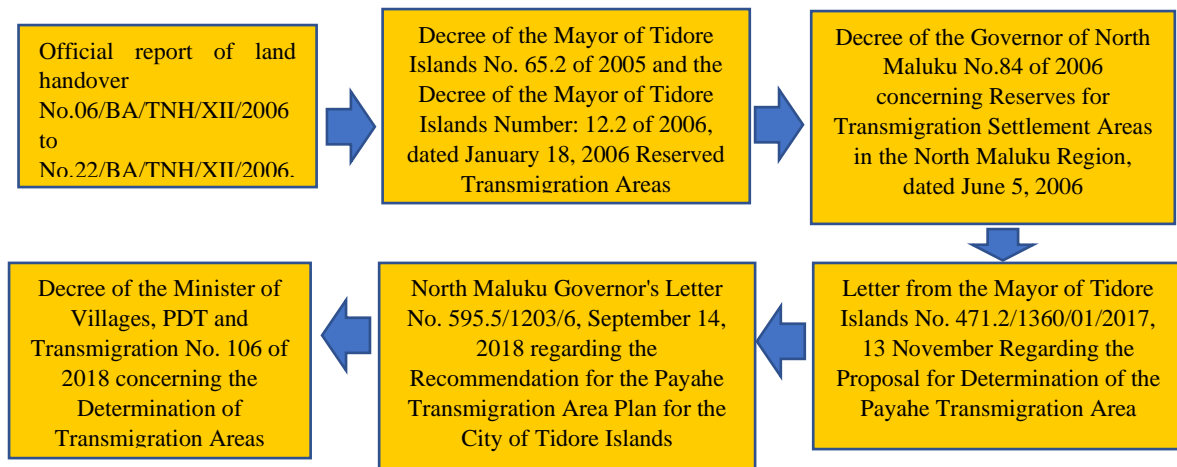
The Process of Land Provision for Payahe Transmigration Area

The era of autonomy and decentralization in Indonesia is a turning point for the implementation of regional development in the City of Tidore Islands. At that time, the transmigration program was expected to provide a new hope in utilizing natural resources and human resources more comprehensively and significantly. However, at that time, the transmigration program was a flagship program that stagnated, especially land provision, planning, as well as settlement development and area development. In 2005 the City of Tidore Islands through the Department of Manpower and Transmigration proposed a transmigration program for the development of the Payahe Transmigration Area. The proposed program is an initiative of the two sub-districts in the Payahe Transmigration Area as shown in table 1, as an effort to support migrants from outside the region (East Java and West Java) through the results of Inter-Regional Cooperation (KSAD).

The Payahe Transmigration Area in the City of Tidore Islands is one of the areas bordering the Akatajawa Lolobata National Park. The area is an area that has a very high diversity of biological resources. Meanwhile, local transmigration is increasing, with the majority of the population being farmers and living in production forests with the main activity being to develop coconut, clove and nutmeg plantations. To avoid damage to the environment, ecosystems and conflicts between residents and the Tidore Sultanate, one of the decisions taken was to propose a transmigration program to the Tidore Islands City government. Responding to the community's wishes, the Mayor of Tidore Islands issued a Decree (SK) No. 65.2 of 2005 and a Decree of the Mayor of Tidore Islands No. 12.2 of 2006 concerning the provision of a transmigration area for the Payahe transmigration area of 6,000 Ha for transmigration development with a target of 2,550 families (KK). The reserve area covers two sub-districts, namely; Oba District and South Oba District.

The process of providing land for transmigration development planning in the Payahe area, in terms of the process refers to the Ministerial Regulation of Nakertrans Number: PER.15/MEN.VI/2007 concerning the Preparation of Transmigration Settlement and technically refers to the Decree of the Director General of Guidance and Development of Transmigration Areas (Directorate General of P2KT) Number 199/P4T/2007. Based on these provisions, the process of providing land for the construction of the Payahe Transmigration Area is as follows:

Figure 1.
The Process of Land Provision for Payahe Transmigration Area



Source: Processed by the researcher (2019)

In accordance with the findings in the field during interviews with the community, it was revealed that chronologically the provision of land for transmigration development began in 2005. On the basis of the community's initiative and facilitated by the Manpower and Transmigration Office of Tidore Islands City on December 7, 2006. Simultaneously, the community in two sub-districts held a village meeting which was attended by the community, community leaders, members of the Village Consultative Body (BPD), and the village head. The agenda for the deliberation is the proposed plan for the transmigration program. From the results of discussions with the communities in the two sub-districts, the reason for the proposal was due to the increasing number of people who settled in the Payahe area and occupied the protection forest and production forest, and purchased community land. In the community's view, protection forests and production forests have an important role in maintaining the existence of the Aketajawe Lolobata National Park. The arrival of people from outside the region in large enough numbers and occupation of forest areas which are considered to have a good impact.

Furthermore, the deliberations set forth in the minutes signed by Community Leaders, Land Owners, Village Heads and Heads are: First, the community is willing to hand over the land/location to be programmed for a minimum area of 1 hectare. The two communities in the two sub-districts agreed to apply for a transmigration program, and the three communities complied with all applicable regulations.

From the results of the deliberation, then the people in the two sub-districts through their sub-districts submitted an application to the Mayor of Tidore Kepulauan, which contained the community agreeing to hand over the land for the construction of the Payahe Transmigration Area. Following up on the letter through the Decree (SK) of the Mayor of Tidore Islands Number 65.2 of 2005 and the Decree of the Mayor of Tidore Islands Number 12.2 of 2006 dated January 18, 2006, dated January 18, 2018 concerning Reservation of Transmigration Settlement Areas in the Tidore Islands City Area of 6000 Ha. Based on the letter from the Mayor of Tidore Islands, on 12 September 2012 a study on Regional Planning for the Development of the Payahe Transmigration Area was carried out as the basis for implementing regional development.

In terms of the process and technical stages of providing land for the development of the Payahe Transmigration Area in the City of Tidore Islands, it has not referred to the laws and regulations, namely the Minister of Manpower and Transmigration Regulation Number PER.15/MEN.VI/2007 concerning the Preparation of Transmigration Settlement and the Decree of the Directorate General of P2KT Number 199/P4T/2007. Thus, when viewed from the aspect of jurisdiction and territoriality, the process still does not reflect the process of providing land as a sub-system of planning for the development of the transmigration area, the implication is that the provision of land for the construction of the Payahe Transmigration Area does not meet the clear and clean criteria. In fact, transmigration is an important thing in the success of a business.

From the juridical point of view, one of the provisions that must be fulfilled by the regional government as a transmigration destination in the proposal originating from land rights refers to Article 8 PER.15/MEN.VI/2007, which must fulfill two criteria. Clear area and physical boundaries of the land depicted in the map and clean, which is free from rights and/or designations of other parties as outlined in the Land Registration Certificate (SKPT) from the local Land Office, and free from legal customary/ulayat rights. and set forth in the Minutes of Handover of Land Rights by the local community.

On the other hand, the Director General's Decree No. 199/P4T/2007 provides details on the requirements for land provision that must be met by local governments when proposing a transmigration program. First, land reserve is the result of intensive socialization so that the community understands, understands and agrees to contribute to the transmigration program in their area. Second, in terms of the mechanism, the results of the community agreement are proposed by the Camat whose territory is included in the Transmigration Area, which is attached with the minutes of land handover, a sketch of the location map known by the village head and sub-district head. The various requirements are essentially to avoid conflicts over unclear land status and boundaries as well as a form of ratification of ownership of the land that is handed over. Regarding the determination of land reserves for transmigration development in the Payahe Transmigration Area, if it refers to the same regulation, it is the authority of the Governor of North Maluku on a proposal from the Mayor of Tidore Islands after receiving a technical recommendation from the National Land Agency (BPN) of Tidore Islands City.

The results of the study reveal that the process of providing land for the development of the Payahe Transmigration Area of Tidore Islands City, the Tidore Islands City government has not carried out a technical review as one of the bases for determining land reserves, due to the limited knowledge and understanding of implementers of the principles of transmigration in the framework of regional development. The technical review should include identification of the declared land status, benefits for the community, directions/strategies for resolving the status, as well as challenges faced in the land provision process. These considerations are one of the factors that determine the success of the next stages, namely the stages of ratification of land status, macro and micro planning as well as the stages of development.

Plan and Policy Implications of Land Provision

Changes in Law Number 15 of 1997 to Law Number 29 of 2009 and Government Regulation Number 3 of 2014 are a new chapter in the implementation of transmigration. Philosophically, the legal basis restores the direction and objectives of transmigration development in the context of regional development, places the community as one of the important actors, and places regional authorities as the main actors in the transmigration program. This relationship

pattern is referred to as a participatory approach, where the community has a role as the main development actor assisted by village community institutions based on Law Number 6 of 2014 and regulation number 43 of 2014.

The facts reveal that as a regionally oriented program, in the process of providing land as a sub-system of settlement preparation, it has not fully referred to regional principles and complied with legal aspects. The case of land provision and development planning for the Payahe Transmigration Area in the City of Tidore Islands illustrates various problems as well as challenges with a very broad spectrum. Issues regarding community perceptions, mechanisms and processes for providing land, implementing capacity at the regional level, and implementing regulations are the determining factors for the success of land provision and transmigration development. The implementation of transmigration in the future is largely determined by the ability of the organizers to consider these aspects and formulate into implementing regulations the working mechanism as a reference in the process of preparing transmigration settlements.

In the case of the Payahe Transmigration Area, Tidore Island City, the period of placement of transmigrants started from 2007-2019, but the status of the land is still problematic because some of it is in the Aketajawe Lolobata National Park area which has implications for as many as 244 Family Heads who have not yet obtained Business Land One (LU1) and Business Land Two. (LU2). So that people's perceptions about the realization of their rights as transmigrants have not been realized and have a considerable influence on people's attitudes and implementation in local government. First, the time span of 12 years (2007-2019) since the placement of transmigrants has not yet received their rights. Second, the per capita income of transmigrants in the Payahe Transmigration Area has not been stable because they only use their yards and rent land owned by others. Third, the trust of transmigrants to the local government is reduced because there is no certainty from the local government of the Tidore Islands City.

The problem of transmigration implementing institutions is still a serious problem in the implementation of the Payahe Transmigration Area in the Tidore Islands City, although it has been supported by 4 (four) Transmigration Settlement Units, in the era of regional autonomy, they restructured institutions that have regional duties and functions. First, the transmigration implementing agency is part of the Department of Manpower and Transmigration which is only supported by 9 staff and a budget of approximately Rp. 150,000,000 per year, Second, the composition of staff is very limited, and not all of them are staff who initially served in the field of transmigration because of political differences in each election of regional heads, the staff who participated early in planning were transferred to other agencies. This condition causes the transmigration program in the City of Tidore Islands to tend to be underdeveloped due to the lack of knowledge and skills of implementers and officials in the process of providing land and implementing area planning.

The phenomenon as described above is one of the challenges for the central government to redesign the criteria for establishing a transmigration organization at the local government level in accordance with the applicable laws and regulations. Although in regulation number 23 of 2014 concerning Regional Government, transmigration is an optional program. However, implementing agencies in the regions must reflect an organization that is supported by staff who have competence in the regional field and budget allocations in accordance with the plans and programs to be developed.

Supposedly, the provision of land as the initial stage of preparing transmigration settlements, is a determining stage for the success and quality of the Transmigration Development Area Plan

(RWPT) and LPT as well as macro planning, especially the Payahe Transmigration Area Development in Tidore Islands City. Meanwhile, the provision of land related to the criteria is still defined in various ways, and the acquisition process tends to be carried out instantaneously and has not taken into account strategic environmental conditions. This approach and perspective on land provision ultimately causes various problems at the planning and settlement stages.

This perspective is reflected in the process of providing land for the construction of the Payahe Transmigration Area, Tidore City, Islands, North Maluku Province. Viewed from the side of the handover of community land, the proposal for land reserves has not been accompanied by a report of the handover which has been legalized by officials at the sub-district level. Evidence of Land Registration Certificate (SKPT), likewise, the determination of land reserves for transmigration development is further stipulated by the Mayor of Tidore Islands Number 65.2 of 2005 and Decree of the Mayor of Tidore Islands Number 12.2 of 2006, dated January 18, 2006 concerning Reserves for Transmigration Settlement Areas in the City Area Tidore Islands covering an area of 6,000 hectares. From a juridical point of view, the process is not appropriate and contradicts the Minister of Manpower and Transmigration Regulation Number PER.17/MEN/VI/2007 and the Decree of the Director General of P2KT No. 199/P4T/2007. In both regulations, it is expressly stated that the governor has the authority to issue a reserve decree. Meanwhile, the mayor's authority is limited to determining the location that is reserved after fulfilling the requirements and enclosing technical considerations from the relevant agencies.

In the provision of land in the Payahe Transmigration Area, Tidore Islands City, technical considerations are an important document that will be used as the basis for preparing the directives generated from the Transmigration Development Area Plan (RWPT). However, in the process of reserving land in the area, technical aspects related to the settlement of land status have not been considered. Likewise, in the RWPT document, which should formulate macro directives, it does not indicate at a macro level the land settlement strategy, stages and constraints.

From the case of land provision in the Payahe Transmigration Area, Tidore Islands City, there are several regional factors that need to be formulated. First, the declared land position is a buffer zone for the Aketajawe Lolobata National Park. Second, in terms of land reserves, not all of the Other Management Areas (APL) outside the forest area are land that is free of ownership, but all of it is land with community status. Therefore, in technical considerations, land reserves should also indicate the status of the land and directions for its use.

The results of the study revealed that so far, land provision activities have been carried out by the Tidore Islands City government with varying areas. In accordance with the Minister of Manpower and Transmigration Regulation No. Per.17/Men/VI/2007 and the Decree of the Director General of P2KT No. 199/P4T/2007 confirms that through the activation of "land hunting", land area is obtained with an area that meets the scale of the Transmigration Development Area (WPT) and LPT and is in accordance with the principles of regional development planning. In addition, it also resulted in the provision of land that was only sufficient for planning the Transmigration Settlement Unit (RTSP). This reflects that after the reformation, not the entire process of providing land has produced results that meet the requirements of planning for the development of transmigration areas.

Table 1.
Distribution of SKP Payahe Area

SKP/Village	Wide (Ha)	Population	Potential Area
SKP A			
▪ Toseho	8.965	▪ 926	3.000 Ha (2-3 SP)
▪ Tului		▪ 1.098	
▪ Talagamori		▪ 569	
▪ Gitaraja		▪ 2.560	
▪ Woda		▪ 478	
SKP B			
▪ Kosa	6.683	▪ 885	3.000 Ha (2-3 SP)
▪ Koli		▪ 531	
▪ UPT Koli-Kosa		▪ 405	
▪ Bale		▪ 1.268	
▪ Sebagian Payahe		▪ 1.733	
SKP C (SKP PP)	400		
▪ Payahe			
SKP D			
▪ Kususinopa	10.676	▪ 1.316	1.854 Ha (2-3 SP)
▪ Maidi		▪ 1.455	
▪ UPT Maidi 1		▪ 639	
▪ UPT Maidi 2		▪ 456	
▪ RTSP Maidi 3		▪ -	
SKP E			
▪ Wama	4.378	▪ 1.253	1.500 (1-2 SP)
▪ Selamalofo		▪ 583	
▪ Lifofa		▪ 1.155	
▪ Nuku		▪ 475	
▪ Tagalaya		▪ 391	
▪ Hager		▪ 430	

Source: Processed by the researcher (2019)

Villages, Transmigration Settlement Units and potential areas proposed to be included in each SKP can be seen in table 1. Distribution of SKP Distribution for Payahe Area. If it is observed from the perspective of regional planning policies, several important directions related to the Payahe Transmigration Area of Tidore Islands City can be formulated, including the directions for the structure and hierarchy of the Region. In this case, transmigration development is directed to support developing growth centers. The Payahe Transmigration Area as a growing growth center is planned as a New Urban Area (KPB) which acts as a Regional Service Center (PPW) and will be directed to become 5 Settlement Area Units (SKP).

In accordance with the RWPT document, the Payahe Transmigration Area, Tidore Islands City, procedurally does not meet the juridical criteria, but in terms of the criteria for the land area that is reserved, it has met the requirements. However, if analyzed further, the RWPT has not indicated the following aspects. First, the direction regarding the settlement of land status is still problematic because it is in the Regional Spatial Plan (RTRW) for the City of Tidore Islands and has been supported by a decree to reserve the area included in the potential land area of 10,156 hectares. Of the land area, the APL status of 6,300 hectares has been used for the construction

of four Transmigration Settlement Units. Meanwhile, the remaining 3,856 hectares are still protected forest.

Second, the scheme of the development plan for local villages and land settlement strategies for restoration, land consolidation, construction of settlement facilities and infrastructure. To anticipate changes in legislation, it is necessary to make adjustments to the Transmigration Development Area Plan (RWPT), especially related to the direction of the status of protected forest land which will be converted into APL for the benefit of the development of the Payahe Transmigration Area. Third, the direction of land reserves for investment needs with alternative land for production on a large scale, land for the development of processing and storage of agricultural production.

CONCLUSIONS

Based on the results of the study, the regional-based transmigration development approach model has the consequence that transmigration development is an effort to encourage and spur the growth of potential areas that are structurally related to the RWPT in order to create new growth centers in various regions. In its implementation, the development of transmigration areas is only carried out through the scheme of the Transmigration Development Area (WPT) and the Transmigration Development Location (LPT). Thus, the seriousness of the local government in developing transmigration areas has not been maximized. This is because one of the factors is the process of providing land for the transmigration program which is not accompanied by compensation for land owned by residents.

The recommendations are: First, the policy of providing land for transmigration development is no longer relevant to the interests of the community as a transmigration destination. Therefore, the provision of land in the future through compensation to the landowner. Second, land in the transmigration destination areas is decreasing due to the rapid development of basic infrastructure, so a moratorium on transmigration development is carried out and focused on developing existing transmigration areas. Third, the regional government as a transmigration destination must be committed to allocating a budget through the Regional Revenue and Expenditure Budget (APBD) for regional development.

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