

URGING POLICY ALTERNATIVE AGAINST EVICTION FOR WOMEN'S EMPOWERMENT



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Policy Paper

**URGING POLICY ALTERNATIVE AGAINST EVICTION
FOR WOMEN'S EMPOWERMENT**

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PREFACE

We would like to praise God for His Almighty and blessings that we have managed to accomplish our piece of writing "Urging Alternative Policy Against Evictions and For Women's Empowerment". We also express our deepest gratitude to those who contributed during this research process.

The purpose of this research is to examine the impacts of eviction against disadvantaged women and state policies related to appropriate housing evictions which is often difficult to access by the disadvantaged and marginalized urban groups in Indonesia. Eviction is a continue problem comes up throughout the history of Jakarta.

Eviction for women means uprooting spaces in the women's domestic roles and their public. Inconsiderate eviction policy leads to weakening for women.

This writing is the result of research conducted within a certain period of time, year of 2015-2016. It is expected that this policy paper contributes in providing a reference for policy makers especially at national and local government level in which they are in charge of desks of women, poverty, urban planning and governance.

Jakarta, 01 Februari 2017

Dini Anitasari Sabaniah

The Chair of SCN-CREST

Adequate housing is often difficult to access by the poor and the marginalized urban groups in Indonesia. People who did not own habitable houses in Indonesia approximately reaching more than 13 million (Metro TV News, 2015). In Jakarta, the government of DKI Jakarta reported the need for housing reached out 70,000 per year (BPPD, 2013). Meanwhile, in Makassar, the local government of Makassar city indicated limits on land and the rise in land prices (Makassar City Government, 2014).



Photo 1. The riverbank lately cleaned. It was at first the settlement over the river, North Jakarta (Researcher doc., 2016)

In Jakarta, the local government has launched a program to improve the quality and improvement of 8000 units of slum houses in 397 kampongs (urban villages). However, this program only reaches disadvantaged kampongs (urban villages) in the formal areas which has clear land ownership; excluding kampongs that are considered illegal. Although the government of DKI Jakarta has designed vertical housing/ Rusunawa (Rent Flats)/ superblock with the State Budget (APBN) and the Local Budget (APBD) reaching over 6963 units until 2017 (BPPD Jakarta, 2013), this number clearly does not meet shortage of housing that is needed. In Makassar, the period of 2014-2019, the city government has launched a program of the provision of credit access for the construction of habitable housing for the poor and the arrangement is only for 500 units of slum houses (Makassar City Government, 2014).

With all the limits, disadvantaged people choose to live in informal settlements (illegal) with the physical condition of the house and

sanitation which is simple and own a very small space for children's activities. The land prices and rents are high and therefore a location situated close to the source of their livelihoods is the main reason. This location becomes the target of urban planning and settlements by the government. The precise number of the disadvantaged is not known for a long time, they have never been counted as legal residents in the city (Eddyono, 2015).

In Jakarta, evicting people living in informal or illegal settlements to build a construction project is part of the government's long-term planning. However, it is rarely presented with the proposed provision of alternative housing for people who are evicted (LBH Jakarta, 2016). Additionally, during the leadership of Sutiyoso (1999-2007) and Fauzi Bowo (2007-2012), the residents who lived in informal kampongs were stigmatized as illegal residents. With such status, informal residents often faced discrimination and therefore they were not able to access the economic programs, education and health managed by the government.



Only under the leadership of Governor Joko Widodo (2012-2014) and it was continued by Basuki Tjahja Purnama (2014-2017), the disadvantaged people in informal kampongs can access the facilities and programs of city government such as education, health and social assistance. However, both Joko Widodo and Basuki Tjahja Purnama keep cleaning the riverbanks and railroad tracks which bring impacts on the eviction of these people. This program is estimated to affect 200,000 people losing their houses (Rolnik, 2013) In the middle of 2016, the government of Jakarta conducted the evictions at least 8145 families from 113 informal kampongs (LBH Jakarta, 2016)

The eviction has been conducted in Makasar as well, but it is less intensive than in Jakarta. In the period 2004 to 2008, there were at least 16 land conflicts that led to the evictions affecting 1,613 families losing their homes. The eviction invited resistance from the society supported by civil society groups. Since the political contract among the disadvantaged was represented by Committee of the Defenders for the Poor (KPRM) Makassar with the Mayor elected in 2008, the city government had tendency of being aware or even avoided conducting eviction (Interview with U, 2016).

METHODOLOGY

This policy paper analyzes: **(i) How is the impact of evictions for women as part of the disadvantaged and the marginalized in Jakarta and Makassar? (ii) How far does the city government provide alternative policy to eviction?**

This position paper also includes recommendations to the local government in the provision of adequate housing for the disadvantaged and marginalized groups, especially women.

It is based on the research findings of SCN CREST 2015-2016 in Jakarta and Makassar as further research by SCN researcher on Women's Empowerment in an Informal Settlement in Jakarta¹. By using an empirical qualitative approach and feminist perspective, this research combines a variety of data collection methods: literature review, focused group discussion, semi-structured interviews, and observation.

LEGAL BASE AND POLICY ON WOMEN'S RIGHTS TO ADEQUATE HOUSING

Indonesia already has adopted basic laws and policies to ensure the fulfillment of the right to adequate housing for the disadvantaged women. This right is part of the economic, social and cultural rights and equality between men and women in accessing rights to housing. Indonesia has also asserted a commitment to the empowerment and inclusion of women in the development process. The things mentioned above are mentioned as follows:

- a. Law No. 11 Year 2005 on the Ratification of the International Convention on Economic Social and Cultural Rights and General Comment;

¹ The research refers to the doctoral research at the School of Sciences, Monash University, Australia conducted by Sri Wiyanti Eddyono

- b. Law No. 7 of 1984 on the ratification of the Elimination of All Forms of Discrimination against Women;
- c. Law No. 32 of 2009 on the Protection and Environmental Management, in particular the principle of participation and justice;
- d. Law No. 1 Year 2011 on Housing and Settlement Areas among others the principle of justice and equality;
- e. Law No. 26 of 2007 on Spatial which manages spatial planning by considering the protection of public interest, legal assurance and justice;
- f. The policy and the government's commitment to the implementation of the Sustainable Development Goals (SDGs), particularly Goal 1 on the Elimination of Poverty, and Goal 5 on Gender Equality. Goal 1 and Target 4 put emphasis till 2030 all the disadvantaged and marginalized men and women have the right to equality of economic resources, including among other things, basic services, ownership and control over land, and various forms of property, inheritance, natural resources. In addition, Goal 5 and Target 5 ensure the solid and effective participation and equal opportunities for women and men leadership at all levels of decision-making process in the political, economic and public life.

Referring to the General Comment of Committee 4/1991 International Convention on Economic, Social and Cultural Rights stated that adequate housing has several principles:

- a. Legal guarantees that protect everyone from forced eviction, harassment and other threats.
- b. Availability of services, materials, facilities and infrastructure that includes and relates to safety, health and comfort of the occupants.
- c. Affordability in price for all levels of society including low income earners and the disadvantaged.
- d. The residence and its environment are accessible (accessibility) and beneficial for everyone, including vulnerable communities.
- e. Physically habitable
- f. Culturally adequate (cultural adequacy), fulfillment of the elements of respect for cultural identity including cultural diversity (there is no necessity to follow a model and a pattern determined by the government, developers, or particular group).

In Indonesia, the right to adequate housing is often blurred and it is not considered a right that must be owned by every person, especially women. The right was as if merely possessed by those in higher position

in the social, economic and political (Eddyono, 2006). According to Eddyono, fulfillment of the right to adequate housing is difficult to apply due to:

- a. **minimal recognition of the right to adequate housing;** lack of government recognition leads to a lack of protection for adequate housing for the disadvantaged.
- b. **unfavorable policies;** the policies created by the government that are not participatory marginalize commoners, especially women and the policies tend to favor the interests of financiers and provide significant space for the security forces to guarantee the protection of the investor to secure capital.
- c. **policies and discriminatory behavior;** in this case, the government tends to assure protection to the entrepreneurs / financiers and being permissive on the loss of people's rights to livelihood and adequate housing.

FINDING 1:

THE IMPACT OF EVICTION TO WOMAN

A house residence for women in the informal settlement is a very important place. Based on Focused Group Discussion (FGD) in Jakarta (26/02/2016) and Makassar (26/01/2016). The house is not merely a place to sleep. The residence and the environment is the working area for women who mostly work in the informal sector, small merchants or food production. The residence becomes a place to earn money; processing food for sale or selling, washing, drying and ironing for laundry services. Their homes are near where they work in residential homes around their kampongs for women as domestic workers or nannies. Their settlement constitutes a social system which becomes very important because socially women at the same time still carry the burdens of reproductive and productive. The settlements also function as a space for sharing and helping such as taking care the children when they are earning for a living. The finding also shows that the settlement is a space for women to interact with a variety of cultural and social activities such as the activities of Islamic study groups, savings and social gathering. Their settlement is a space to educate children, close to school, and education place for studying al Quran.



Photo 3, The place to stay in informal kampong has multi functions; he production tool and the place to stay, Kampung Rawa (Researcher doc., 2015)

The eviction of residence, especially for women affects not only the loss of a place to stay but the vanish of the economic and social system that becomes a life support for the disadvantaged women and their families. This includes difficulties in accessing education for children, loss of social environment that supports women running their multiple roles, loss of job or income, and uncertainty over their future livelihoods.

Furthermore, the evictions without sufficient alternatives are indeed consequential in many aspects such as losing a sense of security, and raising new social trauma. Experiencing eviction is unforgettable experience especially since it reoccurs more than once. The process of forced eviction brings impact on physical and psychological burden. The trauma experienced by children as expressed by one of the women speakers, 'after school the children found their houses gone, their

Box 1, The eviction in Gili Samping, West Jakarta

In December 2014, 144 families who lived above the river of Sekretaris, Gili Samping area, Budi Raya street, West Jakarta, was evicted by Jakarta government and they got the announcement just a few days before. Approximately 80% of the families were supported by women working in the informal sector and street workers (singers, scavengers, etc). Many of the family head were widow, having no idea where the husband was, and also the elder women. Only 25 families had the ID cards and the family card (KK). They had lived there since 1998, building and renting houses from plywood and used wood after being evicted from the location that was built for student apartment of a private university.

The government of DKI Jakarta only provided 25 units of flats for the families who had complete civil documents. Consequently, the residents there refused to move from a place destroyed. They survived until nearly a month in the location that had been evicted because they did not know where to stay. In the end, the government provided 25 units more to accommodate the whole family. The government promised to give the unit when it was ready. The people agreed as it was better than no place at all. The unit was not free. The monthly fee was considered very costly, much more costly than renting the previous location (Eddyono, 2015; MS, 02/26/2016)

children sought their doors, but ... even their homes had been razed to the ground '(Mrs. K, FGD, Jakarta, 02/26/2016)

LBH Jakarta (2016) states only 16% of evictions started with the process of consultation with residents. In practice, this research has examined that both in Makasar or in Jakarta, the eviction process happened without consultation especially considering the importance of women's involvement in the eviction. The ones who were involved were males based on the common assumption that men are the heads of households. The fact shows many women living in informal village are the head of the family.

Additionally, women interact closer at home and the surrounding than men. Every day it is women who become kampong guards. The house and the settlement are the place for their reproduction and production activities. Therefore, women are more knowledgeable and experienced about the kampong rather than men as they often run their activities outside of the settlement.

Box 2

Becoming a woman sometimes can be in high position and sometimes can be in the low one (laughing)...I managed to put my children at school. My children started from primary school to senior high school living in areas of gamblers, drinkers, robbers...Though my surrounding is not supportive, but I can protect them, ...no need to be hypocrite, my husband drinks...no need for my children to copy their father...that's why the role of mother is very important and it plays double roles...I managed my economy situation by selling on the streets...my husband used to be a driver, but then he quit and the family economic situation got worse... therefore I fight for my children to enjoy education and run the economic activities... (Ibu E, Makassar, 26 Januari 2016).

In some situations, women living in informal kampong are the ones who face eviction attempts since they stay in the kampong from morning to afternoon. Sudden eviction is performed in the morning till afternoon when most members of community especially men are not in the community, either for working outside the kampong or other activities.

The respondents of the research said that women and children faced the evictions. The forced evictions were held by Municipal Police (Satpol PP). In fact, the government often used thugs to ease the eviction process. In the eviction process, usually people could not save their belongings.

Box 3

At that time, the eviction happened in some phases. I was at the third phase. It was different from that lady in the first phase. At the first phase, there was negotiation process including the rent fee...or preparation and we had time to dismantle our own house. The second phase was also different...the time was only two days to prepare. The facilities and the rent were high. While my house was in eviction process...suddenly there was a landfill machine. No one told me, I was only told that in an hour this place would be torn down. I was panic, and it was only me at home...my husband was somewhere else...Luckily, I had the contact of 'strong' person. Then I called, and I was given the phone number of media. Then the journalists came and therefore the eviction was cancelled at that time. I begged for the time...No talk and no negotiation... I told them I refused to be moved out before I got the unit key. After some time...then I got the unit (the flat)...where to go the, my children are still little ones...(ibu N -Waduk Pluit-Jakarta, 31 Okt 2016).

FINDING 2:**HARD TO PROPOSE: POLICY ALTERNATIVE TO PREVENT EVICTIONS**

This research confirms the previous analysis that the disadvantaged in the informal kampongs is considered to have no right of accessing adequate housing. The disadvantaged is considered a burden for the city and the government. Consequently, it is necessary that the disadvantaged needs to be placed in the suburbs and not become part of the urban community. Marginalizing the disadvantaged is an effort as if it could make the city beautiful, clean and comfortable.

This is in contrary with the development of the discourse of urban planning expert at the international level which puts the disadvantaged people in the informal sector as player who have an important role for life support for the city (Nunan & Devas, 2004). Most people in the informal kampong who work in the informal sector indeed serve urban society as parking attendants, janitorial workers, security guards, domestic workers, laundry or small merchants. Therefore, the urban planning experts recommend that the disadvantaged are not marginalized but they actively get involved and participate in managing the city. Some practices in some other countries such as in Singapore, the disadvantaged occupy government-owned apartments located in the city center.

The practices of involving the disadvantaged people in managing the city have been conducted in Surabaya. The city Mayor of Surabaya responded to the good will of the disadvantaged at the riverbank of the Stren river to protect and to take care the river (Some, Hafiz, and Sauter, 2009). Therefore, the people living in the riverbank can still stay in that location but they should be responsible to keep the river clean, well-managed and accessible to larger society. By managing the Stren river with the concept of 'Jogo Kali' or 'Protect the River', the river area is possible for the settlement (Kominfo Jatim, 2012). Other similar attempts have been initiated long ago by Romo Mangun when managing the Code River in Yogyakarta.

However, those practices in Surabaya and Yogyakarta have not been widely adopted by governments in other cities. In fact, people are neglected in decision-making process and even their houses and neighborhoods are evicted without adequate alternative (Discussion with A, B, and C in Flats of Muara Baru).

THE RENT FLAT IN JAKARTA: ALTERNATIVE HOUSING IN CONFLICT

The government of DKI Jakarta has promised flats as substitution of the demolished house. This research shows that the flat is not the only solution that is best for women and the people who were displaced. Firstly, the removal process is not carefully planned by considering the economic and social system that supports women in a new place and the minimal process of consultation and negotiation with the community, especially the women. The removal should not be seen merely moving to sleep, but for women, especially those as family head, as removal of all the supports they need to continue their life.

The flats available were generally far away from the access to the city and the place where they usually worked. It is also an attempt to marginalize the disadvantaged to be kept away from the city center and at the same time ignoring their roles in the city. Distant location of flats to their working place cause many women who used to work is no longer working,

I no longer work, I get confused ... I used to work in the neighborhood ... in the Flat, there has no settlement area...it is far to go anywhere ... to work in the previous place is difficult... it takes time ... and the fare is expensive too ... even facing the loss, so at present, I am jobless, many are unemployed (MS, February 16, 2016)

Many of them work in the houses close to their settlements as domestic workers such as washing, scrubbing and child care. They need money for taking public transportation which is sometimes higher in price compared to their income, not yet to mention time consuming.



Photo 4,
Unfinished flats built in the area
of East Jakarta, but they have
been used resided (Researcher
doc., 2016)

Some of the previous residents were scavengers who could no longer perform these activities because there are strict prohibitions about the arrangement in the Flat. Meanwhile, their skills and economic resources did not enable them to change jobs especially the formal one, it was mainly because they had the burden of child care, and they were the elders (Workshop, February 16, 2016, SCN-CREST-Komnas Perempuan). Thus, the removal of the displaced people into flats impacts on the loss of jobs and loss of women's earnings, which means a new impoverishment.

Not all flats have the facility of shuttle bus for schoolchildren. The distance from the school and the Flat is far. Previously, the children did not need their mother pick them up but now their mothers should pick them at school. This means that these mothers find it difficult to work as before.

Second, the information about the apartment as an alternative is not comprehensively delivered. People who agreed to move to the apartment had no idea that they would lose their right to value of compensation.

They also were not informed that it was the rent flat in which the operational cost was not affordable for these people. They were required to pay the rent, electricity and parking money. Monthly spending could reach Rp 600,000, (45 USD) and it is considered high enough for the people who earn a living from the informal sectors.

BOX 4

In Kebun Tebu, we did not rent ... here we have to pay the rent. What is worse is the government moved us here in January ... then signing the SP [Agreement Letter] was in March ... then there was no news at all. The subsidy was for six months and no one informed and after staying here for two years, they told us to pay from the previous year ... Consequently, the bill suddenly rose to millions ... not at the same cost per unit ... the 5th floor cost Rp. 156,000 per month, the 4th floor was more expensive, extra Rp. 20,000 and therefore it cost Rp. 176,000. This unit, the 3 floor cost Rp. 196,000, the second floor Rp. 206,000 and the first floor Rp. 226,000 What makes matter worse is at the beginning [the lowest floor] was for public facilities, parking or celebration. Well, now it is divided 3x6 for a place to stay, and ... the public toilet ... no water, we should buy. It is perfectly dirty then (Mrs Muh, August 21, 2016).

Third, the Flat cannot be accessed by all the evicted families, only for certain groups of people to occupy in temporary period, and it is for 2 years. The number of unit available was not enough to accommodate the evictees and also those who had the willing to be removed to the Flat. The criteria are often unclear, why some may take the unit and others may not.

Moreover, after two years living in flats, they are welcome to leave the flat or extend the stay by agreeing a new rent cost that can be more expensive. The rules of who can live in the flat is very dependent on the officers appointed by the Local Government. If the local government does not allow to, the residents must leave the Flat. The condition causes the insecurity and worries that they can be expelled from the flat.

Fourth, the facilities of each flat are different and minimal. In Muara Baru Flat, when the research was conducted, it is found that the flat does not provide clean water flowing every day. Water flows only twice a week within a specific time. Therefore, they must pay Rp. 1,200,000 per month for the water supply.

'... Relocating people, the government treated people like inanimate objects, there was no dissemination and adequate infrastructure,' said one of the participants of FGD. In the focused group discussion, a source person discussed the results of monitoring KPAI in 2015, three impacts of forced evictions on children; (1) housing conditions are unfit and unsafe for children because in the high flat, there is no safety window and it is risky that the child might fall down from the window of the flat. The observations of SCN team to one of the Flats also found that the stairs were built to have a distance (such as holes) which is very large between the wall and the stairs without any safety stuffs for children.



Photo 5,
Muara Baru Flat, clean
water is difficult to access,
North Jakarta (Researcher
doc., 2016)

According to KPAI, the small room is potential to children experienced violence. One of the factors of child violence is the house condition which not habitable which means the small room with many members of the family live in the room. This situation triggers sexual violence by fathers to their children (incest cases).

Box 5

The situation in the flat is good, neat, organized, better than the lower floor [the previous place]...but it is more expensive, to refill the water, it was Rp. 5000 and it costs Rp. 8000 here, we also but the clean water for cooking... the water is not flowing yet, for washing and taking a bath we take the water from the dam, sometimes it makes itchy for bathing...no problem for children as the government provides the school bus, but the situation...is unsafe... many thieves...at noon when leaving to buy things, the gas was stolen... I myself the victim...not only me, many more experienced the same thing (Mrs A, Muara Baru Flat, October 31, 2016)



Photo 6, The bottom floor supposed to be open space and public facility is segmented to unit without room and toilet (Researcher doc., 2016)

Sixth, the placement of the evictees is in random, dispersed and not removing all the residents. This resulted cohesion among them in the Flats was very low. It requires a long time to establish a social system that can support each other and trust between members. This condition reinforces a sense of insecurity and anxiety, especially for women in keeping the children. Additionally, security matters. Theft often happens in the afternoon and at night.

Box 6

...While we were living in Pluit dam, building togetherness was easy as people rarely closed their doors, they always opened the doors and greeted each other. Living in this flat, the front neighbor closes the door...So we have less togetherness...How to describe then...it's like while we were living in Kebun Tebu, we struggled for life but we were happy although we cooked simple food like fish and chili sauce. However, we still had vegetables from our neighbors together. Let's say my neighbor offered to have meal together and I had the chili sauce and she had the fish and chili sauce. Then my neighbor who had no fish then got the fish and those who had no vegetable then got it too. That's what I mean togetherness.
(Mrs. Muh, Jakarta, 21 Agustus 2016)

NOT EVICTING BUT RELOCATING, THE CONCEPT OF LAND SHARING IN MAKASSAR

In Makassar during 2002 to 2014, the Committee of the Disadvantaged Defenders (KPRM) assisted 6 kampongs to be evicted by the government and the private party. KPRM is a civil organization led by a woman.



Photo 7, The development of Kampung Pisang in Makasar, implementing land sharing concept (Researcher doc., 2016)

Most of its members are women and therefore almost all the organizers are women. The struggle against eviction becomes necessary for KPRM because it involves the lives of members KPRM themselves. Strategy chosen by KPRM in Makassar is building consensus with the members to independently struggle together and to negotiate with local government officials. KPRM since 2008 has taken the moment of the Mayor election Mayor making a political contract. This process is supported by the Urban Poor Consortium (Consortium for Urban Poverty). KPRM gained 65,000 votes as bargaining position. The political

contract could reasonably be used to urge the local authorities. The result of the long and intensive assisting process was the cancellation of evictions. The residents under the threat of eviction made an agreement with the land owners facilitated by the city government to organize and or share the land. Taking as example is land sharing in Kampung Pisang, Makasar.



Photo 8, The Inclusion of Women is a Must!!! Lina, the coordinator of KPRM, Makasar. (Researcher doc., 2015)

Based on the information above, it is possible to have other options to eviction. The experience in Makasar has shown that land sharing, arrangement, or relocation not far from the residence as proposed by the evictees to the government indeed happened. This is possible due to strong commitment from the government to seek a way out and by involving the evictees. Moreover, it has been supported by organized society and other civil societies. Kampung Pisang and Kampung Buloa become better kampongs in terms of habitable housing. Jakarta can learn from other cities.

CONCLUSION AND RECOMMENDATION

- a. The impacts of informal kampong eviction were perceived by the disadvantaged and marginalized women: insecurity, losing homes, working places and sources of livelihood, and the vanish of relations and social cohesion that had grown stronger in the community before. For women as the family head and elder women, the displacement means eliminating social support systems which support them in carrying out the role as head of the family, single parents or large family supporter.
- b. An alternative policy to eviction has not been the main choice of government. Only few of local governments implemented non-eviction city planning. In Jakarta, the eviction is still regarded as the only favorable strategy by the government. Although the government guarantees that people evicted will be placed into the Flats, the implementation of resettlement policies to the Flats is highly-conflicting.

Referring to the above findings, SCN CREST recommends the followings:

1. Local governments, especially in Jakarta, should end evictions. Local government, in particular, the government of DKI Jakarta, needs to develop a humane and persuasive approach involving residents, particularly women, in seeking alternative solutions for urban development without forced evictions.
2. Local governments, especially in Jakarta should carefully design process of diverse policy to fulfill the right to adequate housing for the disadvantaged living informal settlements. The policies need to be long-term and provide options; land sharing, relocation not far from the residence origin, location arrangement and Flats. The Flats must be one of the alternatives but the improvement and management control should be performed immediately.
3. The government and Parliament should allocate funds and set more comprehensive program for the provision of adequate housing for citizens, especially the disadvantaged and marginalized groups (women, the elderly, etc.) regardless the status of the land occupied.
4. Public and media need to explore, to recognize the lives of the disadvantaged and to grow empathy and sympathy in favor of humane and civilized urban development programs.

ABOUT RESEARCHERS

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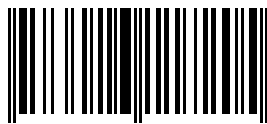


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