

## Annex 3

### The 2006 Forced Eviction

#### Who are the Victims?

One third (34.9%) of the victims of forced eviction throughout 2006 is the so-called 'illegal' street vendors. Another one third (33.6%) is residences of housing complexes which are transformed into infrastructure purpose. The proportion for poor people living on the side of the railways, by the river, under the bridges, in government-owned land and in other prohibited areas is 22.6%. The rest 8.9 % is commercial sexual workers.

Among various reasons for forced eviction, almost 45.2 % is due to disturbance of city landscape and social order. Another reason (23.3 %) is that the building has no permit. Forced eviction for the construction of toll way and railway is 16.4 %. The rest is for market revitalization, business premises, residence area, entertainment and tourism industry and flood canal project.

#### Street Vendors

According to data obtained from Jakarta Central Bureau Statistic (BPS DKI), up to August 2006, there are 141.071 street vendors in Jakarta.<sup>1</sup>

In regards of street vendors, the government categorized street vendors into two groups: the one under their guidance (*PKL binaan*) and another which are not (*PKL liar*). The first category of street vendor is charged with official retribution and is generally provided with a number of protections such as new site after relocation. The last category is not recognized by the government and as a result, they are the one who suffer most from forced eviction.<sup>2</sup>

Besides threats of forced eviction, they are confronted by the one under government's guidance or other types of street sellers who are recognized by the government.<sup>3</sup>

Street vendors who are not under the guidance of the government could not find refuge to it from illegal retribution.<sup>4</sup> In order to have access to their commercial sites, they have to pay a certain amount of money to the apparatus (see Illegal Retribution).

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<sup>1</sup> Berita Kota August 31, 2006.

<sup>2</sup> Of 3,000 street vendors in Senen area, only 300 are under the guidance of the government. According to Central Jakarta city administration, "I bid farewell to street vendors who are not under the guidance of the government." As those under government guidance have their new commercial sites after the eviction, the rest lost their places (Berita Kota, January 14 2006). Up to 70 street vendors under government guidance in Blok S areas are facilitated to obtain their new sites. Meanwhile, Governor Sutiyoso plans to charge retribution fee from them. (Berita Kota January 16 2006). Starting July 1 2006, East Jakarta city administration also charges retribution fee to street vendors under government guidance (Berita Kota June 20, 2006). Berita Kota on March 20 2006 states that street vendors under government guidance are to be placed in a temporary place for three years in relation to the plan to relocate the market.

<sup>3</sup> Official retailers who trade in Kebayoran Lama Market are uncomfortable with street vendors surrounding the market. They submitted their refusals to market management (Berita Kota, February 9 2006).

<sup>4</sup> Head of Work Area (Kasudin) of small-medium enterprise (UKM) in East Jakarta, Pria Arief guarantees that street vendors under government guidance are free from illegal retribution. If another group not belonging

### **Mid-Level Retailers**

Forced eviction also threatens mid-level retailers who own their kiosks in traditional markets. Market revitalization is an excuse commonly used to get rid of them. At the moment until the next 2010, PD Pasar Jaya plans to revitalize 99 of 151 traditional markets it manages.<sup>5</sup>

Another commonly used excuse is claims that their kiosks/facilities they bought violate regulation. Forced eviction takes place after the kiosk/facilities are built and bought by the mid-level retailers.<sup>6</sup>

### **Poor Residential Areas**

To justify forced eviction to people living on the side of the railways, by the river, under the bridges of the toll ways and in government-owned land, the government uses regional regulation no. 11/1998 on public order.<sup>7</sup> Another excuse is it is part of river normalization program.<sup>8</sup>

People can get their hands on housings on prohibited locations (under the bridges of the toll ways, by the river, on the side of the railways, and so forth) by purchasing them. They pay hundreds of thousands rupiahs and even up to millions to someone who claims that he or she could secure deals with security officers to cancel the eviction.<sup>9</sup>

### **Mid-Level Residential Area**

Forced eviction also happens to houses belonging to the middle classes who officially own certificate of their lands. Usually, it is done for infrastructure projects such as road, railway, canal, coastal reclamation and so forth.

This is apparent in Jakarta Outer Ring Road, East Side Flood Canal, Coastal Reclamation on the North Jakarta Seashore, Double-Double Track, revitalization of high-rise public housings, and so forth.

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under government guidance is charged with this fee, he says it is not part of his responsibility (Berita Kota June 20, 2006)

<sup>5</sup> Asistant Manager of PD Pasar Jaya Nurman Adhi P explains that 99 of 151 traditional markets under PD Pasar Jaya management are to be revitalized up to the year of 2010 (Kompas July 6, 2006).

<sup>6</sup> Hundreds of kiosks in Pasar Tamansurya were brought down to the ground after the mid-level retailers pay their fees ranging from 5 to 20 millions rupiahs. The reason for this is that the buildings were erected on a piece of land planned for social/public facilities (Berita Kota, April 22, 2006).

<sup>7</sup> Berita Kota, January 17 2006, this occurs to 60 families resided in semi-permanent facilities by the railways in residences' group (RW) 01, Semanan sub-district (kelurahan), Kalideres.

<sup>8</sup> The reason used in the forced eviction of 20 building in residences' group 04 Cempaka Putih Timur March 2006 is river normalization program (Berita Kota March 5 2006). City secretary of South Jakarta, Budiman Simarmata requested Cikoko sub-district authority to quickly tear down buildings belonging to poor people living on the side of the Ciliwung river nearby Carrefour Jl MT Haryono. The authority said that if those places are not implemented, more and more would come and cause the river to flood, (Berita Kota April 26 2006).

<sup>9</sup> Endang and Rusi admit that residences have submitted hundreds of thousands to millions rupiahs to a person named Yono. This man claimed that he could secure a deal with security officers to cancel the eviction (Berita Kota April 28 2006).

Families of retired Armed Forces officers living in the office-owned housing complexes are facing forced eviction as their places are transformed for the construction of military facilities.<sup>10</sup>

The common problem in this particular group is disappointing compensation. Due to time pressure, the project has to be launched even though amount of compensation has not been agreed upon. This lead to public disobedience acts such as road blockade and so forth.<sup>11</sup> Usually the government set a price up which matches to the doubled selling fee of a taxable object.<sup>12</sup>

### **Commercial Sexual Workers**

Commercial sexual workers operate in Taman Sari area (West Jakarta), Gunung Antang Matraman, Boker Ciracas area, Cipinang correctional facility, Jl Raya Bekasi, Jl Raya Cakung.<sup>13</sup>

Most commercial sexual workers who operate in Jakarta come from Cirebon, Inderamayu and Semarang. Some of them are immigrants from China.<sup>14</sup>

### **Forced Eviction Pattern**

#### **General Pattern**

Forced eviction is preceded with a warning letter.<sup>15</sup> Still, there are times when no warning letter is introduced before the eviction.<sup>16</sup>

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<sup>10</sup> Tempointeraktif August 7 reported that four houses of widows of retired armed forces officer in Batalyon Zeni Konstruksi 11 in Berland were evicted. Dozens of military officers took part in this execution. Kompas August 8 reported that this was because Direktorat Zeni needed to expand its facilities for the armed forces.

<sup>11</sup> The construction of Jakarta Outer Ring Road (Jakarta – Cikampek) has to stop in the Jatiasih-Cikunir point because the rest of the land is still under price negotiation (Kompas March 20 2006).

<sup>12</sup> This happens to land owners evicted for East Flood Canal project. They filed their complaints to Commission V of the local House of Representatives for hazy deal over compensation. The government set a doubled price of a selling fee of a taxable object (Kompas March 1 2006).

<sup>13</sup> Berita Kota March 16 2006 reported that there were 10 commercial sexual workers caught in Taman Sari West Jakarta. Berita Kota September 29 2006 reported that targeted areas were Gunung Antang Matraman, Boker Ciracas areas, Cipinang correctional facilities, Jl Raya Bekasi and Jl Raya Cakung.

<sup>14</sup> Police officers arrested 10 commercial sexual workers from Cirebon and Inderamayu on March 15 2006. One day before, 40 commercial sexual workers were also arrested (Berita Kota March 16 2006). Most of commercial sexual workers who operate in Pulogadung industrial complex come from Inderamayu. Some also come from Semarang (Berita Kota May 16 2006).

<sup>15</sup> Forced eviction on 100 street vendors on Jl Fachruddin dated January 5 2006 was preceded with a warning letter (Berita Kota, January 16 2006). The same thing happened on street vendors who sold date fruits on Jl Mas Mansyur Tanah Abang (Berita Kota February 22 2006). Forced eviction on 20 buildings in residence's group 04 Cempaka Putih Timur March 4 2006 after three warning letters (Berita Kota March 5 2006). Meanwhile, forced eviction on hundred of residents of illegal buildings in the city park on the east side of West Flood Canal was preceded with a warning letter (Berita Kota August 01 2006).

<sup>16</sup> Forced eviction on 50 street vendors on Jl Jati Bunder and Jl Fahrudin, Tanah Abang, Central Jakarta is done without any warning letter (Berita Kota March 16 2006). Eviction on 73 families living in neighbor group 006/residence group 08 in Pulau Gebang is done without any warning letter and as a result, the people

In order to minimize the impact of retaliation by victims of forced eviction, it is usually done in the morning as street vendors and other victims are about to start their day. As a result, victims are unable to fight back.<sup>17</sup> Sometimes, forced eviction is conducted when street vendors are no longer on the street as they are at home.<sup>18</sup> Similar practices occur to sites alleged as prostitution facilities.<sup>19</sup>

Therefore, in order to avoid becoming targets of morning forced eviction street vendors operate after 12:00 at noon. Similar strategy is adopted by street vendors on Jl Kebon Jati, Tanah Abang.<sup>20</sup>

### **Potential Areas for Forced Eviction**

1. Street vendors who operates in the streets commonly passed by government officials.<sup>21</sup>
2. Location deemed as areas where brawls and illegal activities often take place.<sup>22</sup>
3. Street vendors alongside busway route.<sup>23</sup>

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were unable to rescue their belongings (Berita Kota March 28 2006). Even though some of the people living in Jatinegara Kaum get their compensations, still their houses were torn down without a warning letter. They were informed of the eviction half an hour beforehand (Tempointeraktif May 24 2006). Eviction on tented cafes and street vendors in Danau Sunter on June 22 2006 is without warning letters (Berita Kota June 24 2006). When 20 sheds and 450 temporary kiosks in Bongkaran Tanah Abang were torn down, it was done without any warning letter (Berita Kota 9 July 2006).

<sup>17</sup> Forced eviction on 215 street vendors in Senen area as reported on Berita Kota January 12 2006 was done in the morning. So was the eviction to 100 street vendors on Jl Fachruddin on January 5 2006 (Berita Kota, January 16 2006). When 100 temporary kiosks in Palazzo area, Kemayoran were evicted on January 12, retaliation was minimal as most of the street vendors just opened their business (Berita Kota, January 13 2006). On March 15, street vendors alongside Jl Kebon Jati were evicted on 09.15 AM. As a result, only a handful of street vendors were able to rescue their belongings (Kompas March 16 2006).

<sup>18</sup> Impromptu eviction was conducted by the head of Senen sub-district once he observed 10 street vendors in front of his office (Berita Kota, January 18 2006). Up to 40 push-charts and 100 temporary shelters belonging to street vendors operating alongside Jl Kramat Bundar – Jl Sedap Malam, Central Jakarta were evicted on 08.00 AM when the commercial facilities were unmanned because street vendors have not arrived yet (Berita Kota May 9 2006).

<sup>19</sup> Three sheds alleged as illegal prostitution facilities were evicted on 08.30 AM and everything was torn down in 30 minutes with the help of 10 apparatus (Berita Kota March 7 2006).

<sup>20</sup> Kompas March 13 mentioned that security officers often patrol in Jl Kebon Jati in the morning. So, in order to avoid eviction, street vendors start to operate from 12:00 noon to the evening.

<sup>21</sup> Street vendors on Jl Kramat Jaya, North Jakarta Utara were torn down. Representatives from sub-district government explained that it was done because officials from regional government and the office of the mayor often pass by this street. (Berita Kota, March 14 2006).

<sup>22</sup> Berita Kota reported that this brawl often resulted in casualties as exemplified in Bongkaran Tanah Abang area when it was raided by the officials. After 20 illegal sheds belonging to garbage collectors and temporary kiosks of 450 street vendors were brought down to the ground, no alcohol was found (Berita Kota July 9 2006).

<sup>23</sup> Tempointeraktif August 28 mentioned that 1000 street vendors alongside Busway route of Corridor VII Kampung Melayu – Kampung Rambutan are going to be evicted. “No More Tolerance,” said the mayor of East Jakarta Koesnan Abdul Halim on August 28 2006. Kompas on August 20 stated that street vendors are to be evicted due to the construction of busway route Koridor V (Kampung Melayu – Ancol) and VII which spans across Jl Raya Bogor Kramat Jati, Jl Jend Urip Soemoharjo and Jl Jatinegara Timur.

### **Compensation scam**

Those who agreed to have their houses brought down to the ground for a certain amount of compensation are often neglected due to late payment. Delay in payment could last up to months and even years. The victims are unable to receive their compensation in timely fashion because the budgeted fund for this purpose was disbursed.<sup>24</sup>

Moreover, committee to clear the land works inefficiently. Many residents complain on long and winding bureaucracy.<sup>25</sup>

Delay in compensation payment put the victims in a more difficult situation because it makes them difficult to find new plot of land in other areas. It takes enough money and adequate time to look for the land.<sup>26</sup>

When forced eviction precedes infrastructure projects, intimidation is often involved.<sup>27</sup> Intimidation is commonly done during the disbursement of compensation.<sup>28</sup> Intimidation can take form by digging the lands surrounding those owned by the people.<sup>29</sup>

Compensation scam frequently happens as victims receive compensation lower than the official price they demand. Some even had to receive their compensation in the evening after being intimidated to sign blank receipts.<sup>30</sup>

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<sup>24</sup> Victims of East Flood Canal project who agreed upon compensation amounting the doubled selling price of a taxable object (NJOP/*nilai jual obyek pajak*) have to wait for months for the disbursement because the fund allocated for this purpose has been spent so it had to be re-allocated to 2006 budget which is not yet disbursed (Kompas April 22 2006). Victims of Jakarta Outer Ring Road in Jatiasih had to mobilize a road blockade mass demonstration because the disbursement of compensation for their lands is still postponed. When they engaged in mass demonstration, four hectares of lands are not yet paid (Berita Kota April 24 2006). Up to May 17, even though the toll road was already opened, some land owners still had not received their payment (Berita Kota May 18 Mei 2006). Delay of payment of compensation also happened to Pondokbambu residences, Duren Sawit, East Jakarta due to East Flood Canal project (Tempointeraktif July 8 2006). Durensawit residences who became victims of this project had to wait until two years after they submitted their agreement. (Berita Kota August 19 2006).

<sup>25</sup> Mutia and Musrat, residences who turned into victims of East Flood Canal in Rorotan complained the mechanism of compensation as they have to repeatedly come to the office to take care of the payment (Berita Kota August 12 2006).

<sup>26</sup> Continuous delay on the disbursement of East Flood Canal project had made Sogo anxious because he could not seek for another land of his own due to lack of money and time (Tempointeraktif July 8 2006).

<sup>27</sup> Rasiman, victims of double track railways project in Pisangan Timur claimed that he was intimidated by some people for refusing to accept the compensation. (Kompas, January 5 2006)

<sup>28</sup> Edi Purnomo, head of Forum of Victims of Double-double Track (DDT) admitted that there were intimidations and use of blank receipt during the payment of compensation (Tempointeraktif June 7 2006).

<sup>29</sup> Land is dug even though the process of compensation is still on its way. As a result, the citizens felt they were being terrorized. R Tambunan, Wasmen, Zaiunul and M Nababan, citizens of neighbours group of 07 and residence group 01 Marunda experienced this as land surrounding their houses was dug. (Berita Kota July 19 2006).

<sup>30</sup> On Berita Kota January 12 2006, victims of Jatinegara riverside project accepted Rp 12 millions instead of Rp 27 millions for compensation. Rasiman, one of the victims of double track railway in Pisangan Timur claimed that he accepted compensation in the evening after he was asked to sign a blank receipt (Kompas, January 05 2006). Residences of the residence group 09 Pisangan Timur and those residing in Kampung

Many officials pocket their ill-gotten money by marking up the size of the land. As a result, the amount of compensation rises up. But the money does not go to the victims and instead it goes to the officials involved in this matter. Indication for this abuse usually takes form in repeated measurement of the land which results in continuously changing calculation.<sup>31</sup>

Fraud of land certificate frequently happens as well. When victims are pursuing their compensation due to East Flood Canal project, they find out that there are other people claiming to have the same land certificates. This fraud indicates collaboration between land mafia with National Land Agency (BPN).<sup>32</sup>

### **Illegal Fee**

In a number of areas in South Jakarta, forced eviction happens after the street vendors there refused to pay illegal fees. This happened on Jl Warungbucit and Jl Bumi in TB Simatupang area. Those who agreed to pay are exempted from this eviction.<sup>33</sup>

In North Jakarta, forced eviction is often carried out by uniformed officers. Still, payment of illegal fee does not guarantee exemption from eviction. The local officials are also involved in trading lands prohibited for sale by the government. They too do not guarantee exemption from eviction.<sup>34</sup>

In East Jakarta, illegal fee were charged to street vendors in Kampung Melayu area. In South Jakarta Selatan, street vendors in Senayan City area are charged with illegal fees as well. In this area, officials could come any time in a day to ask for payment of illegal fees.<sup>35</sup>

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Melayu area felt cheated as blank receipts and intimidations were used in the process (Tempointeraktif June 7 2006)

<sup>31</sup> Unnamed source quoted in Berita Kota claimed that East Jakarta city administration was involved in marking up the land size (Berita Kota, March 7 2006). Neneng whose land was evicted for four tracks railways in Jatinegara Kaum received only Rp 30 million as compensation, for a land spanning for 180 m2 with the selling price for a taxable object (NJOP) up to Rp. 1,7 millions per square meter. Lands were repeatedly measure and results continue to change. Land certificate is ignored in the process (Tempointeraktif May 24 2006). In Pondok Bambu, 93 land owners who were evicted due to East Flood Canal project refused compensations for there were differences of measurement results done between the smaller on by P2T and the bigger one which was done by the residences (Berita Kota July 12 2006).

<sup>32</sup> When a resident submitted land certificate to the Committee for the Eviction of Land for BKI Project, he was suddenly called by the National Land Agency because it found three similar land certificates (Berita Kota August 29 2006).

<sup>33</sup> Berita Kota February 11 reported that street vendors in South Jakarta protested this discriminated eviction. Those who refused to pay illegal fee were forced to leave their commercial sites.

<sup>34</sup> Owners of tent cafes and street vendors in Danau Sunter, North Jakarta said that they were charged with cleaning and security fee which amounted to Rp 2,000 – Rp5,000 by officers in uniform. Still they were evicted on June 22 (Berita Kota June 24 2006). Officials from the local office in Sukapura, Cilincing were involved in trading 50 temporary sheds in the city greenery area for prices ranging from Rp1 millions to Rp 2 millions. This information was obtained from an unnamed local office staff and testimonies from street vendors. Officials do not guarantee that this land would be exempted from eviction (Berita Kota July 20 2006).

<sup>35</sup> In Kampung Melayu bus terminal, street vendors were charged Rp9,000/day. Street vendors in Senayan City areas were charged Rp2,000 – Rp 4,000/day by the officers (Berita Kota August 31).

Illegal fee also happens outside Jakarta, in areas such as Bekasi (City Station), Bogor (Jl Dewi Sartika),<sup>36</sup>

This illegal fee served as additional burden to street vendors as they have to pay twice: the official fee (Rp. 2000-10,000/day) and the illegal one.<sup>37</sup>

The government indirectly admits the practice of illegal fee as government officials often complain on the difficulties to carry out eviction in certain areas as the local officers there tend to 'protect' their source of additional income.<sup>38</sup> This invisible protection is known to the local residences supporting the eviction.<sup>39</sup>

Up to March 2006, 10 members of security officers were caught red handed for charging illegal fee. Jakarta city administration decides to fire them.<sup>40</sup>

The return of street vendors to the evicted location indicates illegal protection offered by local officers. However, the city administration claimed that they return do to soft approach of the officers in charge for the eviction. Governor Sutiyoso encouraged officers to be firmer in action to avoid waste of energy and money.<sup>41</sup>

### **Arrests Following Citizen Protests**

Retaliation of forced eviction from street vendors sometimes ended in arrests. Some were arrested as the police deemed them as *agent provocateur*.<sup>42</sup>

People who tried to defend their houses by blocking bulldozers were also arrested with the charge of hindering the bulldozer and hiding their keys.<sup>43</sup>

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<sup>36</sup> Street vendors in Bekasi city station claimed to have paid Rp90,000/month to the officers in charge. They also have to fork out Rp2 million – Rp 2,5 million to obtain a membership card (Berita Kota August 29 2006). Street vendors on Jl Sartika Bogor were charged Rp5,000/day by the officers. When Ied Celebration approached, officials sold parts of the road side to the street vendors (Berita Kota, September 30 2006).

<sup>37</sup> Berita Kota February 25 2006, street vendors under government guidance located in Tugu Utara market, North Jakarta were anxious as they were charged Rp5,000/day. This fee became an additional burden. Owners of temporary sheds surrounding Tanjung Priok bus terminal claimed to be charged Rp3,000/day for security and cleaning fee (Berita Kota, March 5 2006).

<sup>38</sup> Cilincing Sub-District administration identifies that a number of officers were backing up hundreds of illegal sheds on Gedong riverside in Cilincing (Berita Kota March 14 2006).

<sup>39</sup> According to residences of neighbour group 11/residence group 12, illegal sheds built nearby their houses remain free from eviction as a number of officers protect them.

<sup>40</sup> Head of Security Officer and Protection for the People in Jakarta, Haryanto Badjoeri stated that he had fired 10 members of his team who were involved in charging illegal fee (Berita Kota March 12 2006).

<sup>41</sup> Berita Kota February 25 2006 reported Sutiyoso statement complaining for spending a substantial amount of fund for eviction only to have the residences return to the evicted land. He encourages the officers to be firmer

<sup>42</sup> Police arrested two street vendors with the charge of provoking other street vendors to retaliate against the officers. Prior to the arrest, street brawl followed a forced eviction in this area resulting in broken glass of the PJU truck (Berita Kota June 23 2006).

<sup>43</sup> Yusuf, Ebit and Madi were black and blue as officers tortured them for blocking bulldozers which was about to bring their houses in Kampung Sasak, Depok down. Out of the blue, the officers claimed that Yusuf

## **Market Revitalization and Relocation**

In the case of market revitalization, what often happens is disagreement on the price of new kiosks offered by the market management. This put pressure to the retailers as they are often intimidated during the period they spend to wait for negotiation.<sup>44</sup>

When market is revitalized, the old retailers were not prioritized and a result, they fail to have a hold on the new kiosks/commercial cite in the new location.<sup>45</sup> The kiosks in the new location are allocated for new retailers.

Street vendors were often the victims of relocation, be it the official one or as initiated by the retailers themselves. They often had to pay charges in the new location.<sup>46</sup>

Moreover, retailers are often relocated to less strategic sites which lead a decrease of sales.<sup>47</sup>

## **Confiscated Items**

Items belonging to the street vendors are pooled in a unit in Cakung, East Jakarta.<sup>48</sup> This unit accommodates items confiscated from vendors operating in East Jakarta, Central Jakarta and even North Jakarta.<sup>49</sup>

Besides the one in Cakung, there are other units located in Kebun Jeruk area, West Jakarta.<sup>50</sup> Some items in this unit end up destroyed.

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was them master mind of this blockade and he hid the bulldozer key. They were arrested by the police. Prior to this case, they were given a week to empty their houses. (Berita Kota August 31 2006)

<sup>44</sup> Retailers in Pondok Gedhe market refused to be relocated because they have not reached an agreement over the price of the new kiosks. On June 24, an unknown mob came to the market and demonstrated supporting the relocation of retailers. Strangely, one of the members of this mob came without having any idea what he demonstrated for. He claimed that he was simply asked to come for a peaceful assembly. (Berita Kota June 26 2006).

<sup>45</sup> Before the new Cipulir market was built, PD Pasar Jaya registered 500 street vendors as part of the requirement of the proposal to build a new market to the city administration. Once the new place was erected, most of the vendors ended up in non-strategic location as the more strategic ones were already sold to the new retailers (Berita Kota March 9 2006).

<sup>46</sup> Retailers from Deprok market initiated the building of kiosks in the Tegal Alur public cemetery in Kalideres and they had to pay a certain fee in order to operate in the new location (Berita Kota, March 2 2006). Berita Kota May 17 reported that the retailers pay Rp2 millions – Rp 3 millions to operate in the new site.

<sup>47</sup> Hundred of street vendors operating in Pasar Baru, Bekasi, refused to be relocated as its location is not strategic for their business (Berita Kota May 22 2006). Lintang, a street vendor in PD Kramatjati claimed that the new relocated areas for street vendors who lost their commercial sites due to busway route construction is not strategic as it is far from the main street (Kompas August 20 2006).

<sup>48</sup> Berita Kota February 10 2006 reported that push-charts were confiscated by the security personnels and brought down to Cakung unit, East Jakarta.

<sup>49</sup> Confiscated beer, red wine and table from prostitution sheds in are pooled in Cakung unit (Berita Kota March 3 2006). Confiscated items from street vendors in Jl Sumenep and Jambu Gondangdia Central Jakarta were brought there as well (Berita Kota February 10 2006). Confiscated items from street vendors from Jl Kramat Jaya, North Jakarta Utara were also brought there (Berita Kota March 14 2006).

<sup>50</sup> Berita Kota February 11 reported that confiscated items were pooled in the West Jakarta administration-owned unit in Kebon Jeruk area.



### **Commercial Sexual Workers**

The government often labels commercial sexual workers as Victims of Social Welfare Problems (Penyandang Masalah Kesejahteraan Sosial/PMKS). Raid directed toward this group is always done unannounced. The captured ones were brought to a rehabilitation facility.<sup>51</sup>

So far, there is almost no retaliation ever happened following raids of commercial sexual workers.<sup>52</sup>

As the Ramadhan fasting month approaches, raids were done more intensively as commercial sexual workers are deemed inappropriate with the holiness of the month.<sup>53</sup>

### **Modus of Forced Eviction**

Forced eviction is always done under the guidance of head or vice head of the sub district or the local leaders. Technical operators of eviction usually come from Satpol PP of Dinas Tramtib, mostly come in big groups to prevent retaliation from the people. Sometimes the police and military officers are involved.<sup>54</sup>

### **Merchandise were Destroyed, Street Vendors were Brought to Court**

In letters to the editor, a reader wrote to Berita Kota on January 13 2006, "I witness an act against humanity in the operation conducted by security personnel toward street vendors. They were treated inhumanely, kicked and degraded. Merchandise, their source of income, was destroyed as well."

Destruction of merchandise is frequently done by security officers. Sometimes it triggers amok from the street vendors who initially are willing to pack their belonging themselves

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<sup>51</sup> Up to 108 commercial sexual workers caught in the raid were sent to Kedoya social rehabilitation facility (Berita Kota, February 3 2006)

<sup>52</sup> The process to bring illegal sheds to the ground, and to arrest commercial sexual workers in Central and South Jakarta February 27 were smooth as no retaliation broke (Berita Kota March 1 2006). Up to 20 prostitution facilities in Banjir Kanal – Jl Latuharari riverside were torn down without retaliation. Commercial sexual workers along with the owners of the facilities managed to escape (Berita Kota March 3 2006).

<sup>53</sup> Berita Kota September 29 2006 reported a plan for eviction to be done to a number of prostitution facilities. Head of Operation of the Police Metro Resort of East Jakarta AKBP Didi implied that this was done in relation with the coming of Ramadhan month to prevent prostitution practices from tainting the Islamic holy month.

<sup>54</sup> In Berita Kota February 17 2006, it was reported that the head of Kramat was involved directly with the dissemination of information regarding the planned eviction. This eviction directed to 19 illegal sheds under Jeling – Tomang bridge, according to Berita Kota February 28, was commanded by vice head of Gambir sub district. To do this, they mobilized 76 personnel. The Head of Grogol Sub District also led the commercial sexual workers raid on Jl Tubagus Angke himself (Berita Kota March 7 2006). Vice head of Kemayoran sub district led the eviction on Jl D Utan Panjang, Central Jakarta (Berita Kota March 20 2006). Eviction on 37 illegal sheds on Jl Siantar Cideng was lead by local leaders (Berita Kota March 20 2006). Hundreds of street vendors were evicted from Jl Kebon Jati which was lead directly by head of Tanah Abang sub district (Kompas March 16 2006). According to Berita Kota on January 12 2006, eviction on Jatinegara riverside was followed by a brawl with the police. Manpol Kalideres on July 28 led the eviction of 27 illegal building on Jl Daan Mogot, West Jakarta (Berita Kota July 29 2006). Eviction in Kampung Melayu for double track railway project involved the police and military officers (Tempointeraktif January 11 2006). Eviction on Jl Setiabudi involved Satpol PP officers in a large number of personnel (Berita Kota February 20 2006).

due to the ways merchandise was destroyed. It is because these are done by dragging down temporary sheds by using rope tied to trucks, sawing poles of sheds and so forth.<sup>55</sup>

In Bogor, detained street vendors were brought to court for attempting minor felony by violating regional regulation no. 13/2005 on street vendor regulation. Goods such as food and beverages, newspapers and magazines and fruits were confiscated by the security personnel.<sup>56</sup> When faced by retaliation from the victims, personnel sometime opened warning shots and mobilize heavy equipments to bring buildings down.<sup>57</sup>

### **Chased down, Commercial sexual workers were taken to Inhumane Facilities**

Impromptu raid is always done on commercial sexual workers. However, leaks of the plans often happen.<sup>58</sup> Personnel often chase down commercial sexual workers who try to escape by leaping into the river, jumping into the sewer, hiding under the beds, tables and bushes.<sup>59</sup>

Frequent leaks indicate insiders within government apparatus who pocket money from this raid. Prostitution is deemed as illegal activity but certain parties maintain it as source of income.

Captured commercial sexual workers were brought to Kedoya Social Rehabilitation Facility. Due to lack of space, this facility allocated for 200 people is no longer suitable as it was used to accommodate 400 people.<sup>60</sup>

### **Impacts of Forced Eviction**

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<sup>55</sup> Berita Kota March 9 2006 published how Mrs Atik, a vegetable merchant in Kosambi market, shed her tears watching her vegetables destroyed by the eviction dated March 8, 2006. Street vendors in Nikomas shoe factory were angry as they say security officers dragged their buildings and temporary sheds. This led to a brawl as they threw the personnel with rocks and pieces of wood. They burned wood panels which were used for walls of their buildings. This incident caused traffic jam (Berita Kota July 7 2006). Kompas July 12 2005 reported that when street vendors in Nicomas shoe factory voluntarily torn down their temporary sheds, the security personnel forced it by dragging down ropes tied to their truck. The personnel also sawed poles of the sheds.

<sup>56</sup> 48 street vendors were sanctioned to pay Rp 45,000 – Rp 75,000 for committing minor felony by selling their goods on the pedestrian, city greenery areas and other places. Good they sold such as food and beverages, newspapers and magazines and fruits were confiscated.

<sup>57</sup> Hundreds of people blocked the street and threw security officers with rocks and woods during the eviction of 139 illegal sheds in Limusnunggal, Celeungsi, Bogor. Officers launched warning shots and used heavy equipment to tear down the buildings. (Tempointeraktif August 9 2006).

<sup>58</sup> Head of Grogol sub district speeded up the raid to avoid leaks (Berita Kota March 7 2006).

<sup>59</sup> Five commercial sexual workers on JL Tubagus Angke leaped to the river to escape raid (Berita Kota February 7 2006). Commercial sexual workers and their pimps on Jl Parung Bogor escaped by hiding themselves under the beds, tables and bushes (Berita Kota February 8 2006). Raid in East Jakarta forced commercial sexual workers to jump into the sewer (Berita Kota May 15 2006).

<sup>60</sup> When the police raided commercial sexual workers mid March 2006, Kedoya Social Rehabilitation Facility were packed as more than 400 people were forced to stay in a room with 200-people capacity (Berita Kota March 16 2006).

Compensation received by the residents is often inadequate to buy new housings. As a result, their compensation money is used to pay house rent and eventually, they return to the evicted area.<sup>61</sup>

Besides returning to the evicted areas, others opt for temporary refuge in their family's houses. For those who have no relatives to go to, they sleep and hand their clothes in the open space.<sup>62</sup> Others remain in the mosques and rely on food donated from the neighbors.<sup>63</sup>

As the eviction is unannounced, victims do not have enough time to rescue their belonging. Once the buildings are torn down, goods destroyed and disappear, victims are left with nothing. Finding a new place to life is not an easy task.<sup>64</sup>

However, prior announcement is proven to be ineffective as the poor people are simply trying to survive their outstretched life. They have no idea where to move, no empty stretch of land to go to and they have no money to pay the rent of new housings, especially when there is no compensation involved. That is why many often resort in by defending their places and relinquishing everything they have.<sup>65</sup>

After losing their houses, the victims also lose their jobs, place of work and work capital. Other frequent targets besides commercial sexual workers and fishermen's temporary sheds are car repair workshop, tire fixing facilities, car washes, small shops, cafes and rented rooms.<sup>66</sup>

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<sup>61</sup> Return to the evicted areas were the choice opted by dozens of family gang Kelor, Kampung Melayu who lost their housings due to double track railway project. They had to return as their compensation was inadequate to buy new housings. As a result, their compensation money is used to pay house rent (Kompas March 13 2006).

<sup>62</sup> After the eviction 96 fishermen residing in West Ancol beach seek refuge to their relatives' houses. Those who did not have anywhere to go, sleep on their bed in the open space (Berita Kota May 2, 2006).

<sup>63</sup> Some of the victims of eviction on Jl Mangga Besar I, West Jakarta had to stay in the mosque next to the evicted location and rely on food donated from the neighboring residents. They insisted on staying until they got their compensation (Berita Kota August 8 2006).

<sup>64</sup> After having their housings torn down, residents of Pulau Gebang were confused in looking for new places. Loss of places to live and their belongings drove 38 families of RT09 RW 06 Jati, Pulau Gadung to file a complaint to National Commission of Human Rights HAM dated July 10 (Kompas July 11 2006).

<sup>65</sup> Arman and Udin in Cipinang Besar did not know where to go after the eviction, so even though it was preceded with a warning letter, they stayed put and relinquished everything they had (Berita Kota May 15 2006). A number of Pulaugebang residents were confused in looking for new places after their houses were torn down. They could not afford to pay new rents and finding an empty open space was difficult (Berita Kota 26 May 2006). Even though a warning letter precedes the eviction of people living in the city greenery areas on the east side of West Flood Canal, they remained to witness their house torn down. Uspa (a local community leader) admitted that even though the land was not his, he still protested the eviction for not providing him with compensation (Kompas August 1 2006).

<sup>66</sup> Loss of jobs and work place happened to 100 traditional fishermen who earned their living by farming green mussels. Their farms were destroyed by seashore reclamation project (Kompas March 17 2007). Maria (56-year old), victims of eviction on Jl Mangga Besar I can no longer sell *gado-gado* as there is no place to sell her food and she no longer has the capital to jumpstart her business (Berita Kota August 8 2006). Tempointeraktif September 14 2006 reported that the most frequent targets of evictions are car repair workshop, tire fixing facilities, car washes, small shops, cafes and rented rooms.

## **Various Responds**

### **Responds from the Victims**

In the case of market revitalization, retailers staged their protests to various government institutions such as the local House of Representatives, National Commission of Human Rights and in courts.<sup>67</sup>

Victims of compensation scam sued a number of government institutions as exemplified by 481 families of the victims of DDT project in Pisangan Timur and Pisangan Baru, East Jakarta.<sup>68</sup>

Due to uncertainty regarding new location even though they have paid the fee required, a group of street vendors tried to stop the eviction by establishing road blockage.<sup>69</sup>

The same retaliation strategy was chosen by residents who had a minimum time to empty their houses. One way to retaliate is by hiding the keys of the bulldozers used.<sup>70</sup>

### **Responds from the Government**

The government responded street vendors who return to their evicted areas with mobilization of potentials of society scheme (potensi masyarakat/potmas). This scheme is to mobilize local residence under the coordination of local leaders and under the command of the head of sub-districts.<sup>71</sup>

In regards of scavengers and homeless people, the government often asked Satpol PP and City Social Workforce (Dinas Sosial Kota) to create uncomfortable condition for scavengers and homeless people so they would leave the city.<sup>72</sup>

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<sup>67</sup> Retailers in Cipulir market, South Jakarta staged a demonstration in the local House of Representatives DPRD because they could not obtain new kiosks in the revitalized market (Koran Berita Kota March 9 2006). There were 38 families from neighbor group 09 residence group 06, Jati, Pulogadung who filed a complaint to National Commission of Human Rights demanding compensation and replacement of missing and destroyed good for impromptu eviction (Kompas July 11 2006). Dozens of eviction victims on Jl Mangga Besar I, Taman Sari, West Jakarta submitted their complaint to National Commission of Human Rights (Berita Kota August 23 2006). Tempointeraktif September 21 reported that victims of DDT project in Pisangan Timur and Pisangan Baru, East Jakarta staged a rally protesting compensation scam.

<sup>68</sup> Up to 481 families who become victims of compensation scam of DDT project sued Ministry of Transportation, Ministry of Finance, Governor of Jakarta and Mayor of East Jakarta to the court (Kompas August 1 2006).

<sup>69</sup> After repeated eviction and relocation regardless of the required fee up to Rp2 millions – Rp 3 millions they have paid, street vendors in Tegal Alur public cemetery, Kalideres, established road blockage to halt security personnels and armed themself with wood sticks (Berita Kota May 17 2006).

<sup>70</sup> Yusuf, Ebit and Madi were black and blue as officers tortured them for blocking bulldozers which was about to bring their houses in Kampung Sasak, Depok down. Out of the blue, the officers claimed that Yusuf was them master mind of this blockade and he hid the bulldozer key. They were arrested by the police. Prior to this case, they were given a week to empty their houses (Berita Kota August 31 2006).

<sup>71</sup> Failure to clean up Pasar Minggu and Kebayoran Lama area forced the city administration to create a new mechanism by creating the mobilization of potentials of society scheme (Berita Kota March 14 2006).

<sup>72</sup> It is quoted from Tempointeraktif September 17 2006 from a statement of Depok Mayor, Nur Mahmudi Ismail.

### **Responds from the Residents**

Other residents living in nearby the evicted area often build special relationship with street vendors and other sellers as they purchase their daily needs from their business.<sup>73</sup>

On the other hand, the residents often supported the commercial sexual workers raid as they refuse their operation in their residence. They often file complaints to the authority as the number of commercial sexual workers rises. Therefore, raids were often made based on request from the residents.<sup>74</sup>

In the case of illegal sheds, residents living nearby the location often complain on the sheds due to garbage piles and unorganized housings. Therefore, the local residents often supported security personnel.<sup>75</sup>

Another reason used by the residents to support the authority to carry out eviction toward street vendors is traffic jam.<sup>76</sup>

### **Questions:**

1. Is it true that evicted street vendors return because the officers charge them with illegal fee?
2. What happen to confiscated items pooled in the unit?
3. Is it true that locations deemed as slum areas or prostitution sites are frequent targets of forced eviction?
4. Is it true that Menteng Pulo market revitalization in South Jakarta use participatory approach as Fauzi Bowo claimed?

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<sup>73</sup> Residents living around kiosks and temporary sheds in Kosambibaru, Cengkareng regretted the eviction as they needed the market (Berita Kota March 9 2006).

<sup>74</sup> Head of Work Force of Security and Order in North Jakarta said that the plan to raid commercial sexual workers in Islamic Center area is based on the request from the residents (Berita Kota February 15 2006). People witnessing commercial sexual workers raid in Pulogadung industrial complex claimed to be satisfied with the raid (Berita Kota May 16 2006).

<sup>75</sup> People living in neighbour group RT 11/ residence group 12 in Cengkareng Timur, West Jakarta complained for garbage piles and illegal housing nearby their residential area. They tried to push their local leaders to take action (Berita Kota March 21 2006).

<sup>76</sup> Menteng residents complaining for the construction of a parking building facilities suggest the government to evict street vendors in dealing with traffic jam problems on Jl HOS Cokroaminoto (Berita Kota 20 March 2006).

## **The Rights to Water**

Legal basis on the rights to water are article 33 (3) of Indonesian Constitution which says that “ Land, water and resources within them are under the state authority and shall be exploited for the welfare of the people” , while article 5 of law 7/2004 regarding water resources stipulates that “States shall guarantee the rights of everybody to get water for their daily minimal needs to enjoy healthy life, clear and productive”

However, there is no other article within the Water Act on how the right to water should be respected, protected and fulfilled. Furthermore, the liability of the government as the duty bearer of the right could not also be found in the Water Act. On the other hand, Several Articles in the Water Act recognized the water right and all the mechanism that can be used to obtain the water right, to protect the water right from the interference of others and to transfer the right holder to others. It is therefore very clear that the Indonesian Water Act is influenced more on the protection of water right<sup>77</sup> rather than the right to water. As a result, in order to protect the right to water as long as the Water Act is still being enacted, Indonesian has to rely on the mechanism which is available on the human rights regime.

Consequently, involving private sectors (companies) to be a water supply provider is not part of empowering civil society by enforcing the right to water but giving directly or indirectly water right to those companies involved. It will be worse if the state then let the company use their profit oriented motives to accumulate their capital on the trade off the right to water of the people. Therefore there is a need to amend law nr 7/ 2004 on water resources.

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<sup>77</sup> Water right is an exclusive right. It is not a universal right so if an individual has the water right over some location, this individual will exclusively owns the belonging of water in question. As a consequence, the owner of the right has the possibility to transfer, rent or sell the right to somebody 'else