

REGULATION OF THE GOVERNMENT  
OF THE REPUBLIC OF INDONESIA  
NUMBER 24 OF 1997  
ON  
LAND REGISTRATION

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering : a. that to accelerate the process of sustainable national development, the support of legal certainties in the area of land is required;
- b. that land registration, the administration of which is assigned to the Government in line with Law Number 5 of 1960 on Basic Agrarian Principles, is a way of providing such legal certainties;
- c. that Government Regulation Number 10 of 1961 on Land Registration has not provided adequate support for the achievement of the expected results and, therefore, it needs to be improved;
- Observing : 1. Article 5 section (2) of the 1945 Constitution;
2. *Vendu Reglement Staatsblad 1908 Number 189 juncto Vendu Instructie Staatsblad 1908 Number 190*;
3. Law Number 5 of 1960 on Basic Agrarian Principles (State Gazette Number 104 of 1960, Supplement to the State Gazette Number 2043);
4. Law Number 16 of 1985 on Apartment (State Gazette of 1985 Number 75, Supplement to the State Gazette Number 3318);

5. Law Number 4 of 1996 on Security Titles on Land and Land related Objects (State Gazette of 1996 Number 42; Supplement to the State Gazette Number 3632)
6. Government Regulation Number 28 of 1977 on Land Owning of Waqf (State Gazette of 1977 Number 38, Supplement to State Gazette Number 3107);
7. Government Regulation Number 4 of 1988 on Apartment (State Gazette of 1988 Number 7, Supplement to State Gazette Number 3372);

HAS DECIDED:

To issue : GOVERNMENT REGULATION ON LAND REGISTRATION.

## CHAPTER I GENERAL PROVISIONS

### Article 1

In this Government Regulation:

1. Land Registration means a series of activities performed by the Government continuously, sustainably and regularly covering collection, processing, recording and presentation and maintenance of physical data and juridical data in the form of maps and lists of parcels of land, Overground Space, Underground Space and units of apartments, including granting of ownership rights for parcels of Land, Overground Space, Underground Space that already have rights and right of ownership on Apartment Unit as well as certain rights encumbering them.
2. Land parcel means a part of the surface of the earth which is a parcel with boundaries.
3. State Land or land controlled directly by the State means the land which is not attached with any right to land.
4. Right to manage means the right to control by the State whose authority to exercise is partially delegated to the holder.

5. Land rights mean rights as referred to in Article 16 of Law Number 5 of 1960 on Basic Agrarian Principles, hereinafter referred to as UUPA.
6. Physical data mean information about the location, boundaries, and area of a certain registered land parcel or apartment and about the structures or parts of structures standing thereon.
7. Juridical data mean information about the legal status of a registered land parcel or apartment, about the right holder, about the rights of other parties on it, and about the other encumbrances thereon.
8. Adjudication means an activity within the context of the implementation of first-time land registration, which comprises the collection and verification of physical data and juridical data concerning one land-registration object or more for purposes related to its/their registration.
9. First-time land registration means the activity of land registration which is conducted on land-registration objects which have not been registered under Government Regulation Number 10 of 1961 on Land Registration or under this Government Regulation.
10. Systematic land registration means the activity of first-time land registration which is conducted simultaneously and which covers all unregistered land-registration objects existing in all or part of a rural village/urban village.
11. Sporadic land registration means the activity of first-time land registration which is conducted on one land-registration object or more in a rural village/urban village or in part thereof, either on an individual basis or on a mass basis.
12. Maintenance of land registration data means the activity of land registration which aims at adjusting the physical data and juridical data contained in cadastral maps, land registers, name registers, survey documents, land books, and certificates to changes which take place subsequently.

13. Technical base point means a point whose coordinates are obtained from measurement and computation under a certain system and which functions as a control point or a reference point for boundary measurement and reconstruction purposes.
14. Cadastral base map means a map which shows technical base points and geographic elements such as rivers, roads, buildings, and the physical boundaries of land parcels.
15. Cadastral map means a map which depicts one land parcel or more for land recording purposes.
16. Land register means a document in the form of a list showing the identities of land parcels under a certain numbering system.
17. Measurement document means a document which contains the physical data on a land parcel in the form of a map and some description.
18. Name register means a document in the form of a register which contains information about the possession of land under a certain land right or under the right to manage or information about the holding of a right of ownership of an apartment unit by a certain individual or legal entity.
19. Land book means a document in the form of a register which contains the juridical data and all or some of the physical data on a land registration object on which a right has been established.
20. Certificate means a right-evidencing document as referred to in Article 19 section (2) point (c) of UUPA, and it is issued for a land right, a right to manage, a waqf land, right of ownership of an apartment unit, and a security title which has been recorded in the relevant land book.
21. Minister means the Minister who is responsible for agrarian/land affairs.
22. National Land Agency means a non-departmental government institution whose duties are in the area of land.

23. Land Office means an operating unit of the National Land Agency at the regency or municipality, whose duties are to register land rights and to maintain public registers of land-registration data.
24. Land-Deed Officer (*Pejabat Pembuat Akta Tanah*), hereinafter referred to as PPAT means a public official authorized to make certain land deeds.

## CHAPTER II PRINCIPLES AND PURPOSES

### Article 2

Land registration is implemented on the basis of the principles of simplicity, safety, affordability, up-to-date, and transparency.

### Article 3

Land registration has the following purposes:

- a. to provide legal certainties and legal protection for the holders of rights on land parcels and on apartments and for the holders of other registered rights so as to enable them to prove easily that they are the true holders of the rights concerned;
- b. to provide information to interested parties, including the Government, so as to enable them to obtain easily the necessary data which they require to be able to take legal acts on registered land parcels and apartments;
- c. to keep in operations orderly land administrative procedures.

### Article 4

- (1) To serve the purpose of providing legal certainties and legal protection as referred to in Article 3 point a, the holder of a right is given a land-right certificate.
- (2) To implement the information function as referred to in Article 3 point b, the physical data and juridical data

on registered land parcels and apartments is kept transparent to the public.

- (3) To achieve orderly land administration as referred to in Article 3 point c, every land parcel and apartment as well as every transfer, encumbrance, and nullification concerning a right on a land parcel or right of ownership of an apartment unit is required to be registered.

CHAPTER III  
FUNDAMENTALS OF LAND  
REGISTRATION ADMINISTRATION

Part One

Organizer and Implementer of Land Registration

Article 5

Land registration is to be organized by the National Land Agency.

Article 6

- (1) Within the context of the administration of land registration as referred to in Article 5, land registration activities is implemented by the Head of the Land Office, except for certain activities which are assigned under this Government Regulation or other applicable legislation to other officials.
- (2) In implementing land registration, the Head of the Land Office is assisted by PPATs and by other officials that are assigned to perform certain activities in line with this Government Regulation and other applicable legislation.

Article 7

- (1) PPATs as referred to in Article 6 section (2) are appointed and terminated by the Minister.

- (2) For villages located in remote areas, the Minister can appoint Provisional PPATs.
- (3) Provisions regarding the position of a PPAT as referred to in section (1) are regulated in a separate Government Regulation.

#### Article 8

- (1) In implementing systematic land registration, the Head of the Land Office is assisted by an Adjudication Committee, which is established by the Minister or by a designated Official.
- (2) The Adjudication Committee as referred to in section (1) is composed of the following:
  - a. one Committee Head, who concurrently acts as a member and who is the National Land Agency employee;
  - b. several members as follows:
    - 1) National Land Agency employee who is knowledgeable about land registration;
    - 2) National Land Agency employee who is knowledgeable about land rights;
    - 3) the head of the relevant rural village/ urban village or an Village Apparatus of the relevant rural village/urban village who has been appointed by the head.
- (3) The membership in the Adjudication Committee can be expanded to include a member who is highly needed to evaluate the truth of the juridical data on the land parcels located in the rural village/urban village concerned.
- (4) In carrying out its duties, the Adjudication Committee is assisted by a measurement and mapping task force, a juridical data collection task force, and administrative task forces whose respective duties, structure, and activities are regulated by the Minister.
- (5) The duties and authority of the Head and members of the Adjudication Committee are regulated by the Minister.

Part Two  
Objects of Land Registration

Article 9

- (1) The objects of land registration are as follows:
  - a. land parcels having the status of right of ownership, right to cultivate, right to build, and right to use;
  - b. land having the status of right to manage;
  - c. waqf land;
  - d. right of ownership of an apartment unit;
  - e. security title;
  - f. state land.
- (2) In the event of state land serving as a land-registration object as referred to in section (1) point f, its registration is carried out by recording the state land in a land register.

Part Three  
Territory of Land Registration Administration

Article 10

- (1) The territory of land registration administration is the urban village/rural village.
- (2) In particular with regard to right to cultivate, right to manage, security title, and state land, the territory of their registration administration is the Regency/Municipality.

Part Four  
Implementation of Land Registration

Article 11

The implementation of land registration comprises the activity of first-time land registration and land registration data maintenance.



Article 12

- (1) The activity of first-time land registration includes:
  - a. collecting and processing physical data;
  - b. verifying rights and recording them;
  - c. issuing certificates;
  - d. presenting physical data and juridical data;
  - e. storing public registers and documents.
- (2) The activity of maintaining land registration data comprises the following:
  - a. registering other changes in land registration data;
  - b. registering maintenance and encumbrances of right;

CHAPTER IV

FIRST-TIME LAND REGISTRATION

Part One

Implementation of First-time Land Registration

Article 13

- (1) First-time land registration is implemented through systematic land registration and sporadic land registration.
- (2) Systematic land registration is based on an action plan and implemented in areas which are to be determined by the Minister.
- (3) In urban villages/rural villages which have not been designated as areas of systematic land registration as referred to in section (2), land registration is implemented using the sporadic approach.
- (4) Sporadic land registration is implemented upon request of interested parties.

Part Two  
Collection and Processing of Physical Data

Paragraph 1  
Measurement and Mapping

Article 14

- (1) For physical data collection and processing purposes, the activities of measuring and mapping are conducted.
- (2) The activities of measuring and mapping as referred to in section (1) include:
  - a. making cadastral base maps;
  - b. fixing land parcel boundaries;
  - c. measuring and mapping land parcels and making cadastral maps;
  - d. making land registers;
  - e. making measurement documents.

Paragraph 2  
Making of Cadastral Base Maps

Article 15

- (1) The implementation of systematic land registration as referred to in Article 13 section (1) starts with the making of cadastral base maps.
- (2) In areas which have not been designated by the National Land Agency as systematic registration areas, efforts are made to produce cadastral base maps for purposes related to sporadic land registration.

Article 16

- (1) For the purpose of making cadastral base maps, the National Land Agency administers the installation, measurement, mapping, and maintenance of national technical base points in every Regency/Municipality of Level-II Region.

- (2) Measuring for the production of cadastral base maps as referred to in section (1) is tied to the national technical base points as referred to in section (1) as the basic framework.
- (3) If the national technical base points as referred to in section (2) are unavailable in a certain area, the measurement for the making of cadastral base maps can be conducted using local technical base points which are provisional, which is subsequently tied into national technical base points.
- (4) The cadastral base maps as referred to in section (2) and section (3) are used as a basis for making cadastral maps and other maps.
- (5) Further provisions regarding the measurement and mapping of national technical base points and the making of cadastral base maps are determined by the Minister.

### Paragraph 3

#### Fixing Land Parcel Boundaries

#### Article 17

- (1) To obtain physical data which are needed for land registration, the land parcel which will be mapped is surveyed after its location and boundaries are fixed and a permanent boundary marker installed as necessary in every corner of the land parcel concerned.
- (2) In the fixing land parcel boundaries on a mass basis in systematic or sporadic land registration, efforts are made to conduct boundary ordering on the basis of an agreement of the interested parties.
- (3) The installation as well as maintenance of boundary markers is required to be carried out by the holder of the right on the land parcel concerned.
- (4) The shape, size and technique of installation of boundary marker are determined by the Minister.

Article 18

- (1) The fixing land parcel boundaries which has been possessed under an unregistered right or under a registered right for which no measurement documents or measurement drawings are available or of which the measurement document/situation drawing no longer depicts the reality are conducted by the Adjudication Committee in the case of systematic registration and by the Head of the land Office in the case of sporadic land registration on the basis of the boundaries which have been located by the holder of the land right on the land parcel concerned and, where possible, agreed upon by the holders of the land rights on the adjacent land parcels.
- (2) The fixing land parcel boundaries on which a new right will be granted is conducted in line with the provision as referred to in section (1) or on the basis of designation by the authorized institution.
- (3) In fixing land parcel boundaries, the Head of the Adjudication Committee or the Head of the Land Office take into account the boundaries of the already registered land parcel or land parcels and the relevant measurement documents or situation drawings.
- (4) The agreement as referred to in section (1) and section (2) is stated in an official report which is to be signed by those who have provided the agreement.
- (5) The format of the official report as referred to in section (4) is determined by the Minister.

Article 19

- (1) If the fixing land parcel boundaries as referred to in Article 18 section (1) is not agreed upon by the holder of the land right concerned and the holders of the land rights on the adjacent land parcels, the measurement of the land parcel concerned is conducted for provisional use on the basis of the boundaries which in reality have been the boundaries of the concerned land parcel .

- (2) If the holder of the land right on the concerned land or the holders of the land rights on the adjacent land parcels fail to present themselves although invitations have been extended to them, the measurement of the land parcel concerned is conducted for provisional use in line with the provision as referred to in section (1).
- (3) The Head of the Adjudication Committee of systematic land registration or the Head of the relevant Land Office in sporadic land registration prepare an official report on the provisional measurement as referred to in section (1) and section (2), including the fact that the fixed boundaries have not been agreed upon or absence of the holder of land right concerned.
- (4) In the measurement drawing resulting from provisional measurement as referred to in section (3), a note or mark is added which shows that the boundaries of the land parcel concerned are provisional boundaries.
- (5) After an agreement is obtained on the boundaries concerned through deliberation, or after certainties concerning the boundaries concerned are obtained through a court ruling which has permanent legal force, adjustments is made to the data on the relevant cadastral map.

#### Paragraph 4

#### Measurement and Mapping of Land Parcels and Making of Cadastral Maps

#### Article 20

- (1) A land parcel whose boundaries have been fixed as referred to in Article 17, Article 18, and Article 19 is measured and mapped in the relevant cadastral map.
- (2) If in the sporadic registration area does not have a cadastral base map, another map can be used, provided that this other map meets the requirements for use as a basis for making a cadastral map.

- (3) If in the sporadic registration area has neither a cadastral base map nor other maps as referred to in section (2), the making of a cadastral base map is conducted at the same time as the measurement and mapping of the related land parcel.
- (4) Further provisions regarding the measurement and mapping of land parcels and the making of cadastral maps are determined by the Minister.

Paragraph 5  
Making of Land Registers

Article 21

- (1) Land parcels which have been mapped or whose registration numbers have been added to the relevant cadastral maps is recorded in land registers.
- (2) The format and content of land registers and how to fill in store and maintain land registers are regulated by the Minister.

Paragraph 6  
Making of Measurement Documents

Article 22

- (1) As for land parcels as referred to in Article 9 section (1) point a, point b, and point c whose boundaries have been measured and mapped onto cadastral maps, survey documents are made for purposes related to their registration.
- (2) If in the sporadic registration areas for which cadastral maps are unavailable measurement document is made on the basis of the results of measurement as referred to in Article 20.
- (3) The format and contents of a measurement document and how to fill in, store and maintain a measurement document are determined by the Minister.

Part Three  
Evidence and Recording of Rights

Paragraph 1  
Evidence of New Rights

Article 23

For right registration purposes:

- a. a new land right is evidenced with the following conditions:
  - 1) if a new right on state land or on land with the status of right to manage, a right-granting decision from the official authorized to grant the right related in line with the applicable provisions;
  - 2) if right to build and right to use on a land parcel with the status of right of ownership, an original PPAT deed on the conveyance of the right related from the holder of the right of ownership to the recipient;
- b. a right to manage is evidenced with the decision on the granting of the right to manage issued by the authorized Official;
- c. waqf land is evidenced with a waqf promise deed;
- d. an apartment ownership right is evidenced with a separation deed;
- e. the provision of a security title is evidenced with a deed on the provision of a mortgage right.

Paragraph 2  
Evidence of Old Rights

Article 24

- (1) The existence of a land right resulting from the conversion of an old right is proven with evidence in the form of written documents, witnesses' information, and/or statements made by the party which are evaluated by the Adjudication Committee in a

systematic registration or the Head of the Land Office in a sporadic registration as having an adequate content of truth for purposes related to the registration of the right, of the right holder, and of other rights of parties which encumber it.

- (2) In the event that there is not any evidence or there is no longer any evidence as referred to in section (1), the recording of the right can be carried out on the basis of the fact that the land parcel has been physically possessed for twenty (20) consecutive years or more by the person applying for the registration of the right and his/her predecessors, under the following conditions:
  - a. that the possession of the land parcel has been made in good faith and in a transparent way by the person as the party which is entitled to it;
  - b. that the possession of the land parcel was not questioned by the relevant customary law community or the relevant rural village/urban village or other parties either before or during the period of announcement as referred to in Article 26.

#### Article 25

- (1) Within the context of evaluating the truth of the evidences as referred to in Article 24, the Adjudication Committee in a systematic registration or the Head of the Land Office in a sporadic registration collects and examines the juridical data on the land parcel.
- (2) The results of the examination of the evidence as referred to in section (1) are stated in a register whose format is determined by the Minister.

#### Article 26

- (1) The register as referred to in Article 25 section (2) together with the map of the land parcel or land parcels as a result of the measurement as referred to in Article 20 section (1), is announced for 30 (thirty )



days in a systematic land registration or 60 (sixty ) days in a sporadic land registration to give interested parties time to raise objections.

- (2) The announcement as referred to in section (1) is conducted at the Office of the Adjudication Committee and the Office of Rural Village/Urban village at which the relevant Land is located in systematic land registration or at the Land Office and the Office of Rural Village/Urban village at which the relevant Land is located in sporadic land registration as well as at the other places deemed necessary.
- (3) In addition to the announcement as referred to in section (1) and section (2), in the event that sporadic land registration on an individual basis, announcement also be made through mass-media.
- (4) Further provisions regarding the implementation of the provisions as referred to in section (2) and section (3) are determined by the Minister.

#### Article 27

- (1) If during the period of announcement as referred to in Article 26 section (1) an objection is raised to the physical data and/or juridical data being announced, the Head of the Adjudication Committee in systematic registration or the Head of the Land Office in sporadic registration make efforts as quickly as possible to settle the objection amicably.
- (2) If the efforts to settle the objection amicably as referred to in section (1) prove successful, an official report is made about the settlement of the objection; If the settlement of the objection results in a modification having to be made to what is announced as referred to in Article 26 section (1), the modification is made to the relevant land parcel map and/or register.
- (3) If the efforts to settle the objection amicably as referred to in section (1) cannot be made or proven unsuccessful, a request is made in writing by the

Adjudication Committee in systematic registration or by the Head of the Land Office in sporadic registration that the party which has raised the objection file a suit concerning the physical/juridical data disputed to Court.

#### Article 28

- (1) After the period of announcement as referred to in Article 26 section (1) has ended, the physical and juridical data which have been announced is legalized by the Adjudication Committee in systematic registration or by the Head of the Land Office in sporadic registration in an official report whose format is determined by the Minister.
- (2) If following the end of the period of announcement as referred to in Article 26 section (1) there is an inadequacy or objection to the physical data and/or juridical data which have been announced, the legalization as referred to in section (1) is carried out by adding a note about the inadequacy or objection to the official report on legalization.
- (3) The official report on the legalization as referred to in section (1) provides a basis for:
  - a. the recording in a land book of the land right;
  - b. the recognition of the land right;
  - c. the granting of the land right.

#### Paragraph 3

#### Recording of Rights

#### Article 29

- (1) A land right, a right to manage, waqf land, and an apartment ownership right are registered by recording them in the land book, which contains the juridical data and some of the physical data on the land parcel related, provided that the measurement document is available, and is recorded in the measurement document .

- (2) The recording of a right in a land book and in the relevant measurement document as referred to in section (1) serves as evidence that the right,, the right holder, and the land parcel which is described in the measurement document has been legally registered under this Government Regulation.
- (3) The recording of a right as referred to in section (1) is carried out on the basis of evidences as referred to in Articles 23 as well as of the legalization report as referred to in Article 28.

#### Article 30

- (1) On the basis of the evidences and the official report on legalization as referred to in Article 29 section (3):
  - a. a right on a land parcel whose physical data and juridical data are complete and are not disputed is recorded in a land book in line with the provisions contained in Article 29 section (1);
  - b. a right on a land parcel whose physical data or juridical data are incomplete is recorded in a land book with a note added to it about what data are missing;
  - c. a right on a land parcel whose physical data and/or juridical data are under a dispute which has not been submitted to the Court is recorded in a land book with a note added to it about the existence of the dispute, and the party which has raised the objection is requested to file the dispute with the Court within 60 (sixty) days in systematic registration or 90 (ninety) days in sporadic registration following the date the request is delivered to the party;
  - d. a right on a land parcel whose physical data and/or juridical data are under a dispute which has been submitted to the Court but concerning which no ruling in favor of the status quo or of sequestration has been made by the court is

recorded in a land book with a note added to it about the existence of the dispute and what is being disputed;

- e. a right on a land parcel whose physical data or juridical data are under a dispute which has been submitted to the Court and concerning which a ruling in favor of the status quo or of sequestration has been made by the court is recorded in a land book without mentioning the name of the right holder and the other things that have been disputed and with a note added to the land book about the existence of the status quo or sequestration ruling.
- (2) The note as referred to in section (1) point (b) is deleted if:
- a. additional evidence has been submitted as required; or
  - b. a period of 5 (five) years has passed without any parties filing a claim with the Court concerning the data which have been recorded.
- (3) The note as referred to in section (1) point c is deleted if:
- a. an amicable solution to the dispute has been reached by the conflicting parties; or
  - b. a Court ruling with permanent legal force has been made concerning the dispute; or
  - c. within 60 (sixty) days in systematic registration or 90 (ninety) days sporadic registration have passed since the delivery of the written request as referred to in section (1) point e without the dispute being filed with the court.
- (4) The note as referred to in section (1) point d is deleted if:
- a. an amicable solution to the dispute has been reached by the conflicting parties; or
  - b. a court ruling with permanent legal force has been made concerning the dispute.

- (5) The complete recording of land book and the deletion of a note about the existence of a sequestration or a status quo ruling as referred to in section (1) point e is carried out if:
  - a. an amicable solution has been reached by the conflicting parties; or
  - b. after a Court ruling with legal permanent force has been made which revoke the status quo or sequestration ruling.

#### Part Four

#### Issuance of Certificate

#### Article 31

- (1) A certificate is issued upon request of the relevant right holder on the basis of the physical data and juridical data which have been recorded in a land book as referred to in Article 30 section (1).
- (2) If in the land book contains a note as referred to in Article 30 section (1) point b concerning the juridical data or a note as referred to in Article 30 section (1) point c, point d, and point e concerning the physical data and juridical data, the issuance of the certificate is suspended until the related note is deleted.
- (3) A certificate can be handed over only to the right holder whose name is stated in the relevant land book as the right holder or to another party who has been empowered by the right holder to receive the certificate.
- (4) A land right or an apartment ownership right jointly owned by a number of individuals or legal entity, one certificate is issued and be handed over to one of the joint right holders who has been appointed in writing by all the other joint right holders.
- (5) A jointly owned land right or apartment ownership right as referred to in section (4), certificates can be issued as the number of the joint right holders, each of which is handed over to each of the joint right holders,

with the list of the names of the joint right holders with the respective portions of the joint right.

- (6) The format and content of a certificate and how to fill in and sign a certificate are determined by the Minister.

#### Article 32

- (1) A certificate is a right-evidencing document which serves as strong evidence of the physical data and juridical data shown in it as long as these physical and juridical data match what is shown in the relevant measurement document and land book.
- (2) In the event of a land parcel for which a certificate has been legally issued on behalf of a certain individual or a legal entity that has acquired the land parcel in good faith and has in reality been possessing it, any other parties which think they have the rights can no longer claim for these rights if within 5 (five ) years following the issuance of the certificate, they never raised their objections in writing to the holder of the certificate and to the Head of the relevant Land Office and never filed a lawsuit with the Court over the possession of the land parcel in question or the issuance of the certificate.

#### Part Five

##### Presentation of Physical Data and Juridical Data

#### Article 33

- (1) For purposes related to the presentation of physical and juridical data, the Land Office organizes land registration administration, which comprises cadastral maps, land registers, measurement documents, land books, and name registers.
- (2) The format of land registers, measurement documents, land books, and name registers is determined by the Minister.

Article 34

- (1) Any interested party is entitled to knowing the physical data and juridical data contained in cadastral maps, land registers, measurement documents, and land books.
- (2) The physical data and juridical data contained in name registers are open only to certain Government institutions which require such data to carry out their duties.
- (3) The requisitions and procedures concerning the acquisition of information or data as referred to in section (1) and section (2) is determined by the Minister.

Part Six

Storage of Public Registers and Documents

Article 35

- (1) Documents constituting evidence which have been used as a basis for registration are marked with identifiers and stored at the relevant Land Office or at another place as determined by the Minister and serves as an inseparable part of the public registers.
- (2) Cadastral maps, land registers, measurement documents, land books, name registers, and documents as referred to in section (1) must always be kept at the relevant Land Office or at another place as determined by the Minister.
- (3) With a written permission from the Minister or from an Official assigned by the Minister, an extract, a copy or a record of the documents as referred to in section (1) can be given to other institutions which need them for the implementation of their duties.
- (4) Upon order of the Court which is trying a case, the original documents as referred to in section (1) are brought by the Head of the relevant Land Office or by the Official assigned by him/her to the Court session

so that they can be shown to the Judge Panel and to the interested parties.

- (5) On a gradual basis, land registration data are stored and presented using electronic devices and microfilm.
- (6) Document records produced by means of electronic devices or microfilm as referred to in section (5) have power to prove after they have been signed and officially stamped by the Head of the relevant Land Office.
- (7) The format of the documents as referred to in section (1) and section (2) and the method of storage, presentation, and deletion of these documents, as well as the method of storage and presentation of land registration data using electronic devices and microfilm as referred to in section (5) are determined by the Minister.

## CHAPTER V

### MAINTENANCE OF LAND REGISTRATION DATA

#### Part One

#### General

#### Article 36

- (1) The maintenance of land registration data is implemented if there are changes in the physical data or juridical data on a land registration object which has been registered.
- (2) The right holders are obligated to register with the changes as referred to in section (1) the Land Office.



Part Two

Registration of Transfers and Encumbrances of Rights

Paragraph 1

Transfers of Rights

Article 37

- (1) A transfer of a land right and an apartment ownership right resulting from a sale/purchase transaction, an exchange, a grant, incorporation into a company, and any other legal act effecting such a transfer with the exception of an auction can be registered only if it is evidenced with a deed made by the authorized PPAT in line with the applicable legislation.
- (2) Under certain circumstances as determined by the Minister, the Head of the Land Office can register a transfer of a right on a land parcel with the status of right of ownership between individuals of Indonesian citizenship which is evidenced with a non-PPAT deed, provided that the Head of the Land Office evaluates the deed as having an adequate content of truth to warrant the registration of the transfer of right.

Article 38

- (1) The making of a deed as referred to in Article 37 section (1) is attended by all the parties involved in the legal act and witnessed by at least 2 (two) witnesses who meet the requirements to act as witnesses for the legal act.
- (2) The format and content of PPAT deeds and the procedure on making such deeds is determined by the Minister.

Article 39

- (1) A PPAT reject an application for a deed if:
  - a. a registered land parcel or apartment ownership right, the original certificate of the right is not

submitted to him/her or the certificate does not match the registers kept at the Land Office; or

b. an unregistered land parcel is not submitted to him/her as follows:

1) the right-evidencing document as referred to in Article 24 section (1) or a letter made by the head of Rural Village/Urban Village stating that the applicant has been possessing the land parcel in question as referred to in Article 24 section (2); and

2) a letter stating that the land parcel has not been certified by the Land Office,

or a similar letter made by the applicant and endorsed by the head of Rural Village/Urban Village in the case where the relevant land parcel is located far away from the Land Office; or

c. one or all of the parties which will take the legal act or one of the witnesses as referred to in Article 38 have no right to do so or have not fulfilled the requisitions to do so; or

d. one or all of the parties involved act on the basis of absolute power of attorney which basically contains a legal act effecting a right transfer; or

e. a permit has not been obtained from the authorized official or institution if such a permit is required for the legal act in line with applicable legislation; or

f. there is a dispute over the physical data and/or juridical data on the object of the legal act; or

g. the requisitions imposed by the applicable legislation have not been fulfilled or the injunctions imposed by the applicable legislation have been violated.

(2) Refusal to make a deed, together with the reasons for the refusal, is sent in writing to the interested parties.

Article 40

- (1) Within at most 7 (seven) days following the signing of a deed, the PPAT in question is obligated to submit the deed, together with the related documents, to the Land Office for registration purposes.
- (2) The PPAT is obligated to notify the relevant parties in writing of the submission of the deed as referred to in section (1).

Paragraph 2

Transfer of Right by Auction

Article 41

- (1) A right transfer by an auction can only be registered if it is evidenced with quotes from the auction report that have been made by the Auctioneer.
- (2) At the latest 7 (seven) work days before a land parcel or an apartment is auctioned to the public, whether this is intended for the execution of a court order or not, the Head of the State Auction Office is obligated to ask the Land Office for information as referred to in Article 34 about the land parcel or apartment which will be auctioned.
- (3) The Head of the Land Office provides information as referred to in section (2) not later than 5 (five) work days following receipt of the request from the Head of the Auction Office.
- (4) The Head of the Auction Office refuses to carry out an auction if:
  - a. in the case of a land parcel or an apartment ownership right which has been registered:
    - 1) the original certificate of the relevant right has not been submitted to the Head of the Auction Office, except in the case of an execution auction, in which case the auction can proceed even if the original certificate of the relevant right has not been submitted by the right holder to the Auctioneers;

- 2) the certificate which has been submitted does not match the registers kept at the Land Office; or
  - b. in the case of a land parcel which has not been registered, the following documents have not been submitted to the Head of the Auction Office:
    - 1) the right-evidencing document as referred to in Article 24 section (1) or a letter made by the head of Rural Village/Urban Village, stating that the applicant has been possessing the relevant land parcel as referred to in Article 24 section (2); and
    - 2) a letter made by the Land Office stating that the relevant land parcel has not been certified or a similar letter made by the applicant and endorsed the Rural Village/Urban Village Head in the case where the relevant land parcel is located far away from the Land Office; or
  - c. an injunction has been issued by the District Court against the auction being carried out because of a dispute over the relevant land parcel.
- (5) In order that a right transfer by an auction can be registered, the following is submitted to the Head of the Land Office:
- a. quotes from the auction report on the auction;
  - b.
    - 1) the certificate of the apartment ownership right or of the land right which has been auctioned if the land parcel in question is already registered; or
    - 2) in the event that the auction is an execution auction and the certificate is not submitted to the buyer, a letter made by the Head of the Auction Office stating the reasons for not submitting the certificate; or
    - 3) the documents as referred to in section (4) point b of this Article;

- c. evidence of the identity of the buyer;
- d. evidence that the purchase price has been paid in full.

### Paragraph 3

#### Transfer of Right due to Bequest

#### Article 42

- (1) For the registration of a right transfer as a result of a bequest over a registered land parcel or over an apartment ownership right as referred to in Article 36, the recipient of the bequeathed land right or apartment ownership right submits to the Land Office the relevant right certificate, the death certificate for the person whose name is recorded as the right holder, and the heir's document.
- (2) If the bequeathed land parcel is not registered, the documents as referred to in Article 39(1) letter (b) shall also be submitted to the Land Office.
- (3) If there is only one recipient of the inheritance, the registration of the transfer of the right is carried out on the basis of the heir's document as referred to in section (1).
- (4) If there are more than one recipient of the inheritance and the application for the registration of the transfer of the right is equipped with an inheritance subdivision deed containing a statement about which part of the land right or apartment ownership right shall go to which recipient, the registration of the transfer of the land right or apartment ownership right is carried out on behalf of the respective recipients of the inheritance on the basis of the heirs' document and the inheritance subdivision deed.
- (5) As for an inheritance in the form of a land right or an apartment ownership right which, according to the inheritance subdivision deed, must be divided among a number of inheritors or which is not equipped with an

inheritance subdivision deed, the transfer of the right is registered on behalf of the inheritors of the right as the joint holders of the right on the basis of the heirs' document and or the inheritance subdivision deed.

Paragraph 4

Transfer of Right due to Consolidation or Merging  
of Companies or Cooperatives

Article 43

- (1) The transfer of a land right, of right to manage or of an apartment ownership right due to the consolidation or merging of companies that was not preceded by the liquidation of the companies which were consolidated or merged can be registered on the basis of a deed which proves that the consolidation or merging has taken place after the consolidation or merging has been legalized by the authorized official in line with the applicable regulations.
- (2) The transfer of a land right or of an apartment ownership right due to the consolidation or merging of companies that was preceded by the liquidation of the companies which were consolidated or merged can be registered on the basis of a deed on the transfer of a right within the context of liquidation made by the authorized PPAT as referred to in Article 37 section (1).

Paragraph 5

Encumbrances of Rights

Article 44

- (1) The encumbrances of a land right or an apartment ownership right with a security title, the encumbrances of a right of ownership with a right of use of structures, a right of use, a right of use of structures, and the encumbering of a land right or an apartment ownership right with another lawful encumbrance can

be registered if it is evidenced with a deed made by the authorized PPAT in accordance with the applicable regulations.

- (2) The provisions as referred to in Articles 38, 39, and 40 are also applicable to the making of the PPAT deed as referred to in section (1).

#### Paragraph 6

#### Refusal to Register Transfer or Encumbrance of Right

#### Article 45

- (1) The Head of the Land Office refuses an application for the registration of a right transfer or an encumbrance for any of the following reasons:
  - a. the certificate of the land right and the documents on the condition of the land right no longer match the registers existing at the Land Office;
  - b. the legal act as referred to in Article 37 section (1) is not evidenced with a PPAT deed or with a quote from an auction report as referred to in Article 41, except under certain circumstances as referred to in Article 37 section (2).
  - c. the documents required for the relevant registration of the transfer or encumbrance are incomplete;
  - d. the other requisitions as stipulated in the applicable regulations have not been fulfilled by the applicant;
  - e. the relevant land parcel is an object of a Court dispute;
  - f. the legal act which is evidenced with the PPAT deed has been nullified or cancelled under a court decision which has permanent legal force; or
  - g. the legal act as referred to in Article 37 section (1) has been cancelled by the parties involved in it before it is registered by the Land Office.

- (2) The refusal of the Head of the Land Office is stated in writing by mentioning the reasons for the refusal.
- (3) The letter of refusal is given to the person concerned, together with the application dossier, and a copy of it is given to the PPAT or to the Head of the Auction Office.

#### Paragraph 7

##### Miscellany

#### Article 46

Further provisions regarding the registration of a transfer of and an encumbrance on a land right and an apartment ownership right are determined by the Minister.

#### Part Three

##### Registration of Other Changes in Land Registration Data

#### Paragraph 1

##### Extension of Term of Land Right

#### Article 47

The registration of an extension of the term of a land right is carried out by recording it in the relevant land book and right certificate on the basis of a decision issued by an Official authorized to grant an extension to the term of the right.

#### Paragraph 2

##### Registration of Split, Separation, and Merger of Land Parcels

#### Article 48

- (1) At the request of the right holder, a registered land parcel can be perfectly split into some parts, each of which constitutes a new parcel with the same legal status as that of the original land parcel.



- (2) In the event of those as referred to in section (1), for each land parcel a measurement document, land book and certificate are made as the replacements for the original measurement document, land book and certificate.
- (3) If the land right is encumbered with security title and/or other burdens, the split as referred to in section (1) may only be carried out until written approval has been obtained from the security title holder or from another party having the authority to approve the nullification of the encumbrance .
- (4) In carrying out the split as referred to in section (1), in the event that it concerns agricultural land, attention is paid to the applicable provisions regarding the minimum allowable size of agricultural land.

#### Article 49

- (1) At the request of the right holder, a part or some parts can be separated from a registered land parcel, which then become new land parcels with the same legal status as that of the original land parcel.
- (2) In the event of those as referred to in section (1), for each new land parcel a new measurement document, land book, and certificate are drawn up, and a note about the said separation is added to the cadastral map, land register, measurement document, land book, and certificate of the original land parcel.
- (3) In the event of separation as referred to in section (1), the provisions as referred to in Article 48 section (3) and section (4) applies.

#### Article 50

- (1) At the request of the right holder, two registered land parcels or more which are located in adjacency to one another and all of which are registered on behalf of the same person can be merged into a new land parcel, provided that all the registered land parcels are

possessed under land rights of the same kind having the same remaining terms.

- (2) In the event of those as referred to in section (1), for the new land parcel a new measurement document, land book, and certificate are made by nullifying the measurement document, land book, and certificate of each of the original land parcels.
- (3) In the event of the merger of land parcels as referred to in section (1), the provision as referred to in Article 48 section (3) applies.

### Paragraph 3

#### Subdivision of Joint Right

### Article 51

- (1) The subdivision of a joint land right or a joint apartment ownership right into several rights each of which belongs to each of the joint right holders is registered on the basis of a deed made by the authorized PPAT in accordance with the applicable regulations which evidences an agreement among the joint right holders upon the subdivision of the joint right.
- (2) The provisions as referred to in Article 38, Article 39, and Article 40 also apply to the making of a PPAT deed as referred to in section (1).

### Paragraph 4

#### Deletion of Land Right and Apartment Ownership Right

### Article 52

- (1) The registration of the deletion of a land right, right to manage and apartment ownership right is carried out by the Head of the Land Office by adding a note to the relevant land register, measurement document, land book, and name register as well as by destroying the certificate of the land right on the basis of:

- a. data in the relevant land book kept at the Land Office, in the case of land rights with definite terms;
  - b. a copy of the decision letter of the relevant Official stating that the land right has been cancelled or revoked;
  - c. a deed stating that the land right has been relinquished by the holder.
- (2) In the event that the certificate of the deleted land is not submitted to the Head of the Land Office, a note about this is added to the relevant land book and measurement document.

#### Paragraph 5

#### Transfer and Deletion of Security Title

#### Article 53

The registration of the transfer of a security title is carried out by recording it in the relevant land book and the certificate of the right being encumbered on the basis of written evidence that the credit being guaranteed has transferred as a result of cession, subrogation, bequest or the consolidation and liquidation of companies.

#### Article 54

- (1) The registration of the deletion of security title is carried out in accordance with the provisions of Law Number 4 of 1996 on Security Titles on Land and Land-related Objects.
- (2) In the event that the right encumbered with the security titles has been auctioned within the context of repaying the debt, a letter made by the creditors stating that they have relinquished the security titles on the auctioned right for an amount higher than the proceeds of the auction and quotes from the auction report can be used as a basis for registering the deletion of the security titles.

Paragraph 6  
Changes in Land Registration Data on the basis of  
Court Decision or Ruling

Article 55

- (1) The registrar of the Court is obligated to notify the Head of the Land Office of the contents of all the decisions with permanent legal force made by the all Court decisions made by the Chief Justice which have caused changes in the data on a registered land parcel or an apartment for recording in the relevant land book and, wherever possible, also in the relevant certificate and other registers.
- (2) The recording as referred to in section (1) can also be carried out at the request of the interested party on the basis of an official copy of the decision of the Court which has permanent legal force or a copy of the decision of the Chief Justice that the party has submitted to the Head of the Land Office.
- (3) The recording of the deletion of a land right, right to manage, and apartment ownership right on the basis of the decision of the Court is carried out after a decision concerning the deletion of the right has been obtained from the Minister or from the Official appointed by the Minister as referred to in Article 52 section (1).

Paragraph 7  
Change in Name

Article 56

The registration of a change in land registration data as a result of the right holder changing the name is carried out by recording it in the relevant land book and in the certificate of the land right or of the apartment ownership right on the basis of an evidence of the change in the name of the right holder in accordance with the applicable regulations.

CHAPTER VI  
ISSUANCE OF REPLACEMENT CERTIFICATES

Article 57

- (1) At the request of the right holder, a new certificate may be issued as a replacement for a damaged or lost certificate or for a certificate still using the form which is no longer used or for a certificate which has not been handed over to the buyer in an execution auction.
- (2) An application for a replacement certificate as referred to in section (1) can only be forwarded by the parties whose names are mentioned in the relevant land book as the right holder or by another party who is the recipient of the right on the basis of a PPAT deed or quotes from an auction report as referred to in Article 37 and Article 41 or a deed as referred to in Article 43 section (1) or written evidence as referred to in Article 53 or by their proxy.
- (3) In the event that the right holder or the right recipient as referred to in section (2) has passed away, the application can be forwarded by his or her heir by submitting the heir's document.
- (4) The replacement of a certificate as referred to in section (1) is recorded in the relevant land book.

Article 58

In the event that a certificate has to be replaced because it is damaged or because the form of the certificate has been renewed, the old certificate is held and destructed.

Article 59

- (1) An application for a replacement for a lost certificate must be equipped with a statement made under oath by the person before the Head of the Land Office or before the Official appointed by the Head of the Land Office concerning the loss of the certificate.

- (2) The issuance of a replacement certificate as referred to in section (1) is preceded with an announcement in one of the local newspapers on the applicant's expenses.
- (3) If within the period of 30 (thirty ) days following the placement of the announcement as referred to in section (2) nobody raises an objection to the planned issuance of the replacement certificate or an objection is raised but the Head of the Land Office considers the objection groundless, the replacement certificate is issued.
- (4) If the objection is considered reasonable by the Head of the Land Office, he or she refuses to issue the replacement certificate.
- (5) The placement of the announcement, the issuance of the replacement certificate, or the refusal to issue a replacement certificate as referred to in section (2), section (3), and section (4) is reported in an official report by the Head of the Land Office.
- (6) A replacement certificate is handed over to the right holder whose name is mentioned in the relevant land book or to another person who has been given a special power of attorney by the right holder to receive the replacement certificate.
- (7) For certain regions, the Minister can determine methods and places of announcements that are different from those provided in section (2).

#### Article 60

- (1) The failure to hand over the replacement certificate of the right on a land parcel or of an apartment ownership right to the buyer at an execution auction is based on a letter made by the Head of the Auction Office stating the reasons for the unavailability of the said certificate for the buyer.
- (2) The Head of the Land Office announces the issuance of a replacement certificate for a land right or an apartment ownership right as referred to in section (1)

and of the non-validity of the old certificate at a local daily newspaper on the applicant's expenses.

## CHAPTER VII LAND REGISTRATION FEES

### Article 61

- (1) The fees within the context of the implementation of land registration activities and the terms of payment are regulated by a separate Government Regulation.
- (2) Upon request of the applicant, the Minister or the official appointed by the Minister can decide to exempt him or her from parts or all of the fees as referred to in section (1), provided that the applicant can prove that he or she cannot afford the fees.
- (3) The registration of a right transfer as a result of bequest for which the application is forwarded within 6 (six) months following the death of the testator is exempted from registration fees.
- (4) The procedure for obtaining exemption from land registration fees is regulated by the Minister.

## CHAPTER VIII SANCTIONS

### Article 62

A PPAT who neglects, in the implementation of his or her duties, the provisions as referred to in Article 38, Article 39, and Article 40 and the provisions and guidelines provided by the Minister or by the official designated by the Minister is subject to administrative measures ranging from written warning to dismissal from his or her position as a PPAT, with the possibility open for the PPAT to receive demand for compensation from the parties which suffer losses as a result of the neglect over the said provisions.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette.

Issued in Jakarta  
on 8 July 1997

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

SOEHARTO

Promulgated in Jakarta  
on 8 July 1997  
MINISTER OF STATE SECRETARY  
OF THE REPUBLIC OF INDONESIA,

signed

MOERDIONO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 1997 NUMBER 59

Jakarta, 4 July 2023  
Has been translated as an Official Translation  
on behalf of Minister of Law and Human Rights  
of the Republic of Indonesia  
DIRECTOR GENERAL OF LEGISLATION,



ASEP N. MULYANA



ELUCIDATION OF  
GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
NUMBER 24 OF 1997  
ON  
LAND REGISTRATION

GENERAL

During the Second Phase of Long-term National Development, the role of land as a means of fulfilling various needs, both the need for dwelling and that for business activities, will increase. This means that there will be increasingly high demand for support in the form of guaranteed legal certainty in the area of land. The guaranteed legal certainty in the area of land can be provided, there should first of all be a comprehensive set of legal instruments which are written and clear and which are implemented in consistence with what such legal instruments say.

In facing concrete cases, however, the administration of land registration is required in addition to the availability of such legal instruments. The administration of land registration enables a land right holder to prove easily that he/she is the holder of the right on the land which he/she possesses and enables interested parties, e.g. a prospective buyer and a prospective creditor, to obtain the necessary information about the land which will become the object of a legal act which will be taken. Besides, the administration of land registration enables the Government to implement land policies.

In the relation to that Law Number 5 of 1960 on Basic Agrarian Rules Principles, *Undang-Undang Pokok Agraria* orders in its Article 19 that land registration be administered to provide guaranteed legal certainties as meant above. The administration of land registration has been regulated further by

Government Regulation Number 10 of 1961 on Land Registration, which has become the foundation for land registration activities throughout Indonesia.

In reality, however, although the administration of land registration under Government Regulation Number 10 of 1961 has been going on for over 35 years, it has not achieved satisfactory results. Of about 55 million land parcels which qualify for registration, only 16.3 million have been actually registered. In its future developments through bequest, separation, and right granting, the total number of land parcels which qualify for registration is expected to increase to an estimated 75 million during the Second Phase of Long-Term National Development. There are a variety of obstacles to the implementation of land registration. One of these is the lack of funds, equipment, and personnel. Another is the objective conditions of the land parcels themselves: they are not only found in large quantities and geographically distributed over large areas, but also most of them are not equipped with evidences that are readily available and reliable. Still another obstacle is that the existing legal provisions themselves are not adequate enough to allow land registration to take place within a short period of time with more satisfactory results. Therefore, in order to enhance national development by providing guaranteed legal certainties in the area of land, it is deemed necessary to improve the provisions regulating land registration. In reality, such provisions are currently found in different legislation.

In this Government Regulation, which improves Government Regulation Number 10 of 1961, the purpose of land registration and the publication system which have been in use is maintained. This is so because this purpose and system have been determined in the UUPA, which stipulates that land registration be administered within the context of providing guaranteed legal certainty in the area of land and that the publication system to use be a negative publication system with positive elements because such a system will produce written evidences of rights which serve as strong evidences as referred to in Article 19 Section (2) point c, Article 23 Section (2), Article 32 Section (2) and Article 38 section 2 of UUPA. Land registration will also continue to be implemented under two approaches, namely the systematic approach and the sporadic approach. Under the systematic approach, land registration is conducted in rural villages or urban villages or parts thereof upon initiative of the Government. Under the sporadic approach, land registration is conducted

on individual land parcels upon request of the relevant right holder or right recipient either on an individual basis or a mass basis.

As part of the attempt to improve the old Government Regulation, the new Government Regulation clarifies a variety of matters which are not clearly defined in the former, e.g. the term “land registration itself, what the principles underlying its administration are, and what the purposes of its administration are. This is intended not only to provide legal certainty as meant above but also to collect and present complete information concerning the physical data and juridical data on the relevant land parcels. The procedures on the collection of data on land possession are made clear, shortened, and simplified. To provide guaranteed legal certainty in the area of land possession and ownership, certainty about the locations and boundaries of land parcels should not be neglected. In the past, many land disputes occurred as a result of uncertainty about the locations and boundaries of land parcels. Thus, the issues of measuring and mapping and of procuring large scale maps for purposes related to the administration of land registration are very important and should be seriously taken into account not only within the context of collecting data on land possession/ownership but also within the context of presenting and storing such data. The developments in the technology of measurement and mapping, e.g. how to locate a point using the GPS (Global Positioning System), in computerization, in the processing and storage of data, and in the implementation of measurement and mapping can be applied in land registration. In order to speed up the measurement and mapping of land parcels that have to be registered, the use of modern technologies such as the Global Positioning System (GPS) and the computerization of data processing and storage should be made possible and should be regulated by the Minister.

Beside systematic land registration, sporadic land registration will also be increased because in reality, applications for land registration on an individual basis and on a mass basis which is required within the context of the implementation of national development will increase its activity . Priorities are given to systematic land registration because this approach will enable the collection of data on the land parcels that are to be registered to be conducted more rapidly than sporadic land registration. However, since the initiative to conduct systematic land registration comes from the Government, it takes some time before the funds, personnel, and equipment required for the

implementation of systematic land registration can be made available. Thus, the implementation of such registration should be based on a long term plan and an ongoing annual plan as well as on feasibility studies so as to make sure that it will proceed smoothly.

The purpose of land registration, namely to collect and present complete information of land parcels, is made clear by the fact that this Government Regulation provides the opportunity to register land parcels whose physical and juridical data are incomplete or are being disputed although no certificates have been issued for such land parcels for use as evidences of the rights thereon.

Within the context of providing land right holders with legal certainty, this Government Regulation clarifies to what extent the certificate which is declared as strong evidence by PPAT. Therefore, provisions are stipulated that as long as they are proven otherwise, physical data and juridical data mentioned in a certificate must be accepted as true data, either in the event of daily legal acts or in the event of court proceedings, provided that these data match what is shown by the relevant measurement document and land book in (Article 32 section (1) of this Government Regulation), and the other one being that people can no longer claim for a right on a land parcel for which a certificate has been issued on behalf of another person or another corporate body in the case where, within 5 (five) years following the issuance of the said certificate, they never filed a lawsuit with the court while the relevant land parcel was acquired by the said other person or corporate body in good faith and has been physically possessed by him/her/it or by another person or corporate body which has been agreed upon by him/her/it in (Article 32 section (2) of this Government Regulation).

Thus, the statements that the certificate is strong evidence and that the implementation of land registration aims at providing guaranteed legal certainty in the area of land have visible and practical meanings although the publication system used is a negative publication system.

Those provisions do not compromise the principle of providing equitable protection for land owners who possess and use their land as appropriate and for those who acquire and possess land in good faith and strengthen their possession of the land by registering it on their behalf.

Disputes which occur in the implementation of land registration should first be settled through consultative efforts by the conflicting parties. Only if such efforts fail can the conflicting parties be requested to settle the dispute through the court.

Deeds made by Land Deed Makers (PPAT) provide one major source of data for the maintenance of land registration data. Therefore, the basics of their scope of duties and the procedures on carrying out their duties are also regulated in this Government Regulation.

No sanction for interested parties to register legal acts which have been made and evidenced with PPAT deeds is imposed with the provision that PPAT within a certain period of time- is obligated to submit the land deeds which they have made, together with related documents, to the Land Office for registration purposes. This provision is deemed necessary in view of the fact that in reality, such dossiers are not always submitted to the Land Office.

From what is described above, it is clear that this new Government Regulation regarding land registration not only implements the fundamentals of the UUPA but also contains improvements and clarifications which are expected to help serve as a legal basis and operational basis for speeding up the implementation of land registration.

## ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

The principle of simplicity in land registration is intended to make sure that its basic provisions and procedures are readily understandable to interested parties, especially land-right holders. The principle of safety is intended to show that land registration needs to be implemented with adequate levels of accuracy and meticulousness so that the results can provide guaranteed legal certainty in line with the purpose of such registration.

The principle of affordability is that land registration should be affordable to interested parties, especially with the needs and capabilities of economically weak ones taken into account. The services which are to be provided within the context of land registration administration should be affordable to those requiring such services.

The principle of currency is intended to make sure that there is some adequate completeness about the implementation of land registration and that the maintenance of land registration data is on-going. The data that are available should always reflect the current condition. Therefore, subsequent changes in these data are to be registered and recorded.

The principle of currency requires that land registration data be maintained on an on-going basis so as to make sure that the data kept at the Land Office are always representative of the reality on the field and that people can obtain information about the correct data anytime, they need to do so. It is also in connection with this that the principle of transparency is applied.

#### Article 3

The purpose of land registration as stated in point a is the main purpose of land registration as mandated in Article 19 of UUPA.

In addition, the administration of land registration is also intended to help create a system of information on land parcels so that interested parties, including the Government, can easily obtain the data they require for the taking of legal acts on land parcels and apartments that have been registered. A good land registration administration will provide a basis for the achievement of administrative orders in the area of land.

#### Article 4

##### Section (1)

Sufficiently clear.

##### Section (2)

Sufficiently clear.

##### Section (3)

Sufficiently clear.

#### Article 5

Sufficiently clear.

## Article 6

### Section (1)

The term “certain activities whose implementation is assigned to other Officials” means activities whose benefits are nationwide or are for a territory larger than the area of operations of the Head of the Land Office, e.g. technical base point measurement, photogrammetric mapping, and others.

### Section (2)

The term “certain activities” means for example, the making of PPAT deeds by PPAT or by Provisional PPAT, the making of auction reports by Auctioneers, adjudication by the Adjudication Committee in systematic land registration, and others.

## Article 7

### Section (1)

Sufficiently clear.

### Section (2)

This provision is intended to enable people living in remote areas with no PPAT to take legal acts on land. Those that can be appointed Provisional PPAT are local administration officials who control the areas, namely Head of Rural Village.

### Section (3)

Sufficiently clear.

## Article 8

### Section (1)

In view of the fact that the systematic land registration is generally implemented on a mass and large-scale basis, the Head of the Land Office needs to be assisted by a Committee which is specifically established for that purpose, so as to prevent the implementation of the Land Office’s routine activities from being disturbed.

### Section (2)

Sufficiently clear.

### Section (3)

This provision is intended to open the possibility for the inclusion into the Adjudication Committee of a Custom Leader who is knowledgeable about the history of ownership of local land parcels, especially in an area whose custom is still strong.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 9

Section (1)

Sufficiently clear.

Section (2)

The registration of a land parcel with the status of state land is to be carried out by recording it in a land register and is not to be followed with the issuance of a certificate.

Article 10

Section (1)

A rural village and urban village are units of administrative area as regulated in Law Number 5 of 1979 on Village Government.

Section (2)

The area of a land with the status of Right to Cultivate or Right to Manage or that of a state land usually covers a number of rural villages/urban villages. Similarly, a mortgage right object can cover a number of land parcels located in different rural villages/urban village.

Article 11

Sufficiently clear.

Article 12

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 13

Section (1)

Sufficiently clear.



Section (2)

Since systematic land registration is to be implemented at the initiative of the Government, it is to be carried out on the basis of a work plan which is to be determined by the Minister.

Section (3)

Sufficiently clear.

Section (4)

The term “interested parties” means those parties that have rights on the relevant land parcels or their proxies.

Article 14

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 15

Section (1)

In an area which has been designated for systematic land registration, there are usually some land parcels which have been registered. In such an area, measurement document should be made available because they will be used not only to produce measurement document for purposes related to the implementation of systematic registration but also to map those land parcels which have been registered.

Section (2)

With base measurement document, a land parcel which has been registered under sporadic land registration can be located in relation to the other land parcels within the same area and, hence, the issuance of double certificates for the same land parcel can be prevented.

Article 16

Section (1)

Base measurement document need to be made available so that every land parcel which has been registered will have guaranteed certainty about its location because it can be re-constructed in the field anytime. In view of this, national technical base points need to be made available.

Section (2)

A technical base point is a permanent point whose coordinates are obtained from measurement and computation under a certain system and which functions as a control point or a reference point for boundary measurement and reconstruction purposes.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 17

Section (1)

Sufficiently clear.

Section (2)

In reality, there are many land parcels whose shape is not good. In such cases, boundary ordering is intended to improve the shape of the land parcels.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 18

Section (1)

A situation drawing as referred to in this Article is a document which shows the object of a land right as regulated by the provisions which came into effect prior to the enactment of this Government Regulation, namely those provisions which are contained in Regulation of the Minister of Agrarian Affairs Number 6 of 1965 on the Basic Guidelines concerning the Administration of Land Registration as regulated in Government Regulation Number 10 of 1961.

The term "a land-right holder" in this section means a person or legal entity that has a right on a land parcel in accordance with the UUPA, either a certified land parcel or an uncertified one.

Section (2)

The term “a new right” means a land right granted over state land.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 19

Section (1)

The term “the boundaries which in reality have been the boundaries of the relevant land parcel” includes walls or other markers which indicate the boundaries of land possession by the person. In the case where such markers are available, an agreement from the holders of the rights on the adjacent land parcels is not absolutely necessary.

Section (2)

Sufficiently clear.

Section (3)

This provision also applies if the holder of the right on the relevant land parcel and the owners of the adjacent land parcels fail to present themselves during the time of measurement although a notice has been given to them.

Section (4)

The term “measurement drawing” means the results of field measurement and mapping in the form of parcel boundary maps which are broadly made. A note on a measurement drawing is based on the official report on provisional measurement.

Section (5)

Sufficiently clear.

Article 20

Section (1)

A land parcel can be plotted directly onto a base measurement document. However, in the case of a large land parcel, it can be plotted onto a separate map using the data from the relevant base measurement document and from the results of the measurement of their boundaries.

Section (2)

The term “other maps” means maps which have been made by other institutions, e.g. the Public Works Department or the Tax institution and which meet the technical requirements for the making of cadastral maps.

Section (3)

Under compelling circumstances, the making of a base cadastral map can be conducted at the same time as the measurement and mapping of the relevant land parcel and the adjacent land parcels so that the relative position of the land parcel can be determined.

Section (4)

The provisions by Minister as referred to in this section include one concerning licensed surveyors.

Article 21

Section (1)

A land register is meant to be a source of complete information about the parcel numbers, locations, and measurement document numbers of the land parcels existing in a land registration area, such data being the results of first-time registration activities and of subsequent maintenance activities.

Section (1)

Sufficiently clear.

Article 22

Section (1)

Sufficiently clear.

Section (2)

Under the old land registration regulation, a measurement document as referred to in this section is referred to as a situation drawing.

Section (3)

Sufficiently clear.

Article 23

Point a

The appointment of officials for the granting of rights on state land can be conducted on an individual basis, on a mass basis, or on a general basis.

Point b

Sufficiently clear.

Point c

The term “a Waqf Promise Deed” means the same as the Waqf Promise Deed as referred to in Government Regulation Number 28 of 1977 on Waqf of Owned Land .

The provisions regarding the bookkeeping of waqf from the point of view of the object, the bookkeeping is a registration for the first time, even though the relevant land parcel has previously been registered as property rights.

Point d

An apartment ownership right is an individual ownership right on a certain apartment which covers the common right on what is called the shared parts, shared objects, and shared land at the venue where the apartment building stands and forms an inseparable part thereof. The recording of an apartment ownership right is to be performed on the basis of a Separation Deed, which shows which apartment is owned by the holder of the said deed and what is the proportional share of the holder of the said deed in the parts and objects which are held under the common right.

The term “a Separation Deed” means the same as the Separation Deed as referred to in Law Number 16 of 1985 on Apartment.

The recording of Separation Deed is to be treated as its first-time registration even though the right on the land where the apartment stands has been registered.

Point e

The term “a deed on the provision of a mortgage right” means a deed on the provision of a mortgage right as referred to in Law Number 4 of 1996 on Security Titles on Land and Land-related Objects.

## Article 24

### Section (1)

Basically evidence of ownership includes the evidence of ownership on behalf of the right holder which already existed at the time the UUPA came into effect; however, if the right has since transferred to different persons, it should also include the evidences of these transfers down to the right holder at the time the right is to be registered.

The written evidences are in the form of:

- a. the original copy of the deed on right of ownership which was issued on the basis of Overschrijvings Ordonnantie (Staatsblad 1834-27) with a note on it that the right of eigendom has been converted into right of ownership; or
- b. the original copy of the deed on right of ownership which was issued on the basis of Overschrijvings Ordinnantie (Staatsblad 1984-27) between the date the UUPA came into effect and the date land registration commenced under Government Regulation Number 10 of 1961 in the relevant area; or
- c. a right of Ownership document which was issued under the applicable regulations of the relevant Kingdom/Sultanate; or
- d. a right of Ownership certificate which has been issued under Regulation of the Minister of Agrarian Affairs Number 9 of 1959; or
- e. a right of Ownership granting decree issued by an authorized official, either before or after the enactment of the UUPA, which does not require the holder to have the right registered but mentions other obligations for the holder, all of which have been fulfilled by the holder; or
- f. a right-transfer deed made in private prior to the enactment of this Government Regulation and signed by the Adat Chief/Rural Village Head/Urban Village Head; or
- g. a right-transfer deed made by the PPAT, of which the relevant land parcel has not been recorded in the land book; or
- h. a waqf Promise Deed/Waqf Promise Letter which was made either before or after the enactment of Government Regulation Number 28 of 1977; or
- i. an auction report made by the relevant Auctioneer; or
- j. a document on the designating or purchase of a land parcel as a replacement for the land acquired by the Government/Local Government; or
- k. a land tax receipt / *petuk Pajak Bumi, landrente, girik, pipil, or kekitir and Indonesian Verponding* issued prior to the enactment of Government Regulation Number 10 of 1961; or
- l. a land history certificate made by the Land and Building Taxation Office; or

- m. other written evidences by whatever names as referred to in Article II, Article VI and Article VII of Provisions regarding Conversion of the UUPA.

In the event that written evidence is incomplete or no longer available a statement by a witness or by the party can be used as evidence of ownership provided that the truth of the statement can be evaluated as reliable by the Adjudication Committee in systematic land registration or by the Head of the Land Office in sporadic land registration.

The term “a witness” means a person who is good at giving a testimony and who is knowledgeable of the history of ownership of the land parcel.

#### Section (2)

This provision provides a way-out if the right holder cannot produce evidence of ownership as referred to in section (1), whether it is written evidence or evidence of another form which is reliable. In such a case, the recording of the right can be carried out not on the basis of an evidence of ownership but on the basis of an evidence of physical possession by the applicant for registration and his/her predecessors.

The requirements for the recording of a land right under this section must meet the requirements as follows:

- a. that the possession and use of the land parcel have been taking place in reality and in good faith for at least 20 (twenty) years or consecutive years;
- b. that the possession and use of the land parcel have never been claimed against and, hence, can be regarded as having been recognized and vindicated by the relevant adat law community or by the relevant rural village/urban village;
- c. that the truth above is strengthened by testimonies from trustworthy people;
- d. that opportunities have been provided through the activity of announcement as referred to in Article 26 for other parties to raise objections;
- e. that the things mentioned above have been scrutinized for truth;
- f. that the final conclusions concerning the status of the land parcel and the right holder have been made and presented in the form of a decision on recognizing the right by the Adjudication

Committee in systematic land registration and by the Head of the Land Office in sporadic land registration.

Article 25

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 26

Section (1)

The term “basically” means the physical data and juridical data which will be used as a basis for registering the relevant land parcels.

To ease its implementations, an announcement in systematic land registration must not be conducted at the same time on all land parcels in the territory designated, but it can be conducted in stages.

The period of announcement in systematic land registration is 30 (thirty) days as compared to 60 (sixty) days in sporadic land registration. This is so because systematic land registration is conducted on a mass-basis and is known to the public while sporadic land registration is conducted on an individual basis and is known to a limited number of persons. Hence, the period of announcement in systematic land registration is shorter than it is in sporadic land registration.

Section (2)

The term “other places for announcement” means the *Rukun Warga* (RW) Office and the locations of the land parcels. The designating of such other places will be regulated by the Minister.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 27

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.



Section (3)

Sufficiently clear.

Article 28

Section (1)

Sufficiently clear.

Section (2)

That the available data are incomplete or that there is an objection to the available data which cannot be solved amicably as referred to in Article 27 section (1) is not a reason for delaying the making of an official report on the results of the announcement of the physical data and juridical data.

Section (3)

The legalization as referred to in section (2) is that of the physical data and juridical data on a land parcel as they really are. In view of this, such data do not always suffice to warrant the recording of a land right. In some cases, the data which have been obtained are only adequate for the recording of a land right through the process of right recognition on the basis of evidences as referred to in Article 24 Section (2). In some other cases, the investigations into the history of a land parcel show that the land parcel is state land, , if in accordance with the applicable provisions, the applicant can be granted a land right.

Article 29

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 30

Section (1)

Point a

One purpose of land registration is to collect and present information of land parcels. In view of this, the physical data and

juridical data on a land parcel which have been evaluated as adequate for recording should be recorded even if some of the relevant data remain to be made available. Thus, every physical data and juridical data on the land parcel, including the existence of a dispute over these data, if any, should be recorded.

Point b

The incompleteness of data, as referred to in point b may concern physical data, e.g. because the measurement document is still based on provisional boundaries as referred to in Article 19 section (3), and it may concern juridical data, e.g. the incompleteness of the signature of heir

Point c , d, and e

The dispute as referred to in point c, point d, and point e may concern the physical data or the juridical data.

In the event that the dispute has been filed to the court and a ruling has been issued by the court in favor of the status quo or a sequestration, the recording of the name of the right holder in the land book is delayed until it becomes clear, either through a court decision or through an amicable settlement,

In the event of a court ruling in favor of the status quo, it must be made officially and in writing and, following the completion of the court proceedings over the dispute; it should be strengthened with a decision on the sequestration of the relevant land parcel.

Section (2)

The period of 5 years is considered adequate to judge that the incomplete physical data or juridical data are true.

Section (3)

An amicable settlement can be achieved either in or out of court.

If within the applicable period of time the party which objected to the physical data or juridical data which will be recorded fails to file the objection in court, the objection should be considered groundless and the note about the existence of the objection should be erased.

If during the applicable period of time, the objection is filed in court, the note should not be erased until an amicable settlement has been achieved or a court ruling concerning the dispute has been made.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 31

Section (1)

Sufficiently clear.

Section (2)

The issuance of a certificate is intended to enable the right holder to prove easily the existence of the right. Therefore, a certificate is strong evidence as referred to in Article 19 of the UUPA. In view of this, a certificate should in principle not be issued if there is still uncertainty concerning the existence of the right as indicated by the existence of a note as referred to in Article 30 Section (1).

The incompleteness of the physical data is if the physical data of relevant land parcels as the results of temporary mapping as referred to in Article 19 section (3).

Section (3)

A waqf certificate (certificate on edified land) is handed over to the Nadzir (the manager of edified land). In the event that the right holder has passed away, the certificate is handed over to his/her heir or to one of his/her heirs with approval of the other heirs.

Section (4)

In the event of an apartment ownership right held by a married man or a married woman, such a letter of appointment is not required.

Section (5)

With this provision, each of the joint-right holders hold a certificate which mentions how much share each of them has in the joint right in question.

Thus, it will be easy for each of them to take a legal act on his/her own share in the joint right without having to make any changes to the certificate first, except if the certificate expressly states that any legal act is taken unless with approval of the other joint-right holders.

Section (6)

Sufficiently clear.

## Article 32

### Section (1)

A certificate is strong evidence in the sense that until they are proven otherwise, the physical data and juridical data which it contains should be accepted as true. Of course, the physical data and juridical data shown by a certificate should match what is shown by the relevant land book and measurement document because such data have been taken from the land book and measurement document.

### Section (2)

The land registration whose administration is ordered by UUPA does not adopt the positive publication system, in which the truth of the presented data is guaranteed by the state, but it adopts the negative publication system.

Under the negative publication system, the State does not guarantee the truth of the presented data. However, the negative publication system should not be adopted in its pure form. This can be seen from the provision contained in Article 19 section (2) point c of UUPA, namely that a right evidencing document that has been issued serves as strong evidence, and from Articles 23, 32, and 38 of UUPA, which state that the registration of legal acts also serves as strong evidence. In addition, the provisions concerning the procedures for the collection, processing, storage, and presentation of physical data and juridical data and for the issuance of certificates under this Government Regulation clearly show that the best efforts should be made to obtain and present data that are true because the administration of land registration aims at providing guaranteed legal certainty. In view of what is explained above, the provision as referred to in section (2) is made available.

This provision is intended to keep the negative publication system in use and on the other hand to provide legal certainty on a balanced basis for those who possess land parcels in good faith and are registered as the right holders in land book with certificates as the evidence, a certificate being strong evidence according to UUPA.

One shortcoming of the negative publication system is that the party whose name is recorded as the right holder in the land book and certificate is always faced with the possibility of a claim from another party which thinks that he/she/it owns the land parcel. Generally,

this shortcoming is overcome by using the so-called “*acquisitieve verjaring*” or “adverse possession” institution. Our land law, which is based on adat law, cannot use this institution because our adat law does not recognize it. However, in our adat law, there is an institution which can be used to overcome the said shortcoming of the negative publication system, namely the so-called “*rechtsverwerking*” institution.

Under adat law, one who has left his/her/its land parcel idle for a certain period of time, after which the land parcel is acquired in good faith and worked upon by another party, he/she/it loses his/her/its right to make a claim for the land parcel. The UUPA provisions of the nullification of land rights due to abandonment (Articles 27, 34, and 40 of UUPA) are in line with this institution.

Thus, what is stipulated in this section is not a new legal provision; but, it is an application of a legal provision which has existed in adat law, which has now become part of Indonesia’s National Land Law, and at the same time it is a concrete way of applying the UUPA provisions concerning land abandonment.

#### Article 33

##### Section (1)

Since they are open to the public, the documents as referred to in this section are referred to as public registers.

##### Section (2)

Sufficiently clear.

#### Article 34

##### Section (1)

Before taking a legal act on a certain land parcel, the parties concerned should find out the data on the land parcel. In line with the principle of transparency concerning the physical and juridical data which are contained in cadastral maps, land registers, land books, and measurement documents, anybody with interest in these data is entitled to obtaining them. The failure to make use of this right is the responsibility of the relevant parties.

##### Section (2)

As a matter of fact, a name register does not contain information of a land parcel, but it contains information of the individual or corporate

body insofar as his/her/its relationship with the land parcel concerned. Such information is required by government institutions for the implementation of their duties.

Section (3)

Sufficiently clear.

Article 35

Section (1)

Sufficiently clear.

Section (2)

To prevent these very important documents which concern the interests of the public from being lost, any institution which finds it necessary to examine them is required to do so at the Land Office. Exceptions from this provision are regulated in section (4).

Section (3)

Sufficiently clear.

Section (4)

After the original documents have been presented and, if necessary, after the quotes, copies, or records of these documents have been made as referred to in section (3), they should be brought re-stored at the places as referred to in section (1) and section (2).

Section (5)

Storing documents in electronic devices and microfilm helps save on space and facilitates access to the required data. However, the administration of such storage requires preparations, equipment, personnel, and large amounts of funds. In view of this, the implementation of such administration will be carried out in stages.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 36

Section (1)

A change in physical data takes place in the case of a separation, subdivision, or consolidation concerning registered land parcels. A change in juridical data takes place in the case of, for example, an encumbrance or a transfer of the right on a registered land parcel.

Section (2)

Sufficiently clear.

Article 37

Section (1)

Sufficiently clear.

Section (2)

Exceptions from the provision contained in section (1) needs to be granted to remote areas for which no Provisional PPAT have been designated as referred to in Article 7 section (2), so as to enable local people to take legal acts on land parcels.

Article 38

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 39

Section (1)

In this section, the functions and responsibilities of a PPAT as implementer of land registration are realized. A PPAT deed is required to be made in such a way that it can be used as a strong basis for the registration of a right transfer and right encumbrance. Therefore, a PPAT is responsible for making sure that the requirements for the legality of the relevant legal act are fulfilled, amongst others, checking on the data shown in the certificate against the registers kept at the Land Office.

The term “an absolute power of attorney” as referred to in point d means a power of attorney which cannot be revoked by the provider. Hence, an absolute power of attorney is basically a legal act affecting a right transfer.

One of the requirements as referred to in point g will be the injunction as stipulated in Government Regulation Number 48 of 1994 on Payment of Income Taxes on Income from Transfers of Land and Building Rights in conjunction to Government Regulation Number 27 of 1996 on Amendment to Government Regulation Number 48 of 1994

on Payment of Income Taxes on Income from Transfers of Land and Building Rights against making a deed in the case where a photocopy of the relevant income tax return has not been submitted to the PPAT.

Section (2)

Sufficiently clear.

Article 40

Section (1)

As an implementer of land registration, a PPAT is obligated to submit the deeds which he/she has made to the Land Office so that the Head of the Land Office can proceed with the registration of the deeds.

Section (2)

The obligation of a PPAT is only as far as submitting the deeds, together with the supporting documents, to the Land Office. The registration of subsequent activities and the handing-over of the certificates should be arranged by the parties in interest themselves.

Article 41

Section (1)

Sufficiently clear.

Section (2)

To prevent a public auction for an object that is not clear, the most current information about the land parcel or apartment which will be auctioned should be sought from the Land Office.

Section (3)

The Land Office being the source of current information about land parcels and apartments, something which is very important for Auctioneers to obtain to have confidence in the auction objects, the Head of the Land Office must issue such information in writing, even in the case where the land parcel or apartment is currently under a dispute or under sequestration.

Section (4)

The term “an execution auction includes an auction carried out within the context of the execution of a court ruling, of security title, of a tax-related confiscation, a prosecutor-ordered confiscation, and of a PUPN (Committee for State’s Claims)-ordered confiscation. In some cases, the executor in an executor auction refuses to submit the original



certificate of the right which will be auctioned. This should not prevent the auction from being carried out. Therefore, an executor auction should proceed even if the original certificate of the land right has not been submitted by the executor to the Auctioneer.

Section (5)

These documents are to be used as a basis for the registration of the right.

Article 42

Section (1)

A right transfer resulting from a bequest takes place for the sake of law at the time the holder of the right passes away. This means that at the time the holder of a right passes away, the heir becomes the new holder of the right. The question as to who becomes the heir is regulated in the Civil Law provisions which apply to the testator.

A right transfer resulting from a bequest should also be registered within the context of providing legal protection for the heirs and for the sake of an orderly land registration administration system, namely to make sure that the data which are kept and presented always show the current condition.

Written evidence of the status of an heir can be Deed on the Right to Inherit or Heir Appointment Document or Heir Document.

Section (2)

Documents which evidence the existence of the land right with the bequeathing person are required because the registration of the right transfer can be carried out only if the right being transferred has been registered for the first time on behalf of the testator.

Section (3)

Sufficiently clear.

Section (4)

If the deed on the subdivision of the inheritance, which has been made in line with the provisions applicable to heirs, clearly shows that the inheritance should go to a certain heir, the registration of the right can be carried out directly without using another evidence of a right transfer, e.g. a PPAT deed.

Section (5)

After the right has been registered as a joint right, the registration of the subdivision of this joint right can subsequently be carried out on the basis of the provision of Article 51.

Article 43

Section (1)

The transfer of a right due to a merging or consolidation of limited-liability companies or cooperatives that is not preceded with liquidation takes place for the sake of law (Article 107 section (3) of Law Number 1 of 1995 on Limited Liability Companies) and Article 14 of Law Number 25 of 1992 on Cooperatives. In view of this, such a transfer needs to be evidenced only with a deed which proves that the merging or consolidation has taken place. This provision applies mutatis mutandis to the merging or consolidation of other corporate bodies.

Section (2)

Within the context of liquidation, a right is transferred. If the right is a land right, the transfer is evidenced with a PPAT deed.

Article 44

Section (1)

In the viewpoint of the security title, the registration of the conveyance of security title is first-time registration. Seen from the viewpoint of the right which is encumbered with security title, however, the recording of the security title in the land book and certificate of the land right which it encumbers is maintenance of land registration data.

Section (2)

Sufficiently clear.

Article 45

Section (1)

A PPAT deed provides an instrument to prove that a legal act has been taken. Therefore, if the legal act has been nullified or cancelled, the PPAT deed no longer functions as an evidence of the legal act. However, in the case where a legal act is cancelled in private by the relevant parties while it has been registered with the Land Office, the

registration of the legal act cannot be cancelled. The change in the relevant land registration data resulting from the cancellation of the legal act is to be based on other evidence, e.g. a court decision or a PPAT deed on the new legal act.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

An extension of the term of a right does not result in the right being nullified or suspended. In view of this, it is not necessary to make a new land book and a new certificate for the registration of the extension of the term of a right.

Article 48

Section (1)

The subdivision of a land parcel should be conducted in line with the current spatial plan and should not result in a failure to implement the provisions of the applicable legislation, e.g. the provisions concerning land reform [see section (4)].

Section (2)

Sufficiently clear.

Section (3)

The subdivision of a land parcel cannot harm the interests of the creditor who has a security title on the land parcel. Therefore, the subdivision of a land parcel can be carried out only after approval in writing has been obtained from the creditor or from the party who has the authority to approve the nullification of the other encumbrances on the land parcel.

The encumbrances do not always have to be nullified. In the event that the relevant land right is encumbered with security title, this security title should remain encumbering the parcels resulting from the subdivision.

Section (4)

The prevailing legislation at the time this Government Regulation is promulgated is Law Number 56 of 1960 on Determination of Agricultural Land Area.

Article 49

Section (1)

In a separation as referred to in this section, a portion is taken from a large land parcel and becomes a new land parcel. In such a case, the original land parcel remains in existence and has its identity unchanged except for its dimensions and boundaries. The term “separation” is used here to distinguish it from what happens to a land parcel in Article 48.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 50

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 51

Section (1)

In due time, a joint right -be it one obtained from a bequest or one coming into existence due to other causes needs to be subdivided into several individual rights. For such a subdivision, an agreement among the holders of the joint right is required, and it should be stated in a PPAT deed, which will serve as a basis for the registration of the subdivision. In such a subdivision, not all the holders of the joint right will necessarily have a share. In the subdivision of an inheritance, it is frequently the case that only some of the heirs become holders of the individual rights. This is all right provided that

this has been agreed upon by all the heirs in their capacity as the holders of the joint right.

Section (2)

Sufficiently clear.

Article 52

Section (1)

To record the nullification of a land right with a finite term, no confirmation from the authorized official is required.

In the case of a relinquishment of a land right, there should be evidence that the party who relinquishes the right is the holder of the right and investigations should be made to find out if the holder of the right in question is entitled to relinquishing it.

In the event that the right which will be relinquished is encumbered with a mortgage right, approval from the creditor is required. Similarly, a right holder does not relinquish his/her right if the relevant land parcel has been sequestered by the court or has other encumbrances.

Section (2)

In certain cases, the Head of the Land Office can announce the nullification of a right of which certificate has not been delivered to him/her so as to prevent any legal act from being taken on the land parcel of which right has been nullified.

Article 53

A mortgage right is an *accessoir* to a certain credit; thus, a mortgage right legally follows the transfer of the credit. This means that the transfer of a mortgage right does not require a separate legal act and that the registration of such a transfer can be carried out on the basis of evidence of *cessie*, of subrogation, or of the bequest of the guaranteed credit.

Article 54

Section (1)

Sufficiently clear.

Section (2)

The two documents as referred to in this section are written statements from the mortgage right holder as referred to in Article 22 section (4) of Law Number 4 of 1996.

Article 55

Section (1)

The term “the Court” means Public Courts, State Administrative Courts, or Religious Courts.

Section (2)

Sufficiently clear.

Section (3)

A court decision on nullification of a right must first be executed by the authorized Official before the nullification can be registered by the Head of the Land Office.

Article 56

The term “the right holder changing the name” means that the right holder remains the same person but his/her/its name has been changed. A change in the name of a right holder can take place to an individual or to a legal entity.

Article 57

Section (1)

To minimize the possibility of certificate forgery, the certificate form has been revised several times. Because of this, a right holder is allowed to have his/her certificate to be replaced with one using the latest form if he/she wishes so.

A replacement certificate can only be issued if and after all the provisions as referred to in Chapter VI of this Government Regulation have been fulfilled.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 58

Sufficiently clear.

## Article 59

### Section (1)

In the event that a land right evidenced with a PPAT deed has been transferred to another party and, before the transfer is registered, the certificate of the right is lost, the request for a replacement for the missing certificate is forwarded by the new right holder with a statement from the PPAT that at the time the PPAT deed was made, the certificate is still available.

### Section (2)

Sufficiently clear.

### Section (3)

Sufficiently clear.

### Section (4)

An objection is considered reasonable if, for example, there is a certain party who declares that the certificate is not lost but it is held by him/her with approval from the right holder within the context of a certain legal act.

### Section (5)

Sufficiently clear.

### Section (6)

Sufficiently clear.

### Section (7)

In certain areas, an announcement as referred to in section (2) costs more than the price of the relevant land parcel. In view of this, the Minister can determine other low-cost ways of making an announcement.

## Article 60

### Section (1)

Sufficiently clear.

### Section (2)

This announcement is intended to prevent people from taking a legal act on a land parcel or an apartment on the basis of a certificate which is no longer valid.

The previous certificate is automatically rendered no longer valid, because in accordance with the prevailing provisions the relevant right has transferred to the auction buyer who has won the auction and has paid the auction purchase price.

Article 61

Section (1)

The Government Regulation is an Implementing Regulation of Law Number 20 of 1997 on Non-Tax State Revenues.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Section (1)

This transitional provision is intended to enable this Government Regulation to be promptly implemented throughout Indonesia.

Section (2)

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.