

GUIDANCE FOR LAND AFFAIRS TECHNICAL CONSIDERATION IN THE ISSUANCE OF LOCATION PERMIT, STIPULATION OF LOCATION AND LICENSE TO CHANGE THE USE OF LAND

(Regulation of the Head of the National Land Affairs Agency Number 2 Year 2011, dated February 4, 2011)

BY GRACE OF GOD THE ALMIGHTY
THE HEAD OF THE NATIONAL LAND AFFAIRS
AGENCY OF THE REPUBLIC OF INDONESIA

Considering:

That in the framework of implementing Government Regulation Number 16 Year 2004 and Land Use Management and Government Regulation Number 38 Year 2007 on the Sharing of Public Administration Affairs between the Government, Provincial and Regency/Municipal Administration, it is necessary to stipulate guidance for land affairs technical consideration in the issuance of location permit, stipulation of location and license to change the use of land by a regulation of the Head of the National Land Affairs Agency of the Republic of Indonesia;

In view of :

1. Law Number 5 Year 1960 on Basic Regulation of Agrarian Principles (Statute Book of the Republic of Indonesia Year 1960 Number 104, Supplement to Statute Book of the Republic of Indonesia Number 2043);
2. Government Regulation Number 16 Year 2004 on Land Use Management (Statute Book of the Republic of Indonesia Year 2004 Number 45, Supplement to Statute Book of the Republic of Indonesia Number 4385);
3. Government Regulation Number 38 Year 2007 on the Sharing of Public Administration Affairs between the Government, Provincial and Regency/Municipal Administration (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);
4. Government Regulation Number 13 Year 2010 on Kind and Tariff of Non-Tax State Revenue Effective within the National Land Affairs Agency (Statute Book of the Republic of Indonesia Year 2010 Number 18, Supplement to Statute Book of the Republic of Indonesia Number 5100);
5. Presidential Regulation Number 10 Year 2006 on the National Land Affairs Agency;
6. Regulation of the State Minister of Agrarian Affairs/Head of the National Land Affairs Agency Number 2 Year 1999 on Location Permit;
7. Regulation of the Head of the National Land Affairs Agency Number 3 Year 2006 on Organization and Working Mechanism of the National

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- Land Affairs Agency of the Republic of Indonesia;
8. Regulation of the Head of the National Land Affairs Agency Number 4 Year 2006 on Organization and Working Mechanism of Regional Offices of the National Land Affairs Agency and Land Affairs Offices;
 9. Regulation of the Head of the National Land Affairs Agency Number 3 Year 2007 on Technical Directive for Presidential Regulation Number 36 Year 2005 on Procurement of Land for the Execution of Development for Public Interests as already amended by Presidential Regulation Number 36 Year 2005 on Procurement of Land for the Execution of Development for Public Interests;
 10. Regulation of the Head of the National Land Affairs Agency Number 1 Year 2010 on Standard of Service and Land Affairs Regulation;
1. Land Affairs Technical Consideration in the Issuance of Location Permit shall be a consideration containing provision and requirement for the use and utilization of land, as a basis for the issuance of location permit granted to a company to obtain the required land in the framework of investment, which is also effective as a license to transfer right and use the land for the need of the investment business carried out by the company.
 2. Land Affairs Technical Consideration in the Issuance of Stipulation of Location shall be a consideration containing provision and requirement for the use and utilization of land to be used for the development for public interests, which is executed by the government or regional government.
 3. Land Affairs Technical Consideration in the Issuance of License to Change the Use of Land shall be a consideration containing provision and requirement for the use and utilization of land as a basis for the granting of license to applicant to change the use and utilization of land belonging to the applicant.

DECIDES :

To stipulate:

THE REGULATION OF THE HEAD OF THE NATIONAL LAND AFFAIRS AGENCY ON GUIDANCE FOR LAND AFFAIRS TECHNICAL CONSIDERATION IN THE ISSUANCE OF LOCATION PERMIT, STIPULATION OF LOCATION AND LICENSE TO CHANGE THE USE OF LAND

Article 1

Referred to in this regulation as:

Article 2

Land affairs technical consideration shall become a requirement in the issuance of location permit, stipulation of location or license to change the use of land.

Article 3

Guidance for land affairs technical consideration in the issuance of location permit, stipulation of

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location and license to change the use of land shall be implemented with the provision:

- a. not sacrificing public interest;
- b. not affecting the use of surrounding land;
- c. complying with sustainability principle;
- d. observing justice principle; and
- e. abiding by the provision of legislation.

Article 4

- (1) The guidance for land affairs technical consideration in the issuance of location permit, stipulation of location and license to change the use of land as meant in Article 3 shall be written down further in technical guidance for the use and utilization of land.
- (2) The technical guidance for the use and utilization of as meant in paragraph (1) shall be contained in Attachment I to this regulation.

Article 5

- (1) The land affairs technical consideration in the issuance of location permit, stipulation of location and license to change the use of land shall include:
 - a. Minutes of technical land affairs consideration; and
 - b. maps of technical land affairs consideration.
- (2) Procedures for the issuance of the land affairs technical consideration as meant in paragraph (1) shall be contained in Attachment II to this regulation.

Article 6

The minutes as meant in Article 5 paragraph

(1) letter a shall contain:

- a. approval or rejection of the whole land or part of land to be used for specified kind of the use and utilization submitted by applicant through location permit, stipulation of location or license to change the use of land; and
- b. provisions and requirements in the use and utilization of land for the whole land or part of land to be used for the specified land use and utilization which is approved as meant in letter a.

Article 7

The maps of land affairs technical consideration as meant in Article 5 paragraph (1) letter b shall consist of at least:

- a. directive of location position;
- b. land use;
- c. general description of land control;
- d. land capability;
- e. conformance of land use;
- f. availability of land; and
- g. land affairs technical consideration.

Article 8

The formulation of minutes and maps as meant in Article 6 and Article 7 shall require data and information obtained on the basis of:

- a. collection of data and information in the field;
- b. regency/municipal/provincial/national land use balance; and

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- c. data and information resulting from various required sources.

Article 9

- (1) The formulation and issuance of land affairs technical consideration in the issuance of location permit, stipulation of location and license to change the use of land shall be done by a team of land affairs technical consideration.
- (2) The team as meant in paragraph (1) shall consist of:
 - a. In the case of Inter-Provincial Land Affairs Technical Consideration, it is executed by the National Team of Land Affairs Technical Consideration stipulated by a decision of the Head of the National Land Affairs Agency of the Republic of Indonesia;
 - b. In the case of inter-regency/city land affairs technical consideration, it is executed by the provincial team of land affairs technical consideration stipulated by a decision of the Head of Regional Office of the National Land Affairs Agency; and
 - c. In the case of land affairs technical consideration in a regency/city, it is executed by the regency/municipal team of land affairs technical consideration stipulated by a decision of the Head of Land Affairs Office.
- (3) The membership composition of the national team of land affairs technical consideration as meant in paragraph (2) letter a shall consist of:
 - a. Personnel In charge : The Head of the National Land Affairs Agency of the Republic of Indonesia;
 - b. Chairman concurrently member: The Deputy for Land Regulation and Arrangement Affairs;
 - c. Secretary concurrently member: The Director of Land Arrangement; and
 - d. Members : Technical components within the National Land Affairs Agency of the Republic of Indonesia.
- (4) The membership composition of the provincial team of land affairs technical consideration as meant in paragraph (2) letter b shall consist of:
 - a. Personnel in charge: Head of Regional Office of the National Land Affairs Agency;
 - b. Chairman concurrently : Head of Land Regulation and Arrangement Division;
 - c. Secretary : Head of Land Arrangement Section concurrently member ; and
 - d. Members : Technical components within Regional Office of the National Land Affairs Agency
- (5) The membership composition of the regency/municipal team of land affairs technical consideration as meant in paragraph (2) letter c shall consist of:
 - a. Personnel in charge: Head of Land Affairs Office;
 - b. Chairman concurrently: Head of Land Regulation and Arrangement Section;
 - c. Secretary : Head of Land Arrangement Sub-Section concurrently member ; and
 - d. Members : Technical components within Land Affairs Office

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- (6) In executing their tasks, the teams of land affairs technical consideration in the issuance of location permit, stipulation of location and license to change the use of land as meant in paragraph (2) shall be assisted by secretariat and field officers with the quantity and qualification adjusted to the size and kind of the requested activity.
- (7) The teams of land affairs technical consideration as meant in paragraph (2) shall be stipulated every fiscal year.
- (2) The implementation of the fostering and monitoring as meant in paragraph (1) in the case of location permit shall be done by regarding:
- minutes of land affairs technical consideration; and
 - provision in Regulation of the State Minister of Agrarian Affairs/Head of the National Land Affairs Agency Number 2 Year 1999 on Location Permit.
- (3) Results of the fostering and monitoring as meant in paragraph (2) shall become substances of consideration in the nullification of location permit as meant in Government Regulation Number 38 Year 2007 on the sharing of public administration affairs between the government, provincial administration and regency/municipal administration Attachment I sub-field 1 point 3 letter h.
- (4) The nullification of the location permit as meant in paragraph (3) shall be done by the Head of the National Land Affairs Agency of the Republic of Indonesia on the basis of recommendation of:

Article 10

Requirements for application and period of the issuance of land affairs technical consideration in the issuance of location permit, stipulation of location and license to change the use of land shall be in accordance with Regulation of the Head of the National Land Affairs Agency Number 1 Year 2010 on Standard of Land Affairs Service and Regulation.

Article 11

- (1) The fostering and monitoring of the location permit, stipulation of location and license to change the use of land shall be executed by:
- the Head of the National Land Affairs Agency of the Republic of Indonesia, in the case of national, provincial and regency/municipal level;
 - head of regional office of the national land affairs agency, in the case of provincial and regency/municipal level; and
 - head of land affairs office, in the case of regency/municipal level.
- the provincial government with consideration of Head of Regional Office of the National Land Affairs Agency; and
 - regency/municipal government with consideration of head of land affairs office.

Article 12

The cost of land affairs technical consideration in the issuance of location permit, stipulation of location and license to change the use of land shall be executed in accordance with Government Regulation

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Number 13 Year 2010 on Kind and Tariff of Non-Tax
State Revenue Effective within the National Land Af-
fairs Agency.

AGENCY OF THE REPUBLIC OF INDONESIA

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JOYO WINOTO, Ph. D

Article 13

This regulation shall come into force as from
the date of stipulation.

Editor's note:

- Due to technical reason, the attachments are not published.

Stipulated in Jakarta

On February 4, 2011

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THE HEAD OF THE NATIONAL LAND AFFAIRS