

DELEGATION OF AUTHORITY TO GRANT LAND TITLE AND SPECIFIED LAND REGISTRATION ACTIVITIES (Regulation of the Head of the National Land Affairs Agency Number 1 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

b. that having regards to letter a, it is necessary to stipulate a regulation of the Head of the National Land Affairs Agency of the Republic of Indonesia on Delegation of Authority to Grant Land Title and Specified Land Registration Activities;

Considering:

a. that in the framework of fulfilling the standard of land service and regulation and implementing the government programs in the land affairs sector, it is necessary to review provisions on delegation of authority to grant land title and specified land registration activities;

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 2013);

GOVERNMENT REGULATIONS

2. Law Number 56 Prp Year 1960 on Stipulation of the Size of Agricultural Land (Statute Book of the Republic of Indonesia Year 1960 Number 174, Supplement to Statute Book of the Republic of Indonesia Number 2117);
3. Law Number 25 Year 2009 on Public Service (Statute Book of the Republic of Indonesia Year 2009 Number 112, Supplement to Statute Book of the Republic of Indonesia Number 5038);
4. Government Regulation Number 40 Year 1996 on Right to Use Land for Business Purpose, Right to Use Land for Erecting Building and Right to Exploit Land (Statute Book of the Republic of Indonesia Year 1996 Number 58, Supplement to Statute Book of the Republic of Indonesia Number 3643);
5. Government Regulation Number 24 Year 1997 on Land Registration (Statute Book of the Republic of Indonesia Year 1997 Number 59, Supplement to Statute Book of the Republic of Indonesia Number 3696);
6. Government Regulation Number 13 Year 2010 on Kind and Tariff of Non-Tax State Revenue Effective Withing 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);
7. Presidential Regulation Number 10 Year 2006 on the National Land Affairs Agency;
8. Presidential Decree Number 98/M Year 2005 on the Appointment of the Head of the National Land Affairs Agency;
9. Regulation of the State Minister of Agrarian Affairs/Head of the National Land Affairs Agency Number 3 Year 1997 on Technical Directives for Government Regulation Number 24 Year 1997 on Land Registration;
10. Regulation of the State Minister of Agrarian Affairs/Head of the National Land Affairs Agency Number 3 Year 1999 on Delegation of Authority to Grant and Nullify Decision on the Granting of Right to State Land;
11. Regulation of the Head of the National Land Affairs Agency Number 3 Year 2006 on Organization and Working Mechanism of the National Land Affairs Agency of the Republic of Indonesia;
12. Regulation of the Head of the National Land Affairs Agency Number 4 Year 2006 on Organization and Working Mechanism of Regional Office of the National Land Affairs Agency and Land Affairs Office;
13. Regulation of the Head of the National Land Affairs Agency Number 1 Year 2010 on Standard of Land Affairs Service and Regulation;

DECIDES :

To stipulate:

THE REGULATION OF THE HEAD OF THE NATIONAL LAND AFFAIRS AGENCY ON DELEGATION OF AUTHORITY TO GRANT LAND TITLE AND SPECIFIED LAND REGISTRATION ACTIVITIES.

GOVERNMENT REGULATIONS

CHAPTER I

GENERAL PROVISION

Article 1

Referred to in this regulation as:

1. Land Title shall be proprietary right, right to use land for business purpose, right to use land for erecting building and right to exploit land.
2. State Land or land controlled directly by the state shall be land not owned by land title.
3. Management Right shall be a right to control from the state, with the operational authority partly delegated to the holder of the right.
4. Granting of Land Title shall be a government stipulation granting a right to state land, including the extension of the validity period of the right and renewal of the right as well as the granting of right above the management right.
5. Granting of Land Title in general shall be the granting of right to a land plot matching specified criteria to right recipient fulfilling specified criteria, which is executed by one stipulation of right granting.
6. Extension of Validity Period of Right shall be a government stipulation granting the addition to the validity period of a land title.
7. Renewal of Right shall be a government stipulation granting the same right to holder of land title following the expiration of the validity period of the right or the extension thereof.
8. Special Land Registration Activities shall be activities such as the signing of measuring document, land book, certificate, recording of confiscation, lifting of confiscation, certificate checking, issuance of land registration certificate and other recording.
9. Measuring Document shall be a document containing physical data about a land plot in the form of map and description.
10. Land Book shall be a document in the form of list containing judicial and physical data about an object of land registration already having right.
11. Certificate shall be a proof of right as meant in Article 19 paragraph (2) letter c of the Agrarian Principle Law for land title, management right, communal land, strata title to unit of flat and mortgage right respectively already booked in the said land book.
12. Regional Office of the National Land Affairs Agency, hereinafter called Kanwil Badan Pertanahan Nasional shall be a vertical institution of the National Land Affairs Agency in a province, which is subordinate and responsible directly to the Head of the National Land Affairs Agency of the Republic of Indonesia.
13. Land Affairs Office shall be a vertical institution of the National Land Affairs Agency of the Republic of Indonesia in a regency/city, subordinate and responsible directly to the Head of the National Land Affairs Agency through Head of Kanwil Badan Pertanahan Nasional.

CHAPTER II

SCOPE

Article 2

GOVERNMENT REGULATIONS

The regulation shall regulate authority to grant land title and specified land registration activities.

CHAPTER III

AUTHORITY TO GRANT LAND TITLE

Part One

Authority of Head of Land Affairs Office

Paragraph 1

Proprietary Right

Article 3

Heads of Land Affairs Office shall make decision on:

- a. the granting of proprietary right to agricultural land with the size not exceeding 20,000 M² (twenty thousand square meter).
- b. the granting of proprietary right to non-agricultural land with the size not exceeding 2,000 M² (two thousand square meter).
- c. the granting of proprietary right in the framework of implementing programs:
 - 1) transmigration;
 - 2) redistribution of land;
 - 3) land consolidation; and
 - 4) strategic, mass land registration and other programs.

Paragraph 2

Right To Use Land for Erecting Building

Article 4

Heads of Land Affairs Office shall make decision on:

- a. the granting of right to use land for erecting build-

ing to individual person on land plot with the size not exceeding 1,000 M² (one thousand square meter).

- b. the granting of right to use land for erecting building to legal entity on land plot with the size not exceeding 5,000 M² (five thousand square meter).
- c. the whole granting of right to use land for erecting building on land of management right.

Paragraph 3

Right To Exploit Land

Article 5

Heads of Land Affairs Office shall make decision on:

- a. the granting of right to exploit land to individual person on agricultural land with the size not exceeding 20,000 M² (twenty thousand square meter).
- b. the granting of right to exploit land to legal entity on agricultural land with the size not exceeding 20,000 M² (twenty thousand square meter).
- c. the granting of right to exploit land to individual person on non-agricultural land with the size not exceeding 2,000 M² (two thousand square meter).
- d. the granting of right to exploit land to legal entity on non-agricultural land with the size not exceeding 2,000 M² (two thousand square meter).
- e. the whole granting of right to exploit land on land of management right.

GOVERNMENT REGULATIONS

Part Two

Authority of Head of Regional Office of the National Land Affairs Agency

Paragraph 1

Proprietary Right

Article 6

Heads of Regional Offices of the National Land Affairs Agency shall make decision on:

- a. the granting of proprietary right to agricultural land with the size exceeding 20,000 M² (twenty thousand square meter).
- b. the granting of proprietary right to non-agricultural land with the size exceeding 2,000 M² (two thousand square meter).
- c. the granting of proprietary right to non-agricultural land with the size exceeding 2,000 M² (two thousand square meter) and not exceeding 5,000 M² (five thousand square meter).

Paragraph 2

Right To Use Land For Business Purpose

Article 7

Heads of Regional Offices of the National Land Affairs Agency shall make decision on the granting of right to use land for business purpose on land with the size not exceeding 1,000,000 M² (one million square meter).

Paragraph 3

Right To Use Land For Erecting Building

Article 8

Heads of Regional Offices of the National Land Affairs Agency shall make decision on:

- a. the granting of right to use land for erecting building to individual person on land with the size exceeding 1,000 M² (one thousand square meter) and not exceeding 5,000 M² (five thousand square meter);
- b. the granting of right to use land for erecting building to legal entity on land with the size exceeding 5,000 M² (five thousand square meter) and not exceeding 75,000 M² (seventy five thousand square meter).

Paragraph 4

Right To Exploit Land

Article 9

Heads of Regional Offices of the National Land Affairs Agency shall make decision on:

- a. the granting of right to exploit land to individual person on agricultural land with the size exceeding 20,000 M² (twenty thousand square meter).
- b. the granting of right to exploit land to legal entity on agricultural land with the size exceeding 20,000 M² (twenty thousand square meter).
- c. the granting of right to exploit land to individual person on non-agricultural land with the size exceeding 2,000 M² (two thousand square meter) and not exceeding 5,000 M² (five thousand square meter).
- d. the granting of right to exploit land to legal entity on non-agricultural land with the size exceeding 2,000 M² (two thousand square meter) and not exceeding 25,000 M² (twenty five thousand square meter).

GOVERNMENT REGULATIONS

Part Three

Authority of the Head of the National Land Affairs
Agency of the Republic of Indonesia

Article 10

The Head of the National Land Affairs Agency of the Republic of Indonesia shall stipulate the granting of land title granted in general.

Article 11

The Head of the National Land Affairs Agency of the Republic of Indonesia shall make decision on the granting of land title having authority not delegated to Heads of Regional Offices of the National Land Affairs Agency or Heads of Land Affairs Offices.

CHAPTER IV

AUTHORITY TO CONDUCT SPECIFIED LAND REGISTRATION ACTIVITIES

Part One

Authority to Sign Measuring Document

Article 12

- (1) The Head of Survey, Measuring and Mapping Section shall sign measuring document in the framework of land registration for the first time sporadically.
- (2) Copy of the measuring document that constitutes part of certificate shall be signed by official authorized to sign certificate.

Article 13

- (1) In the case of the Head of Survey, Measuring and Mapping Section being absent because of

official duty, leave, sickness or other causes for 5 (five) working days consecutively and caretaker or acting Head of Survey, Measuring and Mapping Section being not appointed, the measuring document as meant in Article 12 paragraph (1) shall be signed by Head of Measuring and Mapping Sub-Section on behalf of the Head of the Survey, Measuring and Mapping Section on the basis of decision on appointment of officer signing measuring document, which is stipulated by Head of Land Affairs Office.

- (2) Copy of the decision on the appointment of officer signing measuring document as meant in paragraph (1) shall be submitted to the Head of Regional Office of the National Land Affairs Agency and the Head of the National Land Affairs Agency of the Republic of Indonesia.

Article 14

- (1) Besides the matters as meant in Article 13 paragraph (1), Head of Land Affairs Office may assign the Head of the Measuring and Mapping Sub-section to sign measuring document in the framework of implementing strategic, mass and other land affairs programs.
- (2) The assignment to sign the measuring document as meant in paragraph (1) shall be done by issuing decision on delegation of authority.
- (3) Copy of the decision on delegation of authority as meant in paragraph (2) shall be submitted to Head of Regional Office of the National Land Affairs Agency and the Head of the National Land

GOVERNMENT REGULATIONS

Affairs Agency of the Republic of Indonesia.

Part Two

Authority To Sign Land Book, Certificate and Land Registration Certificate

Article 15

Land Book, land certificate and land registration certificate in the registration of land for the first time and maintenance of land registration data sporadically shall be signed by Head of Land Affairs Office.

Article 16

- (1) In the case of the Head of Land Affairs Office being absent because of official duty, leave, sickness or other causes for a period exceeding 10 (ten) working days consecutively or acting official caretaker of the Head of Land Affairs Office being not appointed, the signing of land book and certificate as meant in Article 15 shall become authority of the Head of the Land Title and Registration Section on the basis of decision on the appointment of officer signing land book and certificate stipulated by the Head of Regional Office of the National Land Affairs Agency.
- (2) Copy of the decision on the appointment of officer signing land book and certificate as meant in paragraph (1) shall be submitted to the Head of the National Land Affairs Agency of the Republic of Indonesia.

Article 17

- (1) In the case of the Head of Land Affairs Office having work load of land registration for the first time and maintenance of land registration data, exceeding 1,000 (one thousand) activities per month or having the target to implement strategic, mass and other land affairs programs totally exceeding 5,000 (five thousand) land plots per annum, part of the authority to sign land books and certificates residing on the Head of Land Affairs Office shall be delegated to the Head of the Land Title and Registration Section.
- (2) The authority to sign land books and certificate by the Head of the Land Title and Registration as meant in paragraph (1) shall be effective for the provision of service for the registration of land for the first time and maintenance of data about the registration of land with the size not exceeding 500 M² (five hundred square meter) in the case of non-agricultural land and not exceeding 10,000 M² (ten thousand square meter) in the case of agricultural land, except:
 - a. the registration of land for land title belonging to foreigners domiciled in Indonesia, foreign business entities having representatives in Indonesia and representatives of foreign countries and international agencies;
 - b. the registration of mortgage right, transfer of mortgage right (Cessie), change in creditor (Subrogation);
 - c. separation, split and combination of land plots belonging to legal entity;
 - d. the registration of management right;

GOVERNMENT REGULATIONS

- e. the registration of right to use land for business purpose;
- f. the registration of strata title to unit of flat; and
- g. the issuance of substitute certificate because of loss.

Article 18

Besides the authority as meant in Article 17 paragraph (2), the Head of Land Affairs Office shall be obliged to delegate authority to sign and record to the head of the land title and registration section or the head of sub-section appointed in the land title and registration section to implement the following matters:

- a. the signing of land registration certificate;
- b. the recording of confiscation and lifting of confiscation;
- c. the checking of certificate; and
- d. other recording.

Article 19

- (1) The work load as meant in Article 17 paragraph (1) shall be counted on the basis of the average activity of land registration service in the last 12 (twelve) months, which is stipulated by a decision of the Head of Regional Office of the National Land Affairs Agency.
- (2) Based on the decision as meant in paragraph (1), the Head of Land Affairs Office shall be obliged to delegate authority to sign the land book and certificate as meant in Article 17 paragraph (2) and Article 18, which is stipulated by a decision

of the Head of Land Affairs Office.

- (3) Copy of the decision of the Head of Land Affairs Office as meant in paragraph (2) shall be submitted to the Head of Regional Office of the National Land Affairs Agency and the Head of the National Land Affairs Agency.

CHAPTER V

MISCELLANEOUS PROVISION

Article 20

Decision on the extension of the validity period of land title and renewal of land title shall be issued by officials by virtue of their authority to the size of land governed in the provisions of this regulation.

Article 21

- (1) Recipient of the delegated authority to grant land title shall act on behalf of the Head of the National Land Affairs Agency of the Republic of Indonesia in issuing decision containing stipulation on the granting of land title.
- (2) Recipients of the delegated authority to undertake specified land registration activities shall act on behalf of the Head of Land Affairs Office in signing the specified land registration activities.

Article 22

- (1) Recipients of the delegated authority to grant land title and undertake specified land registration activities shall be prohibited from splitting intentionally land plot already set to be granted and/or registered by a right to individual or legal entity with a view that the stipulation on the granting of

GOVERNMENT REGULATIONS

right and specified land registration activities may be issued by the relevant in accordance with the provision on the delegation of authority in this regulation.

- (2) Any violation of the authority provision as governed in this regulation shall be subject to disciplinary sanction of personnel in accordance with the provision of legislation.

Article 23

Heads of Regional Offices of the National Land Affairs Agency and Heads of land Affairs Offices shall complete promptly everything needed and issue decision on delegation of authority in the framework of implementing this regulation in no later than one month as from the date of enforcement of this regulation.

Article 24

Heads of Land Affairs Offices and Heads of Regional Offices of the National Land Affairs Agency shall report the implementation of the delegation of authority as governed in this regulation to the Head of the National Land Affairs Agency of the Republic of Indonesia hierarchically every end of month.

CHAPTER VI

CONCLUSION

Article 25

Following the enforcement of this regulation:

1. Regulation of the State Minister of Agrarian Affairs/Head of the National Land Affairs Agency Number 7 Year 1998 on Authority to Sign Land Book, Measuring Document and Certificate;
2. Provisions of Regulation of the State Minister of Agrarian Affairs/Head of the National Land Affairs Agency Number 3 Year 1999 on Delegation of Authority to Grant and Nullify Decision on the Granting of Right to State Land in so far as regulating the delegation of authority to issue decision on the granting of land title;
3. Other provisions contravening this regulation, Shall be revoked and declared null and void.

Article 26

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

Stipulated in Jakarta

On February 4, 2011

THE HEAD OF THE NATIONAL LAND AFFAIRS
AGENCY OF THE REPUBLIC OF INDONESIA

sgd

JOYO WINOTO, Ph.D.

(R)