

TECHNICAL DIRECTIVE FOR THE PROCUREMENT OF LAND

(Regulation of the Head of the National Land Affairs Agency Number 5 Year 2012 dated October 30, 2012)

BY GRACE OF GOD THE ALMIGHTY

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

Considering:

in order to execute the provision of Article 111 paragraph (2) of Presidential Regulation Number 71 Year 2012 on the procurement of land for public-interest development, it is necessary to stipulate a regulation of the Head of the National Land Affairs Agency regarding Technical Directive for the Procurement of Land;

In view of:

1. Law Number 2 Year 2012 on the Procurement of Land for Public-Interest Development (Statute Book of the Republic of Indonesia Year 2012 Number 22, Supplement to Statute Book of the Republic of Indonesia Number 5280);
2. Presidential Regulation Number 71 Year 2012 on the Implementation of Land Procurement for Public Interest Development, (Statute Book of the Republic of Indonesia Year 2012 Number 156);

DECIDES:

To stipulate:

THE REGULATION OF THE HEAD OF THE NATIONAL LAND AFFAIRS AGENCY ON TECHNICAL DIRECTIVE FOR THE PROCUREMENT OF LAND

CHAPTER I

THE EXECUTION OF LAND PROCUREMENT

Part One

General

Article 1

- (1) The procurement of land shall be executed by Heads of Regional Offices of the National Land Affairs Agency as Executive Chairman of Land Procurement.
- (2) In executing the procurement of land as meant in paragraph (1), Heads of Regional Offices of the National Land Affairs Agency may mobilize employees within their working unit.
- (3) The Head of Regional Offices of the National Land Affairs Agency as meant in paragraph (1) may assign Heads of Land Affairs Offices as Executive Chairpersons of Land Procurement.

Article 2

- (1) The assignment of heads of land affairs offices as executive chairpersons of land procurement as meant in Article 1 paragraph (3) shall be done by considering efficiency, effectiveness, geographic condition and human resources.
- (2) The assignment of heads of land affairs office as meant in paragraph (1) shall apply to the procurement of land located in one regency/city.
- (3) The assignment as meant in paragraph (1) shall be executed by a decision of the Head of Regional Office of the National Land Affairs Agency.
- (4) The assignment decision as meant in paragraph (3) shall be made in accordance with Attachment I.
- (5) Copy of the assignment decision as meant in paragraph (3) shall be made available to the Head of the National Land Affairs Agency of the Republic of Indonesia, Governor, Regent/Mayor overseeing the location of land procurement, institution needing land and related institutions.
- (6) The assignment as meant in paragraph (1) by the Head of Regional Office of the National Land Affairs Agency shall be reported to the Head of the National Land Affairs Agency of the Republic of Indonesia.
- (7) The report of the Head of Regional Office of the National Land Affairs Agency as meant in paragraph (6) shall be made in accordance with Attachment II.

Article 3

- (1) If the procurement of land is executed by the Regional Office of the National Land Affairs Agency as meant in Article 1 paragraph (1), the membership composition of the land procurement executive team shall be as follows:
 - a. Head of the Regional Office of the National Land Affairs Agency as Chairman;
 - b. Head of Land Title and Registration Division or the appointed official equivalent to Echelon III as member;
 - c. Head of Local Land Affairs Office in the location of land procurement as member;
 - d. Appointed Official of working unit of provincial apparatus minimally equivalent to Echelon III in charge of land affairs or official equivalent to Echelon III as member;
 - e. Appointed Official of working unit of regency/municipal apparatus minimally equivalent to Echelon III in charge of land affairs or official equivalent to Echelon III as member;
 - f. Head of local district or other name in the location of land procurement as member;
 - g. Head of local sub-district/village or other name in the location of land procurement as member; and
 - h. Head of Government Land Regulation Section or the appointed official equivalent to Echelon IV as secretary concurrently member.

(2) If the procurement of land is executed by the Head of Land Affairs Office as meant in Article 1 paragraph (2), the membership composition of the land procurement executive team shall be minimally as follows:

- a. Head of Land Affairs Office as chairman;
- b. Head of the Land Title and Registration Section or the appointed official equivalent to Echelon IV as member;
- c. Official of working unit of regency/municipal apparatus minimally equivalent to Echelon IV in charge of land affairs as member;
- d. Head of local district or other name in the location of land procurement as member;
- e. Head of local sub-district/village or other name in the location of land procurement as member; and
- f. Head of the Government Land Regulation Section or the appointed official as secretary concurrently member.

(3) The land procurement executive team as meant in paragraph (1) and paragraph (2) shall be assisted by Secretariat of the Land Procurement Executive Team.

(4) The membership of the secretariat of the land procurement executive team as meant in paragraph (3) shall consist of officials and staffs appointed by the executive chairman of land procurement, maximally 4 (four) people.

(5) The secretariat of the land procurement executive team as meant in paragraph (3) shall be assigned

to prepare administration of land procurement, covering finance, documentation and other correspondence.

Article 4

(1) The executive chairman of land procurement as meant in Article 3 paragraph (1) or paragraph (2) shall stipulate decision on membership composition of the land procurement executive team for every activity of land procurement and secretariat.

(2) The decision as meant in paragraph (1) shall be made in accordance with Attachment III A or Attachment III B.

Article 5

The timetable of the execution of land procurement as meant in Article 52 up to Article 111 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public interest development shall include:

- a. preparation of the implementation;
- b. inventorying and identification;
- c. stipulation of appraiser;
- d. deliberation about the stipulation of model of compensation;
- e. granting of compensation;
- f. granting of compensation in special condition;
- g. consignment of compensation;
- h. relinquishment of land procurement object;
- i. termination of legal relations between the parties

entitled to land procurement object; and

- j. documentation of site map, nominative list and land procurement administrative data.

Part Two

Preparation of the Implementation

Article 6

- (1) After Head of Regional Office of the Land Affairs Agency receives application for the execution of land procurement from the institution needing land as meant in Article 52 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development, the Head of Regional Office of the National Land Affairs Agency shall examine and consider whether the land procurement is executed by the Head of Regional Office or Head of Land Affairs Office as meant in Article 1 paragraph (1) or paragraph (3) and Article 2 paragraph (1).

- (2) The executive chairman of land procurement as meant in paragraph (1) shall prepare the execution as meant in Article 52, Article 53 and Article 54 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-Interest Development.

- (3) The preparation for the implementation of land procurement as meant in paragraph (2) shall be written down into a work plan, minimally:

- a. preparing agenda of the implementation meeting;
- b. preparing the required administration;

- c. submitting the need for operational budget of the execution of land procurement;
- d. inventorying and identifying;
- e. technical constraints in the implementation;
- f. formulating strategy and solution to constraints and obstacles in the implementation;
- g. preparing coordinative measures internally and externally in the implementation;
- h. stipulating appraiser;
- i. valuation;
- j. deliberation about stipulation of compensation;
- k. granting/consignment of compensation;
- l. relinquishment of land procurement object and termination of legal relations;
- m. granting of evidence of acquisition/control from the entitled party;
- n. preparing document of result of the execution of land procurement.
- o. granting result of land procurement

- (4) The work plan as meant in paragraph (3) shall contain at least:

- a. funding plan of the implementation;
- b. time table and schedule of the implementation;
- c. plan of the need for executive personnel;
- d. plan of the need for materials and equipment of the implementation;
- e. inventorying and alternative solution to obstructive factors in the implementation; and
- f. monitoring system of the implementation.

- (5) The Chairman of the Land Procurement Executive Team shall set up a task force executing land procurement.

Article 7

The task force as meant in Article 6 paragraph

- (5) shall include task force in charge of the inventorying and identification of:
- data about physical control, ownership, use and utilization of land, hereinafter called Satgas A.
 - data about the entitled party and object of land procurement, hereinafter called Satgas B.

Article 8

- (1) Satgas A and Satgas B as meant in Article 7 shall consist of one chairman and at least 2 (two) members.
- (2) Chairman and members of Satgas A shall consist of employees of the National Land Affairs Agency having competence in the field of survey, measuring and mapping, and shall be stipulated by decision of the chairman of the Land Procurement Executive Team.
- (3) Chairman and members of Satgas B shall consist of employees of the National Land Affairs Agency having competence in the field of land, legal, managerial and mapping affairs and shall be stipulated by decision of the chairman of the Land Procurement Executive Team.
- (4) If needed to assist Satgas A, Chairman of the Land Procurement Executive Team may use li-

censed surveyor to execute the measuring and mapping in accordance with the provision of legislation.

- (5) If needed to assist Satgas B, Chairman of the Land Procurement Executive Team may supplement members resulting from related institutions.
- (6) If necessary, Chairman of the Land Procurement Executive Team may establish Satgas A and/or Satgas B respectively more than one Satgas.

Part Three

Inventorying and Identification

Article 9

- (1) After the Chairman of the Land Procurement Executive Team prepares the implementation, the land procurement executive team along with Satgas shall inform the entitled party through head of sub-district/village or other name as meant in Article 55 letter f and letter g of Presidential Regulation 71 Year 2012 regarding the Execution of Land Procurement for Public-Interest Development.
- (2) The notification as meant in paragraph (1) shall be submitted directly by means of socialization, face to face meeting or letter of notification.
- (3) Following the execution of the socialization, face to face meeting or letter of notification as meant in paragraph (2), Satgas shall carry out the inventorying and identification as meant in Article 55 up to Article 62 of Presidential Regulation 71 Year 2012 regarding the Execution of Land Procurement for Public-Interest Development.

Article 10

- (1) Satgas A as meant in Article 7 letter a shall measure and map out land area by area, covering:
 - a. measuring the surrounding border of location of land procurement;
 - b. measuring area by area;
 - c. counting, drawing area per area and surrounding border; and
 - d. mapping area per area and surrounding border of land.
- (2) The measuring of area by area as meant in paragraph (1) letter b shall be done by means of measuring and mapping land of the entitled party inside the area of the land or trase.

Article 11

- (1) In the event that the rest of specified land square already registered is affected by land procurement and cannot be functioned anymore in accordance with the allocation and utilization thereof, the land square shall be measured and mapped totally and granted compensation on the basis of request of the entitled party.
- (2) Based on the request of the entitled party as meant in paragraph (1), the land procurement executive team shall conduct verification.
- (3) In the case of the verification result showing that the rest of the land cannot be functioned anymore in accordance with the allocation and utilization thereof as meant in paragraph (2), institution needing land shall grant compensation.

Article 12

In the event that the rest of specified land square already registered is affected by land procurement and still can be functioned in accordance with the allocation and utilization thereof, the separation of right shall be executed by Head of Land Affairs Office at expense of the institution needing land.

Article 13

- (1) In the event that the rest of specified land square not yet registered is affected by land procurement and cannot be functioned anymore in accordance with the allocation and utilization thereof, the land square shall be measured and mapped totally and granted compensation on the basis of request of the entitled party.
- (2) Based on the request of the entitled party as meant in paragraph (1), the land procurement executive team shall conduct verification.
- (3) In the case of the verification result showing that the rest of the land cannot be functioned anymore in accordance with the allocation and utilization thereof as meant in paragraph (2), institution needing land shall grant compensation.

Article 14

- (1) D In the event that the rest of specified land square not yet registered is affected by land procurement and still can be functioned in accordance with the allocation and utilization thereof, the land square shall be recorded in village/sub-district book or

other name as well as document underlying the land title

- (2) In the case of the rest of the land square as meant in paragraph (1), the entitled part shall reserve a right to demand the measuring and/or application for right and registration of right and the cost shall be charged to the entitled party.

Article 15

- (1) Result of the measuring and mapping of square per area of land as meant in Article 10 shall be written down into land square map signed by the Chairman of Satgas A.
- (2) The land square map as meant in paragraph (1) shall be made in accordance with Attachment IV.

Article 16

- (1) Satgas B as meant in Article 7 letter b shall collect data minimally:
- a. name, occupation and address of the entitled party;
 - b. demography identification number or other identity of the entitled party;
 - c. evidence of control and/or ownership of land, building, plant and/or material related to land;
 - d. position of land, size of land and square identification number;
 - e. status of land and document thereof;
 - f. kind of the use and utilization of land;
 - g. control and/or ownership of land, building, and/or other material related to land;

- h. burdening of land title; and
- i. space above and below the land.

- (2) Document required as evidence of control and/or ownership as meant in paragraph (1) letter c and letter g, in the case of land not yet registered, in the framework of inventorying and identifying data about the entitled party and object of land procurement shall be based on:

- a. the basis for control/evidence of ownership of land as meant in Article 21 paragraph (2) and Article 24 paragraph (2) of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-Interest Development; and
- b. in the case of the basis for control and/or evidence of ownership as meant in letter a being not available, it is proven by written statement regarding physical control over the land square and witnessed by at least 2 (two) witnesses from local environment that have no familial relations with the said person up to the second degree vertically and horizontally, certifying the party is true as the owner or control a land square.

- (3) The collected data as meant in paragraph (1) shall also include data about land square:

- a. currently becoming an object of casa in the court;
- b. having ownership disputed;
- c. stipulated as confiscation by the authorized

- d. becoming guarantee at bank;
 - e. having whereabouts of the entitled part unknown; and
 - f. others deemed necessary.
- (4) Result of the inventorying and identification by Satgas B, as meant in paragraph (2) shall be compiled in the form of nominative list.
- (5) The data as meant in paragraph (1) and paragraph (2) compiled in the nominative list shall contain at least:
- a. identity of the entitled party;
 - b. position, size, and status/kind of right;
 - c. size and kind of building;
 - d. kind of the use;
 - e. growing plants and other materials related to land; and
 - f. burdening of land title or fiduciary.
- (6) The nominative list as meant in paragraph (5) shall be signed by Chairpersons of Satgas A and Satgas B.
- (7) The nominative list as meant in paragraph (5) shall be made in accordance with Attachment V.

Article 17

- (1) The result of inventorying and identification as meant in Article 15 paragraph (1) and Article 16 paragraph (4) shall be submitted by Chairman of Satgas to the Chairman of the Land Procurement Executive Team by account of result of inventorying and identification.
- (2) The account of result of inventorying and identification as meant in paragraph (1) shall be made in

accordance with Attachments VIA and VIB.

- (3) The result of inventorying and identification as meant in paragraph (1) shall be announced in office of sub-district/village or other name, office of district or other name, and location of the development minimally 14 (fourteen) working days.
- (4) The announcement as meant in paragraph (3) shall be executed by the chairman of the land procurement executive team.
- (5) The model of the announcement as meant in paragraph (3) shall be made in accordance with Attachment VII.

Article 18

- (1) In the case of the entitled party raising objection to the result of the inventorying and identification as meant in Article 15 paragraph (1) and Article 16 paragraph (4), the entitled party may raise objection to the Chairman of the Land Procurement Executive Team in the interval period of the 14 (fourteen) working day announcement period as from the announcement of the result of the inventorying and identification.
- (2) If the objection to the result of the inventorying and identification as meant in paragraph (1) is acceptable, the Chairman of the Land Procurement Executive Team shall verify the land square map and/or nominative list.
- (3) In executing the verification and revision as meant in paragraph (2), the executive chairman shall assign related Satgas.

(4) In the case of the land square map and/or nominative list as meant in paragraph (3) being verified and revised, account of verification and revision of the result of inventorying and identification shall be made and signed by the chairman of the land procurement executive team.

(5) The account of the verification and revision of result of the inventorying and identification as meant in paragraph (4) shall be made in accordance with Attachment VIII.

(6) If the size of land mentioned in evidence of land control and/or ownership is different from the size of land resulting from the verification and revision as meant in paragraph (4), the result of the verification and revision shall become a basis for the granting of compensation.

(7) In the case of the objection to the result of the inventorying and identification as meant in paragraph (1) being rejected, the Chairman of the Land Procurement Executive Team shall explain reason for the rejection, which is written down into account of rejection of objection, later submitted to the entitled party raising the objection.

(8) The account of rejection of the objection as meant in paragraph (7) shall be made in accordance with Attachment IX.

(9) The account of the rejection as meant in paragraph (8) shall be final.

Article 19

Result of inventorying and identification already

announced and not raising objection from the entitled party as meant in Article 17 paragraph (4) or result of verification and revision of the inventorying and identification as meant in Article 18 paragraph (4) shall become a basis for determining the entitled party in the granting of compensation.

Part Four

Appraiser

Article 20

(1) The Chairman of the Land Procurement Executive Team shall stipulate appraiser in accordance with the provision of legislation in the field of the procurement of government goods/services.

(2) The procurement of appraiser service as meant in paragraph (1) shall be executed by simple selection or general selection in no later than 30 (thirty) working days.

(3) Timetable of the procurement of appraiser service and allocation of time to the simple selection or general selection as meant in paragraph (2) shall be made in accordance with Attachment XA and Attachment XB.

Article 21

(1) In the case of the procurement of appraiser service as meant in Article 20 failing or being unable to materialize in the period of 20 (twenty) working days, the Executive Chairman of Land Procurement shall appoint public appraiser.

- (2) The public appraiser as meant in paragraph (1) shall constitute government appraiser already stipulated/securing license from the Minister of Finance to provide appraisal service.
- (3) The appointment of the public appraiser as meant in paragraph (1) shall be done by the Executive Chairman of Land Procurement after coordinating with institution overseeing the government appraiser.

Article 22

- (1) In executing the task, appraiser or public appraiser shall seek land square map, nominative list and data required for substance of valuation from the Executive Chairman of Land Procurement.
- (2) Based on the request as meant in paragraph (1), the Executive Chairman of Land Procurement shall grant the requested data by preparing account of the delivery of result of inventorying and identification.
- (3) The account of delivery of result of the inventorying and identification as meant in paragraph (1) shall be made in accordance with Attachment XI.

Article 23

- (1) Appraiser shall be assigned to value the amount of compensation for every square of land, covering:
 - a. land;
 - b. space above and below the land;
 - c. building;

- d. plant;
- e. materials related to land; and/or
- f. other valuable losses.

- (2) The value of compensation on the basis of the result of valuation by the appraiser as meant in paragraph (1) shall be submitted by the appraiser to the executive chairman of land procurement by account of delivery of valuation result.
- (3) The account of delivery of the valuation result as meant in paragraph (2) shall be made in accordance with Attachment XII.

Article 24

The valuation result as meant in Article 23 paragraph (2) shall be used as basis for deliberation about the stipulation of model of compensation.

Part Five

Deliberation about Stipulation of Compensation

Article 25

- (1) Deliberation shall be executed in accordance with the provision of Article 68 up to Article 73 of Presidential Regulation Number 71 Year 2012 regarding the Execution of Land Procurement for Public-Interest Development.
- (2) The deliberation as meant in paragraph (1) shall be executed directly to stipulate model of compensation on the basis of result of the valuation of compensation.
- (3) Model of the compensation as meant in paragraph (2), may be in the form of:

- a. money;
- b. substitute land;
- c. relocation;
- d. share ownership; or
- e. other form approved by both parties.

(4) In the case of the entitled party being absent from the deliberation as meant in Article 71 of Presidential Regulation Number 71 Year 2012 regarding the Execution of Land Procurement for Public-Interest Development, the entitled party may authorize:

- a. someone in relations by blood vertically or horizontally up to the second degree or husband/wife of the individual entitled party;
- b. someone appointed in accordance with the provision of article of association of the entitled party in the form of legal entity; or
- c. other entitled parties.

(5) The entitled party may only authorize one recipient of authority for one or several land square located in one location of land procurement.

(6) The power of attorney as meant in paragraph (4) shall be made in accordance with Attachment XIII.

(7) In the execution of deliberation as meant in paragraph (1), it shall be prepared an account of agreement containing:

- a. the present entitled party or proxy that agrees and the agreed model of compensation;
- b. the present entitled party or proxy that disagrees; and

- c. the absent entitled party and not appointing proxy.

(8) The account of the agreement as meant in paragraph (7) shall be made in accordance with Attachment XIV.

Part Six

Granting of Compensation

Article 26

(1) In the case of the granting of compensation in the form of money as meant in Article 76 of Presidential Regulation Number 71 Year 2012 regarding the Execution of Land Procurement for Public-Interest Development, the provision of land shall be executed by institution needing land on the basis of written request from the Executive Chairman of Land Procurement.

(2) The granting of compensation in the form of money shall be executed through banking service or cash granting agreed by the entitled part and institution needing land.

(3) Based on the request of the Executive Chairman of Land Procurement, the banking as meant in paragraph (1) shall open saving account on behalf of the entitled party.

(4) The granting of compensation as meant in paragraph (1) shall be executed by institution needing land on the basis of validation from the Executive Chairman of Land Procurement.

(5) The validation of the granting compensation as meant in paragraph (3) shall be made in accordance with Attachment XV.

Article 27

- (1) The granting of compensation as meant in Article 26 shall be executed at the same time as the relinquishment of right by the entitled party.
- (2) The relinquishment of right by the entitled party as meant in paragraph (1) shall be accompanied by the delivery of evidence of land title ownership to the land procurement executive team.
- (3) The granting of compensation as meant in paragraph (1) shall be proven by payment form of the receipt of compensation, which is made in triplicate.
- (4) The payment form of the receipt of compensation as meant in paragraph (3) shall be made in accordance with Attachment XVI.
- (5) The granting of compensation and relinquishment of right as meant in paragraph (1) shall be written down into account of the granting of compensation and account of the relinquishment of right.
- (6) The signing of the account of the granting of compensation and account of the relinquishment of right as meant in paragraph (5) shall be executed simultaneously.
- (7) The account of the granting of compensation in the form of money and account of the relinquishment of right as meant in paragraph (6) shall be made in accordance with Attachment XVII and Attachment XVIII.
- (8) The granting of compensation as meant in paragraph (1) shall be documented by photo/video.

Article 28

- (1) In the case of the granting of compensation in the form of substitute land as meant in Article 77 Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-Interest Development, the provision of the land shall be executed by institution needing land on the basis of written request from the executive chairman of land procurement.
- (2) In the case of the granting of compensation in the form of substitute land as meant in paragraph (1), the location of the substitute land shall be based on agreement in deliberation about the model of compensation.
- (3) The value of the compensation in the form of substitute land as meant in paragraph (2) shall be the same as the value of compensation in the form of money.
- (4) The granting of compensation in the form of substitute land as meant in paragraph (2) shall be executed by institution needing land after securing written request from the executive chairman of land procurement.

Article 29

- (1) In the case of the compensation in the form of substitute land as meant in Article 28 being agreed, institution needing land shall provide substitute land in no later than 6 (six) months as from the stipulation of model of compensation by the land procurement executive team.

- (2) The relinquishment of right by the entitled party shall be done when the location as meant in Article 79 Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-Interest Development has been agreed.
- (3) The relinquishment of right by the entitled party as meant in paragraph (2) shall be done without waiting for the availability of substitute land.
- (4) If institution needing land has secured substitute land and the land has been agreed by the entitled party, the institution needing land shall grant the land to the entitled party after securing validation from the executive chairman of land procurement.
- (5) The validation as meant in paragraph (4) shall be made in accordance with Attachment XV.
- (6) The granting of compensation in the form of substitute land as meant in paragraph (1) shall be proven by receipt form of the delivery to the entitled party.
- (7) The receipt form of the delivery as meant in paragraph (6) shall be made in accordance with Attachment XIX.
- (8) The delivery of the substitute land as meant in paragraph (6) shall be written down into account of the delivery of compensation in the form of substitute land.
- (9) The account of delivery of compensation in the form of substitute land as meant in paragraph (8) shall be made in accordance with Attachment XX.
- (10) The delivery of compensation in the form of substitute land as meant in paragraph (6) shall be documented by photo/video.

Article 30

- (1) In the case of the granting of compensation in the form of relocation as meant in Article 78 and Article 79 Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-Interest Development, the provision of the relocation area shall be executed by institution needing land on the basis of written request from the executive chairman of land procurement.
- (2) In the case of the compensation in the form of the relocation as meant in paragraph (1), the location shall be based on agreement in deliberation about model of compensation.
- (3) The value of the compensation in the form of relocation as meant in paragraph (2) shall be the same as the value of compensation in the form of money.
- (4) The compensation in the form of relocation as meant in paragraph (2) shall be granted by institution needing land after securing written request from the executive chairman of land procurement.

Article 31

- (1) In the compensation in the form of relocation as meant in Article 30 being agreed, institution needing land shall provide the relocation area in no later than one year as from the stipulation of

model of compensation by land procurement executive team.

- (2) The relinquishment of right by the entitled party shall be executed when the location as meant in Article 79 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development has been agreed.
- (3) The relinquishment of right by the entitled party as meant in paragraph (2) shall be executed without waiting for the completion of development of relocation area.
- (4) If institution needing land has obtained relocation area and the area has been agreed by the entitled party, the institution needing land shall grant the relocation area to entitled party after securing validation from the executive chairman of land procurement.
- (5) The validation as meant in paragraph (4) shall be made in accordance with Attachment XV.
- (6) The granting of compensation in the form of relocation area as meant in paragraph (1) shall be proven by receipt form of the delivery to the entitled party.
- (7) The receipt form of the delivery as meant in paragraph (6) shall be made in accordance with Attachment XIX.
- (8) The delivery of the relocation area as meant in paragraph (6) shall be written down into account of delivery.
- (9) The account of delivery as meant in paragraph (8) shall be made in accordance with Attachment

XX.

- (10) The delivery of compensation in the form of the relocation area as meant in paragraph (6), shall be documented by photo/video.

Article 32

- (1) The granting of compensation in the form of share ownership as meant in Article 80 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-Interest Development shall be executed on the basis of agreement between the entitled party and state company in the form of public listed company and securing special assignment from the government, in no later than 3 (three) months as from the stipulation of model of compensation by the executive chairman of land procurement.
- (2) The relinquishment of right by the entitled party shall be executed when the compensation in the form of share ownership as meant in Article 80 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development has been agreed.
- (3) During the process of the granting of compensation in the form of share ownership, the funds provided for share ownership shall be consigned by the said institution at bank.
- (4) The relinquishment of right by the entitled party as meant in paragraph (2) shall be executed as the same time as the consignment of money as meant in paragraph (3).

- (5) The value of compensation in the form of share ownership as meant in paragraph (1) shall be the same as the value of compensation in the form of money.
- (6) The compensation in the form of share ownership shall be granted by institution needing land (state company) for and on behalf of the entitled party after securing validation from the executive chairman of land procurement.
- (7) The validation as meant in paragraph (6) shall be made in accordance with Attachment XV.
- (8) The granting of compensation in the form of share as meant in paragraph (6) shall be proven by receipt form of delivery in the form of receipt of compensation in the form of share to the entitled party.
- (9) The receipt of the delivery as meant in paragraph (8), shall be made in accordance with Attachment XXI.
- (10) The delivery of compensation in the form of share ownership as meant in paragraph (8) shall be written down into account of delivery.
- (11) The account of delivery as meant in paragraph (10) shall be made in accordance with Attachment XXII.
- (12) The delivery of compensation in the form of share as meant in paragraph (6) shall be documented by photo/video.

Article 33

- (1) The compensation in other form as meant in Ar-

ticle 81 Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-interest Development shall constitute combination of two models of compensation as governed in Article 26 up to Article 32 of this regulation or more, with the period using the maximum period of the combination of the agreed compensation models.

- (2) In the case of the agreed model of compensation being the combination as meant in paragraph (1), it shall be executed on the basis of agreement in deliberation about compensation or based on legally fixed court decision.
- (3) The value of compensation in the other form as meant in paragraph (2) shall be the same as the value of compensation in the form of money.
- (4) The compensation in the other form shall be granted to the entitled party by institution needing land after securing validation from the executive chairman of land procurement.
- (5) The validation as meant in paragraph (4) shall be made in accordance with Attachment XV.
- (6) The granting of compensation in the other form as meant in paragraph (3) shall be proven by receipt form of delivery to the entitled party.
- (7) The receipt form of delivery as meant in paragraph (5) shall be made in accordance with Attachment XXIII.
- (8) The delivery of the compensation in the other form as meant in paragraph (6) shall be written down into account of delivery.

(9) The account of delivery as meant in paragraph (8) shall be made in accordance with Attachment XXIV.

(10) The delivery of compensation in the form of other form as meant in paragraph (6) shall be documented by photo/video.

Part Seven

Granting of Compensation in Specified Condition

Article 34

(1) The compensation in specified condition as meant in Article 84 and Article 85 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development may be granted in the state of urgency.

(2) The state of urgency as meant in paragraph (1) shall cover disaster, educational cost, performing worship, debt payment and/or other urgent conditions proven by certificate from head of sub-district/village or other name.

(3) The granting of compensation in specified condition shall be executed following the stipulation of location of development for public interest until the value of compensation is stipulated by appraiser.

(4) In the case of the granting of compensation in specified condition as meant in paragraph (3), subject and object of land procurement and the party in the state of urgency shall be inventoried and identified.

(5) The compensation in the specified condition as

meant in paragraph (3) shall be granted maximally 25% (twenty percent) of the estimated value of compensation on the basis of the selling value of tax object in the previous year.

(6) The granting of compensation in specified condition as meant in paragraph (3) in the framework of security shall be applied to:

a. land already registered in land certificate and land book, that compensation has been granted as much as 25% (twenty five percent) of the estimated compensation based on the selling value of tax object in the previous year; or

b. land not yet registered in village/sub-district book or other name as well as other name as well as document underlying land title, that compensation has been granted as much as 25% (twenty five percent) of the estimated compensation based on the selling value of tax object in the previous year.

(7) In the case of the granting of compensation in the specified condition as meant in paragraph (4) but the annual tax return of the previous year being not issued yet, the executive chairman of land procurement shall submit application local tax office or institution in charge of taxation affairs to secure certificate of the selling value of tax object in the location of land procurement.

(8) The letter of application as meant in paragraph (5) shall be made in accordance with Attachment XXV.

Article 35

- (1) The compensation in the specified condition as meant in Article 34 shall be granted in the form of money through banking service or cash granting agreed by the entitled party and institution needing land.
- (2) The appointed banking as meant in paragraph (1) shall open saving account on behalf of the entitled party.
- (3) The granting of compensation through banking service as meant in paragraph (1) shall be executed by institution needing land on the basis of validation from the executive chairman of land procurement or the appointed official.
- (4) The validation as meant in paragraph (4) shall be made in accordance with Attachment XV.
- (5) The granting of compensation in the specified condition as meant in paragraph (3) shall be proven by receipt form of compensation.
- (6) The receipt form of the compensation as meant in paragraph (5), shall be made in accordance with Attachment XVI.
- (7) The granting of compensation as meant in paragraph (3) shall be written down into account of the granting of compensation in the specified condition.
- (8) The account of the granting of compensation in the specified condition as meant in paragraph (7) shall be made in accordance with Attachment XXVI.
- (9) The delivery of compensation in the specified

condition as meant in paragraph (6) shall be documented by photo/video.

Article 36

- (1) The rest of the compensation in the specified condition as meant in Article 35 shall be granted to the entitled party following the achievement of agreement on the value of compensation on the basis of result of valuation by appraiser or legally fixed decision of the district court/Supreme Court.
- (2) The granting of the rest of compensation as meant in paragraph (1) shall be proven by receipt form of compensation.
- (3) The receipt form of compensation as meant in paragraph (2), shall be made in accordance with Attachment XVI.
- (4) The granting of the rest of compensation as meant in paragraph (2) shall be written down into account of the granting of the rest of compensation in the specified condition.
- (5) The account of the granting of the rest of compensation in the specified condition as meant in paragraph (4), shall be made in accordance with Attachment XXVII.

Part Eight

Consignment of Compensation

Article 37

- (1) The consignment of compensation in the district court as meant in Article 86 up to Article 95 of

Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development shall be executed in the district court overseeing the location of land procurement for public interest development.

(2) The consignment of compensation in accordance with the provision of Article 86 paragraph (3) of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development shall be executed in the case of:

- a. the entitled party rejecting the model and/or amount of compensation on the basis of deliberation and not raising objection to district court;
- b. the entitled party rejecting the model and/or amount of compensation on the basis of legally fixed decision of district court/Supreme Court;
- c. the entitled party having whereabouts unknown;
- d. the entitled party being already invited properly but being absent and not granting authority, as meant in Article 71 paragraph (3) of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development; or
- e. object of land procurement to be granted compensation:
 1. currently becoming object of case in court;
 2. having ownership disputed;

3. being confiscated by the authorized official; or

4. becoming guarantee at bank or other debt guarantee.

(3) In the case of the consignment of compensation as meant in paragraph (2), account shall be made in accordance with Attachment XXVIII A up to Attachment XXVIII H.

Article 38

(1) The consignment of compensation in district court as meant in Article 37 paragraph (1) shall be done by institution needing land by submitting letter of application to chairman of district court.

(2) The letter of application as meant in paragraph (1) shall be submitted by enclosing:

- a. certificate from the executive chairman of land procurement with regards to reason to consign the compensation;
- b. name of the party entitled to the consigned compensation;
- c. invitation for the granting of compensation;
- d. letters:
 - 1) account of deliberation agreement;
 - 2) account of the entitled party refusing model and/or amount of compensation on the basis of result of deliberation and not raising object to the court;
- 3) account of the entitled party refusing model and/or amount of compensation based on legally fixed decision of district court/

Supreme Court;

- 4) account of the entitled party having whereabouts unknown;
- 5) account of the entitled party already invited properly but being not present and not granting authority;
- 6) account of land procurement object to be granted compensation currently becoming object of case in court;
- 7) account of land procurement object to be granted compensation having whereabouts disputed;
- 8) account of land procurement object to be granted compensation subject to confiscation by the authorized official; or
- 9) account of land procurement object to be granted compensation becoming guarantee at bank or other debt guarantee.

- (3) In the case of the compensation being consigned in district court, the consignment shall be written down into account of the consignment of compensation.
- (4) The account of consignment of compensation as meant in paragraph (3) shall be made in accordance with Attachment XXIX.

Part Nine

Relinquishment of Land Procurement Object

Article 39

- (1) The relinquishment of land procurement object as

governed in Article 96 up to Article 99 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development shall be done before Head of Local Land Affairs Office and at the same time as the granting of compensation.

- (2) The relinquishment of land procurement object as meant in paragraph (1) shall be written down into account of relinquishment of right in accordance with the relinquished right.
- (3) The relinquishment of the right as meant in paragraph (1) shall be accompanied by the delivery of evidence of control or ownership of land procurement object.
- (4) The relinquishment of right as meant in paragraph (3), shall be made in accordance with Attachment XVIII.
- (5) The relinquishment of right to the land procurement object as meant in paragraph (1) shall be written down into account of the list of relinquishment of land procurement object signed by the entitled party before head of local land affairs office.
- (6) The account of the list of relinquishment of land procurement object as meant in paragraph (5) shall be made in accordance with Attachment XXX.
- (7) In the case of the relinquishment of right as meant in paragraph (1) being executed on the basis of the provision of Article 37 paragraph (2), account of the list of relinquishment of land procurement

object shall be made and signed by head of local land affairs office and the land procurement executive team in accordance with Attachment XXXI.

Article 40

- (1) In the case of the relinquished land procurement object belonging to or being controlled by the government/state company/regional administration-owned company as meant in Article 45, Article 46, and Article 47 of Law Number 2 Year 2012 on Procurement of Land for Public Interest Development as well as Article 99 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development, the executive chairman of land procurement shall realize the relinquishment of right to land procurement object in accordance with the relinquished object.
- (2) The account of the relinquishment of right to the land procurement object as meant in paragraph (1), shall be made in accordance with Attachment XXXII.
- (3) The relinquishment of right to the land procurement object as meant in paragraph (2) shall be written down into account of the relinquishment of right to land procurement object belonging to or controlled by the government/state company/regional administration-owned company.
- (4) The account of the relinquishment of right to land procurement object belonging to or controlled by

the government/state company/regional administration-owned company as meant in paragraph (3) shall be in accordance with Attachment XXXIII.

Part Ten

Termination of Legal Relations Between the Entitled Party and Land Procurement Object

Article 41

If the granting of compensation and relinquishment of right has been executed before head of local land affairs office, the ownership or land title of the entitled party shall become null and evidence of the right shall be declared void and the land shall become land controlled directly by the state.

Article 42

- (1) Following the termination of legal relations between the entitled party and land procurement object having compensation already consigned in district court as governed in Article 100 up to Article 108 of Presidential Regulation Number 71 Year 2012 on the execution of land procurement for public-interest development, the ownership or land title of the entitled party shall become null and evidence of the right shall be declared void and the land shall become land controlled directly by the state as from the data of court stipulation on consignment of compensation.
- (2) Head of Land Affairs Office shall notify the termination of legal relations as meant in paragraph (1) to related party.

- (3) The notification as meant in paragraph (2) shall be made in accordance with Attachment XXXIV.

Article 43

- (1) The termination of legal relations between the entitled party and land procurement object with regards to asset of the government/regional government/state company/regional administration-owned company/village cash shall apply as from the relinquishment of the right in accordance with regulation ruling state/regional property or in no later than 60 (sixty) working days as from the stipulation of location of public-interest development.

- (2) Head of Land Affairs Office shall notify the termination of legal relations as meant in paragraph (1) to the government/regional government/state company/regional administration-owned company/head of village.

- (3) The notification as meant in paragraph (2) shall be made in accordance with Attachment XXXV.

Article 44

- (1) Following the nullification of legal relations between the entitled party and the land as meant in Article 42 and Article 43, the head of land affairs shall record the nullification of right to the registered land in land booth other general list.

- (2) Following the nullification of legal relations between the entitled party and land as meant in paragraph (1), in the case of the land being not

registered yet, the Executive Chairman of land procurement shall submit notification about the nullification of legal relations to head of sub-district/village or other name, head of district or other name and official authorized to issue letter, to be subsequently recorded in document underlying the right/evidence of title acquisition and administrative book of sub-district/village office or other name or district.

Part Eleven

Documentation of Site Map, Nominative List and Land Procurement Administrative Data

Article 45

- (1) The land procurement executive team shall gather, classify, process and save the land procurement data as meant in Article 109 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public Interest Development.
- (2) The land procurement data as meant in paragraph (1) shall be saved, documented and archived by head of local land affairs office.
- (3) The land procurement data as meant in paragraph (1) shall be saved in the form of electronic data.

CHAPTER II

DELIVERY OF RESULT OF LAND PROCUREMENT FOR PUBLIC-INTEREST DEVELOPMENT

Article 46

- (1) The executive chairman of land procurement shall

prepare the document as meant in Article 45 in duplicate, namely one original and one copy legalized by the land procurement executive team.

(2) The executive chairman of land procurement shall give up one set of the legalized copy to the institution needing land, while the original copy shall be used for the completeness of application for certificate of land title.

(3) The executive chairman of land procurement shall give up one copy of the document of land procurement to institution needing land in no later than 7 (seven) working days after the land procurement is completed.

(4) The delivery of the land procurement result to institution needing land as meant in paragraph (3) shall be done by making account of the delivery of land procurement result.

(5) The account of delivery of land procurement result as meant in paragraph (4) shall be made in accordance with Attachment XXXVI.

Article 47

(1) Institution needing land, in no later than 30 (thirty) working days as from the date of receipt of result of land procurement as meant in Article 46 shall submit application for certificate of land title to local land affairs office.

(2) Land Affairs Office shall issue a measuring letter on the basis of site map of area of land resulting from the inventorying and identification by Satgas A.

(3) Land Affairs Office shall settle the application as meant in paragraph (1), in accordance with the provision of legislation.

Article 48

Institution needing land, after receiving result of the procurement of land as meant in Article 46, may commence development activities.

CHAPTER III

TAKING COMPENSATION CONSIGNED IN DISTRICT COURT

Article 49

(1) The taking of compensation consigned in district court by the entitled party as governed in the provision of Article 87 up to Article 93 of Presidential Regulation Number 71 Year 2012 on the Execution of Land Procurement for Public-Interest Development shall be accompanied by introductory letter from the executive chairman of land procurement.

(2) In the case of compensation for land procurement object becoming guarantee at bank, the compensation may be taken in district court after receiving introductory letter from the executive chairman of land procurement and approval from bank or holder of mortgage right.

(3) In taking the compensation as meant in paragraph (1), the entitled party shall grant evidence of control or ownership of land procurement object to the executive chairman of land procurement.

- (4) In the case of the executive chairman of land procurement not assuming the executive chairman anymore, the introductory letter as meant in paragraph (1) and paragraph (2) shall be issued by Head of Regional Office of the National Land Affairs Agency or Head of Local Land Affairs Office.
- (5) The introductory letter as meant in paragraph (1) and paragraph (2) shall be made in accordance with Attachment XXXVII.

CHAPTER IV

MONITORING AND EVALUATION BY THE NATIONAL LAND AFFAIRS AGENCY OF THE REPUBLIC OF INDONESIA

Article 50

- (1) The National Land Affairs Agency of the Republic of Indonesia shall monitor and evaluate control, ownership, utilization and exploitation of result of the procurement of land for public interest development.
- (2) The monitoring as meant in paragraph (1) shall be executed hierarchically by the National Land Affairs Agency of the Republic of Indonesia.

CHAPTER V

FUNDING OF LAND PROCUREMENT

Article 51

- (1) Based on application for the procurement of land submitted by institution needing land to the executive chairman of land procurement in accordance with the provision of Article 52 of Presi-

dential Regulation Number 71 Year 2012 on the Execution of Land procurement for public-interest development, the executive chairman of land procurement shall submit the operational cost of the procurement of the required land to institution needing land.

- (2) Costs needed to procure the land in accordance with activities as meant in Article 5 of this regulation shall include:
 - a. preparation of the implementation;
 - b. inventorying and identification;
 - c. stipulation of appraiser;
 - d. deliberation on stipulation of model of compensation;
 - e. granting of compensation;
 - f. granting of compensation in specified condition;
 - g. consignment of compensation;
 - h. relinquishment of land procurement object;
 - i. termination of legal relations between the entitled party and land procurement object; and
 - j. documentation of site map, nominative list and land procurement administrative data.

- (3) Besides the costs as meant in paragraph (2), costs shall also be needed for the need of socialization, administration and management, monitoring and evaluation as well as delivery of land procurement result.

- (4) The costs as meant in paragraph (2) and paragraph (3) may be in the form of:
 - a. goods expenditure; and/or

- b. capital expenditure.

Article 52

The required cost as meant in Article 51 shall be stipulated by considering acreage of land procurement object, number of square affected by the land procurement, geographic location, value of compensation and the available facility and infrastructure.

CHAPTER VI

PROCUREMENT OF SMALL-SCALE LAND

Article 53

- (1) In the framework of efficiency and effectiveness, the procurement of land for public interest with the acreage not exceeding one hectare may be executed directly by institution needing land and the entitled party by means of transaction or exchange or other methods agreed by both parties.
- (2) The procurement of land for public interest with the acreage not exceeding one hectare as meant in paragraph (1) shall constitute:
 - a. one area; and
 - b. one fiscal year.
- (3) The direct procurement of land as meant in paragraph (1) may be executed without passing the phases of the procurement of land as governed in Law Number 2 Year 2012 on the Procurement of Land for Public Interest Development and implementing regulations thereof.
- (4) Institution needing land may use result of the valuation by appraiser service in determining the

value of transaction or exchange or other methods agreed by both parties.

- (5) The procurement of land as meant in paragraph (1) shall be executed in accordance with regional spatial management.

CHAPTER VII

COORDINATION OF THE EXECUTION OF LAND PROCUREMENT

Article 54

- (1) In executing the task, the land procurement executive team may coordinate with:
 - a. institution needing land;
 - b. related institutions/agencies;
 - c. the relevant appraiser;
 - d. security apparatuses;
 - e. community leader; and/or
 - f. other required parties.
- (2) The coordination as meant in paragraph (1) shall be needed in the execution of land procurement in accordance with the phase as meant in Article 5.

CHAPTER VIII

TRANSITIONAL PROVISION

Article 55

- (1) With the enforcement of this regulation, the land procurement process executed before the enforcement of this regulation shall be settled on the basis of the provision of Regulation of the Head of the National Land Affairs Agency of the Republic of Indonesia Number 3 Year 2007 on

Provision on Presidential Regulation of Number 36 Year 2005 regarding Procurement of Land for the Execution of Public Interest Development as already amended by Presidential Regulation Number 65 Year 2006 concerning the Amendment to Presidential Regulation Number 36 Year 2005 on Procurement of Land for the execution of public-interest development.

(2) The ongoing land procurement process as meant in paragraph (1) shall include the procurement of land:

- a. already written down into document of planning/proposal of development;
- b. already budgeted in the current fiscal year;
- c. having stipulation of location already issued;
- d. having the relinquishment of right already executed; and/or
- e. having compensation already consigned in district court.

(3) The ongoing land procurement process as meant in paragraph (1) shall be settled in no later than December 31, 2014.

CHAPTER IX

CONCLUSION

Article 56

Following the enforcement of this regulation, Regulation of the Head of the National Land Affairs Agency of the Republic of Indonesia Number 3 Year 2007 on Technical Provision on Presidential Regula-

tion of Number 36 Year 2005 regarding Procurement of Land for the Execution of Public Interest Development as already amended by Presidential Regulation Number 65 Year 2006 concerning the Amendment to Presidential Regulation Number 36 Year 2005 on Procurement of Land for the execution of public-interest development shall be revoked and declared null and void, except for the procurement of land as meant in Article 55.

Article 57

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

For public cognizance, the regulation shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On October 30, 2012

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

sgd

HENDARMAN SUPANDJI

Editor's note:

Due to technical reason, the attachments are not published.

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