

# THE SETTLEMENT OF TRANSMIGRANT LAND TITLE (Regulation of the Minister of Manpower and Transmigration Number 13 Year 2014 dated September 12, 2014)

BY GRACE OF GOD THE ALMIGHTY

THE MINISTER OF MANPOWER AND TRANSMIGRATION OF THE REPUBLIC OF INDONESIA

Considering:

That in order to implement the provision in Article 30 paragraph (2), Article 31 paragraph (6), paragraph (7), and Article 32 paragraph (5) of Government Regulation Number 3 Year 2014 on the Implementation of Law Number 15 Year 1997 regarding Transmigration, as already amended by Law Number 29 Year 2009 concerning the Amendment to Law Number 15 Year 1997 regarding Transmigration, it is necessary to stipulate a ministerial regulation regarding the settlement of transmigrant land title;

In view of:

1. Law Number 15 Year 1997 on Transmigration (Statute Book of the Republic of Indonesia Year 1997 Number 37, Supplement to Statute Book of the Republic of Indonesia Number 3682) as already amended by Law Number 29 Year 2009 regarding the Amendment to Law Number 15 Year 1997 on Transmigration (Statute Book of the Republic of Indonesia Year 2009 Number 131, Supplement to Statute Book of the Republic of Indonesia Number 5050);
2. Law Number 32 Year 2004 on Regional Administration (Statute Book of the Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book of the Republic of Indonesia Number 4437);
3. Government Regulation Number 38 Year 2007 on the Sharing of Public Administration Affairs between the Government, Provincial Administration 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 7 Year 2008 on Deconcentration and Seconding Task (Statute Book of the Republic of Indonesia Year 2008 Number 20, Supplement to Statute Book of the Republic of Indonesia Number 4816);
5. Government Regulation Number 3 Year 2014 on the Implementation of Law Number 15 Year 1997 regarding Transmigration as already amended by Law Number 29 Year 2009 regarding the Amendment to Law Number 15 Year 1997 on Transmigration (Statute Book of the Republic of Indonesia Year 2014 Number 9, Supplement to Statute Book of the Republic of Indonesia Number 5497);

DECIDES :

To stipulate:

THE REGULATION OF THE MINISTER OF MANPOWER AND TRANSMIGRATION ON THE SETTLEMENT OF TRANSMIGRANT LAND TITLE.

CHAPTER I  
GENERAL PROVISION

Article 1

Referred to in this ministerial regulation as:

1. Transmigration Affairs shall be everything related to the implementation of transmigration.
2. Transmigration shall be voluntary migration of residents in order to enhance welfare and stay in transmigration area organized by the government.
3. Transmigrant shall be citizen of the Republic of Indonesia that migrates voluntarily to transmigration area.
4. Transmigration Area shall be a cultivation area having function as resettlement and business place of communities on one development system in the form of transmigration development area or transmigration resettlement location.
5. Resettlement Unit hereinafter abbreviated to SP shall be a part of unit of resettlement area in the form of a totality of resettlement or several resettlement areas as a totality with the accommodating capacity 300-500 (three hundred up to five hundred) families.
6. Transmigration Resettlement shall be a totality of resettlement or part of resettlement unit designed to residence and business place of transmigrant.
7. Management Right hereinafter called HPL shall be a controlling right from the state with the authority to implement it being partly delegated to the holder of the right.
8. Proprietary Right to Transmigrant Land hereinafter called Proprietary Right shall be a right owned by transmigrant to land in the form of residence land and land of business place.
9. Certificate of Proprietary Right to Transmigrant Land hereinafter called Certificate of Proprietary Right shall be a letter constituting evidence of right to land owned by transmigrant in the form of residence land and business land.
10. Certificate of Land Sharing hereinafter abbreviated to SKBT shall be evidence of the sharing of land to transmigrant as the basis for the controlling and use of land for transmigrant.
11. Physical Data shall be information about position, border, and acreage of land, including information about the existence of building or part of building thereon.
12. Juridical Data shall be information about legal status of land square.
13. As Built Drawing Map hereinafter called ABD Map shall be a picture of working result or technical field resulting from the implementation of the work of preparation for resettlement area.
14. Sketch of Land Square shall be a sketch showing position of land square with information about north/south/west/east border.

15. Land Plot shall be a part of earth surface constituting a square having specified borders and already stipulated by the authorized official.
16. Regional Apparatus Working Unit hereinafter called Regency/Municipal SKPD shall be a working unit executing public administration affairs in the field of transmigration within a regency/city.
17. Land Square shall be a part of earth surface constituting an unit of square with specified borders.
18. Licensed Surveyor shall be a person having skill in the field of measuring and mapping that has secure certificate from the National Land Affairs Agency.
19. Minister shall be the Minister of Manpower and Transmigration.

Article 2

- (1) The minister shall be responsible for the settlement of transmigrant land title.
- (2) The settlement of the land title as meant in paragraph (1) shall be done by the government and/or regional government on the basis of the deconcentration and seconding task principle.
- (3) The settlement of the land title as meant in paragraph (1) shall be done in HPL land.

Article 3

The scope of regulation in this ministerial regulation shall cover:

- a. measuring and installing of border sign of land square;

- b. procedure for the sharing of land;
- c. the granting of certificate of the sharing of land; and
- d. procedure for the settlement of certificate of proprietary right.

CHAPTER II

MEASURING AND INSTALLING OF BORDER SIGN OF LAND SQUARE

Article 4

- (1) The would-be shared land square shall be measured and installed by border sign of land square by Regency/Municipal SKPD in coordination with local land affairs office.
- (2) In executing the measuring and installing of border sign of land square as meant in paragraph (1), Regency/Municipal SKPD may appoint licensed surveyor or profession institution in the field of the measuring and mapping affairs.

Article 5

- (1) The measuring and installing of border sign of land square as meant in Article 4 paragraph (1) shall start form the preparation of map of work plan for the sharing of land.
- (2) The map of work plan for the sharing of land as meant in paragraph (1) shall be made on the basis of ABD map.
- (3) The measuring of land square shall be done by terrestrial method fulfilling the technical norm of the measuring and mapping.

- (4) Land square already measured shall be given border sign in every corner of land border and if necessary, border sign may be supplemented in certain points along the line of the land square.
- (5) Every land square already given border sign shall be given plot number and subsequently written down into map of plan for the sharing of land.
- (6) The map of plan for the sharing of land as meant in paragraph (5) shall be stipulated by Head of Regency/Municipal SKPD.
- (7) Map of the plan for the sharing of land as meant in paragraph (6) shall become a basis for the sharing of transmigrant land.

Article 6

Procedures for the sharing and installing of border sign of land square as meant in Article 4 and Article 5 shall be contained in Attachment I, constituting an integral part of this regulation.

CHAPTER III

PROCEDURE FOR THE SHARING OF LAND

Article 7

- (1) Land square already given border sign and plot number shall be shared to:
  - a. transmigrant;
  - b. local resident moving to new resettlement as part of SP Pugar and securing treatment as transmigrant; and
  - c. local resident living permanently in resettlement as part of SP Pugar and securing treat-

ment as transmigrant.

- (2) The transmigrant and local resident as meant in paragraph (1) shall reserve a right to secure land square after they are placed and staying in transmigration resettlement as well as stipulated on the basis of decision of regent/mayor of the destination region.
- (3) The land square as meant in paragraph (1) shall be in the form of land for the need of:
  - a. residence and business; or
  - b. residence.
- (4) Head of Regency/Municipal SKPD shall act for and on behalf of regent/mayor to execute the sharing of land square as meant in paragraph (1) by a drawing method.
- (5) The sharing of the land as meant in paragraph (4) shall be written down into account signed by the said transmigrant and head of Regency/Municipal SKPD.
- (6) Format of the account of the sharing of land as meant in paragraph (5) shall be contained in Attachment II constituting an integral part of this ministerial regulation.

CHAPTER IV

THE GRANTING OF CERTIFICATE OF THE SHARING OF LAND

Article 8

- (1) The minister shall assign regent/mayor to issue SKBT.
- (2) SKBT shall be granted in no later than 6 (six)

months as from the placement of the transmigrant as meant in Article 7 paragraph (2).

(3) SKBT as meant in paragraph (1) shall contain at least:

- a. name of family head;
- b. resident identity number of the head of family;
- c. place and date of birth of the head of family;
- d. address/block/number of house/location;
- e. occupation;
- f. region of origin of transmigration;
- g. designation of plot;
- h. Number of plot of land square;
- i. acreage of plot according to designation;
- j. border of plot; and
- k. sketch of plot.

(4) Format of SKBT as meant in paragraph (1) shall be contained in Attachment III constituting an integral part of this ministerial regulation.

#### Article 9

(1) SKBT shall be made in triplicate, consisting of one original exemplar and two copy exemplars.

(2) The original SKBT as meant in paragraph (1) shall be granted to the transmigrant as meant in Article 8 paragraph (1).

(3) Copy of SKBT as meant in paragraph (1) shall become the completeness of document for the application for certificate of proprietary right and file saved in Regency/Municipal SKPD.

#### Article 10

(1) SKBT may be nullified if the transmigrant:

- a. resigns from transmigrate;
- b. abandons land of residence and business place in the adjustment period;
- c. transfers SKBT to other party.

(2) The nullification of SKBT as meant in paragraph (1) shall be done by regent/mayor.

(3) The nullified SKBT as meant in paragraph (1) may be transferred to alternate transmigrant in accordance with the provision of legislation.

#### Article 11

Regency/Municipal SKPD shall be obliged to document the whole results of the granting of SKBT covering:

- a. map of work plan for the sharing of land;
- b. measuring map and the sharing of plot;
- c. document containing data about result of the measuring of land square;
- d. book of information about the sharing of land, in the form of a list containing information about transmigrant securing right to use land in accordance with SKBT;
- e. document of the implementation of activity in the form of photo of documentation of the whole activities of the issuance of SKBT; and
- f. decision on stipulation of transmigrant.

#### CHAPTER V

#### PROCEDURE FOR THE SETTLEMENT OF CERTIFI-

CATE OF PROPIETARY RIGHT

Article 12

- (1) Regency/Municipal SKPD shall prepare process for the application for proprietary right, namely:
  - a. inventorying of SKBT; and
  - b. verification of SKBT with holder of SKBT.
- (2) The inventorying of SKBT as meant in paragraph (1) letter a shall be done to ascertain the quantity of the existing SKBT and the quantity of transmigrant already stipulated by regent/mayor.
- (3) The verification of SKBT with the holders of SKBT as meant in paragraph (1) letter b shall be done to ascertain the conformance of personal data about holders of SKBT and the data as contained in SKBT.
- (4) In the case of SKBT as meant in paragraph (3) not matching the data about the holders of SKBT, the application for land title shall not be processed.

Article 13

- (1) Regency/Municipal SKPD shall submit proposal for the certification of certificate of transmigrant land title to Regency/Municipal Land Affairs Office on the basis of SKBT already verified.
- (2) The proposal as meant in paragraph (1) shall be accompanied by the following documents:
  - a. information about applicant;
    1. copy of identity of applicant (KTP);
    2. copy of family card; and
    3. decision on stipulation of transmigrant and alternate transmigrant by regent/

mayor of region of destination.

- b. information about physical data about result of the sharing of land, which is drawn in a map with scale 1:5.000; and
- c. copy of HPL certificate already legalized by the authorized official.

CHAPTER VI

MONITORING AND EVALUATION

Article 14

- (1) Governor as representative of the government shall monitor and evaluate in the framework of implementing policy and activity of the settlement of transmigrant land title in regency/city.
- (2) The monitoring and evaluation as meant in paragraph (1) shall be applied periodically to SKPD executing the policy and activity of the settlement of transmigrant land title.

CHAPTER VII

REPORTING

Article 15

- (1) Regent/Mayor shall be obliged to submit annual report to governor on the implementation of the policy and activity of the settlement of transmigrant land title.
- (2) Governor shall be obliged to submit annual report to the Minister on the implementation of policy and activity of the settlement of transmigrant land title.
- (3) The reporting as meant in paragraph (1) and

paragraph (2) shall be done in accordance with legislation.

CHAPTER VIII

FUNDING

Article 16

The funding of the settlement of transmigrant land title shall come from the State Budget of Revenue and Expenditure.

CHAPTER IX

FOSTERING AND SUPERVISION

Article 17

- (1) The minister shall foster and supervise the implementation of the policy and the settlement of transmigrant land title to provincial government.
- (2) Governor shall foster and supervise the fostering and supervision over the implementation of policy and the settlement of transmigrant land title to regency/municipal government.

CHAPTER X

CONCLUSION

Article 18

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

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

Stipulated in Jakarta

On September 12, 2014

THE MINISTER OF MANPOWER AND TRANSMIGRATION OF THE REPUBLIC OF INDONESIA

sgd.

Drs. H. A. MUHAIMIN ISKANDAR, M.Si

Promulgated in Jakarta

On September 12, 2014

THE MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

sgd

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
YEAR 2014 NUMBER 1298

Editor's note:

- Due to technical reason, the attachment is not published.

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