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**GOVERNMENT REGULATION RE LAND REGISTRATION**

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**STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
NO. 59 OF 1997**

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**GOVERNMENT REGULATION  
OF THE REPUBLIC OF INDONESIA  
NO 24 OF 1997  
RE  
LAND REGISTRATION**

**PRESIDENT OF THE REPUBLIC OF INDONESIA**

**Considering :**

- a. that to accelerate the process of sustainable national development, the support of legal certainties in the area of land is required;
- b. that land registration, the administration of which is assigned to the Government in line with Act No. 5 of 1960 on the Basic Rules concerning the Fundamentals of Agrarian Affairs, is a way of providing such legal certainties;
- c. that Government Regulation of the Republic of Indonesia No. 10 of 1961 re Land Registration has not provided adequate support for the achievement of the expected results and, therefore, it needs to be improved;

**Bearing in Mind :**

1. Article 5(2) of the 1945 Constitution;
2. *Vendu Reglement* (Auction Regulation) (State Gazette No. 189 of 1908 in conduction to *Vendu Instructie* (Auction Instruction) (State Gazette No. 190 of 1908)
3. Act No. 5 of 1960 re the Basic Rules concerning the Fundamentals of Agrarian Affairs (State Gazette No. 104 of 1960, Supplement to State Gazette No. 204);
4. Act No. 16 of 1985 re Apartment Blocks (State Gazette No. 75 of 1985, Supplement to State Gazette No. 3317);
5. Act No. 4 of 1996 re Flak Tanggungan (Security Titles) on Land and Land-related Objects (State Gazette No. 42 of 1996; Supplement to State Gazette No. 3632)
6. Government Regulation of the Republic of Indonesia No. 28 of 1977 re *Pewakafan* (Edification/ the Donating of Lands for Religious Purposes) of Lands Having the Status of *Hak Milik* (Right of Ownership) (State Gazette No. 38 of 1977, Supplement to State Gazette No. 3107);
7. Government Regulation of the Republic of Indonesia No. 4 of 1988 re Apartment Blocks (State Gazette No. 7 of 1988, Supplement to State Gazette No. 3372);

## RESOLVES

**To stipulate: REGULATION OF THE GOVERNMENT OF THE  
REPUBLIC OF INDONESIA RE LAND REGISTRATION**

### CHAPTER I GENERAL PROVISIONS

#### Article 1

In this Government Regulation,. the following terms have the following meanings:

1. Land registration is a series of activities conducted by the Government on an ongoing basis and in an orderly manner which comprise the collection, processing, recording, presentation, and maintenance of physical and juridical data in the form of maps and registers concerning land parcels and apartments, including the issuance of right-evidencing documents for land parcels on which rights have been established and for apartment ownership rights as well as for the encumbrances thereon.
2. A land parcel is a part of the surface of the earth which is a parcel with boundaries.
3. State land or land directly controlled by the State is land which is not possessed under a certain land right.
4. *Hak pengelolaan* (the right of management) is the State's right to control, the authority to exercise which is partially delegated to the holder.
5. Land rights are rights as meant in Article 16 of Act No. 5 of 1960 re the Basic Provisions concerning the Fundamentals of Agrarian Affairs, which is hereinafter to be referred to as UUPA.
6. Physical data are information about the location, boundaries, and area of a certain registered land parcel or apartment and about the structures or parts of structures standing thereon.
7. Juridical data are information about the legal status of a registered land parcel or apartment, about the right holder, about the rights of other parties on it, and about the other.
8. Adjudication is an activity within the context of the implementation of first-time land registration, which comprises the collection and verification of physical data and juridical data concerning one land-registration object or more for purposes related to its/their registration.
9. First-time land registration is the activity of land registration which is conducted on land-registration objects which have not been registered under Government Regulation No. 10 of 1961 re Land Registration or under this Government Regulation.
10. Systematic land registration is the activity of first-time land registration which is conducted simultaneously and which covers all unregistered land-registration objects existing in all or part of the territory of a village/kelurahan.

11. Sporadic land registration is the activity of first-time land registration which is conducted on one land-registration object or more in the territory of a village/kelurahan or in part thereof, either **on** an individual basis or on a mass basis.
12. The maintenance of land registration data is the activity of land registration which aims at adjusting the physical data and juridical data contained in cadastral maps, *daftar tanah* (land registers), *daftar nama* (name registers), surat ukur (survey documents), *buku tanah* (land books), and certificates to changes which take place subsequently.
13. A technical base point is a point whose coordinates are obtained from measurement and computation under a certain system and which functions as a control point or a reference point for boundary survey and reconstruction purposes.
14. A cadastral base map is a map which shows technical base points and geographic elements such as rivers, roads, structures, and the physical boundaries of land parcels.
15. A cadastral map is a map which depicts one land parcel or more for land recording purposes.
16. A *daftar tanah* (land register) is a document in the form of a list showing the identities of land parcels under a certain numbering system.
17. A *surat ukur* (survey document) is a document which contains the physical data on a land parcel in the form of a map and some description.
18. A *daftar nama* (name register) is a document in the form of a register which contains information about the possession of land under a certain land right or under *hak pengelolaan* (the right of management) or information about the holding of an apartment ownership right by a certain individual or corporate body.
19. A *buku tanah* (land book) is a document in the form of a register which contains the juridical data and all or some of the physical data on a land registration object on which a right has been established.
20. A certificate is a right-evidencing document as meant in Article .1 9(2)(c) of UUPA, and it is issued for a land right, *hak pengelolaan* (a right of management), *hak wakaf* (a right to edified land), an apartment ownership right, or security title which has been recorded in the relevant *buku tanah* (land book).
21. The Minister is the Minister who is responsible for agrarian/land affairs.
22. Badan Pertanahan Nasional (National Land Agency) is a non-departmental government institution whose duties are in the area of land.
23. A Land Office is an operating unit of BPN at the district or municipality or at an administrative territory equivalent to a district or municipality, whose duties are to register land rights and to maintain public registers of land-registration data.
24. A PPAT (land-deed official) is a public official authorized to make certain land deeds.

## CHAPTER II PRINCIPLES AND PURPOSES

### Article 2

Land registration shall be **implemented** on the basis of the following principles: simplicity, safety, affordability, **currency**, and transparentness.

### **Article 3**

Land registration has the following purposes:

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

### **Article 4**

- (1) To serve the purpose of providing legal certainties and legal protection as meant in Article 3(a), the holder of a right shall be given a land-right certificate.
- (2) To implement the information function as meant in Article 3(b), the physical data and juridical data **oil** registered land parcels and apartments shall be kept transparent to the public.
- (3) To achieve orderly land administration as meant in Article 3(c), every land parcel and apartment as well as every transfer, encumbrance, and nullification concerning a right **oil** a land parcel or an apartment shall be registered.

## **CHAPTER III FUNDAMENTALS OF LAND REGISTRATION ADMINISTRATION**

### **Section One Organizer and Implementor of Land Registration**

#### **Article 5**

Land registration is to be organized by Badan Pertanahan Nasional (the National Land Agency).

#### **Article 6**

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

## Article 7

- (1) PPATs as meant in Article 6(2) shall be appointed and terminated by the Minister.
- (2) For villages located **in** remote areas, the Minister can appoint *PPAT sementara* (provisional PPATs).
- (3) Provisions concerning the position of a PPAT shall be regulated in a separate Government Regulation.

## Article 8

- (1) In implementing systematic land registration, the Head of the Land Office shall be assisted by an Adjudication Committee, which shall be established by the Minister or by a designated official.
- (2) The Adjudication Committee as meant in paragraph (1) shall be composed of the following:
  - a. one Committee Head. who concurrently acts as a member and who shall be a BPN employee;
  - b. several members as follows:
    - 1) a BPN employee who is knowledgeable about land registration.;
    - 2) a BPN employee who is knowledgeable about land rights;
    - 3) the Chief of the relevant village/*kelurahan* or an official of the relevant village/*kelurahan* who has been appointed by the chief
- (3) The membership in the Adjudication Committee can be expanded to include a member who is highly needed to evaluate the truth of the juridical data on the land parcels located in the territory of the Village/*Kelurahan* in question.
- (4) In carrying out its tasks, the Adjudication Committee shall be assisted by a survey and mapping task force, a juridical data collection task force, and an administrative task force whose respective duties, structure, and activities shall be regulated by the Minister.
- (5) The tasks and powers of the Head and members of the Adjudication Committee shall be regulated by the Minister.

## Section Two Objects of Land Registration

### Article 9

- (1) The objects of land registration are as follows:
  - a. land parcels having the status of *hak milik* (right of ownership), *hak guna usaha* (right to cultivate), *hak guna bangunan* (right of use of structures), and *hak pakai* (right of use);
  - b. land having the status of *hak pengelolaan* (right of management);
  - c. *wakaf* land (edified land/land donated for religious purposes);
  - d. an apartment ownership. right;

- e. *hak tanggungan* (security title);
  - f. state land.
- (2) In the case of state land serving as a land-registration object as meant in paragraph (1)(f), its registration shall be carried out by recording the state land in question in a land register.

### **Section Three Territory of Land Registration Administration (Registry)**

#### **Article 10**

- (1) The territory of land registration administration is the village/ *kelurahan*.
- (2) In particular with regard to *Hak Guna Usaha* (Right to Cultivate), *Hak Pengelolaan* (Right of Management), *Hak Tanggungan* (Security Title), and *Tanah Negara* (State Land), the territory of their registration administration is the District/ Municipality.

### **Section Four Implementation of Land Registration**

#### **Article 11**

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

#### **Article 12**

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

## **CHAPTER IV FIRST-TIME LAND REGISTRATION**

### **Section One Implementation of First-time Land Registration**

#### **Article 13**

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

## **Section Two Collection and Processing of Physical Data**

### **Subsection 1 Surveying and Mapping**

#### **Article 14**

- (1) For physical data collection and processing purposes, the activities of surveying and, mapping shall be conducted.
- (2) The activities of surveying and mapping as meant in paragraph (1) shall comprise the following:
  - a. making cadastral base maps ;
  - b. fixing land parcel boundaries;
  - c. surveying and mapping land parcels and making cadastral maps;
  - d. making *daftar tanah* (land registers);
  - e. making *surat ukur* (survey documents).

### **Subsection 2 Making of Cadastral Base Maps**

#### **Article 15**

- (1) The implementation of systematic land registration as meant in Article 13(1) shall start with the making of cadastral base maps.
- (2) In areas which have not been designated by BPN as systematic registration areas, efforts shall be made to produce cadastral base maps for purposes related to sporadic land registration.

#### **Article 16**

- (1) For the purpose of making cadastral base maps, BPN shall administer the installation, measurement, mapping, and maintenance of national technical base points in every District/Municipality of Level-II Region.

- (2) Surveying for the production of cadastral base maps as meant in paragraph (1) shall be tied to the national technical base points as meant in paragraph (1) as the basic framework.
- (3) In the case where the national technical base points as meant in paragraph (2) are unavailable in a certain area, the surveying for the making of cadastral base maps can be conducted using local technical base points, which are provisional in nature and which shall be subsequently tied into national technical base points.
- (4) The cadastral base maps as meant in paragraphs (2) and (3) shall be used as a basis for making cadastral maps and other maps.
- (5) Further provisions concerning the surveying and mapping of national technical base points and the making of cadastral base maps shall be determined by the Minister.

### **Subsection 3 Fixing of Boundaries**

#### **Article 17**

- (1) To obtain physical data which are needed for land registration, the land parcel which will be mapped shall be surveyed after its location and boundaries are fixed and a permanent boundary mark installed as necessary in every corner of the land parcel in question.
- (2) In the case of the fixing of land parcel boundaries on a **mass** basis in systematic or sporadic land registration, efforts shall be made to make sure that it is based on the agreement of the interested parties.
- (3) The installation as well as maintenance of boundary marks shall be carried out by the holder of the right on the land parcel in question.
- (4) The shape and size of boundary marks and how to locate and fix boundaries shall be determined by the Minister.

#### **Article 18**

- (1) The fixing of the boundaries of a land parcel which has been possessed under an unregistered right or under a registered right for which no *surat ukurs* (survey documents) or *gambar situasi* (survey drawings) are available or of which the survey document/situation drawing no longer depicts the reality shall be conducted by the Adjudication Committee in the case of systematic registration and by the Head of the Land Office in the case of sporadic land registration on the basis of the boundaries which have been located by the holder of the right on the land parcel in question and agreed upon by the holders of the rights on the adjacent land parcels.
- (2) The fixing of the boundaries of a land parcel on which a new right will be granted shall be conducted in line with the provisions as meant in paragraph (1) or on the basis of designation by the authorized institution.
- (3) In fixing the boundaries of a land parcel, the Head of the Adjudication Committee and the Head of the Land Office shall take into account the boundaries of the already registered land parcel or land parcels and the relevant *surat ukurs* (survey documents) or *gambar situasi* (situation drawings).

- (4) The agreement as meant in paragraphs (1) and (2) shall be stated in an official report which is to be signed by those who have provided the agreement.
- (5) The format of the official report as meant in paragraph (4) shall be determined by the Minister.

#### **Article 19**

- (1) In the case where the fixing of the boundaries of a land parcel as meant in Article 18(1) is not agreed upon by the relevant parties, the surveying of the land parcel in question shall be conducted for provisional use on the basis of the boundaries which in reality have been the boundaries of the land parcel in question.
- (2) In the case where the holder of the right on the land parcel in question or the holders of the rights on the adjacent land parcels fail to present themselves although invitations have been extended to them, the surveying of the land parcel in question shall be conducted for provisional use in line with the provision contained in paragraph (1).
- (3) The provisional surveying of a land parcel as meant in paragraphs (1) and (2), including the fact that the fixed boundaries have not been agreed upon or that the land-right holder has failed to present himself/herself shall be stated in an official report which is to be signed by the Head of the Adjudication Committee in the case of systematic land registration or by the Head of the relevant Land Office in the case of sporadic land registration.
- (4) To the relevant *gambar ukur* (survey drawing) resulting from provisional survey as meant in paragraph (3), a note or mark shall be added which shows that the boundaries of the land parcel in question are provisional boundaries.
- (5) After an agreement is obtained on the boundaries in question through consultation, or after certainties concerning the boundaries in question are obtained through a court ruling which has permanent legal power, adjustments shall be made to the data on the relevant cadastral map.

#### **Subsection 4 Surveying and Mapping of Land Parcels and Making of Cadastral Maps**

#### **Article 20**

- (1) A land parcel whose boundaries have been fixed as meant in Articles 17, 18, and 19 shall be surveyed and mapped in the relevant cadastral map.
- (2) In the case where the sporadic registration area in question does not have a cadastral base map, another map can be used, provided that this other map meets the requirements for use as a basis for making a cadastral map.
- (3) In the case where the sporadic registration area in question has neither a cadastral base map nor other maps as meant in paragraph (2), the making of a cadastral base map shall be conducted at the same time as the surveying and mapping of the land parcel in questions.

- (4) Subsequent provisions concerning the surveying and mapping of land parcels and the making of cadastral maps shall be determined by the Minister.

**Subsection 5**  
**Making of *Daftar Tanah***  
**(Land Registers)**

**Article 21**

- (1) Land parcels which have been mapped or whose registration numbers have been added to the relevant cadastral maps shall be recorded in *daftar tanah* (land registers).
- (2) The format and content of land registers and how to fill in, store and maintain land registers shall be determined by the Minister.

**Subsection 6**  
**Making of *Surat Ukur* (Survey Documents)**

**Article 22**

- (1) As for land parcels as meant in Article 9(1)(a), (b), and (c) whose boundaries have been surveyed and plotted onto cadastral maps, *sural ukurs* (survey documents) shall be made for purposes related to their registration.
- (2) In the case of sporadic registration areas for which cadastral maps are unavailable, *surat ukurs* shall be made on the basis of the results of surveying as meant in Article 20.
- (3) The format and contents of a *surat ukur* and how to fill in, store and maintain a *surat ukur* shall be determined by the Minister.

**Section Three**  
**Evidence and Recording of Rights**

**Subsection 1**  
**Evidence of New Rights**

**Article 23**

For right registration purposes,

- a. a new right shall be evidenced with the following:
  - 1) in the case of a new right on state land or on land with the status of *hak pengelolaan* (right of management), a right-granting decree from the official authorized to grant the right in question in line with the applicable provisions;
  - 2) in the case of *hak guna bangunan* (right of use of structures) or *hak pakai* (right of use) on a land parcel with the status of *hak milik* (right of ownership), an original PPAT deed on the conveyance of the right in question from the holder of the *hak milik* to the recipient;
- b. a *hak pengelolaan* (right of management) shall be evidenced with the decree on the granting of the *hak pengelolaan* in question issued by the authorized official;
- c. *tanah wakaf* (edified land) shall be evidenced with a *wakaf* promise deed;
- d. an apartment ownership right shall be evidenced with an *akta pemisahan* (separation deed);
- e. The provision of a *hak tanggungan* (security title) shall be evidenced with a deed on the provision of a *hak tanggungan*.

Subsection 2  
Evidence of Old Rights

#### **Article 24**

- (1) A land right resulting from the conversion of an old right shall be evidenced with written documents and witnesses information and/or statements which are evaluated by the Adjudication Committee in the case of systematic registration or the Head of the Land Office in the case of sporadic registration as having an adequate content of truth for purposes related to the registration of the right in question, of the right holder, and of other parties rights which encumber it.
- (2) In the case where there is not any evidence or there is no longer any evidence as carried out on meant in paragraph (1), the recording of the right in question can be carried out on the basis of the fact that the land parcel in question has been physically possessed for twenty (20) consecutive years or more by the person applying for the registration of the right in question, under the following conditions:
  - a. that the possession of the land parcel in question has been made in good faith and in a transparent way by the person in question as the party which is entitled to it;
  - b. that the possession of the land parcel in question was not questioned by the relevant adat law community or the relevant village/kelurahan community or other parties either before or during the period of announcement as meant in Article 26.

#### **Article 25**

- (1) Within the context of evaluating the truth of the evidences as meant in Article 24, the Adjudication Committee **in** the case of systematic registration or the Head of the Land Office in the case of sporadic registration shall collect and examine the juridical data on the land parcel **in** question.
- (2) The results of the examination of the evidence as meant in paragraph (1) shall be stated in a *daftar isian* (completion **form**) whose format shall be determined by the Minister.

#### **Article 26**

- (1) *The daftar isian (completion form)* as meant in Article 25(2) together with the map of the land parcel or land parcels in question as a result of the surveying as meant in Article 20(1), shall be announced for thirty ( 30) days in the case of systematic land registration or sixty (60) days in the case of sporadic land registration to give interested parties title to raise objections.
- (2) The announcement as meant in paragraph (1) shall be at the Office of the Adjudication Committee and that of the Village/*Kelurahan* Chief in the case of systematic land registration or at the relevant Land Office and the Office of the Village/*Kelurahan* Chief in the case of sporadic land registration as well as at other places deemed relevant.
- (3) In the case of sporadic land registration on an individual basis, announcements can also be made through mass-media in addition to the announcement as meant in paragraphs (1) and (2).
- (4) Further provisions concern the implementation of the provision as meant in paragraphs (2) and (3) shall be determined by the Minister.

#### **Article 27**

- (1) In the case where --during the period of announcement as meant in Article 26(1)--an objection is raised to the physical data and/or juridical data being announced, the Head of the Adjudication Committee in the case of systematic registration or the Head of the Land Office in the case of sporadic registration shall make efforts as quickly as possible to settle the objection amicably.
- (2) In the case where the efforts to settle the objection amicably as meant in paragraph (1) prove fruitful, an official report shall be made about the settlement of the objection; in the case where the settlement of the objection results in a modification having to be made to what is announced as meant in Article 26 (1), the modification shall be made to the relevant land parcel map and/or *daftar isian* (completion form).
- (3) In the case where the efforts to settle the objection amicably as meant in paragraph (1) cannot be made or prove unsuccessful, a request shall be made in writing by the Adjudication Committee in the case of systematic registration or by the Head of the Land Office in the case of sporadic registration that the party which has raised the objection file a suit concerning the physical/juridical data in question with the court.

## Article 28

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

## Subsection 3 Recording of Rights

### Article 29

- (1) A right on land, a right of management (*hak pengelolaan*), *wakaf* (a right on an edified land parcel), and an apartment ownership right shall be registered by recording it the *bukti tanah* (land book), which contains the juridical data and some of the physical data on the land parcel in question and, provided that the *surat ukur* (survey document) is available, shall be recorded in the *surat ukur* as well.
- (2) The recording of a right in a *buku tanah* and in the relevant *surat ukur* as meant in paragraph (1) shall serve as evidence that the right in question, the right holder, and the land parcel which is described in the *surat ukur* has been legally registered under this Government Regulation.
- (3) The recording of a right as meant in paragraph (1) shall be carried out on the basis of evidences as meant in Articles 23 as well as of the legalization report as meant in Article 28.

### Article 30

- (1) On the basis of the evidences and the official report on legalization as meant in Article 29(3),
  - a. a right on a land parcel whose physical data and juridical data are complete and are not disputed shall be recorded in a *buku tanah* (land book) in line with the provisions contained in Article 29(1);

- b. a right on a land parcel whose physical data or juridical data are incomplete shall be recorded in a *buku tanah* with a note added to it about what data are missing;
  - c. a right on a land parcel whose physical data and/or juridical data are under a dispute which has not been submitted to the court shall be recorded in a *buku tanah* (land book) with a note added to it about the existence of the dispute, and the party which has raised the objection shall be requested to file the dispute with the Court within sixty (60) days in the case of systematic registration or ninety (90) days in the case of sporadic registration following the date the request is delivered to the party in question;
  - d. a right on a land parcel whose physical data and/or juridical data are under a dispute which has been submitted to the court but concerning which no ruling in favour of the status quo or of sequestration has been made by the court shall be recorded in a land boo with a note added to it about the existence of the dispute and what is being disputed;
  - e. a right on a land parcel whose physical data and/or juridical data are under a dispute which has been submitted to the court and concerning which a ruling in favour of the status quo or of sequestration has been made by the court shall be recorded in a land book without mentioning the name of the right holder and the other things that have been disputed and with a note added to the land book about the existence of the status quo or sequestration ruling in question.
- (2) The note as meant in paragraph (1)(b) shall be erased when:
- a. additional evidence has been submitted as required; or
  - b. when a period of five (5) years has passed without any parties filing a claim with the court concerning the data which have been recorded.
- (3) The note as meant in paragraph (1)(c) shall be erased when:
- a. an amicable solution to the dispute has been reached by the conflicting parties; or
  - b. when a court ruling with permanent legal power has been made concerning the dispute in question; or .
  - c. when sixty (60) days in the case of systematic registration or (90) days in the case of sporadic registration have passed since the delivery of the written request as meant in paragraph (1)e without the dispute being filed with the court.
- (4) The note as meant in paragraph (1)(d) shall be erased when:
- a. an amicable solution to the dispute has been reached by the conflicting parties; or
  - b. when a court ruling with permanent legal power has been made concerning the dispute in question.
5. The recording of a land right in a land book and the removal of a note about the existence of a status quo ruling or a sequestration ruling as meant in paragraph (1)e shall be carried out when :
- a. an amicable solution has been reached by the conflicting parties; or
  - b. after a court ruling with legal permanent power has been made which revokes the status quo or sequestration ruling in question.

#### **Section Four**

## Issuance of Certificate

### Article 31

- (1) A certificate shall be issued upon request of the relevant right holder on the basis of the physical data and juridical data which have been recorded in a *buku tanah* (land book) as meant in Article 30(1).
- (2) In the case where the *buku tanah* in question contains a note as meant in Article 30(1)b concerning the juridical data or a note as meant in Article 30(1)c, d, and e concerning the physical data and juridical data, the issuance of the certificate shall be suspended until the said note is erased.
- (3) A certificate can be handed over only to the right holder whose name is stated in the relevant *buku tanah* (land book) as the right holder or to another party who has been empowered by the right holder to receive the certificate.
- (4) In the case of a land right or an apartment ownership right jointly owned by a number of individuals or corporate bodies, one certificate shall be issued and be handed over to one of the joint right holders who has been appointed in writing by all the other joint right holders.
- (5) In the case of a jointly owned land right or apartment ownership right as meant in paragraph (4), the same number of certificates as the number of the joint right holders can be issued, each of which shall be handed over to each of the joint right holders and shall list the names of the joint right holders with the respective portions of the joint right in question.
- (6) The format and content of a certificate and how to fill in and sign a certificate shall be determined by the Minister.

### Article 32

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

## Section Five Presentation of Physical Data and Juridical Data

### Article 33

- (1) For purposes related to the presentation of physical **and** juridical data, **the** Land Office shall organize land registration administration (registry), which shall comprise cadastral maps, *daftar tanah* (land registers), *surat ukur* (survey documents), *buku tanah* (land books), and *daftar nama* (name registers).
- (2) The format of *daftar tanah* (land registers), *surat ukur* (survey documents), *buku tanah* (land books), and *daftar nama* (name registers) shall be determined by the Minister.

### Article 34

- (1) Any interested party shall be entitled to knowing the physical data and juridical data contained in cadastral maps, *daftar tanah* (land registers), *surat ukur* (survey documents), and *buku tanah* (land books).
- (2) The physical data and juridical data contained in *daftar nama* (name registers) are open only to certain government institutions which require such data to carry out their duties.
- (3) The requisitions and procedures concerning the acquisition of information or data as meant in paragraphs (1) and (2) shall be determined by the Minister.

## Section Six Storage of Public Registers and Documents

### Article 35

- (1) Documents constitution evidence which have been used as a basis for registration shall be marked with identifiers **and** stored at the relevant Land Office or at another place as determined by the Minister and shall serve as an inseparable part of the public registers.
- (2) Cadastral maps, land registers, *surat ukurs*, *buku tanah* (land books), *daftar nama* (name registers), and documents as meant in paragraph (1) shall always be kept at the relevant Land Office or at another place as determined by the Minister.
- (3) With a written permission from the Minister or the Official assigned by the Minister, an extract, a copy or a record of the documents as meant in paragraph (1) can be given to other institutions which need them for the implementation of their -duties.
- (4) Upon order of the Court which is trying a case, the original documents as meant in paragraph (1) shall be brought by the Head of the relevant Land Office or by the Official assigned by him/her to the Court session so that it can be shown to the Judge Panel and to the interested parties.

- (5) On a gradual basis, the land registration data shall be stored and presented using electronic devices and microfilm.
- (6) Document records produced by electronic devices or microfilm as meant in paragraph (5) shall have the same evidencing power as that of the originals after they have been signed and officially stamped by the Head of the relevant Land Office.
- (7) The form and method of storage, presentation, and annulment of the documents as meant in paragraphs (1) and (2), as well as the method of storage and presentation of land registration data using electronic devices and microfilm as meant in paragraph (5) shall be determined by the Minister.

## **CHAPTER V MAINTENANCE OF LAND REGISTRATION DATA**

### **Section One General**

#### **Article 36**

- (1) The maintenance of land registration data shall be implemented in the case where there are changes in the physical data or juridical data on a land registration object which has been registered.
- (2) The right holder in question shall register with the Land Office the changes as meant in paragraph (1).

### **Section Two Registration of Transfers and Encumbrances**

#### **Subsection 1 Transfers**

#### **Article 37**

- (1) A transfer of a land right or an apartment ownership right resulting from a sale/purchase transaction, from an exchange, from a grant, from incorporation into a company, or from any other legal act effecting such a transfer with the exception of an auction can be registered only if it is evidenced with a deed made by the authorized PPAT in line with the applicable regulations.
- (2) Under compelling circumstances as determined by the Minister, the Head of the Land Office can register a transfer of a right on a land parcel with the status of *hak milik* (right of ownership) which is evidenced with a non-PPAT deed, provided that

the Head of the Land Office evaluates the deed as having an adequate content of truth to warrant the registration of the said transfer.

### Article 38

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

### Article 39

- (1) A PPAT shall turn down an application for a deed if the following is true:
  - a. in the case of a registered land parcel or apartment ownership right the original certificate of the right in question is not submitted to him/her or the certificate in question does not match the registers kept at the Land Office; or
  - b. in the case of an unregistered land parcel, any of the following is true:
    1. the right-evidencing document (*surat-surat bukti hak*) as meant in Article 24(1) or a letter made by the Village/Kelurahan Chief stating that **the** applicant has been possessing the land parcel in question as meant in Article 24(2) is not submitted to him/her; and
    2. a letter made by the Land Office stating that the land parcel in question has not been certified or a similar letter made by the applicant and endorsed by the Village/Kelurahan Chief in the case where the land parcel in question is located far away from the Land Office is not submitted to him/her; or
  - c. one or all of the parties which will take the legal act in question or one of the witnesses as meant in Article 38 have no right to do so or have not fulfilled the requisitions to do so; or
  - d. one or all of the parties involved act on the basis of *surat kuasa mutlak* (absolute power of attorney) which basically -contains a legal act effecting a right transfer; or
  - e. a permit has not been obtained from the authorized official or institution in **the** case where such a permit is required for the legal act in question in line with applicable regulations; or
  - f. there is a dispute over the physical data and/or juridical data on the object of the legal act; or
  - g. the requisitions imposed by the applicable legislation have not been fulfilled or the injunctions imposed by the applicable legislation have been violated.
- (2) Information about a refusal to make a deed, together with the reasons for the refusal, shall be sent in writing to the interested parties.

## Article 40

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

## Subsection 2 Transfer of Right due to Auction

### Article 41

- (1) A right transfer due to an auction can be registered only if it is evidenced with quotes from the *risalah lelang* (the report on the proceedings of the auction) that have been made by the Auction Official.
- (2) At the latest seven (7) work days before a land parcel or an apartment is auctioned to the public, whether this is intended for the execution of a court order or not, the Head of the State Auction Office shall ask the Land Office for information as meant in Article 38 about the land parcel or apartment which will be auctioned.
- (3) The Head of the Land Office shall produce information as meant in paragraph (2) within at most five (5) work-days following receipt of the request from the Head of the Auction Office.
- (4) The Head of the Auction Office shall refuse to carry out an auction if the following is true:
  - a. in the case of a land parcel or an apartment ownership right which has been registered, any of the following is true:
    1. the original certificate of the right in question has not been submitted to the Head of the Auction Office, except in the case of an executory auction, in which case the auction can proceed even if the original certificate of the right in question has not been submitted by the right holder to the Auction officials;
    2. the certificate which has been submitted does not match the registers kept at the Land Office; or
  - b. in the case of a land parcel which has not been registered, the following documents have not been submitted to the Head of the Auction Office:
    1. the written evidence of right (*surat bukti hak*) as meant in Article 24 or a letter made by the Village/Kelurahan Chief, -stating that the applicant has been possessing the land parcel in question as meant in Article 24(2); and
    2. a letter made by the Land Office stating that the land parcel in question has not been certified or a similar letter made by the applicant and endorsed the Village/ Kelurahan Chief in the case where the land parcel in question is located far away from the Land Office; or
  - c. an injunction 1 has been issued by the Court against the auction being carried out because of a Dispute over the land parcel in question.

- (5) In order that a right transfer, by way of an auction can be registered, the following shall be submitted to the Head of the Land Office:
- a. authentic quotes from the official report on the auction;
  - b.
    - 1) the certificate of the apartment ownership right or of the land right which has been auctioned in the case where the land parcel in question is already registered; or
    - 2) in the case where the auction is an executory auction and the certificate is not submitted to the buyer, a letter made by the Head of the Auction Office stating the reasons for not submitting the certificate; or
    - 3) the documents as meant in paragraph 4(b) of this Article in the case where the land parcel in question has not been registered;
  - c. evidence of the identity of the buyer;
  - d. evidence that the purchase price has been paid in full.

### **Subsection 3** **Transfer of Right due to Bequest**

#### **Article 42**

- (1) For the registration of a right transfer as a result of a bequest over a registered land parcel or over an apartment ownership right as stipulated in Article 36, the recipient of the bequeathed land right or apartment ownership right in question shall submit the following to the Land Office: the relevant right certificate, the death certificate for the person whose name is recorded as the right holder, and *surat tanda bukti sebagai ahli waris* (the heir's document).
- (2) In the case where the bequeathed land parcel is not registered, the documents as meant in Article 39(1)(b) shall also be submitted to the Land Office.
- (3) In the case where there is only one recipient of the inheritance, the registration of the transfer of the right in question shall be carried out on the basis of the heir's document as meant in paragraph (1).
- (4) In the case where there are more than one recipient of the inheritance and the application for the registration of the transfer of the right in question is equipped with an inheritance subdivision deed containing a statement about which part of the land right or apartment ownership right in question shall go to which recipient, the registration of the transfer of the land right or apartment ownership right in question shall be carried out on behalf of the respective recipients of the inheritance on the basis of the heirs' document and the inheritance subdivision deed.
- (5) As for an inheritance in the form of a land right or an apartment ownership right which, according to the inheritance subdivision deed, shall be divided among a number of inheritors or which is not equipped with an inheritance subdivision deed, the transfer of the right in question shall be registered on behalf of the inheritors of the right as the joint holders of the right in question on the basis of the heirs' document and/or the inheritance subdivision deed.

**Subsection 4**  
**Transfer of Right due to Consolidation**  
**or Merging of Companies**

**Article 43**

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

**Subsection 5**  
**Encumbrances**

**Article 44**

- (1) The encumbering of a land right or an apartment ownership right with a *hak tanggungan* (security title), the encumbering of a *hak milik* (right of ownership) with a *hak guna bangunan* (right of use of structures), a *hak pakai* (right of use), a *hak sewa bangunan* (right of use of structures), and the encumbering of a land right or an apartment ownership right with another lawful encumbrance can be registered if it is evidenced with a deed made by the authorized PPAT in accordance with the applicable regulations.
- (2) The provisions as meant in Articles 38, 39, and 40 are also applicable to the making of the PPAT deed as meant in paragraph (1).

**Subsection 6**  
**Refusal to Register Transfer or**  
**Encumbrance**

**Article 45**

- (1) The Head of the Land Office shall refuse an application for the registration of a right transfer or an encumbrance for any of the following reasons:
  - a. the certificate of the land right in question and the documents on the condition of the land right in question no longer match the registers existing at the Land Office;

- b. the legal act as meant in Article 37(1) is not evidenced with a PPAT deed with an authentic quote from an official report on auction as meant in Article 4 1, except under certain circumstances as meant in Article 3 7(2);
  - c. the documents required for the registration of the transfer or encumbrance in question are incomplete;
  - d. the other requisitions as stipulated in the applicable regulations have not been fulfilled by the applicant;
  - e. the land parcel in question is an object of a court dispute;
  - f. the legal act which is evidenced with the PPAT deed has been nullified or cancelled by way of a court ruling which has permanent legal power;
  - g. the legal act as meant in Article 37(1) had been cancelled by the parties involved in it before it was registered by the Land Office.
- (2) The refusal of the Head of the Land Office shall be stated in writing by mentioning the reasons for the refusal.
- (3) The letter of refusal shall be given to the person concerned, together with the application dossier, and a copy of it shall be given to the PPAT or to the Head of the Auction Office.

## **Subsection 7 Others**

### **Article 46**

Further provisions concerning the registration of a transfer of and an encumbrance on a land right and an apartment ownership right shall be determined by the Minister.

## **Section Three Registration of Other Changes in Land Registration Data**

### **Subsection 1 Extension of Term of Land Right**

#### **Article 47**

The registration of an extension of the term of a **land** right shall be carried out by recording it in the relevant *buku tanah* (land book) and right certificate on the basis of a decree issued by an official authorized to grant an extension to the term of the right in question.

### **Subsection 2 Registration of Subdivision, Separation, and Merging of Land Parcels**

### **Article 48**

- (1) At the request of the right holder, a registered land parcel can be perfectly subdivided into some parts, each of which constitutes a new parcel with the same legal status as that of the original land parcel.
- (2) In the case as meant in paragraph (1), for each land parcel a new *surat ukur* (survey document), *buku tanah* (land book) and certificate shall be made as the replacements for the original *surat ukur*, *buku tanah* and certificate.
- (3) In the case where the land right in question is encumbered with *Hak Tanggungan* (security title) and/or other burdens, the subdivision as meant in paragraph (1) shall not be carried out until written approval has been obtained from the security title holder or from another party having the authority to approve the nullification of the encumbrance in question.
- (4) In carrying out the subdivision as meant in paragraph (1), in the case where it concerns agricultural land, attention shall be paid to the applicable provisions concerning the minimum allowable size of agricultural land.

### **Article 49**

- (1) At the request of the right holder, a part or some parts can be separated from a registered land parcel, which shall then become new land parcels with the same legal status as that of the original land parcel.
- (2) In the case as mentioned in paragraph (1), for each new land parcel a new *surat ukur buku tanah*, and certificate shall be drawn up, and a note about the said separation shall be added to the cadastral map, land register, *surat ukur*, *buku tanah* (light book), and certificate of the original land parcel.
- (3) In the case of separation as meant in paragraph (1), the provisions contained in Article 48(3) and (4) shall apply.

### **Article 50**

- (1) At the request of the right holder, two registered land parcels or more which are located in adjacency to one another and all of which are registered on behalf of the same person can be merged into a new land parcel, provided that all the registered land parcels in question are possessed under land rights of the same kind having the same remaining terms.
- (2) In the case as meant in paragraph (1), for the said new land parcel a new *surat ukur*, *buku tanah*, and certificate shall be made by nullifying the *surat ukur*, *buku tanah*, and certificate of each of the original land parcels.
- (3) To the merging of land parcels as meant in paragraph (1), the provision contained in of Article 48(3) shall apply.

### **Subsection 3**

## **Subdivision of Joint Right**

### **Article 51**

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

### **Subsection 4**

#### **Nullification of Land Right and Apartment Ownership Right**

### **Article 52**

- (1) The registration of the nullification of a land right, *Hak Pengelolaan* (Right of Management) and Apartment Ownership Right shall be carried out by the Head of the Land Office by adding a note to the relevant land register, *surat ukur*, *buku tanah*, and *daftar nama* (name register) as well as by destroying the certificate of the land right in question on the basis of:
  - a. data in the relevant land book kept at the Land Office, in the case of land rights with definite terms;
  - b. a copy of the decree of the relevant authority stating that the land right in question has been nullified or revoked;
  - c. a deed stating that the land right in question has been -relinquished by the holder.
- (2) In the case where the certificate of the land right which has been nullified is not submitted to the Head of the Land Office, a note about this shall be added to the relevant *buku tanah* and *surat ukur* (survey document).

### **Subsection 5**

#### **Transfer and Nullification of *Hak Tanggungan* (Security Title)**

### **Article 53**

The registration of the transfer of a *Hak Tanggungan* (Security Title) shall be carried out by recording it in the relevant *buku tanah* (land book) and the certificate of the right being encumbered on the basis of a written evidence that the credit being guaranteed has transferred as a result of cession, subrogation, bequest or the consolidation and liquidation of companies.

### **Article 54**

- (1) The registration of the nullification of *Hak Tanggungan* shall be carried out in accordance with the provisions contained in Act No. 4 of 1996 re *Hak Tanggungan* (Security Titles) oil Land and Land-related Objects.
- (2) In the case where the right encumbered with the *Hak Tanggungan* has been auctioned within the context of repaying the debt in question, a letter made by the creditor stating that he/she/it has relinquished the *Hak Tanggungan* on the auctioned right for an amount higher than the proceeds of the auction and quotes from the Official Report on the Auction can be used as a basis for registering the nullification of the *Hak Tanggungan* in question.

### **Subsection 6**

#### **Changes in Land Registration Data on the basis of Court Decision or Ruling**

##### **Article 55**

- (1) The Registrar of the Court shall notify the Head of the Land Office of the contents of all the decisions with permanent legal power made by the court and of all the decrees made by the Head of the Court which have caused changes in the data on a registered land parcel or an apartment for recording in the relevant *buku tanah* and, wherever possible, also in the relevant certificate and other registers.
- (2) The recording as meant in paragraph (1) can also be carried out at the request of the interested party on the basis of an official copy of the decision of the Court which has permanent legal power or a copy of the decree of the Head of the Court that the said party has submitted to the Head of the Land Office.
- (3) The recording of the nullification of a land right, *Hak Pengelolaan* (Right of Management), and apartment ownership right on the basis of the decision of the Court shall be carried out after a decree concerning the nullification of the right in question has been obtained from the Minister or from the Official appointed by the Minister as meant in Article 52(2).

### **Subsection 7**

#### **Change in Name**

##### **Article 56**

The registration of a change in land registration data as a result of a change in the name of the right holder shall be carried out by recording it in the relevant *buku tanah* as well as in the certificate of the land right or of the apartment ownership right in question on the basis of **air** evidence of the change in the name of the right holder in line with the applicable regulations.

## **CHAPTER VI ISSUANCE OF REPLACEMENT CERTIFICATES**

### **Article 57**

- (1) At the request of the right holder, a new certificate may be issued as a replacement for a damaged or lost certificate or for a certificate still using the form which is no longer used or for a certificate which has not been handed over to the buyer in an executory auction.
- (2) An application for a replacement certificate as meant in paragraph (1) can only be forwarded by the party whose name is mentioned in the relevant *buku tanah* as the right holder or by another party who is the recipient of the right in question on the basis of a PPAT deed or quotes from an auction official report as meant in Articles 37 and 41 or a deed as meant in Article 43(1) or a written evidence as meant in Article 5') or by his/her proxy.
- (3) In the case where the right holder or the right recipient as meant in paragraph (2) is dead, the application can be forwarded by his/her heir, who shall do so by submitting the *surat tanda bukti sebagai ahli waris* (the heir's document).
- (4) The replacement of a certificate as meant in paragraph (1) shall be recorded in the relevant right book.

#### **Article 58**

In the case where a certificate has to be replaced because it is damaged or because the form of the certificate has been renewed, the old certificate shall be held for destruction.

#### **Article 59**

- (1) An application for a replacement for a lost certificate shall be equipped with a statement made under oath by **the** person **in** question before the Head of the Land Office or b the Official appointed before the Head of the Land Office concerning the loss of the certificate.
- (2) The issuance of a replacement certificate as meant in paragraph (1) shall be preceded with an announcement in one of the local newspapers on the applicant's expenses.
- (3) In the case where within the period of thirty (30) days following the placement of the announcement as meant in paragraph (2) nobody raises an objection to the planned issuance of the replacement certificate or an objection is raised but the Head of the Land Office considers the objection groundless, the replacement certificate shall be issued.
- (4) In the case where the objection is considered reasonable by the Head of the Land Office, he/she shall refuse to issue the replacement certificate.
- (5) The placement of the announcement, the issuance of the replacement certificate, or the refusal to issue a replacement certificate as meant in paragraphs (2), (3), and (4) of this Article shall be reported in an official report by the Head of the Land Office.
- (6) A replacement certificate shall be handed over to the right holder whose name is mentioned in the relevant *buku tanah* (land book) or to another person who has been given a special power of attorney by the right holder to receive the replacement certificate.
- (7) For certain areas, the Minister can determine methods and places of announcements that are different from those provided in paragraph (2).

## **Article 60**

- (1) The failure to hand over the replacement certificate of the right on a land parcel or of an apartment ownership right to the buyer at an executory auction shall be based on a letter made by the Head of the Auction Office stating the reasons for the unavailability of the said certificate for the buyer.
- (2) The Head of the Land Office shall place an announcement at a local daily of the issuance of a replacement certificate for a land right or an apartment ownership right as meant in paragraph (1) and of the non-validity of the old certificate on the applicant's expenses.

## **CHAPTER VII LAND REGISTRATION FEES**

### **Article 61**

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

## **CHAPTER VIII SANCTIONS**

### **Article 62**

A PPAT who neglects, in the implementation of his/her duties, the provisions contained in Articles 38, 39, and 40 and the provisions and guidelines provided by the Minister or by the official designated by the Minister shall be subject to administrative measures raising from written admonitions to dismissal from his/her position as a PPAT, with the possibility open for the PPAT in question to receive demand for compensation from the parties which suffer losses as a result of the neglect over the said provisions.

### **Article 63**

A Land Office Head who neglects, in the implementation of his/her duties, the provisions of this Government Regulation and those of its implementing regulations as well as the other provisions concerning the implementation of land registration duties shall be subject to administrative measures in line with the applicable regulations.

## **CHAPTER IX TRANSITIONAL PROVISIONS**

### **Article 64**

- (1) With the coming into effect of this Government Regulation, all the already existing laws and regulations which implement Government Regulation No 10 of 1961 shall remain effective as long as they do not contradict this Government Regulation and have not been modified or replaced on the basis of this Government Regulation.
- (2) The rights which have been registered and other things which have been produced as a result of the implementation of land registration activities under Government Regulation No. 10 of 1961 shall remain valid as the results of land registration under this Government Regulation.

## **CHAPTER X CONCLUDING PROVISIONS**

### **Article 65**

With the coming into effect of this Government Regulation, Government Regulation No. 10 of 1961 re Land Registration (State Gazette No. 28 of 1961; Supplement to State Gazette No. 2171) shall be declared as no longer valid.

### **Article 66**

This Government Regulation shall take effect within three (3) months following the date it is enacted.

To make it known to everybody, this Government Regulation shall be enacted by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta  
On (date) : 8 July 1997

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PRESIDEN OF THE  
REPUBLIC  
OF INDONESIA

SOEHARTO

Enacted in Jakarta  
On (date): 8 July 1997  
MINISTER/STATE SECRETARY

MOERDIONO

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC  
OF INDONESIA NO. 3696

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ELUDICATION  
OF  
GOVERNMENT REGULATION OF REPUBLIC OF INDONESIA  
NO. 24 OF 1997  
RE  
LAND REGISTRATION

**GENERAL**

During the Second Phase of Long-term National Development, the role of land as a means of fulfilling various needs, e.g. the need for dwelling and that for business activities, will increase. This means that there will be increasingly high demand for support in the form of guaranteed legal certainty in the area of land. In order that guaranteed legal certainty in the area of land can be provided, there should first of all be a comprehensive set of legal instruments which are written and clear and which are implemented in consistence with what such legal instruments say. In the face of concrete cases involving land, however, the administration of land registration is required in addition to the availability of such legal instruments. The administration of land registration enables a land right holder to prove easily that he/she is the holder of the right on the land which lie/she possesses and enables interested parties, e.g. a prospective buyer and a prospective creditor, to obtain the necessary information about the land which will become the object of a legal act which will be taken. Besides, the administration of land registration enables the Government to implement land policies.

In view of the above, Act No. 5 of 1960 on the Basic Rules concerning the Fundamentals of Agrarian Affairs (UUPA) orders in its Article 19 that land registration be administered to provide guaranteed legal certainties as meant above. The administration of land registration as meant in Article 19 of UUPA has been regulated further by Government Regulation No. 10 of 1961 on Land Registration, which has become the foundation for land registration activities throughout Indonesia.

In reality, however, although the administration of land registration under Government Regulation No. 10 of 1961 has been going on for over 35 years now, it has not achieved satisfactory results. Of about 55 million land parcels which qualify for registration, only 16.5 million have been actually registered. In its future developments through bequest, separation, and right granting, the total number of land parcels which qualify for registration is expected to increase to an estimated 75 million during the Second Phase of Long-term National Development. There are a variety of obstacles to the implementation of land registration. One of these is the lack of funds, equipment, and personnel. Another is the objective conditions of the land parcels themselves: not only are they found in large quantities and geographically distributed over large areas, but also most of them are not equipped with evidences that are readily available **and** reliable. Still another obstacle is that the existing

legal provisions themselves are not adequate enough to allow land registration to take place within a short period of time with more satisfactory results. Therefore, in order to enhance national development by providing guaranteed legal certainties in the area of land, it is deemed necessary to improve the provisions regulating land registration. In reality, such provisions are currently found in different regulations.

In this Government Regulation, which improves Government Regulation No. 10 of 1961, the purpose of land registration and the publication system which have been in use are maintained. This is so because this purpose and system have been determined in the UUPA, which stipulates that land registration be administered within the context of providing guaranteed legal certainty in the area of land and that the publication system to use be a negative publication system with positive elements because such a system will produce written evidences of rights which serve as strong evidences as meant in point Article 19(2)(c), Article 23(2), Article 32(2) and Article 38 thereof. Land registration will also continue to be implemented under two approaches, namely the systematic approach and the sporadic approach. Under the systematic approach, land registration is conducted in villages or *kelurahans* or parts thereof upon initiative of the Government. Under the sporadic approach, land registration is conducted on individual land parcels upon request of the right holder or right recipient in question either on an individual basis or a mass basis.

As part of Government the former, the attempt to improve the old Government Regulation, the new Regulation clarifies a variety of matters which are not clearly defined in e.g. what is meant by land registration itself, what the principles underlying its administration are, and what the purposes of its administration are. This is intended not only to provide legal certainty as meant above but also to collect and present complete information concerning the physical data and juridical data on the land parcels in question. The procedures on the collection of data on land possession are made clear, shortened, and simplified. To provide guaranteed legal certainty in the area of land

possession and ownership, certainty about the locations and boundaries of land parcels should not be neglected. In the past, many land disputes occurred as a result of uncertainty about the locations and boundaries of land parcels. In view of this, the issues of surveying and mapping and of procuring large-scale maps for purposes related to the administration of land registration are very important and should be seriously taken into account not only within the context of collecting data on land possession/ownership but also within the context of presenting and storing such data. The developments in the technology of surveying and mapping, e.g. how to locate a point using the GPS (Global Positioning System), in computerization, in the processing and storage of data, and in the implementation of surveying and mapping can be applied in land registration. In order to speed up the surveying and mapping of land parcels that have to be registered, the use of modern technologies such as the Global Positioning System (GPS) and the computerization of data processing and storage should be made possible and should be regulated by the Minister.

Besides systematic land registration, sporadic land registration will also be increased because, in reality, applications for land registration on an individual basis and on a mass basis --something which is required within the context of the implementation of national development-- will continue increasing in number. Priorities are given to systematic land registration because this approach will enable the collection of data on the land parcels that are - to be registered to be conducted more rapidly than sporadic land registration. However, since the initiative to conduct systematic land registration comes from the Government, it takes some time before the funds, personnel, and equipment required for the implementation of systematic land registration can be made available. Thus, the implementation of such registration should be based on a long-term plan and an on-going annual plan as well as on feasibility studies so as to make sure that it will proceed smoothly.

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

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

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

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

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

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

The absence of an obligation for interested parties to register legal acts which have been made and evidenced with PPAT deeds is compensated for with the provision that PPATs --within a certain period of time-- shall submit the land deeds which they have made, together with related documents, to the Land Office for registration purposes. This provision is deemed necessary in view of the fact that in reality, such dossiers are not always submitted to the Land Office.

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

## **ARTICLE BY ARTICLE**

### **Article 1**

Self-explanatory.

### **Article 2**

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

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

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

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

### **Article 3**

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

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

### **Article 4**

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
Self-explanatory.

Paragraph (3)  
Self-explanatory.

### **Article 5**

Self-explanatory.

### **Article 6**

Paragraph (1)

What is meant by certain activities whose implementation is assigned to other Officials is activities whose benefits are nation wide or are for a territory larger than the area of operations of the Head of the Land Office, e.g. technical base point survey, photogrammetric mapping, and the likes.

Paragraph (2)

What is meant by certain activities in this regard includes the making of PPAT deeds by PPATs or by Provisional PPATs, the making of auction reports by auction officials, adjudication by the Adjudication Committee in systematic land registration, and others.

## Article 7

Paragraph (1)

Self-explanatory.

Paragraph (2)

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

Paragraph (3)

Self-explanatory.

## Article 8

Paragraph (1)

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

Paragraph (2)

**Self-explanatory.**

Paragraph (3)

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

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

#### **Article 9**

Paragraph (1)  
Self-explanatory.

Paragraph (2)

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

#### **Article 10**

Paragraph (1)  
A village (*desa*) and a *kelurahan* are units of administrative area as regulated in Act No. 5 of 1979 re Village Administration.

Paragraph (2)

The area of a land with the status of *Hak Guna Usaha* (Right to Cultivate) or *Hak Pengelolaan* (Right of Management) or that of a state land usually covers a number of villages/*kelurahans*. Similarly, a Security Title object can cover a number of land parcels located in different villages/*kelurahans*.

#### **Article 11**

Paragraph (1)  
Self-explanatory.

#### **Article 12**

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
Self-explanatory.

#### **Article 13**

Paragraph (1)  
Self-explanatory.

Paragraph (2)

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

Paragraph (3)  
Self-explanatory.

Paragraph (4)  
What **is** meant by interested parties is those parties that have rights on the land parcels in question or their proxies.

#### **Article 14**

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
Self-explanatory.

#### **Article 15**

Paragraph (1)  
In an area which has been designated for systematic land registration, there are usually some land parcels which have been registered. In such an area, cadastral maps should be made available because they will be used not only to produce cadastral maps for purposes related to the implementation of systematic registration but also to map those land parcels which have been registered.

Paragraph (2)  
With cadastral base maps, a land parcel which has been registered under sporadic land registration **can** be located in relation to the other land Parcels within the same area and, hence, the issuance of double certificates for the same land parcel can be prevented.

#### **Article 16**

Paragraph (1)  
Cadastral base maps need to be made available so that every land parcel which has been mapped will have guaranteed certainty about its location because it can be reconstructed in the field anytime the need to do so arises. In view of this, national technical base points need to be made available.

Paragraph (2)  
A technical base point is a permanent point whose coordinates are obtained from measurement and computation under a certain system and which functions as a control point or a reference point for boundary survey and reconstruction purposes.

Paragraph (3)  
Self-explanatory.

Paragraph (4)  
Self-explanatory.

Paragraph (5)  
Self-explanatory.

## Article 17

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
In reality, there are many land parcels whose shape is not good. In such cases, **the** fixing of **land** parcel boundaries helps improve the shape of land parcels.

Paragraph (3)  
Self-explanatory.

Paragraph (4)  
Self-explanatory.

## Article 18

Paragraph (1)  
A *gambar situasi* (Situation drawing) as meant this Article is a document which shows the object of a land right as regulated by the provisions which came into effect prior to the enactment of this Government Regulation, namely those provisions which are contained in Regulation of the Minister of Agrarian Affairs (PMA) No. 6 of 1965 re the Basic Guidelines concerning the Administration of Land Registration as regulated in Government Regulation No. 10 of 1961 re Land Registration.

What is meant by a land-right holder in this paragraph is a person or corporate body that has a right on a land parcel in accordance with the UUPA, be it a certified land parcel or an uncertified one.

Paragraph (2)

What is meant by a new right is a land right granted over *tanah negara* (state land).

Paragraph (3)  
Self-explanatory.

Paragraph (4)  
Self-explanatory.

Paragraph (5)  
Self-explanatory.

## Article 19

Paragraph (1)  
What is meant by "the boundaries which in reality have been the boundaries of the land parcel in question" includes walls or other markers which indicate the boundaries of land possession by the person in question. In the case where such markers are available, an agreement from the holders of the rights on the adjacent land parcels is not absolutely necessary.

Paragraph (2)  
Self-explanatory.

Paragraph (3)  
This provision shall also apply **in** the case where the holder of the right on the land parcel in question and the owners of the adjacent land parcels fail to present themselves during the time of survey although a notice has been given to them.

Paragraph (4)

What is meant by a *gambar ukur* (survey drawing) is the results of field surveying and mapping in the form of *peta batas bidang atau bidang-bidang tanah* (parcel boundary i-naps) which are broadly made.

A note on a *ganibai*. tikiir shall be based on the official report on provisional survey.

Paragraph (5)  
Self-explanatory.

## Article 20

Paragraph (1)  
A land parcel can be plotted directly onto a cadastral base map. However, in the case of a large **land** parcel, it can be plotted onto a separate map using the data from the relevant cadastral base map and from the results of the surveying of their boundaries.

Paragraph (2)

What is meant by "other maps" is maps which have been made by other institutions, e.g. the Public Works Department or the tax institution and which meet the technical requirements for the making of cadastral maps.

Paragraph (3)

Under compelling circumstances, the making of a cadastral base map can be conducted at the same time as the surveying and mapping of the land parcel in question and the adjacent land parcels so that the position of the former relative to the latter can be determined.

Paragraph (4)

The minister regulations as meant in this paragraph include one concerning licensed surveyors.

## Article 21

Paragraph (1)

A *daftar tanah* (**land** register) is meant to be a source of complete information about the parcel numbers, locations, and *surat ukur* numbers of the land parcels existing in a land registration area, such data being the results of first-time registration activities and of subsequent maintenance activities.

Paragraph (1)

Self-explanatory.

## Article 22

Paragraph (1)

Self-explanatory.

Paragraph (2)

Under the old **land** registration regulation, a *surat ukur* (survey document) as meant in **this** paragraph is referred to as a *gambar situasi* (situation drawing).

Paragraph (3)

Self-explanatory.

## Article 23

Point a

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

Point b  
Self-explanatory.

Point c

What is meant by ail Akta Ikrar Wakaf (Edification Promise Deed) in this regard is the same as the Wakaf Promise Deed as meant in Government Regulation No. 28 of 1977 re the Edification of Land Parces with the Status of *Hak Milik* (Right of Ownership).

Seen from its object, the recording of an edified land parcel is to be treated as its first-time registration even if the land parcel in question was once registered as a land parcel with the status of *Hak Milik* (Right of Ownership).

Point d

An apartment ownership right is an individual ownership right on a certain apartment which shall cover the common right on what is called the shared parts, shared objects, and shared **land** at the venue where the apartment building stands

and shall form an inseparable part thereof. The recording of an apartment ownership right is to be performed on the basis of an *Akta Pemisahan* (Separation Deed), which shows which apartment is owned by the holder of the said deed and what is the proportional share of the holder of the said deed in the parts and objects which are held under the common right.

What is meant by an *Akta Pemisahan* (Separation Deed) in this regard is the same as the *Akta Pemisahan* as meant in Act No. 16 of 1985 re Apartment Blocks.

The recording of an *Akta Pemisahan* is to be treated as its first-time registration eventhough the right on the land where the apartment block in question stands has been registered.

Point e

What is meant by an *Akta Pemberian Hak Tanggungan* (Security Title Provision Deed) in this regard is the same as the *Akta Pemberian Hak Tanggungan* as meant in Act No. 4 of 1996 **re** *Hak Tanggungan* (Security Titles) on Land and Land related Objects.

## Article 24

Paragraph (1)

Basically, what is meant by evidence of ownership is the evidence of ownership on behalf of the right holder which already existed at the time the UUPA came into effect; however in the case where the right in question has since transferred to

different persons, it should also include the evidences of these transfers down to the right holder at the time the right in question is to be registered.

The written evidences as meant in this paragraph shall be:

- a. the original copy of the *akte hak eigendom* (deed on right of ownership) which was issued on the basis of *Overschrijvings Ordonnantie* (Conveyance Ordinance) [S. 1834-27] with a note on it that the right of eigendom has been converted into *Hak Milik* (right of ownership); or
- b. the original copy of the *akte hak eigendom* (deed on right of ownership) which was issued on the basis of *Overschrijvings Ordonnantie* (Conveyance Ordinance) [S. 1984-27] between the date the UUPA came into effect and the date land registration commenced under PP 10 of 1961 (Government Regulation No. 10 of 1961) in the area in question; or
- c. a *Hak Milik* (Right of Ownership) document which was issued under the applicable regulations of the relevant Kingdom/Sultanate; or
- d. a *Hak Milik* certificate which has been issued under Regulation of the Minister of Agrarian Affairs No. 9 of 1959; or
- e. a *Hak Milik* (right of ownership) granting decree issued by an authorized official, either before or after the enactment of the UTJPA, which does not require the holder to have the *Hak Milik* in question registered but mentions other obligations for the holder, all of which have been fulfilled by the holder; or
- f. a right-transfer deed made in private prior to the enactment of this Government Regulation and signed by the *Adat Chief/Village Chief/ Kelurahan Head*; or
- g. a right-transfer deed made by the PPAT, of which the land parcel in question has not been recorded in the *buku tanah*; or
- h. a *Wakaf* (Edification) Promise Deed/*Wakaf* Promise Letter which was made either before or after the enactment of Government Regulation No. 28 of 1977; or
- i. an auction report made by the relevant auction official; or
- j. a document on the designating or purchase of a land parcel as a replacement for the land acquired by the Government /Local Administration; or
- k. a land tax receipt (*Petuk Pajak Bumi, Landrente, girik, pipil, or ketifir*) or *Verponding Indonesia* issued prior to the enactment of Government Regulation No. 10 of 1961); or
- l. a land history certificate made by *Kantor Pelayanan Pajak Bumi and Bangunan* (the Land and Building Taxation Office); or
- m. other written evidences by whatever names as meant in the Articles 11, VI and VII of the UUPA re Provisions concerning Conversion.

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

What is meant by a witness is a person who is good at giving a testimony and who is knowledgeable of the history of ownership of the land parcel in question.

#### Paragraph (2)

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

The requirements for the recording of a land right under this paragraph are as follows:

- a. that the person in question has actually<sup>7</sup> possessed and used the land parcel in question in good faith for at least twenty (20) consecutive years;
- b. that the possession and use of the land parcel in question by the person in question have never been clarified against and, hence, can be regarded as having been recognized and accepted by the relevant adat law community or by the members of the relevant village/kelurahan;
- c. that the truth of points a and above is strengthened by testimonies from trustworthy people;
- d. that opportunities have been provided through the activity of announcement as meant in Article 26 for other parties to raise objections;
- e. that the things mentioned above have been scrutinized for truth;
- f. that the final conclusions concerning the status of the land parcel in question and the right holder have been made and presented in the form of a decision on recognizing the right in question by the Adjudication Committee in the case of systematic registration by the Head of the Land Office in the case of sporadic registration.

#### Article 25

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
Self-explanatory.

#### Article 26

Paragraph (1)

What is announced is basically the physical data and juridical data which will be used as a basis for registering the land parcels in question.

In order that an announcement can be made easily, it does not have to cover at the same time all the land parcels existing in the whole territory of the village / *kelurahan* which has been designated as a systematic land registration area; rather, it can be conducted in stages.

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

Paragraph (2)

What is meant by other places for announcement includes the *Rukun Warga (RW)* office and the locations of the land parcels in question. The designating of such other places shall be regulated by the Minister.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

## **Article 27**

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

## **Article 28**

Paragraph (1)

Self-explanatory.

Paragraph (2)

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

Paragraph (3)

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

## Article 29

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
Self-explanatory.

Paragraph (3)  
Self-explanatory.

## Article 30

Paragraph (1)

Point a

One purpose of land registration is to collect and present information of land parcels. In view of this, the physical data and juridical data on a land parcel which have been evaluated as adequate for recording should be recorded even if some of the relevant data remain to be made available. Thus, every physical data and juridical data on the land parcel, including the existence of a dispute over these data, if any, should be recorded.

Point b

In the case of physical data, the incompleteness as meant in point b may result from the fact that the surat ukur is still based on provisional boundaries as meant in Article 19(3). In the case of juridical data, the incompleteness as meant in point b may result from the fact that the signature of a certain heir is still unavailable.

Point c

The dispute as meant in points c, d, and e may concern the physical data or the juridical data.

In the case where the dispute has been filed with the court and a ruling has been issued by the court in favour of the status quo or a sequestration, the recording of the name of the right holder in the *buku tanah* should be delayed until it becomes clear, either through a court decision or through an amicable solution, as to who has the right on the land parcel in question.

In the case of a court ruling in favour of the status quo, it should be made officially and in writing and, following the completion of the court proceedings over the dispute in question, it should be strengthened with a decision on the sequestration of the land parcel in question.

Paragraph (2)

The period of 5 years is considered adequate to judge that the incomplete physical

data or juridical data are true.

Paragraph (3)

An amicable settlement can be achieved either within or without the court.

In the case where --within the applicable period of title-- the party which objected to the physical data or juridical data which will be recorded fails to file the objection with court, the objection should be considered groundless and the note about the existence of the objection should be erased.

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

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

## Article 31

Paragraph (1)

Self-explanatory.

Paragraph (2)

The issuance of a certificate is intended to enable the right holder to prove easily the existence of the right in question. Therefore, a certificate is a strong evidence as meant in Article 19 of tile UUPA. In view of this, a certificate should in principle not be issued in the case where there is still uncertainty concerning the existence of the right in question as indicated by the existence of a note as meant

In Article 30(1). However, in the case where the note in question is about the incompleteness of the physical data over which there has not been any dispute, a certificate can be issued.

Paragraph (3)

A *wakaf* certificate (certificate on edified land) shall be handed over to the *Nadzir* (the manager of edified land).

In the case where the right holder has died, the certificate shall be handed over to his/her heir or to one of his/her heirs with approval of the other heirs.

Paragraph (4)

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

Paragraph (5)

With this provision, each of the joint-right holder holds a certificate which mentions how much share each of them has in the joint right in question. Thus, it will be easy for each of them to take a legal act on his/her own share in the joint right in question without having to make any changes to the certificate first, except in the case where the certificate expressly states that no legal act shall be taken unless with approval of the other joint-right holders.

Paragraph (6)  
Self-explanatory.

## Article 32

Paragraph (1)

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

Paragraph (2)

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

This provision is intended to keep the negative publication system in use and, at the same time, to provide legal certainty on a balanced basis for those who possess land parcels in good faith and are registered as the right holders in *buku tanah* (land books) with certificates as the evidence, a certificate being a strong evidence according to UUPA.

One shortcoming of the negative publication system is that the party whose name is recorded as the right Holder in the *buku tanah* and certificate is always faced with the possibility of a claim from another party which thinks that he/she/it owns the land parcel. Generally, this shortcoming is overcome by using the so-called "*acquisitieve veryaring* or "adverse possession" institution. Our land law, which is based on adat (customary) law, cannot use this institution because our adat law

does not recognize it. However, in our adat law, there is an institution which can be used to overcome the said shortcoming of the negative publication system, namely the so-called "*rechtsverwerking*" institution. Under adat law, one who has left his/her land parcel idle for a certain period of time, after which the land parcel in question is Enquired in good faith and worked upon by another party, shall lose his/her right to make a claim for the land parcel in question. The UUPA provisions re the nullification of land rights due to abandonment (Articles 27, 34, and 40) are in line with this institution.

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

### **Article 33**

Paragraph (1)

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

Paragraph (2)

Self-explanatory.

### **Article 34**

Paragraph (1)

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

Paragraph (2)

As a matter of fact, a *daftar nama* (name register) does not contain information of a land parcel; rather, it contains information of the individual or corporate body insofar as his/her/its relationship with the land parcel in question is concerned. Such information is required by government institutions for the implementation of their tasks.

Paragraph (3)

Self-explanatory.

### **Article 35**

Paragraph (1)

Self-explanatory.

paragraph (2)

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

Paragraph (3)

Self-explanatory.

Paragraph (4)

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

Paragraph (5)

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

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

## Article 36

Paragraph (1)

A change in physical data takes place in the case of a separation, subdivision, **or** consolidation concerning registered **land** parcels.

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

Paragraph (2)

Self-explanatory.

## Article 37

Paragraph (1)

Self-explanatory.

Paragraph (2)

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

## **Article 38**

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

## **Article 39**

Paragraph (1)

In this paragraph, the functions and responsibilities of a PPAT as implementor of land registration are realized. A PPAT deed should be made in such a way that it can be used as a strong basis for the registration of a right transfer, right encumbrance, or extension of the term of a right resulting from the legal act stated in the deed. Therefore, a PPAT is responsible for making sure that the requirements for the legality of tile legal act in question are fulfilled by, amongst others, checking on the data shown in the certificate against the registers kept at the Land Office.

What is meant by an absolute power of attorney as meant in Point d is a power of attorney which cannot be revoked by the provider. Hence, an absolute power of attorney is basically a legal act effecting a right transfer.

One of the requisitions as meant in Point g would be the injunction --as stipulated in Government Regulation No. 48 of 1994 re Payment of Income Taxes oil Income from Transfers of Land and Building Rights in conjunction to Government Regulation No. 27 of 1996 re Amendments to Government Regulation No. 48 of 1994 re Payment of Income Taxes on Income from Transfers of Land and Building Rights- against making a deed in the case where a photocopy of the relevant income tax return has not been submitted to the PPAT in question.

Paragraph (2)

Self-explanatory.

## Article 40

### Paragraph (1)

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

### Paragraph (2)

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

## Article 41

### Paragraph (1)

Self-explanatory.

### Paragraph (2)

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

### Paragraph (3)

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

### Paragraph (4)

What is meant by an executory auction includes an auction carried out within the context of the execution of a court ruling, of a *Hak Tanggungan* (Security Title), of a Tax-related Confiscation, a Prosecutor Confiscation, and of a PUPN (Committee for State's Accounts Receivable) Confiscation. In some cases, the executed in an executory auction refuses to submit the original certificate of the right which will be auctioned. This should not prevent the auction from being carried out. Therefore, an executory auction should proceed even if the original certificate of the land right in question has not been submitted by the executed to -the auction official.

### Paragraph (5)

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

## Article 42

Paragraph (1)

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

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

A written evidence of the status of a heir can be *Akta Keterangan Hak Mewaris* (Deed on the Right to Inherit) or *Surat Penetapan Ahli Waris* (Heir Appointment Document) or *Surat Keterangan Ahli Waris* (Heir Document).

Paragraph (2)

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

Paragraph (3)

Self-explanatory.

Paragraph (4)

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

Paragraph (5)

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

## Article 43

Paragraph (1)

The transfer of a right due to a merging or consolidation of limited-liability companies or cooperatives that is not proceeded with liquidation takes place for the sake of law [Article 107(3) of Act No. 1 of 1995 re Limited-liability Companies] and Article 14 of Act No. 25 of 1992 re Cooperatives. In view of this, such a transfer needs to be evidenced only with a deed which proves that the

merging or consolidation has taken place. This provision applies *mutatis mutandis* (with adjustments to be made as necessary) to the merging or consolidation of other corporate bodies.

Paragraph (2)

Within the context of liquidation a right is transferee. In the case where the right in question is a land right, the transfer has to be evidenced with a PPAT deed.

#### **Article 44**

Paragraph (1)

Seen from the viewpoint of the (security title), the registration of the conveyance of a *hak tanggungan* is first-time registration. Seen from the viewpoint of the right which is with a *hak tanggungan*, however, the recording of the *hak tanggungan* the *buku tanah* and certificate of the land right which it encumbers is maintenance of land registration data.

Paragraph (2)

Self-explanatory.

#### **Article 45**

Paragraph (1)

A PPAT deed provides an instrument to prove that a legal act has been taken. Therefore, in the case where the legal act in question has been nullified or cancelled, the PPAT deed no longer functions as an evidence of the legal act. However, in the case where a legal act is cancelled in private by the relevant parties while it has been registered with the Land Office, the registration of the legal act in question cannot be cancelled. The change in the relevant registration data resulting from the cancellation of the legal act is to be based on another evidence, e.g. a court decision or a PPAT deed on the new legal act.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

#### **Article 46**

Self-explanatory.

#### **Article 47**

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

## **Article 48**

### Paragraph (1)

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

### Paragraph (2)

Self-explanatory.

### Paragraph (3)

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

The encumbrances do not always have to be nullified. In the case where tile land right in question is encumbrances with a *hak tanggungan* (security title), this *hak tanggungan* remain encumbering the parcels resulting from the subdivision.

### Paragraph (4)

Self-explanatory.

## **Article 49**

### Paragraph (1)

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

### Paragraph (2)

Self-explanatory.

### Paragraph (3)

Self-explanatory.

## **Article 50**

### Paragraph (1)

Self-explanatory.

Paragraph (2)  
Self-explanatory.

Paragraph (3)  
Self-explanatory.

## **Article 51**

Paragraph (1)

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

Paragraph (2)  
Self-explanatory.

## **Article 52**

Paragraph (1)

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

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

In the case where the right be relinquished is encumbered with a Security Title, approval from creditor in question is required.

Similarly, a right holder shall riot relinquish his/her right if the land parcel in question has been sequestered by the court or has other encumbrances.

Paragraph (2)

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

### **Article 53**

A Security Title is an accessory to a certain credit; thus, a Security Title legally follows the transfer of the credit in question. This means that the transfer of a Security Title does not require a separate legal act and that the registration of such a transfer can be carried out on the basis of evidence of cession, of subrogation, or of the bequest of the guaranteed credit.

### **Article 54**

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
The two documents as meant in this paragraph are the written statements from the *Hak Tanggungan* holder as meant in Article 22(4) of Act No. 4 of 1996.

### **Article 55**

Paragraph (1)  
What is meant by the court **in this** regard **can** be a public court, a state administrative court, a state administration court, or a religious court.

Paragraph (2)  
Self-explanatory.

Paragraph (3)  
A court decision in favor of the nullification of a right should first be executed by the authorized official before the nullification can be registered by the Head of the Land Office.

### **Article 56**

What is meant by "a change in the name of the right holder" in this regard is that the right holder remains the same person but his/her/its name has been changed. A change in the name of a right holder can take place to an individual or to a corporate body.

### **Article 57**

Paragraph (1)

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

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

Paragraph (2)  
Self-explanatory.

Paragraph (3)  
Self-explanatory.

Paragraph (4)  
Self-explanatory.

#### **Article 58**

Self-explanatory.

#### **Article 59**

Paragraph (1)  
In the case where a land right evidenced with a PPAT deed has transferred to another party and, before the transfer is registered, the certificate of the right in question is lost, the request for a replacement for the missing certificate shall be forwarded by the new right holder with a statement from the PPAT that at the time the PPAT deed was made, the certificate was available.

Paragraph (2)  
Self-explanatory.

Paragraph (3)  
Self-explanatory.

Paragraph (4)  
An objection shall be considered reasonable if, for example, there is a certain party who declares that the certificate in question is not lost but it is held by him/her with approval from the right holder within the context of a certain legal act.

Paragraph (5)  
Self-explanatory.

Paragraph (6)  
Self-explanatory.

Paragraph (7)  
In certain areas, an announcement in paragraph (2) costs more than the price of the land parcel in question. In view of this, the Minister can determine other low-cost ways of making an announcement.

## **Article 60**

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
This announcement is intended to prevent people from taking a legal act on a land arcel or an apartment on the basis of a certificate which is no longer valid.

The old certificate is automatically rendered no longer valid because, in line with the applicable provisions, the right **in** question has transferred to the auction buyer in view of the fact that lie/she has won the auction and has paid the auction purchase price.

## **Article 61**

Paragraph (1)  
What is meant by a separate Government Regulation in this paragraph is a Government Regulation which implements Act No. 20 of 1997 re Non-tax State Revenues.

Paragraph (2)  
Self-explanatory.

Paragraph (3).  
Self-explanatory.

Paragraph (4)  
Self-explanatory.

## **Article 62**

Self-explanatory.

## **Article 63**

Self-explanatory.

#### **Article 64**

Paragraph (1)

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

Paragraph (2)

Self-explanatory.

#### **Article 65**

Self-explanatory.

#### **Article 66**

Self-explanatory.