

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

DECREE OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA
NUMBER 26 OF 1988 dated 19 July 1988

RE

THE NATIONAL LAND AFFAIRS AGENCY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

- Considering :
- a. that in the execution of the national development, the need for, the control and the utilization of land in general including for the interest of the development is felt to increase continuously;
 - b. that with the increase in the need for, the control of, and the utilization of land in particular for the interest of development as referred to in point (a), the problems which have arisen in the field of land affairs have also increased;
 - c. that in connection with the matters mentioned in point (a) and point (b) and to be able to settle the problems in the field of land affairs completely, it is deemed necessary to review the position, tasks, and functions of the Directorate General of Agrarian Affairs, Department of Home Affairs, and to upgrade it to an institution which handles land affairs on a national level;

- Bearing in mind:
1. Article 4, paragraph (1), of the 1945 Constitution;
 2. Act Number 5 of 1960 on the Basic Regulations of Agrarian Principles (State Gazette of 1960 Number 104, Supplement to the State Gazette Number 2043);
 3. Act Number 5 of 1974 on the Principles of Government in the Regions (State Gazette of 1974 Number 38, Supplement to the State Gazette Number 3037);

H A S D E C I D E D :

To enact : THE DECREE OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA ON THE NATIONAL LAND AFFAIRS AGENCY.

CHAPTER I
POSITION, DUTIES AND FUNCTIONS

Article 1

- (1) The National Land Affairs Agency, in this Presidential Decree herein after called the Land Affairs Agency, is a Non Departmental Government Institution which is positioned under and is directly responsible to the President.
- (2) The Land Affairs Agency is lead by a Heed.

Article 2

The Land Affairs Agency has the task of assisting the President in the management and development of land affairs administration, on the basis of the Basic Law on Agrarian Affairs as well as other legislative regulations which cover the regulation on the utilization of, the control over and ownership of lands, the arrangement of rights on lands, the measurement and registration of lands etcetera, which are related to problems on land affairs on the basis of the policies laid down by the President.

Article 3

In the execution of the tasks referred to in Article 2, the Land Affairs Agency performs the functions of :

- a. formulating the policies and the plans in controlling and utilizing lands;
- b. formulating the policies and plans in regulating the ownership of lands on the principles that land has a social function as regulated in the Basic Law on Agrarian Affairs;
- c. executing the measuring and cherting and the registration of land in an effort to provide certainty of rights in the field of land affairs;
- d. arranging the rights on land in the framework of maintaining the administrative orderliness in the field of land affairs;
- e. conducting research and development in the field of land affairs and the education and training of manpower required in the field of land affairs administration;
- f. Others decided upon by the President.

CHAPTER II
O R G A N I Z A T I O N
Part One
Organizational Structure

Article 4

The Land Affairs Agency consist of :

1. The Head;

2. The Deputy for General Affairs Sector;
3. The Deputy for the Regulation, Control, and Land Utilization System Sector;
4. The Deputy for Land Rights Sector;
5. The Deputy for Land Measurement and Registration Sector;
6. The Deputy for Supervision Sector;
7. The Research and Development Center;
8. The Education and Training Center;
9. Expert Staff;
10. Regional Offices.

Part Two
T H E H E A D
Article 5

The tasks of the Head are :

- a. to manage the Land Affairs Agency in line with the tasks and function of the Land Affairs Agency and to promote the apparatus of the Land Affairs Agency in order to efficient and effective;
- b. to lay down the technical policies on land affairs pursuant to legislative regulations in force;
- c. to promote and execute a cooperation in the field of land affairs with other Departments and Government Institutions at Central Government as well as Regional level.

Part Three
The Deputy for General Affairs
Article 6

The Deputy for General Affairs is an executive element for part of the tasks and functions of the Land Affairs Agency in the field of Administration which is subordinate and directly responsible to the Head.

Article 7

The Deputy for General Affairs Sector has the tasks of managing finances, equipment and supplies, studying and preparing the formulation of legislative regulations, promoting the organization and administration, providing administrative services to the entire organizational units of the Land Affairs Agency in the framework of performing its tasks.

Article 8

In executing the tasks referred to in Article 7, the Deputy for General Affairs Sector execute the functions of :

- a. managing and promoting the household affairs and other administrative affairs in the circles of the Land Affairs Agency;
- b. managing and promoting the administration of personnel, finances, equipment, and organization within the circles of the Land Affairs Agency;
- c. composing the draft of legislative regulations and to study legal problems in the field of land affairs.
- d. other matters determined by the Head.

Article 9

The Deputy of General Affairs Sector is subordinating :

- a. Legal and Public Relations Bureau;
- b. Organization and Personnel Bureau;
- c. Finance Bureau;
- d. Administration Bureau;

Part Four

The Deputy for the Regulation, Control and Land Utilization System Sector

Article 10

The Deputy for the Regulation, Control, and Land Utilization System Sector is an executive element for part of the tasks and functions of Land Affairs Agency in the field of the regulation control and land utilization system which is subordinate to and directly responsible to the Head.

Article 11

The Deputy for the Regulation, Control, and Land Utilization System Sector has the task of executing part of the tasks of the Land Affairs Agency in the field of the regulation, controlling, and land utilization system and the promotion of its execution.

Article 12

In executing the tasks referred to in Article 11, the Deputy for the Regulation, Control, and Land Utilization System Sector execute the functions of :

- a. accumulating and processing data as material for the compilation of the plans for regulating the matter of land control and land utilization system;
- b. conducting the coordination and integrated cooperation with Departments or Government Institutions at Central Government as well as at Regional level in the framework of harmonizing the land utilization system with the regional layout plan;
- c. promoting the control over and the utilization of land by its owners as well as non owners;
- d. supervising the control, ownership, and land utilization as well as the transfer of the rights thereon;
- e. other matters determined by the Head.

Article 13

The Deputy for the Regulation, Control, and Land Utilization System Section subordinates :

- a. The Land Regulation Control Directorate;
- b. The Land Utilization System Directorate;
- c. The Program Promotion Directorate.

Part Five

The Deputy for Land Rights Sector

Article 14

Sector

The Deputy for Land Rights is an executive element of part of the tasks and functions of the Land Affairs Agency in the field of arranging the rights over lands and the procurement of land for the requirements of Government agencies and Institutions which is subordinated to and directly responsible to the Head.

Article 15

The Deputy for Land Rights Sector has the task of carrying out part of the tasks of the Land Affairs Agency in the field of arranging the rights and making land available for Government agencies.

Article 16

In carrying out the task referred to in Article 15, the Deputy for Land Rights Sector executes the functions of :

- a. implementing the legislative regulations in the field of land affairs which are related to the arrangements of land rights;
- b. arranging and supervising the procurement of land for the requirements of Government agencies;

- c. arranging the granting, extension of time limit, renewal, termination, and cancellation of the land rights;
- d. settling legal disputes in the field of land affairs and the activities of bringing order to land rights;
- e. other matters determined by the Head.

Article 17

The Deputy for Land Rights Sector subordinates :

1. The Directorate for Arranging Land Rights;
2. The Directorate for Land Procurement for Government Agencies.

Part Six

The Deputy for Land Measurement and Registration Sector

Article 18

The Deputy for Land Measurement and Registration Sector is an executive element for part of the tasks and functions of the Land Affairs Agency in the field of measuring and registration of lands which is subordinate and directly responsible to the Head.

Article 19

The Deputy for Land Measurement and Registration Sector has the task of executing part of the tasks of the Land Affairs Agency in the field of land measuring and registration.

Article 20

In carrying out the tasks referred to in Article 19, the Deputy for the Land Measuring and Registration Sector executes the functions of :

- a. compiling the plans and carrying out the measuring, mapping and the registration of rights on lands;
- b. administrating the registrations of rights on lands, the transfer of rights on land, and the imposition of rights on land;
- c. providing proof of the rights on lands and proof of the imposition of rights on land;
- d. other matters determined by the Head.

Article 21

The Deputy for Land Measurement and Registration Sector subordinates :

- a. The Directorate for Measurement and Mapping;
- b. The Directorate for Registration of Land Rights.

Part Seven

The Deputy for Supervision Sector

Article 22

The Deputy for Supervision Sector is an executive element for part of the tasks and functions of the Land Affairs Agency in the field of supervision which is subordinate and directly responsible to the Head.

Article 23

The Deputy for Supervision Sector has the task to supervise the implementation of the legislative regulations in the field of land affairs and the organizing of the land affairs administration in the working unit within the circles of the Land Affairs Agency at Central Government as well as Regional level.

Article 24

In carrying the tasks referred to in Article 23 the Deputy for Supervision Sector execute the functions of :

- a. preparing the plans for supervisin in the field of land affairs;
- b. compiling the norms or guidance for the examination, evaluation, testing, and investigation in the field of land affairs;
- c. investigating the correctness of report or accusations concerning obstacles, deviations, and misuse in land affairs;
- d. implementing corrective measures on problems in the field of land affairs which were discovered during the supervision activities referred to in point c.
- e. requesting the required assistance from other agancies in the framework of carrying out the supervision;
- f. preparing the report on the results of the supervision to the Head;
- g. other matters determined by the Head.

Article 25

The Deputy for the Supervision Sector subordinates :

- a. Land Affairs Sector Inspector;
- b. General Affairs Sector Inspector.

Part Eight

The Research and Development Center and the
Education and Training Center

Article 26

The Research and Development Center and the Education and Training Center are elements supporting the tasks and functions of the Land Affairs Agency which are subordinate and directly responsible to the Head.

Article 27

The Research and Development Center has the task of carrying out research and development in the field of land affairs on the basis of the policies laid down by the Head and the legislative regulations in force.

Article 28

The Education and Training Center has the task to carry out the education and training of employees within the circles of the Land Affairs Agency on the basis of the policies laid down by the Head.

Part Nine

Expert Staff

Article 29

- (1) To fulfill the requirements for expertise in certain fields to assist the execution of the tasks and functions of the Land Affairs Agency, expert staff may be appointed who are subordinate and directly responsible to the Head.
- (2) The Expert Staff referred to in paragraph (1) shall maximum be three persons.

Part Ten

Regional Offices

Article 30

The Regional Offices of the Land Affairs Agency are Vertical Agencies of the Land Affairs Agency which are located at every Provincial Capital.

The Regional Office referred to in paragraph (1) constitutes a deconcentration apparatus which in carrying out its task is operational tactically subordinated to the Governor as Head of the Region, and administrative technically subordinated to the Head of the Land Affairs Agency.

In every Regency Capital/Municipality a Land Affairs Office shall be established which constitutes a deconcentration apparatus which in carrying out its tasks is operational tactically subordinated to the Regent/Mayor as Head of the Region and administrative technically subordinated to the Head of the Regional Office of the Land Affairs Agency

- (4) The establishment of the Regional Office of the Land Affairs Agency and the Land Affairs Office is carried out and decided upon with a Decision of the Head of the Land Affairs Agency, after obtaining a prior written approval from the State Minister for Efficient Utilization of the State Apparatus and the Minister/State Secretary.

CHAPTER III
WORKING PROCEDURE

Article 31

- (1) All elements within the circles of the Land Affairs Agency in carrying out their tasks are obligated to apply the principles of coordination, integration, and synchronization both within the circles of the Land Affairs Agency it self and in the inter Government agency relationship for a united movement in line with its tasks.
- (2) The Land Affairs Agency, in carrying out its tasks, shall receive a promotion and guidance from the Minister or Ministers to be appointed by the President.

CHAPTER IV
RANKING, APPOINTMENT
AND DISMISSAL

Article 32

- (1) Heads are an echelon Ia position.
- (2) Deputies are an echelon Ib position and at the most an echelon echelon Ia.
- (3) Expert Staff, Bureau Heads, Directors, Head of Centers, Inspectors Head of Regional Offices, are echelon IIa positions.

Article 33

- (1) Heads are appointed and dismissed by the President.
- (2) Deputies are appointed and dismissed by the President at the recommendation of the Head of the Land Affairs Agency.
- (3) IIId Echelon officials and lower are appointed and dismissed by the Head of the Land Affairs Agency.

CHAPTER V
B U D G E T

Article 34

All administrative management of the organization, personnel, and finance which are related to the execution of the tasks of the Land Affairs Agency shall be charged to the State Revenue and Expenditure Budget.

CHAPTER VI
TRANSITIONAL PROVISIONS

Article 35

The tasks and functions of the Directorate General of Agrarian Affairs, the Directorate of Agrarian Affairs at the Provincial Capitals, and the Agrarian Affairs Office at the Regencies/Municipalities remain to be carried out until the complete organization of the Land Affairs Agency has been established on the basis of this Presidential Decree.

CHAPTER VII
CONCLUDING PROVISIONS

Article 36

The specification of the tasks, functions, organizational composition, and the working procedure of the Land Affairs Agency shall be further regulated by the Head of the Land Affairs Agency after having obtained prior written approval from the State Minister for the Efficient Utilization of the State Apparatus and the Minister/State Secretary.

Article 37

With the establishment of a complete organization of the Land Affairs Agency on the basis of this Presidential Decree, the provisions on organization of the Department of Home Affairs which in related to the field of agrarian affairs as is laid down in the Presidential Decree Number 15 of 1984, which has been amended several times, lastly with the Presidential Decree Number 36 of 1987 is declared invalid.

Article 38

This Presidential Decree comes into force on the date of its enactment.

Enacted in Jakarta
On 19th July 1988

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

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