

LAND AUDIT COMMITTEE

(Regulation of the Head of National Land Affairs Agency of RI No.7 Year 2007, dated July 11, 2007)

WITH THE BLESSING OF THE ONE AND ONLY GOD,
THE HEAD OF NATIONAL LAND AFFAIRS
AGENCY OF RI,

Considering:

- a. that for smooth implementation of the services relating to application for right and recognition of right on land, Decision of the Head of National Land Affairs Agency of RI No. 12 Year 1992 concerning Structure and Duties of the Land Audit Committee has been stipulated;
 - b. that with the stipulation of Regulation of the Head of National Land Affairs Agency of RI No.4 Year 2006, concerning Organization and Work Procedure of Regional Office of the National Land Affairs and Land Affairs Office, resulting in amendment to the structure and organization within the Regional Office of National Land Affairs Agency and the Land Affairs Office, so that it is necessary to make adjustment to Decision of the Head of National Land Affairs Agency No.12 Year 1992;
 - c. that based on consideration referred to in letters a and b, it is necessary to stipulate Regulation of the Head of National Land Affairs of RI concerning Land Audit Committee;
- In view of:
1. Law No.5 Year 1960, concerning Regulation on the Basic Principles of Agrarian Affairs (Statute Book of RI Year 1960 No.104, Supplement to Statute Book of RI No.2034);
 2. Government Regulation No.40 Year 1996 (5879/18A-20A and so forth) concerning Right to Use for Business, Right to Build and Right to Use the Land (Statute Book of RI Year 1996 No.40, Supplement to Statute Book of RI No.3643);
 3. Government Regulation No.24 Year 1997 (**6139/19A-24A and so forth**) concerning Land Registration (Statute Book of RI Year 1997 no.59, Supplement to Statute Book of RI No.3696);
 4. Government Regulation No.46 Year 2002 (**6866/18A-23A and so forth**) concerning Tariff for State non-Taxable Income valid on National Land Affairs Agency (Statute Book of RI Year 2002 No.88, Supplement to Statute Book of RI No.4220);
 5. Government Regulation No.16 year 2003, concerning Land Use Administration (Statute Book of RI Year 2004 No.45, Supplement to Statute Book of RI No.4385);
 6. Presidential Regulation No.10 Year 2006, concerning National Land Affairs Agency;
 7. Presidential Decree No.98/M concerning Appointment of Head of national land Affairs Agency;
 8. Regulation of the State Minister of Agrarian Affairs / Head of National Land Affairs Agency No.3 Year 1997, concerning Provision for Implementation of Government Regulation No.24 Year 1997, concerning Land Registration;
 9. Regulation of the State Minister of Agrarian Affairs / Head of National Land Affairs Agency (**BN No. 6292 pages 7A-10A**) concerning Delegation of Authority to Grant and Revoke Decision to Grant Right to State-owned Land;
 10. Regulation of the State Minister of Agrarian Affairs / Head of National Land Affairs Agency No.9 Year 1999, concerning

concerning Procedure for Grant and Revoke of the Right to State-owned Land and the Right to Manage;

11. Regulation of the Head of National Land Affairs Agency of RI No.3 Year 2006, concerning Organization and Work Procedure of National Land Affairs Agency of RI;

12. Regulation of the Head of National Land Affairs Agency of RI No.4 Year 2006, concerning Organization and Work Procedure of Regional Office of National Land Affairs Agency and Land Affairs Office;

DECIDES:

To stipulate:

REGULATION OF THE HEAD OF NATIONAL LAND AFFAIRS AGENCY ON LAND AUDIT COMMITTEE.

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in this Regulation by:

1. Land Audit Committee A hereinafter referred to as "Committee A" is committee that functions to conduct audit, research and review of physical data and juridical data both in the field and in the office in the context of settlement of application for grant of Right to Ownership, Right to Use Building, Right to Use on the State-owned land, Right to Manage and application for recognition of the Right to Land.
2. Land Audit Committee B hereinafter referred to as "Committee B" is committee that functions to conduct audit, research and review physical data and juridical data both in the field and in the office in the context of settlement of application for grant of, extension and renewal of the Right to Use Building.
3. The Land Research Team hereinafter referred to as "Research Team" is team that functions to conduct audit, research and review physical data and juridical data

both in the field and in the office in the context of settlement of application for grant of right to Government agencies-owned and Regional Government lands

4. Land Audit Official hereinafter referred to as "Konstatasi Officers" are officers conducting audit of physical data and juridical data both in the field and in the office in the context of grant of right to land originating from land which right to land has ever been registered and extended as well as renewed, except the Right to Use Building.
5. Regional Office is Regional Office of the Provincial National Land Agency.
6. Land Office is Regency / Urban Office.

CHAPTER II

LAND AUDIT COMMITTEE A

Article 2

- (1) Audit, research and review are conducted by Committee A to obtain authenticity of the physical data and juridical data in the context of grant of Right to Ownership, Right to Use Building, Right to Use the State-owned land, Right to Manage and application for recognition of the right to land.
- (2) With respect to the authenticity of material from the document file filed in the context of application / recognition of the full right shall be the responsibility of the applicant.

Article 3

- (1) Composition of members of Committee A comprises the Chairman also acting member, deputy Chairman also acting as member, member, and non-member Secretary.
- (2) Appointment of official and/or staff of Committee A shall be stipulated by Decision of the Head of Land Affairs Office.

(3) Appointment

(3) Appointment of Head of Land Affairs Office over the officials and/or staff referred to in paragraph (2) shall be based on the main duty and function, expertise, experience and/or capability or the person concerned.

(4) Chairman of Committee A shall appoint three (3) members to function in the field whereas the other members shall function in the office.

(5) The Chief of Village or Village apparatus who are members of Committee A shall participate directly in the field.

Article 4

(1) Committee A may establish more than one (1) committee, according to the need and availability of the respective official/staff in the Land Affairs Office.

(2) If needed due to the need for service, the Head of Land Affairs Office may propose to the Head of Regional Office to request for manpower from other Land Affairs Office or staff from Regional Office of the same Provincial region.

(3) If needed due to the need for service, the Head of Regional Office may request for manpower to the Head of National Land Affairs Agency of RI in the context of complying with the establishment of Committee A in the Land Affairs Office.

(4) In the context of procurement of manpower as referred to in paragraph (3), the Head of National Land Affairs Agency of RI may assign the staff from other Regional Office to the Province in need.

Article 5

Committee A is established and stipulated in Decision of the Head of Land Affairs Office.

Article 6

(1) Committee A shall the duties, such as to:

- a. conduct audit on the completeness of application file for grant of the Right to Ownership, Right to Use Building, Right to Use State-owned land, Right to Manage, and application for recognition of the right to land;
- b. conduct research and review on the status of land, history of land and legal relationship between the land being requested and the requester and other interest;
- c. research and review the physical status of the land being requested concerning control, use and status of the land and the border of the land;
- d. collect data/clarification from the bordering land owner;
- e. review the justification in the land use being requested with the local Region Space Layout;
- f. prepare report result in the form of Minutes of Field Audit;
- g. hold meetings based on the physical data and juridical data from field audit result, including other supporting data; and
- h. give opinion and consideration to the application for right to land, as set forth in Minutes of Land Audit Committee signed by all members of Committee A.

(2) Should there be member not willing to sign the Minutes the Land Audit Committee A referred to paragraph (1), letter h, Committee A shall make notes on the Minutes of Land Audit Committee A on the rejection/objection.

- (3) Minutes of Land Audit Committee A not signed by either of the members as referred to in paragraph (2), shall not diminish the authenticity of the Minutes by Land Audit Committee A.

Article 7

- (1) Completion period of Committee A function shall be seven (7) working days at the longest effective as of the Assignment Letter is signed.
- (2) Considering the regional geographic condition or forcing condition (force majeure) the period for duty completion of Committee A may be stipulated by the Head of Land Affairs Office.

Article 8

Minutes by the Land Audit Committee A clarifies:

- a. description of the right duly stipulated;
- b. description of supporting data of application;
- c. legal basis for stipulation of right;
- d. Description and clarification of the subject of right;
- e. Description and clarification of the object of right;
- f. analysis of the right to land to be stipulated; and
- g. Conclusion.

Article 9

The nature and contents of Minutes of Field Audit and Minutes of Land Audit Committee A shall be as stated in Attachment I and Attachment II to this Regulation.

Article 10

Committee A shall be responsible by law and administratively for the contents of the Minutes of Land Audit Committee A.

CHAPTER III LAND AUDIT COMMITTEE B

Article 11

- (1) Audit, research and review by Committee B shall be conducted to obtain formal authenticity of the physical data and juridical data in the context of settlement of application for grant, extension and renewal of the Right to Use Building.

- (2) With respect to the authenticity of the material from the file submitted in the context of application for full right shall be the applicant's responsibility.

Article 12

Composition of members of Committee B comprises:

- a. Head of Regional Office, as Chairman also acting as member;
- b. Head of Survey, Measuring and Mapping Section of Regional Office, as member;
- c. Head of Land Right and Land Registration of Regional Office, as member;
- d. Head of Coordinating and Land Data Administration of Regional Office, as member;
- e. Head of Controlling Land Affairs and Empowerment of the Community of Regional Office, as member;
- f. Relevant Regency/Urban officials as member;
- g. Head of Land Affairs Office concerned, as member;
- h. Head of relevant Provincial Service Office/Agency/Technical Agency Office, as member;
- i. Head of Provincial Service Office/Agency/Office, as member (if the land being requested originated from release of forest area or bordering the forest area); and
- j. Head Section of Stipulating Individual Land Right or Head Section of State-owned Land Governing of Regional Office, as non-member Secretary.

Article 13

Committee B is established and stipulated by Decision of the Head of Regional Office.

Article 14

(1) Committee B shall function to:

- a. conduct audit on the completeness of the file of application for grant, extension and renewal of Right to Use Building;
- b. Conduct research and review on the status of land, history of the land and legal relationship between the land being requested and the applicant and other interests;
- c. conduct research and review of the physical condition of the land being requested on the control, use/land condition and borders of the land being requested;
- d. determine whether the use of land justify or not with the regional development plan;
- e. hold meetings based on physical data and juridical data resulting from the field audit including other supporting data; and
- f. give opinion and consideration on the application, as set forth in the Minutes of Land Audit Committee B signed by all members of Land Committee B.

(2) If there is member not willing to sign the Minutes of Land Audit Committee B as referred to in paragraph (1), letter f, Committee B shall make note on the Minutes of Land Audit Committee B on the rejection/objection concerned.

(3) Minutes of Land Audit Committee B not signed by either of the members as referred to in paragraph (2), shall not diminish the authenticity of the Minutes prepared by Land Audit Committee B.

Article 15

The Minutes prepared by Land Audit Committee B shall clarify the:

- a. description of the right to be stipulated;
- b. description of supporting data to application file;
- c. legal basis on stipulation of right;
- d. description and clarification of the subject of right;

- e. description and clarification of the object of right;
- f. analysis of the right to land to be stipulated, and
- g. Conclusion.

Article 16

The form and contents of Land Audit Committee B are in accordance with Attachment III to this Regulation.

Article 17

- (1) Period of completion of Committee B's function shall be 30 (thirty) working days at the latest effective as of the Assignment Letter is signed.
- (2) Considering regional geographic condition or forcing condition (force majeure) the period of completion of Committee B's function may be stipulated by the Head of Land Affairs Office.

Article 18

Committee B shall be responsible by law and administratively for the contents of the Minutes prepared by Land Affairs Committee B.

CHAPTER IV

LAND SURVEYOR TEAM

Article 19

- (1) Audit, research and review by the Surveyor Team shall be conducted to obtain the formal authenticity of the physical data and juridical data in the context of settlement of application for grant of right to Governmental agency-owned land.
- (2) With respect to the authenticity of the material from the file submitted in the context of application for full right shall be the applicant's responsibility.

Article 20

- (1) Composition of members of the Surveyor Team consists of the Chairman also acting as member, Deputy

Chairman also acting as member, member and non-member Secretary.

(2) Appointment of officials and/or staff as member of Surveyor Team shall be stipulated by Decision of the Head of Land Affairs Office.

(3) The decision of the Head of Land Affairs Office on the official and/or staff as referred to in paragraph (2) is based on the main duty and function, expertise, experience and/or capability of the person concerned.

(4) Chairman of the Surveyor Team shall appoint two (2) members to function in the field and the other members shall function in the office.

Article 21

The Surveyor Team shall function to:

- a. conduct audit on the completeness of the file of application for grant the Right to use and Right to Manage from the Government Agency;
- b. conduct research and review on the status of land, history of the land and legal relationship between the land being requested and the applicant and other interests;
- c. conduct research and review of the physical condition of the land being requested on the control, use/land condition and borders of the land being requested;
- d. Collect data/clarification from the bordering land owner;
- e. determine whether the use of land justify or not with the regional development plan;
- f. prepare reports as set forth in the form of Minutes of Field Audit agenda;

g. hold meetings based on physical data and juridical data resulting from the field audit including other supporting data; and

h. give opinion and consideration on the application, as set forth in the Minutes of Land Surveyor Team signed by all members.

Article 22

(1) Period of completion of the Surveyor Team's function shall be seven (7) working days effective as of the Assignment Letter is signed.

(2) Considering the regional geographic condition or forcing condition (force majeure) the period of completion of the Surveyor Team's function shall be stipulated by the Head of Land Affairs Office.

Article 23

The Minutes prepared by Surveyor Team shall clarify the:

- h. description of the right to be stipulated;
- i. description of supporting data to application file;
- j. legal basis on stipulation of right;
- k. description and clarification of the subject of right;
- l. description and clarification of the object of right;
- m. analysis of the right to land to be stipulated, and
- n. Conclusion.

Article 24

The form and contents of Minutes of Field Audit and Minutes of Land Surveyor Team Audit shall be as stated in Attachment IV and Attachment V to this Regulation.

Article 25

The Surveyor Team shall be responsible by law and administratively for the contents of the Minutes of Land Surveyor Team Audit.

CHAPTER V

KONSTATASI OFFICER

Article 26

(1) Konstatasi Officer is Head of Land Affairs Office.

- (2) In carrying its task, the Head of Land Affairs Office as Konstatasi Officer may appoint Echelon IV and Echelon V officials and senior staff according to the main task and function, expertise, experience and/or capability of the person concerned and Konstatasi Officer.
- (3) Konstatasi Officer appointed as referred to in paragraph (2) may be increased to two (2) members at a maximum.
- (4) Under certain condition the Head of Land Affairs Office may establish one (1) or more Konstatasi Officer.

Article 27

Konstatasi Officer shall have the tasks to:

- a. conduct audit on the completeness of the file of application for grant the right to land originating from land which right to land has been once registered, extended and renewed;
- b. conduct research and review on the physical status of land being requested on the condition of land, area, border of the land and other interests;
- c. determine where the land use justify with the regional development plan;
- d. prepare report on the result of field review based on the physical data and juridical data including other supporting data; and
- e. give opinion and consideration on the application as set forth in Minutes of Land Audit (Konstatering Rapport) or the Officer appointed as referred to in Article 26.

Article 28

- (1) Period of completion of the Konstatasi Officer's tasks shall be seven (7) working days at the longest effective as of the Assignment Letter is signed.
- (2) Considering the regional geographic condition or forcing condition (force majeure) the period of completion of Konstatasi Officer's tasks may be stipulated by the Head of Land Affairs Office.

Article 29

Minutes of Land Audit (Konstatering Rapport) clarify the:

- a. description of the right to be stipulated;
- b. description of supporting data to application file;
- c. legal basis on stipulation of right;
- d. description and clarification of the subject of right;
- e. description and clarification of the object of right;
- f. analysis of the right to land to be stipulated, and
- g. conclusion.

Article 30

The form and contents of the Minutes of Land Audit (Konstatering Rapport) shall be as stated in Attachment VI to this Regulation.

Article 31

The Konstatasi Officer shall be responsible by law and administratively for the contents of the Minutes of Land Audit (Konstatering Rapport).

CHAPTER VI

TARIFF FOR LAND AUDIT SERVICE

Article 32

The tariff rate for land audit service conducted by Committee A, Committee B, Surveyor Team and Konstatasi Officer shall be in accordance with provision in the statutory regulation.

CHAPTER VIII

TRANSITIONAL PROVISION

Article 33

If a change takes place in the service tariff for land audit, the application for right to land received and paid shall be charged the tariff for land audit service in accordance with the old provision.

CHAPTER VIII

CLOSING PROVISION

Article 34

- a. Decision of the head of National Land Affairs Agency No.12 year 1992 concerning Composition and Tasks of Land Affairs Committee;
- b. Circular Letter of the Head of National Land Affairs Agency dated 4 May 1992 No.500-1225 concerning Guideline for Implementation on the Procedure for Processing the Right and Settlement of Land Certificate under the control of Government agency, to the extent on the nomenclature and composition of the Surveyor Team.
- c. Circular Letter of the Head of National Land Affairs Agency of RI dated 5 July 2006 No.300-1413 concerning Guideline for Implementation of Land Affairs Service activities to the extent the nomenclature and composition of Committee A, Committee B, Surveyor Team and Konstatasi Officer; and
- d. Other provisions contravening this Regulation shall be declared null and void.

This Regulation shall take effect as of the date it is stipulated.

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