

**THE AMENDMENT TO PRESIDENTIAL REGULATION NO. 36/3006 ON
PROCUREMENT OF LAND FOR REALIZING DEVELOPMENT FOR PUBLIC INTEREST**
(Presidential Regulation No. 65/2006 dated June 6, 2006)

BY GRACE OF GOD THE ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

That in order to better enhance the principles of respecting to legitimate land titles and legal certainty in the procurement of land for realizing the development in public interest, it is deemed necessary to amend Presidential Regulation No. 36/2005 on Procurement of Land for Realizing Development for Public Interest;

In view of:

1. Article 4 paragraph (1) of the Constitution of 1945;
2. Law No. 5/1960 on Basic Regulation of Agrarian Principles (Statute Book of 1960 No. 104, Supplement to Statute Book No. 2043);
3. Law No. 51/Prp/1960 on Prohibition on the Use of Land Without Permit from The Righteous Parties or Their Proxies (Statute Book of 1960 No. 158, Supplement to Statute Book No. 2106);
4. Law No. 20/1961 on Revocation of Rights to Land and Materials on The land (Statute Book of 1961 No. 288, Supplement to Statute Book No. 2324);
5. Law No. 24/1992 on Layout (Statute of 1992 No. 115, Supplement to Statute Book No. 3501);
6. Government Regulation No. 36/2005 on Procurement of Land for Realizing Development for Public Interest;

D E C I D E S :

To stipulate :

THE PRESIDENTIAL REGULATION ON THE AMENDMENT TO PRESIDENTIAL REGULATION NO. 36/3006 CONCERNING PROCUREMENT OF LAND FOR REALIZING DEVELOPMENT FOR PUBLIC INTEREST

Article I

Several provisions in Presidential Regulation No. 36/2005 on Procurement of Land for Realizing Development for Public Interest are amended as follows:

1. The provision in Article 1 point 3 is amended so as to read as follows:

"Article 1

3. Procurement of land is every activity to obtain land by means of giving compensation to the party releasing or giving up the land, building, plant and materials related to land."

2. The provision in Article 2 paragraph (1) is amended so as to read as follows:

"Article 2

- (1) Procurement of land for realizing the development for public interest by the government or regional governments is done by means of relinquishment and delivery of land title.
- (2) Procurement of land for purpose other than the realization of development for public interest by the government or regional governments is done by means of transaction, exchange or other methods agreed voluntarily by the relevant parties."

3. The provision in Article 3 is amended so as to read as follows:

"Article 3

The relinquishment or delivery of land title as meant in Article 2 is done on the basis of principles of respecting to land title."

4. The provision in Article 5 is amended so as to entirely read as follows:

"Article 5

The development for public interest realized by the government or regional governments as meant in Article 2, which subsequently is owned or will be owned by the government or regional government covers:

- a. public road and toll road, railway (on land, in space above land, or in space under land), drinking water channel, water disposal channel and sanitation;
- b. water embankment, reservoir, irrigation and other water resource management building;
- c. seaport, airport, train station and terminal;
- d. public safety facility, such as structures for overcoming flood, lava and other disaster;
- e. rubbish disposal place;
- f. nature and culture reserves;
- g. power plant, electrical transmission and distribution."

5. The provision in Article 6 paragraph (5) is amended so that the article entirely reads as follows:

"Article 6

- (1) Procurement of land for public interest in regencies/cities is realized with the assistance of regental/municipal land procurement committees established by regents/mayors.
- (2) The Jakarta Provincial Land Procurement Committee is established by the Governor.
- (3) Procurement of land located in territory of two regencies/cities or more is realized with the assistance of provincial land procurement committees established by governors.
- (4) Procurement of land located in territory of two provinces or more is realized with the assistance of the land procurement committee established by the Minister of Home Affairs, which consists of representatives of the government and regional governments concerned.
- (5) The members of the land procurement committee as meant in paragraphs (1), (2) and (3) con-

sist of representatives of regional apparatuses concerned and the National Land Agency".

6. The provision in Article 7 letter c is amended so that the article entirely reads as follows:

"Article 7

The land procurement committee is assigned:

- a. to study and make inventory of land, building, plant and other materials related to land whose right will be relinquished or given up;
- b. to study legal status of land whose right will be relinquished or given up and supporting documents;
- c. to stipulate the amount of compensation for the land whose right will be relinquished or given up;
- d. to provide explanation or counseling for communities affected the development plan and/or holders of land title on the plan and objective of the procurement of land in the form of public consultation through both interview, printed media, and electronic media so that all communities affected by the development plan and/or holders of land title can ascertain;
- e. to organize deliberation with holder of land title and government institutions and/or regional governments needing land in the framework of stipulating the model and/or amount of compensation;
- f. to witness the realization of delivery of compensation to holders of rights to land, building, plant and other materials on the land;
- g. to make account of relinquishment or delivery of land title;
- h. to administer and document all documents of land procurement and give up to the competent party."

7. To supplement Article 7A reading as follows:

"Article 7A

The cost of the land procurement committee is

further

further regulated by the Minister of Finance after consulting with the Head of the National Land Agency."

8. The provisions in Article 10 paragraph (1) and (2) are amended so that the article reads as follows:

"Article 10

(1) In the case of the activity of development for public interest being not changeable or removable in term of spatial technical to other place or location, deliberation is executed in not later than 120 (one hundred and twenty) calendar days as from the date of first invitation.

(2) Unless agreement is achieved after the deliberation as meant in paragraph (1), the land procurement committee stipulates the amount of compensation as meant in Article 13 letter a and consigns the compensation to the district court whose jurisdiction covers location of the land.

(3) In the case of dispute over ownership arising after the stipulation of compensation as meant in paragraph (2), the committee consigns the compensation to the district court whose jurisdiction covers location of the land."

9. The provision in Article 13 is amended so as to read as follows:

"Article 13

The compensation can be in the form of:

- a. money; and/or
- b. alternate land; and/or
- c. resettlement; and/or
- d. combination of two or more of the models of compensation as meant in letters a, b and c;
- e. other model approved by the relevant parties."

10. The provision in Article 15 paragraph (1) letter a is amended so that the article entirely reads as follows:

"Article 15

(1) The calculation of the amount of compensation is based on:

- a. Tax Object Selling Value (NJOP) or concrete/real value by observing the tax object selling value in the current year on the basis of valuation by land price appraisal institution/team appointed by the committee;
- b. Selling value of building estimated by regional apparatus responsible for the construction sector;
- c. Selling value of plants estimated by regional apparatus responsible for the agricultural sector.

(2) In the framework of stipulating the basis for compensation, the land price valuation institution/team is stipulated by regents/mayors or governor in the case of the Province of Jakarta Capital Special Region."

11. To supplement a new article between Article 18 and Article 19 to become Article 18A reading as follows:

"Article 18A

If the parties righteous to land or materials on the land having their rights relinquished are unready for receiving the compensation as stipulated in the presidential decree, because the amount is deemed less adequate, the relevant parties can submit appeal to the District Court to stipulate compensation in accordance with Law No. 20/1961 on Revocation of Rights to Land and Materials on the Land and Government Regulation No. 39/1973 on Procedures for Stipulating Compensation by the District Court in connection with Relinquishment of Rights to Land and Materials on The Land."

Article II

The presidential regulation comes into force as from the date of stipulation.

Stipulated in Jakarta

On June 5, 2006

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Sgd

DR. H. SUSILO BAMBANG YUDHOYONO

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