

REGULATION OF THE GOVERNMENT OF REPUBLIC OF INDONESIA
NUMBER 20 OF 2021
ON
CONTROL OF ABANDONED AREAS AND LANDS

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering : that in order to implement the provisions of Article 180 of Law Number 11 of 2020 on Job Creation and to implement the provisions of Article 27, Article 34, and Article 40 of Law Number 5 Of 1960 on Basic Agrarian Principles with regard to the abolition of Land Rights due to abandon, it is necessary to issue a Government Regulation on Control of Abandoned Areas and Lands;
- Observing :
 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;
 2. Law Number 5 of 1960 on Basic Agrarian Principles (State Gazette of the Republic of Indonesia Of 1960 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 2043);
 3. Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);

HAS DECIDED:

To issue : GOVERNMENT REGULATION ON CONTROL OF
ABANDONED AREAS AND LANDS.

CHAPTER 1

GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Abandoned Area means an area which is a non-forest area, which is not granted with a Land Right under a License/Concession/Business License, which is purposely not being cultivated, used, and/or utilized.
2. Abandoned Land means Basis for Land Control Entitled Land, Land under Right to Manage, or Land acquired based on the control of Land purposely not cultivated, not used, not utilized and/or not maintained.
3. Land Rights means the right obtained from the legal relationship between the Right Holder and the land, including the above-ground space and/or underground space, to control, own, use, utilize and preserve the land, above-ground space, and/or basement.
4. Right to Manage means the right to control by the State which authority to exercise is partially delegated to the holder of the Right to Manage
5. Basis for Land Control means a decision/letter from the authorized officials which become a basis for a person or a legal entity to acquire, control, use, or utilize the land.
6. Right Holder means holder of Land Right.
7. Holder of Right to Manage means Holder of Right to Manage in accordance with the provisions of legislation.
8. Holder of Basis for Land Control means the holder of the Basis for Land Control in accordance with the provisions of the legislation.
9. License means a decision by an authorized government official as a form of approval of the request of public in accordance with the provisions of legislation.

10. Concession means a decision of an authorized government official as a form of approval of an agreement between government agencies and/or official with a non-government agency and/or official in the management of public facilities and/or natural resources and other management in accordance with the provisions of legislation.
11. Business License means the legality granted to business actors to start and run their businesses and/or activities.
12. Holder of License/Concession/Business License means the party that holds a License/Concession/Business License in accordance with the provisions of legislation.
13. Institution means a state institution, ministry, non-ministerial government agency, provincial government, or regency/municipal government that issues License/Concession/Business License in accordance with the provisions of legislation.
14. Leader of Institution means the leader of a state agency, ministry, non-ministerial government agency, provincial government, or regency/municipal government that issues License/Concession/Business License in accordance with the provisions of legislation.
15. Land Bank Authority, hereinafter referred to as Land Bank, means a special agency (*sui generis*) which is an Indonesian legal entity established by the Central Government and is given special authority to manage land.
16. Land Bank Assets means all assets controlled by the Land Bank, whether tangible or intangible, which are valuable as a result of past events that provide benefits in the future.
17. Ministry means the ministry administering government affairs in the agrarian/land and spatial field.
18. Minister means the minister administering government affairs in the agrarian/land and spatial field.
19. Regional Office of the National Land Agency, hereinafter referred to as Regional Office, means a vertical institution of the Ministry in a province.
20. Land Office means a vertical institution of the Ministry in a regency/municipality.

21. State General Reserve Land, (*Tanah Cadangan Umum Negara*), hereinafter abbreviated as TCUN, means land that has been designated as Abandoned Land and confirmed to be land controlled directly by the State.

CHAPTER II
OBLIGATIONS OF HOLDER OF
LICENSE/CONCESSION/BUSINESS LICENSE AS WELL AS
RIGHT HOLDER, HOLDER OF RIGHT TO MANAGE, AND
HOLDER OF BASIS FOR LAND CONTROL

Part One

Obligations of Holder of License/Concession/Business License

Article 2

- (1) Every Holder of License/Concession/Business License is obligated to cultivate, use, and/or utilize Licenses/Concessions/Business Licenses and/or areas under its control.
- (2) Every Holder of License/Concession/Business License is obligated to report the cultivation, usage, and/or utilization of the Licenses/Concessions/Business Licenses and/or areas under its control periodically.

Article 3

- (1) Non-forest area which is not granted with a Land Right under a License/Concession/Business License and is deliberately not being cultivated, used, or utilized becomes objects of control of Abandoned Areas.
- (2) The Leader of Institutions control the Abandoned Areas as referred to in section (1).
- (3) In the event that the Leader of Institutions does not control the Abandoned Areas as referred to in section (2), the Minister notifies the Leader of Institutions to control the Abandoned Area.

Part Two
Obligations of Right Holders, Holder of Right to Manage, and
Basis for Land Control

Article 4

- (1) Every Right Holder, Holder of Right to Manage, and Holder of Basis for land control is obligated to cultivate, use, utilize, and/or preserve the land they own or control.
- (2) The cultivation, use, utilization and/or preservation of land as referred to in section (1) must have social functions.
- (3) Every Right Holder, Holder of Right to Manage, and Holder of Basis for land control is obligated to report on the cultivation, usage, utilization, and/or preservation of the land they own or control periodically.

Article 5

- (1) Registered or unregistered land that is deliberately not cultivated, used, utilized, and/or preserved becomes the object of control of Abandoned Lands.
- (2) The Minister controls the Abandoned Lands as referred to in section (1).

CHAPTER III
OBJECT OF CONTROL OF ABANDONED AREAS AND
ABANDONED LANDS

Part One
Object of Control of Abandoned Areas

Article 6

Object of control of Abandoned Areas as referred to in Article 3 section (1) include:

- a. mining areas;
- b. plantation areas;
- c. industrial areas;
- d. tourism areas;
- e. large-scale/integrated residential/settlement areas; or

- f. other areas whose cultivation, usage, and/or utilization are based on License/Concession/Business License related to land and spatial utilization.

Part Two

Object of Control of Abandoned Lands

Article 7

- (1) The object of control of Abandoned Lands as referred to in Article 5 section (1) include lands with right of ownership, right to build, right to cultivate, right to use, Right to Manage, and land acquired based on the Basis for Land Control.
- (2) Land with of ownership becomes the object of control of Abandoned Lands if it is purposely not used, utilized, and/or not preserved to the point that:
 - a. it falls under the control of the community and becomes a village area;
 - b. it falls under the control of another party continuously for 20 (twenty) years without any legal relationship with the Right Holder; or
 - c. the social function of Land Right is not met, whether the Right Holder is still exist or not.
- (3) Land with right to build, right to use, and Right to Manage will become the object of control of Abandoned Lands if it is purposely not cultivated, used, utilized, and/or preserved starting from 2 (two) years since the issuance of the right.
- (4) Lands with right to cultivate becomes the object of control of Abandoned Lands if it is purposely not cultivated, used, and/or utilized, starting from 2 (two) years since the issuance of the right.
- (5) Land acquired based on the Basis for Land Control becomes the object of control of Abandoned Lands if it is purposely not cultivated, used, utilized, and/or preserved starting from 2 (two) years since the issuance of the Basis for Land Control.

Article 8

Land with Right to Manage that are excluded from the object of control of Abandoned Lands include:

- a. land that falls under the Right to Manage by adat law community; and
- b. land with Right to Manage which become the Land Bank assets.

CHAPTER IV

INVENTORY OF AREAS AND LANDS INDICATED AS
ABANDONED

Part One

Inventory of Area Indicated as Abandoned

Article 9

- (1) An inventory of areas indicated as abandoned is carried out by the Leader of Institutions in accordance with their authority.
- (2) The inventory as referred to in section (1) is carried out:
 - a. since the issuance of this Government Regulation for areas whose License/Concession/Business License is issued prior to the enforcement of this Government Regulation; or
 - b. 2 (two) years starting from the issuance of the License/Concession/Business License for areas whose License/Concession/Business License is issued after the enforcement of this Government Regulation.
- (3) The inventory as referred to in section (1) is carried out based on reports, or information to the Leader of Institutions originating from:
 - a. Holder of License/Concession/Business License;
 - b. Institutions; and/or
 - c. public.
- (4) The report or information as referred to in section (3) is also submitted to the Minister.

Article 10

- (1) In the event that the Leader of Institution does not carry out an inventory of the area indicated as abandoned within a maximum period of 90 (ninety) calendar days as of the receipt of the report or information as referred to in Article 9 section (3), the inventory is carried out by the Minister.
- (2) In carrying out the inventory as referred to in section (1), the Minister may coordinate with the Leader of Institutions, ministers, or the leaders of related agencies in accordance with their respective authorities.

Part Two

Inventory of Lands Indicated as Abandoned

Article 11

- (1) An inventory of land indicated as abandoned is carried out by the Land Office.
- (2) The inventory as referred to in section (1) is carried out not later than 2 (two) years since the issuance of Land Right, Right to Manage, or Basis for Land Control.
- (3) The inventory as referred to in section (1) is carried out based on reports or information originating from:
 - a. Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control;
 - b. results of monitoring and evaluation of Land Right and Basis for Land Control conducted by the Land Office, Regional Office, and the Ministry;
 - c. ministries/agencies;
 - d. local governments; and/or
 - e. public.

Article 12

- (1) The results of the inventory of lands indicated as abandoned are attached with textual data and spatial data.
- (2) The results of the inventory of lands indicated as abandoned as referred to in section (1) are processed into data on lands indicated as abandoned.

Article 13

- (1) The Minister administers and maintains data on land indicated as abandoned as referred to in Article 12 section (2) in a database for the purposes of reporting, material for analysis, and to determine further actions.
- (2) The database as referred to in section (1) is integrated with the Ministry's land information system.

CHAPTER V

CONTROL OF ABANDONED AREAS AND LANDS

Part One

Control of Abandoned Areas

Section I

General

Article 14

The control of Abandoned Areas is carried out through the following stages:

- a. evaluation of Abandoned Areas;
- b. warning for the Abandoned Areas; and
- c. designation of Abandoned Areas.

Paragraph 2

Evaluation of Abandoned Areas

Article 15

- (1) The evaluation of Abandoned Areas aims to ensure that the holder of the License/Concession/Business License cultivates, uses, and/or utilizes the License/Concession/Business License and/or areas under its control.
- (2) The evaluation as referred to in section (1) is carried out by a working group established and determined by the Leader of Institutions.

- (3) The evaluation as referred to in section (1) at least includes:
 - a. examination of the License/Concession/Business License document;
 - b. examination of the cultivation, usage, and/or utilization plan of the License/Concession/Business License and/or areas;
 - c. examination of cultivation, usage, and/or utilization License/ Concession/Business License and/or areas factually; and
 - d. notification to Holder of License/Concession/Business License to cultivate, use, and/or utilize License/ Concession/Business License and/or areas under its controls.
- (4) The evaluation as referred to in section (1) is carried out within a period of 180 (one hundred and eighty) calendar days.
- (5) In the event that the results of the evaluation find that the Holder of License/Concession/Business License deliberately does not cultivate, use, and/or utilize the License/Concession/Business License and/or the areas under its control, the Leader of Institutions notifies the Holder of License/Concession/Business License to cultivate, use, and or utilize the License/Concession/Business License and/or areas under its controls within a maximum period of 180 (one hundred and eighty) calendar days from the date of issuance of the notification.
- (6) In the event that the period as referred to in section (5) ends and the Holder of License/Concession/Business License still does not cultivate, use, and/or utilize the License/Concession/Business License and/or areas under its control, a warning process is conducted.

Article 16

- (1) In the event that the Leader of Institutions does not conduct the evaluation as referred to in article 15, the evaluation of the Abandoned Area is carried out by the Minister.

- (2) In carrying out the evaluation as referred to in section (1), the Minister may coordinate with the Leader of Institutions, ministers, or the leader of related agencies in accordance with their respective authorities.

Paragraph 3

Warning for the Abandoned Areas

Article 17

- (1) In the event that the evaluation as referred to in Article 15 concludes that the area is as an Abandoned Area, the Leader of Institution submits the first warning letter to the Holder of License/Concession/Business License.
- (2) The first warning letter as referred to in section (1) contains a warning for the holder of License/Concession/Business License to cultivate, use, and/or utilize the License/Concession/Business License and/or areas under its control within 180 (one hundred and eighty) calendar days from the date of receipt of the first warning letter.
- (3) In the event that the holder of the License/Concession/Business License does not conduct the first warning letter as referred to in section (2), the Leader of Institution submits second warning letter which contains a warning for the Holder of License/Concession/Business License to cultivate, use, and/or utilize the License/Concession/Business License and/or areas under its control within a maximum period of 90 (ninety) calendar days from the date of receipt of the second warning letter.
- (4) In the event that the holder of the License/Concession/Business License does not conduct the second warning letter as referred to in section (3), the Leader of Institution submits third warning letter containing a warning for the Holder of License/Concession/Business License to cultivate, use, and/or utilize the License/Concession/Business License and/or areas under its controls within a maximum period of 45 (forty-five) calendar days from the date of receipt of the third warning letter.

- (5) The first, second, and third warning letters are also conveyed to other relevant institutions.

Article 18

In the event that the address of the holder of License/Concession/Business License is unknown or incorrect, the notification and warning process in the implementation of controlling the Abandoned Areas are carried out with the following provisions:

- a. announced at the rural village/urban village office;
- b. announced on the websites of Agencies and Ministries; and
- c. submitted to the address of the Holder of License/Concession/Business License registered in the legal entity information system managed by the ministry administering government affairs in the fields of law and human rights.

Article 19

- (1) In the event that the Leader of Institution does not provide the warning as referred to in Article 17, the warning for the Abandoned Area is carried out by the Minister.
- (2) In providing the warning as referred to in section (1), the Minister may coordinate with the Leader of Institutions, ministers, or the leaders of related agencies in accordance with their respective authority.

Paragraph 4

Designation of Abandoned Areas

Article 20

- (1) In the event that the Holder of License/Concession/Business License does not conduct the third warning letter as referred to in Article 17 section (4), the Leader of Institution designates the area as Abandoned Area.
- (2) The designation of Abandoned Area as referred to in section (1) also contains:

- a. revocation of License/Concession/Business License; and/or
 - b. affirmation as a area controlled directly by the State.
- (3) Areas that have been designated as Abandoned Areas may be designated as Land Bank Assets or transferred to other parties through a transparent and competitive mechanism.

Article 21

- (1) In the event that the Leader of Institution does not designate the area as Abandoned Area as referred to in Article 20, the designation of Abandoned Area is carried out by the Minister.
- (2) In the designation as referred to in section (1), the Minister may coordinate with the Leader of Institutions, ministers, or the leader of relevant agency in accordance with their respective authority.

Part Two

Control of Abandoned Lands

Paragraph 1

General

Article 22

- (1) The data on lands indicated as abandoned is followed up by control of the Abandoned Land.
- (2) The control of Abandoned Land as referred to in section (1) is carried out through the following stages:
 - a. evaluation of Abandoned Lands;
 - b. warning for the Abandoned Lands; and
 - c. designation of Abandoned Lands.

Paragraph 2

Evaluation of Abandoned Lands

Article 23

- (1) The evaluation of Abandoned Lands aims to ensure that the Right Holder, Holder of Right to Manage, or Holder of Basis

for Land Control, cultivates, uses, utilizes, and/or preserves the land they own or control.

- (2) The evaluation of Abandoned Lands is carried out by a committee established and determined by the head of the Regional Office.
- (3) The evaluation of Abandoned Lands as referred to in section (1) at least includes:
 - a. examination of the Land Right, Right to Manage, or Basis for Land Control documents;
 - b. examination of the plan for land cultivation, usage, utilization and/or preservation;
 - c. examination of the land cultivation, usage, utilization, and/or preservation on factual basis; and
 - d. notification to the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control to cultivate, use, utilize, and/or preserve the land they own or control.
- (4) The evaluation as referred to in section (1) is carried out within a period of 180 (one hundred and eighty) calendar days.
- (5) In the event that the evaluation found that the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control purposely does not cultivate, use, utilize, and/or preserve the land they own or control, the head of the Regional Office submits a notification to the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control to cultivate, use, utilize, and/or preserve the land they own or control within no later than 180 (one hundred and eighty) calendar days from the date of issuance of the notification.
- (6) In the event that the period as referred to in section (5) ends and the Right Holder, Holder of Right to Manage, or Holder of Basis for land control still does not cultivate, use, utilize, and/or preserve the land they own or control, a warning process is conducted.

Article 24

- (1) In the event that the results of the evaluation concludes that there is no land that is purposely abandoned, the head of the Regional Office proposes the removal from the database of land indicated as abandoned to the Minister.
- (2) The Minister follows up the proposal for removal as referred to in section (1) by deleting it from the database of land indicated as abandoned.

Paragraph 3

Warning for the Abandoned Lands

Article 25

- (1) In the event that the results of the evaluation concludes that the land is an Abandoned Land, the head of the Regional Office provides the first warning letter to the Right Holder, Holder of Right to Manage, or Holder of Basis for land control and other concerned parties.
- (2) The first warning letter as referred to in section (1) contains a warning for the Right Holder, Holder of Right to Manage, or Holder of Basis for land control to cultivate, use, utilize, and/or preserve their land within a maximum period of 90 (ninety) calendar days from the date of receipt of the first warning letter.
- (3) In the event that the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control does not conduct the first warning letter as referred to in section (2), the head of the Regional Office provides a second warning letter that contains a warning for the Right Holder, Holder of Right to Manage, or Holder of Basis for land control to cultivate, use, utilize, and/or preserve their land within a maximum period of 45 (forty five) calendar days from the date of receipt of the second warning letter.
- (4) In the event that the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control does not conduct the second warning letter as referred to in section (3), the head of the Regional Office provides a third warning letter containing

warning for the Right Holder, Holder of Right to Manage or Holder of Basis for land control to cultivate, use, utilize, and/or preserve their land within a maximum period of 30 (thirty) calendar days from the date of receipt of the third warning letter.

- (5) In addition to being delivered to the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control, the first, second, and third warning letters are also delivered to:
- a. Minister;
 - b. mortgage Right Holder, in the event that the land is encumbered with mortgage rights; and
 - c. the Leader of Institutions that manages state/local-owned assets or assets of state/local-owned enterprises, in the event that the land is categorized as state/local-owned assets or assets of state/local-owned enterprises.

Article 26

In the event that the address of the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control is unknown or incorrect, the notification and warning process in the implementation of Control of Abandoned Lands is carried out with the following provisions:

- a. for individual Right Holder and Holder of Basis for Land Control, notification and warning letters are announced at the local rural/urban village office and the Ministry's website; or
- b. For Right Holder, Holder of Right to Manage, and Holder of Basis for Land Control in the form of legal entity or central/local government institution or state/local-owned enterprises, the notification and warning letter is delivered to the address of the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control registered in the legal entity information system managed by the ministry administering government affairs in the fields of law and human rights and/or the Ministry's website.

Article 27

In the event that the Right Holder, Holder of Right to Manage, or Holder of Basis for land control does not conduct the third written warning as referred to in Article 25 section (4), the head of the Regional Office, within a maximum period of 30 (thirty) work days, proposes the designation of Abandoned Lands to the Minister.

Article 28

For land that is proposed to be designated as Abandoned Land as referred to in Article 27, no legal action can be taken on the concerned plot of land until the issuance of a Ministerial Decree.

Paragraph 4

Designation of Abandoned Land

Article 29

The designation of Abandoned Land is carried out by the Minister based on the proposal for the designation of Abandoned Land as referred to in Article 27.

Article 30

- (1) In the event that the land to be designated as Abandoned Land is in the form of land with Right to Land or Right to Manage and constitutes an entire expanse, the designation of Abandoned Land also includes:
 - a. nullification of Land Right or Right to Manage;
 - b. termination of legal relationship; and
 - c. affirmation of its status as State land, former Abandoned Land, which is directly controlled by the State.
- (2) In the event that the land to be designated as Abandoned Land is in the form of land with Right to Land or Right to Manage and is part of an expanse, the designation of Abandoned Land also includes:
 - a. nullification of Land Right or Right to Manage in the abandoned part;
 - b. termination of legal relationship between the Right Holder or Holder of Right to Manage and the abandoned land;

- c. affirmation of its status as State land, former Abandoned Land, in which the abandoned part of the land is directly controlled by the State; and
 - d. order to revise the extent of Land Right or Right to Manage.
- (3) In the event that the land to be designated as Abandoned Land is a land that has been granted with the Basis for Land Control, the designation of Abandoned Land also includes:
- a. termination of legal relationship between the holder of the Basis for Land Control and the land under its control; and
 - b. affirmation of its status as State land, former Abandoned Land, which is directly controlled by the State.
- (4) In the event that the land to be designated as Abandoned Land is categorized as state/local-owned assets or assets of state/local-owned enterprises, the designation of Abandoned Land also includes recommendations to the Leader of Institutions that manages the state/local-owned assets or assets of state/local-owned enterprises to cultivate, use, utilize, and/or preserve the land.

Article 31

- (1) The revision of the extent as referred to in Article 30 section (2) point d becomes the burden of the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control.
- (2) In the event that the revision of the extent as referred to in section (1) has not been carried out, the Right Holder, Holder of Right to Manage, or Holder of Basis for land control cannot take other legal actions related to the land.
- (3) If, within a maximum period of 180 (one hundred and eighty) calendar days, the revision of the extent as referred to in section (1) is not carried out by the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control, the land that is not abandoned is considered as an integral part of the abandoned land and become an Abandoned Lands as a whole.

Article 32

- (1) Lands that has been designated as Abandoned Lands, within a maximum period of 30 (thirty) calendar days from the date of designation, is required to be vacated by the former Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control.
- (2) In the event that the former Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control does not meet the obligations as referred to in section (1), the objects above the land become abandoned assets.

Article 33

Lands that have been designated as Abandoned Land can become Land Bank Assets and/or State General Reserve Land (*Tanah Cadangan Umum Negara/TCUN*).

CHAPTER VI

UTILIZATION OF ABANDONED AREAS AND TCUN

Part One

Utilization of Abandoned Areas

Article 34

- (1) In the context of utilizing Abandoned Areas, the revoked License/Concession/Business License can be transferred to other parties through a transparent and competitive mechanism.
- (2) The transfer of the License/Concession/Business License as referred to in section (1) is carried out by the Leader of Institutions.
- (3) In the event that the Leader of Institutions does not transfer the License/Concession/Business License as referred to in section (2) within a maximum period of 30 (thirty) calendar days as of the designation of Abandoned Areas, the Minister reports to the President.

Part Two
Utilization of TCUN

Article 35

- (1) The utilization of TCUN is intended for agriculture and non-agriculture purpose in favor of public and national interest through:
 - a. agrarian reform;
 - b. national strategic projects;
 - c. Land Bank; and
 - d. other state reserves.
- (2) The utilization of TCUN can be based on proposals or information originating from:
 - a. ministries/institutions;
 - b. Regional Office and Land Office; and/or
 - c. local governments.
- (3) The utilization of TCUN considers:
 - a. national strategic policy;
 - b. spatial plan; and/or
 - c. land suitability and carrying capacity of the area.
- (4) The utilization of TCUN is determined by the Minister.

CHAPTER VII
MISCELLANEOUS PROVISIONS

Article 36

In the event that this Government Regulation provides an option to not regulate, is incomplete, or unclear, and/or there is government stagnation, the Minister may exercise discretion to address concrete issues in the administration of government affairs in the Abandoned Areas and Abandoned Lands.

Article 37

Further provisions regarding the procedures for controlling and utilizing the Territorial Area and Abandoned Land are regulated in a Ministerial Regulation.

CHAPTER VIII
TRANSITIONAL PROVISIONS

Article 38

At the time this Government Regulation comes into force:

- a. the result of inventory of lands indicated as abandoned that is carried out based on the previous regulation is declared effective and is followed up based on this Government Regulation;
- b. the ongoing control and utilization of Abandoned Lands is followed up based on this Government Regulation; and
- c. the control of Abandoned Land that has been carried out based on the previous regulation but have not yet reached the stage of Abandoned Land designation are carried out again starting from the initial stage by referring to this Government Regulation.

CHAPTER IX
CLOSING PROVISIONS

Article 39

At the time this Government Regulation comes into force:

- a. all implementing regulations governing the control and utilization of the existing Abandoned Land remain effective insofar to the extent not contrary to or have not been replaced based on this Government Regulation; and
- b. Government Regulation Number 11 of 2010 on Control and Utilization of Abandoned Land (State Gazette of the Republic of Indonesia of 2010 Number 16, Supplement to State Gazette of the Republic of Indonesia Number 5098) is repealed and declared ineffective.

Article 40

This Government Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette of Republic of Indonesia.

Issued in Jakarta
on 2 February 2021

PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

JOKO WIDODO

Promulgated in Jakarta
on 2 February 2021

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

signed

YASSONA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 30 OF 2021

Jakarta, 6 December 2021

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION
OF
REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
NUMBER 20 OF 2021
ON
CONTROL OF ABANDONED AREAS AND LANDS

I. GENERAL

Land is the basic capital in development in order to improve the welfare of the people, nation and state of Indonesia. Therefore, land must be cultivated, utilized, and used for the greatest prosperity of the people. Many lands that have been controlled and/or owned, both those with existing Land Right and new ones based on land acquisition, are still in a state of abandon, hence the glorious ideals of increasing people's prosperity are not optimal. In view of these conditions, it is necessary to reorganize lands to manifest them as a source of people's welfare and to promote a more just life, ensure the sustainability of the Indonesian social and national system as well as strengthening social harmony. In addition, the optimization of all land cultivation, usage, utilizations, and preservations of within the territory of Indonesia is needed to improve environment quality, reduce poverty, and create jobs as well as to increase food and energy security.

In order to preserve the quality of the land and improve the welfare of the public, the Right Holder, Holder of Right to Manage, and Holder of Basis for Land Control are expected to be able to maintain and preserve their land and not abandon them. Therefore, regulation regarding the control and utilization of Abandoned Land is needed. Today, the abandonment of land is increasingly causing social and economic inequalities as well as reducing the quality of the environment. Land abandonment also inhibits the achievement of various development program objectives, vulnerability of

food security and national economic security as well as blocking socio-economic access of the community, especially farmers to land.

The State grants Land Right to Right Holders to be cultivated, used, and utilized and preserved properly. This is not only aimed at the welfare of the Right Holders, but also for the welfare of the public, nation and state. When the state grants rights to a person or legal entity, it is always accompanied by obligations as stipulated in Law Number 5 of 1960 on Basic Agrarian Principles (*Peraturan Dasar Pokok-Pokok Agraria*, UUPA) and the decree granting right. Thus, the Right Holder is prohibited from abandoning their land. In the event that the Right Holder abandons their land, the UUPA has regulated the legal consequences, namely the revocation of the relevant Land Right, the termination of legal relationship and affirming the land's status as a land controlled directly by the state. For land without Land Right but has basis for its control, the usage of the land must be based on a Land Right in accordance with the provisions of Article 4 juncto Article 16 of UUPA. Therefore, a person or legal entity that has obtained the Basis for land Control, either by relinquishing the land from the rights of others, by acquiring a location License, or obtaining a decision to release a forest area, is obligated to preserve the land, cultivate it properly, not abandon it and apply for Land Right. Even though the concerned has not yet acquired Land Right, if they abandon their land, the legal relationship between the concerned and the land will be nullified and the land will be affirmed as a land that is directly controlled by the State.

Based on the explanation above, land abandonment must be prevented and regulated to reduce or eliminate its negative impacts. Thus, prevention, control, and utilization of Abandoned Land are important steps and prerequisites for carrying out national development programs, especially in the agrarian field which has been mandated by the 1945 Constitution of the Republic of Indonesia, UUPA, and the National Long-Term Development Plan.

In order to bring control to Abandoned Land, in the early reform era, Government Regulation Number 36 of 1998 on Issuance and Utilization of Abandoned Land was issued, which was followed up by the Decree of the Head of National Land Agency Number 24 of 2002 on Provisions for the Implementation of Government Regulation Number 36 of 1998 on Control and Utilization of Abandoned Land.

However, in practice, these regulations have not been implemented effectively because many things can no longer be used as a reference in the completion of the control and utilization of Abandoned Land, so they were later replaced by Government Regulation Number 11 of 2010 on Control and Utilization of Abandoned Land.

Government Regulation Number 11 of 2010 on Control and Utilization of Abandoned Land was issued on 22 January 2010 and has been followed up with Regulation of the Head of National Land Agency Number 4 of 2010 on Procedures for Controlling Abandoned Land juncto Regulation of the Head of National Land Agency Number 9 of 2011 on Amendment to Regulation of the Head of National Land Agency Number 4 of 2010 on Procedures for Controlling Abandoned Land, and Regulation of the Head of National Land Agency Number 5 of 2011 on Procedures for Utilization of State Land, Former Abandoned Land.

In its implementation, Government Regulation Number 11 of 2010 on the Control and Utilization of Abandoned Land is considered not effective in accommodating the problems encountered in the control and utilization of Abandoned Land. These problems, among others, are related to the object, the warning period, the procedure for removing the land that has been utilized from the database of land indicated as abandoned, and so on.

Along with the dynamics of national development, apart from Abandoned Lands, the current facts show that there are also quite a lot of Abandoned Areas. Abandoned Areas are non-forest area, which is not attached with a Land Right under a License/Concession/Business License, which is purposely not being cultivated, used, and/or utilized.

If not handled immediately, area abandonment can lead to higher social and economic inequalities and a further decline in environmental quality. Therefore, it is necessary to have an arrangement to anticipate or minimize the negative impact of area abandonment.

Apart from being based on the conditions described above, the regulation on Abandoned Areas and Abandoned Lands is also intended to carry out the mandate of Article 180 of Law Number 11 of 2020 on Job Creation.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently Clear.

Article 2

Section (1)

The term "License" means a Mining Business License (*Izin Usaha Pertambangan*, IUP), Special Mining Business License (*Izin Usaha Kawasan Industri*, IUPK), Industrial Estate Business License (*Izin Usaha Kawasan Industri*, IUKI), Tourism Business Registration License (*Izin Tanda Daftar Usaha Pariwisata*, TDUP License), and so on.

The term "Concession" means in the form of mining concessions, oil palm plantation Concessions, toll road Concessions, port Concessions, and so on.

The term "Business License" means in the form of suitability of spatial utilization activities, environmental approval, building approval, function feasibility certificates, and so on.

Section (2)

Sufficiently Clear.

Article 3

Section (1)

The term "purpose" means the Holder of License/Concession/Business License does not cultivate, use, and/or utilize the License/Concession/Business License and/or areas under its control in accordance with the obligations stipulated in the License/Concession/Business License and/or plan for concession or utilization of the area.

The following case does not fall under the definition of "purposely":

- a. The License/Concession/Business License and/or areas become an object of a case in court;
- b. The License/Concession/Business License and/or areas cannot be cultivated, used, and/or utilized due to changes in the spatial plan;

- c. the area is declared as a area designated for conservation in accordance with the provisions of legislation; or
- d. The License/Concession/Business License and/or areas cannot be cultivated, used, or utilized due to force majeure, including war, riots, natural disasters, and other disasters, which must be declared by the authorized official/institution.

Section (2)

Sufficiently Clear.

Section (3)

Sufficiently Clear.

Article 4

Section (1)

Sufficiently Clear.

Section (2)

The term "social functions" means that every person, legal entity, or institution that has a legal relationship with the land is obligated to use the land by preserving the land, increasing its fertility, and preventing damage to it so that it is more efficient and effective and beneficial for the welfare of the public and environment.

Section (3)

Sufficiently Clear.

Article 5

Section (1)

Land that has been registered or has not been registered refers to the legislation governing land registration.

The term " purposely " means the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control does not cultivate, use, utilize, and/or preserve the land they own or control in accordance with the decree that grants their rights and or plans for the cultivation, use, or utilization of the land.

The following case does not fall under the definition of " purposely ":

- a. the land becomes an object of a case in court;
- b. the land cannot be cultivated, used, utilized, and/or preserved due to changes in spatial plan;
- c. the land is declared as land designated for conservation in accordance with the provisions of legislation; or
- d. the land cannot be cultivated, used, utilized, and/or preserved due to force majeure, including war, riots, natural disasters, and other disasters, which must be declared by the authorized official/institution.

The term "not preserved" means not carrying out social functions as regulated in the UUPA. The following are some examples of not preserving a land:

- a. there is no concern from the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control to manage or preserve the land so that the land becomes abandoned;
- b. there is no concern or warning from the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control so that the land falls under the control of another party; or
- c. there is no concern from the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control to manage or preserve the land so as to cause environmental damage and/or disasters (landslides, floods, and so on).

Section (2)

Sufficiently Clear.

Article 6

Sufficiently Clear.

Article 7

Section (1)

Sufficiently Clear.

Section (2)

Sufficiently Clear.

Section (3)

Sufficiently Clear.

Section (4)

Sufficiently Clear.

Section (5)

The Basis for Land Control can be in the form of:

- a. deed of sale and purchase of certified Land Right that have not been renamed;
- b. deed of sale and purchase of certificate of *adat* property rights that have not been issued;
- c. residence permit;
- d. minutes of auction;
- e. decree to release forest area; or
- f. other proof of control from the authorized official.

Article 8

Sufficiently Clear.

Article 9

Section (1)

The term "Areaareas indicated as abandoned" means a non-forest area that Land Right have not been attached that already have a License/Concession/Business License, which is purposely not cultivated, used, and/or utilized and has not been brought under control.

Section (2)

Sufficiently Clear.

Section (3)

Sufficiently Clear.

Section (4)

Sufficiently Clear.

Article 10

Sufficiently Clear.

Article 11

Section (1)

The term "land indicated as abandoned" means land with rights, land with Right to Manage, and land acquired based on Basis for Land Control, which is purposely not cultivated, used, utilized, and/or preserved which has not been brought under control.

Section (2)

Sufficiently Clear.

Section (3)

Sufficiently Clear.

Article 12

Sufficiently Clear.

Article 13

Sufficiently Clear.

Article 14

Sufficiently Clear.

Article 15

Sufficiently Clear.

Article 16

Sufficiently Clear.

Article 17

Section (1)

Sufficiently Clear.

Section (2)

In the first warning letter, it is necessary to mention concrete matters that must be done by the Holder of License/Concession/Business License and the sanctions that can be imposed if the Holder of License/Concession/Business License does not heed or conduct the written warning.

Section (3)

In the second warning letter, after considering the progress of the first warning letter, reiterate the concrete matters that must be done by the Holder of License/Concession/Business License and the sanctions that can be imposed if the Holder of License/Concession/Business License does not heed or conduct the warning letter.

Section (4)

In the third warning letter which is the last warning, after considering the progress of the second warning letter, reiterate the concrete matters that must be done by the Holder of License/Concession/Business License and the sanctions that can be imposed if the Holder of License/Concession/Business License does not heed or conduct the warning letter.

Section (5)

Sufficiently Clear.

Article 18

Sufficiently Clear

Article 19

Sufficiently Clear.

Article 20

Section (1)

Sufficiently Clear.

Section (2)

Sufficiently Clear.

Section (3)

The term "transparent and competitive mechanism" means in the form of an open auction process.

Article 21

Sufficiently Clear.

Article 22

Sufficiently Clear.

Article 23

Sufficiently Clear.

Article 24

Sufficiently Clear.

Article 25

Section (1)

The term "other concerned parties" are, among others, mortgage holders and Leader of Institutions that manage state/local-owned assets or assets of state/local-owned enterprises.

Section (2)

In the first warning letter, it is necessary to mention concrete matters that must be done by the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control and the sanctions that can be imposed if the Right Holder, Holder of Right to Manage or Holder of Basis for Land Control does heed or conduct the written warning.

Section (3)

In the second warning letter, after considering the progress of the first written warning letter, reiterate the concrete matters that must be done by the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control and the sanctions that can be imposed if the Right Holder, Holder of Right to Manage, or the Holder of Basis for Land Control does not heed or conduct the written warning.

Section (4)

In the third warning letter which is the last warning, after considering the progress of the second written warning letter, reiterate the concrete matters that must be done by the Right Holder, Holder of Right to Manage, or Holder of Basis for Land Control and sanctions that can be imposed if the Right Holder, Holder of Right to Manage or Holder of Basis for Land Control does not heed or conduct the written warning.

Section (5)

Sufficiently Clear

Article 26

Sufficiently Clear

Article 27

Sufficiently Clear.

Article 28

The term "legal action" includes, among others, the transfer of rights, the imposition of mortgage rights, as well as the use and utilization of land.

Article 29

Sufficiently Clear.

Article 30

Section (1)

Sufficiently Clear

Section (2)

Point a

The nullification of Land Right or Right to Manage on the abandoned part does not result in the nullification of Land Right or Right to Manage on the part of the land that is not abandoned.

Point b

Sufficiently Clear.

Point c

Sufficiently Clear.

Point d

Sufficiently Clear.

Section (3)

Sufficiently Clear

Section (a)

Sufficiently Clear

Article 31

Sufficiently Clear

Article 32

Sufficiently Clear.

Article 33

Sufficiently Clear

Article 34

Section (1)

Other parties that will be granted a License/Concession/Business License must have adequate capabilities and resources.

Section (2)

Sufficiently Clear.

Section (3)

Sufficiently Clear.

Article 35

Section (1)

Point a

Agrarian reform is a land policy that includes restructuring the political system and agrarian law as well as public assets and access management to land in accordance with Article 2 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR/2001 on Agrarian Reform and Natural Resources Management, and Article 10 of UUPA. The public assets and access management to land can be made through the distribution and redistribution of state lands in the former Abandoned Land.

Point b

The term "national strategic project" means a project carried out by the Central Government, local government, and/or business entities that are strategic in nature to increase growth and equitable development in the context of improving public welfare and local development.

Point c

Sufficiently Clear.

Point d

Other state reserves include, among others, to meet land needs for the sake of the central government or local governments, defense and security, land needs due to natural disasters, and relocation and resettlement of public affected by development in the public interest.

Section (2)

Sufficiently Clear.

Section (3)

Point a

Sufficiently Clear.

Point b

The term "spatial plan" includes general plans and detailed spatial plans.

Point c

Sufficiently Clear

Section (4)

Sufficiently Clear.

Article 36

Sufficiently Clear

Article 37

Sufficiently Clear

Article 38

Sufficiently Clear.

Article 39

Sufficiently Clear.

Article 40

Sufficiently Clear.