

## Newsletter

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# Reminder on Land Administration Policy: Land Certificates Re-registration, Expiry of Customary Land Rights, and Compulsory Acquisition of Abandoned Land



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## Introduction

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (“**BPN**”) has rolled out several announcements regarding important land administration policies. These announcements focus on (i) the transition from paper-based to electronic land certificates, (ii) a reminder of the end of recognition for customary land evidence after the 2026 deadline, and (iii) a reminder of the State’s right of compulsory acquisition of abandoned land. The key points below explain the practical implications of these policies and the steps landowners should take to protect their interests.

### 1. Re-registering Land Certificates Issued Between 1961 and 1997

Many land certificates issued between 1961 and 1997 might be lacking an attached cadastral map showing the precise land boundaries. Without clear boundary data, landowners are at a greater risk of overlaps or disputes with neighbouring parcels, which may also complicate future land transactions. To address this issue, BPN encourages holders of these “legacy” certificates to voluntarily apply for conversion to electronic certificates.

While the conversion is not mandatory, the process offers three key benefits:

- a. BPN will verify and validate both the physical survey data and the legal (juridical) data, helping to minimise the risk of future boundary conflicts.
- b. Once verified, the land record is incorporated into BPN's electronic database, offering greater security and clarity if a land dispute arises.
- c. Electronic certificates are already the default for new registrations, extensions, and renewals of land certificates in land offices that have adopted the digital system. Converting now ensures alignment with these evolving land administration practices.

## **2. Expiry of Customary Land Evidence ("Girik," "Petuk," etc.) on 2 February 2026**

Based on BPN Regulation No. 16 of 2021, which amends BPN Regulation No. 3 of 1997 on the Implementing Regulation of the Government Regulation No. 24 of 1997 on Land Registration, written evidence of customary ownership—such as *petuk pajak*, *girik*, *pipil*, *kekitir*, or *Verponding Indonesia*—must be registered with BPN no later than 2 February 2026. After this deadline:

- a. The document will no longer serve as legal proof of ownership; it will be treated only as supporting evidence.
- b. The land will remain classified as ex-customary land (it will not automatically be reclassified as State land), but the registration process will become more burdensome.
- c. Late applicants must submit a sworn statement confirming at least 20 years of continuous and good-faith possession, the absence of disputes, and that the land is neither government-owned nor located within a forest area.

To avoid additional costs and complications associated with late registration, holders of customary land evidence are strongly encouraged to apply for formal registration as early as possible.

## **3. Compulsory Acquisition of Abandoned Land**

Under the Agrarian Law and its implementing regulations, specifically (i) Government Regulation No. 20 of 2021 on the Management of Abandoned Areas and Lands, and (ii) BPN Regulation No. 20 of 2021 on the Procedures for Managing and Utilizing Abandoned Areas and Lands, BPN may reclaim land that has been deliberately left undeveloped, unused, unutilized, and/or unmaintained since two years from the right was granted. These provisions apply to:

- a. Rights to Build (*Hak Guna Bangunan/HGB*);
- b. Rights to Cultivate (*Hak Guna Usaha/HGU*);

- c. Rights to Use (*Hak Pakai*);
- d. Management Rights (*Hak Pengelolaan*); and
- e. Land held under government decrees or other official instruments (e.g., Deed of Land Sale and Purchase for land rights that have been issued with land certificate but not yet registered under the purchaser's name).

In addition to the above, for Rights of Ownership (*Hak Milik*) in particular, land is considered abandoned only if (i) it is occupied by a community, (ii) it has been held by others for at least 20 years without any legal relationship with the *Hak Milik* holder, or (iii) it no longer serves its social function, even though the owner still exists.

Once BPN designates land as abandoned, it will issue a decree that:

- a. revokes the existing land right;
- b. terminates all legal relationships with the former holder; and
- c. places the land under direct State control, potentially as a Land Bank asset or as part of the State land reserve.

The decree will be publicly announced in a newspaper, and the former holder must vacate the land within 30 days.

#### **4. Recommended Actions for Landowners**

- a. Review your land portfolio and identify any certificates issued between 1961 and 1997. Consult the local land office regarding voluntary conversion to electronic certificates.
- b. If you hold *girik* or other forms of customary evidence, initiate registration process well before the 2 February 2026 deadline to avoid the post-deadline affidavit requirement.
- c. Ensure any idle land is actively used, maintained, or leased. Keep records of all related activities to demonstrate that the land is serving its social function.

#### **5. Conclusion**

Indonesia's land administration framework is evolving rapidly toward digital certification, formal recognition of ownership, and stricter oversight of land use. By updating legacy certificates, registering customary land on time, and ensuring continuous use of holdings, landowners can minimize risks and better secure their property rights under the new regime. We recommend you seeking legal advice if you are uncertain about boundaries, title history, or compliance with abandonment rules. Early consultation can help prevent costly disputes or the involuntary loss of land rights.