

LAW NO. 5 YEAR 1960
ON
BASIC REGULATION FOR AGRARIAN AFFAIRS
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that in the Republic of Indonesia, of which the People's life including its economy has still particularly an agrarian character, the soil, water and air as a benefaction of God have a very important function for the creation of a just and prosperous society;
- b. that the agrarian law now still valid partly is formed on the basis of the objectives of the colonial government and partly influenced by her and thus in contradiction to the people's and state's need in the finalization of the present national revolution and the overall construction;
- c. that said agrarian law has a dualistic character, of "adat" law being valid besides the agrarian law based on Western law;
- d. that for the autochthonous population the Colonial agrarian law does not give sufficient legal certainty;

Being of the Opinion:

- a. that in connection with the abovementioned consideration it is necessary that there be a new, national agrarian law, based on the "adat" law on land, which is simple and guarantees legal certainty for the entire Indonesian people, without neglecting elements based on religious law;
- b. that the national agrarian law must give the possibility to achieve the function of the soil, water and air as mentioned above and must be in accordance with the Indonesian people's interest and also meet its needs according to the requisites of times in all agrarian questions;
- c. that this national agrarian law must realize the embodiment of the belief in the All Mighty God, Humanity, Nation, Democracy and Social Justice as the state's spiritual principle and the people's ideals, as laid down in the preamble of the Constitution;
- d. that said agrarian law must also form the realization of the Presidential Decree of July 5, 1959, the stipulation in article 33 of the Constitution and the Political Manifesto of the Republic of Indonesia, as emphasized in the President's speech of August 17, 1960 on which basis the State is obliged to regulate land property and to guide its use, so that all land in the entire territory of the Nation's sovereignty be used for the greatest possible welfare of the people, both individually and by way of mutual aid;
- e. that in connection with all that, it is necessary to lay down the bases and to make new basic provisions in the form of an act which will form the basis for the establishment of the abovementioned national agrarian law;

With due observance to: The proposal of the Supreme Advisory Council of the Republic of Indonesia No. 1/Kpts/Sd/II/60 re the radical reorganization of the right on land and the use of land;

With a view to:

- a. Presidential Decree of July 5, 1959;
- b. Article 33 of the Constitution;
- c. Presidential Decree No. 1 year 1960 (O.G. 1960-10) re Determination of the Political Manifesto of the Republic of Indonesia of August 17, 1959 as the outlines of the State's Policy and the President's Message of August 17, 1960;
- d. Article 5 jo 20 of the Constitution.

With the approval of the Gotong Royong House of Representatives;

H A S D E C I D E D :

Under revocation of:

1. the Agrarian Act (No. O.G. 1870 No. 55) as contained in article 51 of the Act on the Polity of the Netherlands Indies (O.G. 1925 No. 447) and the provisions in other items of said article;
2. a. the "domain declaration" mentioned in article 1 of the Agrarian Decree (O.G. 1870 No. 118);
b. the "General Domain declaration" mentioned in O.G. 1875 No. 199a;
c. the "Domain declaration" for Sumatra mentioned in article 1 of O.G. 1987 No. 94f;
d. the "Domain declaration" for the residency of Menado mentioned in article 1 of O.G. 1877 No. 55;
e. the "Domain declaration" for the residency of "Zuider-en Oost-afdeling van Borneo" mentioned in article 1 of O.G. 1888 No. 58;
3. Royal Decree of April 16, 1872 No. 29 (O.G. 1872 No. 117) and its executive regulations;
4. Second Book of the Indonesian Civil Code in as far as concerning soil and water and the natural reaches therein, except the provisions concerning mortgage still valid at the moment of the coming into force of this act.

To lay down: **Act on Basic Regulation for Agrarian Affairs.**

FIRSTLY
CHAPTER I
BASES AND BASIC PROVISIONS
Article 1

- 1) The entire territory of Indonesia is the unity of the fatherland of the entire people of Indonesia being united as the Indonesian Nation.
- 2) All soil, water and air, including the natural riches therein, in the territory of the Republic of Indonesia, as a benefactor of God, are the Indonesian Nation's soil, water and air and form the national riches.
- 3) The relation between the Indonesian Nation and the soil, water and air meant in item 2 of this article is a relation of eternal character.
- 4) In the conception soil are besides the surface of the earth also included the body of the earth thereunder as well as under water.
- 5) In the conception water are included both inner waters and the Indonesian territorial sea.
- 6) By air is understood the space above the soil and water mentioned in item 4 and 5 of this article.

Article 2

- 1) On the basis of the provision in article 33 of the Constitution and the matters as meant in article 1, the soil, water and air including the natural riches therein, on the highest level are administered by the State as the administrative organization of the whole people.
- 2) The State's right to administer meant in item 1 of this article gives the authority to:
 - a. regulate and take care of the allotment, the use, the supply and the maintenance of said soil, water and air;
 - b. determine and regulate the legal relations between persons and soil, water and air;
 - c. determine and regulate the legal relations between persons and legal acts concerning soil, water and air.
- 3) The authority originating from the State's right to administer mentioned in item 2 of this article is used to reach the people's highest prosperity in the sense of happiness, welfare and freedom in the free, sovereign, just and prosperous Indonesian society and constitutional State.

The execution of the State's right to administer mentioned above may be delegated to autonomous regions and "adat" law communities in as far as needed and not contrary to the national interests, according to provisions of Government Regulations.

Article 3

With due observance of the stipulations in article 1 and 2, the execution of the "hak-ulajat" (=right of disposal) and such like rights of "adat" law communities, in as far as evidently still existing, should be in such a way that it is in line with the national and the State's interests based on the unity of the nation and may not be contrary to other higher acts and regulations.

Article 4

- 1) On the basis of State's right to administer as meant in article 2 the existence is determined of various rights on the surface of the earth, called land, which may be given to and possessed by persons, individually as well as collectively together with other persons and corporate bodies.
- 2) The rights on land meant in item 1 of this article gives the authority to use the land concerned, as well as the body of the earth and the water and the space above it, in as far as need for interests directly connected with the use of the land in restriction according to this act and other higher legal regulations.
- 3) Besides the rights on land as meant in item 1 of this article, also the rights on water and air are determined.

Article 5

The agrarian law applicable to soil, water and air, is the "adat" law in as far as not contrary to the national and the State's interests, based on the nation's unity the Indonesian socialism, and the regulations laid down in this act and other legislative regulations one and another with due observance of the elements, based on religious law.

Article 6

All the rights on land have a social function.

Article 7

So as not to harm public interest, excessive possession and administration of land are not allowed.

Article 8

On the basis of the State's right to administer as meant in article 2, the taking of the natural riches in the soil, water and air is regulated.

Article 9

- 1) Only Indonesian citizens may have full relations with soil, water and air, within the restrictions of the provisions in article 1 and 2,
- 2) Each Indonesian citizen, both men and women, has an equal opportunity to obtain a right on land and to receive its use and products, for himself as well as for his family.

Article 10

- 1) Each person and corporate body having a right on agricultural land, are in principle obliged to till or exploit said land themselves actively by avoiding extortion methods.
- 2) The implementation of the stipulations in item 1 of this article will be further regulated.
- 3) Exceptions on the principle mentioned in item 1 of this article are regulated by legislative regulation.

Article 11

- 1) Legal relations between persons, including corporate bodies, and soil, water and air, and the competence originating from said legal relations will be regulated in order to reach the aim mentioned in article 2 item 3, and to avoid excessive domination over other person's life and work.
- 2) Difference in the community's needs and the legal needs of groups of the people where necessary and not contrary to the national interests will be observed by guaranteeing protection of the interests of economically weak groups,

Article 12

- 1) All collective undertakings in the agrarian field are based on mutual interests within the framework of the national interests in cooperative.
- 2) The State may together with other parties carry out collective undertakings in the agrarian field.

Article 13

- 1) The Government endeavours to regulate undertakings in the agrarian field in such a way that production and the people's prosperity as meant in article 2 item 3 are increased and a level of life for each Indonesian citizen is guaranteed in accordance with human dignity for himself as well as for his family.
- 2) The Government prevents the creation of organizations in the agrarian field with a privately monopolistic character.
- 3) Governmental undertakings in the agrarian field with a monopolistic character may only be carried out by act.

- 4) The Government endeavours to promote social security and guarantees including the field of labour, in the undertakings in the agrarian field.

Article 14

(1) With due observance of the provisions in article 2 item 2 and 3, article 9 item 2 and article 10 item 1 and 2, within the framework of Indonesian Socialism, the Government makes a general plan regarding the supply, allotment and use of soil water and air and the natural riches therein:

- a. for the State's needs;
- b. for religious and other pious purposes, in accordance with the basis of the belief in the Almighty God;
- c. for purposes of community's life, social cultural and other welfare centres;
- d. for purposes to improve agricultural, breeding and fishery as well as parallel production;
- e. for purposes to improve industries, transmigration and mining.

(2) Based on the general plan mention in item 1 of this article and with due observance of the relative regulations, the regional governments regulate the supply, allotment and use of soil, water and air for their regions, in accordance with the circumstances in the respective regions.

(3) Regulations of the regional governments meant in item 2 of this article are valid after having obtained legalization in as far as first grade regions are concerned from the President, in as far as second grade regions are concerned from the President, in as far as second grade regions are concerned from the Governor/Head of the Region concerned and in as far as third grade regions are concerned from the Bupati/Walikota/Head of the region concerned.

Article 15

Maintaining land, including increasing its fertility and avoiding its decay is the obligation of everybody, every corporate body or office having legal regulations with said land, with observing the economically weak parties.

CHAPTER II RIGHTS ON LAND, WATER AND LAND FOR A PERSON

Part I: General provisions

Article 16

- 1) The rights on land as meant in article 4 item 1 are:

- a. "hak milik"
- b. "hak guna-usaha"
- c. "hak guna-bangunan"
- d. "hak pakai"
- e. "hak sewa"
- f. "hak membuka tanah"
- g. "hak memungut-hasil hutan"
- h. "other rights not included in the rights mentioned above, to be determined by act and other with a temporary nature as mentioned in article 53.

2) The rights on water and air meant in article 4 item 3 are:

- a. the right to use water
- b. the right to breed and catch fish
- c. the right to use air.

Article 17

- 1) With due observance of the provision in article 7, in order to reach the aim meant in article 2 item 3, the maximum and/or minimum size of land which may be possessed with a right mentioned in article 16 by a family or a corporate body is regulated.
- 2) The fixation of the maximum limit meant in item 1 of this article takes place by legislative regulation within short time.
- 3) Lands exceeding the maximum limit meant in item 2 of this article are taken by the Government under payment of compensation in order to be further divided among people who are in need thereof according to stipulations in a Government Regulation.
- 4) The reaching the minimum limit meant in item 1 of this article to be fixed by legislative regulation is executed gradually.

Article 18

To public interest, including the Nations' and the State's interest and mutual interest of the people, the rights on land may be cancelled by giving proper compensation and according to the way regulated by act.

Part II: Registration of land

Article 19

- 1) In order to guarantee legal security, the Government carries out a registration of land throughout the territory of the Republic of Indonesia according to provisions regulated by Government Regulation.
- 2) The registration mentioned in item 1 of this article comprises:

- a. the measurement, mapping out and booking of land;
 - b. the registration of rights on land and transition of said rights;
 - c. the issue of certificates of rights which are valid as firm evidence.
- 3) The registration of land is carried out with a view to the State's and society's needs, the needs of the socio-economic traffic and the possibilities of its execution, according to the considerations of the Minister of Agrarian Affairs.
 - 4) By Government regulation the costs connected with the registration meant in item 1 above will be regulated, with the stipulations that people with insufficient means are exempted from the payment of said costs.

Part III: "Hak milik"
Article 20

- 1) "Hak Milik" is the strongest and fullest hereditary right that may be possessed on land with due observance of the stipulations in article 6.
- 2) "Hak Milik" may pass or be passed to other parties.

Article 21

- 1) Only Indonesian citizens may have "hak milik".
- 2) The Government determines the corporate bodies which may have "hak milik" and the conditions.
- 3) Aliens, who after the coming into force of this act obtain "hak milik" through succession by inheritance or community of goods because of marriages, also Indonesian citizens who have "hak milik" and after the coming into force of this act lose their citizenship, are obliged to waive this right within the period of one year since they obtained this right or lost their citizenship. If after the expiration of said period, this right has been waived, it is null and void by law and the land passes to the State, with the stipulation that the rights of other parties burdening it remain in force.
- 4) As long as a person besides his Indonesian citizenship has a foreign citizenship, he cannot possess land with "hak milik" and to him the stipulations are applicable mentioned in item 3 of this article.

Article 22

- 1) The coming into being of "hak milik" according to "adat" law is regulated by Government Regulation.
- 2) Except according to the way as meant in item 1 of this article:
 - a. because of a Government's decision according to the way and terms laid down in a Government Regulation;

b. because of stipulations by act.

Article 23

- 1) Hak milik as well as each passing its cancellation and burdening by other rights must be registered according to the stipulations meant in Article 19.
- 2) The registration meant in item 1 forms a firm evidence regarding the cancellation of "hak milik" and the legitimacy of the passing and burdening of this right.

Article 24

The use of "milik" land by other persons than the owner is restricted and regulated by legislative regulation.

Article 25

"Hak milik" may be made guarantee for debts by burdening it with "hak tanggungan".

Article 26

- 1) Sale/purchase, exchange, donation, donation by testament, donation according to "adat" law and other acts meant for the transfer of "hak milik" and the supervision thereon are regulated by Government Regulation.
- 2) Each sale/purchase, donation, donation by testament, and other acts meant for the direct or indirect transfer of "hak milik" to aliens, Indonesian citizens who besides their Indonesian citizenship have a foreign citizenship or corporate bodies, except the ones determined by the Government as meant in article 21 item 2, is null and void by law and the land concerned passes to the State with the stipulation that rights of other parties burdening it remain in force and all payments already received by the ex-owner may not be claimed back.

Article 27

"Hak milik" lapses when:

a. the land passes to the State:

1. because of withdrawal of the right based on article 18;
2. because of voluntary transfer by the owner;
3. because being neglected;
4. because of the stipulations in article 21 item 3 and article 26 item 2.

b. the land is damaged.

Part IV : "Hak guna-usaha"
Article 28

- 1) "Hak guna-usaha" is the right to cultivate land directly administer by the State in the time mentioned in Article 29 for agricultural, fishery or breeding enterprises.
- 2) "Hak guna-usaha" is given on lands of at least 5 ha, with the stipulation that when the size is 25 ha or more, reasonable capital investment should be made and good enterprise technique in line with the development of times.
- 3) "Hak guna-usaha" may pass and be passed to other parties.

Article 29

- 1) "Hak guna usaha" is given for the time of 25 years at the most.
- 2) For enterprises needing more time may be given "hak guna-usaha" for 35 years at the most.
- 3) at the request of the holder of the right and with a view to the State of his enterprise, the period meant in item 1 and 2 of this article may be extended by 25 years at the most.

Article 30

- 1) "Hak guna-usaha" may be possessed by:
 - a. Indonesian citizens
 - b. corporate bodies established according the Indonesian law and domiciled in Indonesia.
- 2) Persons or corporate bodies having "hak guna-usaha" and no longer meeting the conditions as mentioned in item 1 of this article are obliged to waive this right or to pass it within one year to another party meeting the conditions. This stipulation is also applicable to a party which has obtained "hak guna-usaha" in case of not meeting said conditions.
If the "hak guna-usaha" concerned is not waived or passed within said period, this right lapses by law, with the stipulation that the rights of other parties will be observed according to stipulations laid down in a Government Regulation.

Article 31

"Hak guna-usaha" comes into being because of Government's determination.

Article 32

- 1) "Hak guna-usaha" including the conditions of the granting thereof as well as each passing and cancellation of this right, must be registered according to the stipulations meant in article 19.
- 2) The registration meant in article 1 forms a firm evidence regarding the passing and cancellation of the "hak guna-usaha", except in case this right has lapsed because of expiration of the period of validity.

Article 33

"Hak guna-usaha" may be made guarantee for debts by burdening it with "hak tanggungan".

Article 34

"Hak guna-usaha" lapses because of:

- a. expiration of the validity-period;
- b. being terminated before the expiration of the validity period because one of the conditions has not been fulfilled;
- c. being waived by its holder before the expiration of the validity period;
- d. being withdrawn to public interest;
- e. being neglected;
- f. damage of the land;
- g. the stipulation in article 30 item 2.

Part V: "Hak guna-bangunan"

Article 35

- 1) "Hak guna-bangunan" is the right to establish and have constructions on non owned land for a period of 30 years at the most.
- 2) At the request of the holder of the right and with a view to the need and the State of the constructions, the period mentioned in item 1 may be extended with 20 years at the most.
- 3) "Hak guna-bangunan" may pass and be passed to other parties.

Article 36

- 1) "Hak guna-bangunan" may be possessed by:
 - a. Indonesian citizens
 - b. corporate bodies established according to the Indonesian Law and domiciled in Indonesia.

- 2) Persons or corporate bodies having "hak guna-bangunan" and no longer meeting the conditions mentioned in item 1 of this article are obliged to waive this right or to pass it within one year to another party meeting the conditions.

This stipulation is also applicable to a party which has obtained "hak guna-bangunan" in case of not meeting said conditions.

If the "hak gunny-bangunan" concerned is not waived or passed within said period, this right lapses by law, with the stipulation that the rights of other parties will be observed according to stipulations laid down in a Government Regulation.

Article 37

"Hak guna-bangunan" comes into being:

- a. as to directly administered by the State's land: because of Government's decisions;
- b. as to "milik" land: because of an agreement in an authentic form between the owner of the land concerned and the parties obtaining the "hak guna-bangunan", intending to arise this right.

Article 38

- 1) "Hak guna-bangunan" including the conditions of the granting thereof as well as each passing and cancellation of this right, must be registered according to the stipulations meant in article 19.
- 2) The registration meant in article 1 forms a firm evidence regarding the cancellation of the "hak guna-bangunan" and the legitimacy of the passing of this right, except in case this right has lapsed because of expiration of the validity period.

Article 39

"Hak guna-bangunan" may be made guarantee for debts by burdening it with "hak tanggungan".

Article 40

"Hak guna-bangunan" lapses because of:

- a. expiration of the validity period;
- b. being terminated before the expiration of the validity period because one of the conditions has not been fulfilled;
- c. being waived by its holder before the expiration of the validity period;
- d. being withdrawn to public interest;
- e. being neglected;
- f. damage of the land;
- g. the stipulation in article 36 item 2.

Part VI: "Hak pakai"
Article 41

- 1) "Hak pakai" is the right to use and/or collect the products of land directly administered by the State or land owned by other persons, which gives the competence and obligations laid down in the decree granting the right by the authority competent to give said right or in the agreement with the owner of the land not being a lease agreement or an agreement concerning the cultivation of land, one and another if not contrary to the spirit and provisions of this act.
- 2) "Hak pakai" may be granted:
 - a. for a certain period or for the time the land is used for certain purposes;
 - b. free of charge, against payment or rendering service in whatever form.
- 3) The granting of "hak pakai" may not be accompanied by conditions extortionary elements.

Article 42

"Hak pakai" may be possessed by:

- a. Indonesian citizens;
- b. Aliens resides in Indonesia;
- c. corporate bodies established according to the Indonesian law and domiciled in Indonesia;
- d. foreign corporate bodies having a representation in Indonesia.

Article 43

- 1) In as far as land directly administered by the State is concerned, "hak pakai" may only be passed to other parties with the permit of the competent authority.
- 2) "Hak pakai" on "milik" land may only be passed to other parties if such is made possible in the agreement concerned.

Part VII: "Hak sewa" for buildings
Article 44

- 1) A person or a corporate body has "hak sewa" on land if he is entitled to use another one's "milik" land for building purposes against payment of an amount of money as rent to the owner.
- 2) The payment of the rent may take place:
 - a. once or at certain times;

- b. before or after the land has been used.
- 3) The agreement on the rent of land meant in this article may not be accompanied by conditions bearing extortionary elements.

Article 45

"Hak sewa" may be held by:

- a. Indonesian citizens;
- b. aliens resided in Indonesia;
- c. corporate bodies established according Indonesian Law and domiciled in Indonesia;
- d. foreign corporate bodies having a representation in Indonesia.

Part VIII: "Hak membuka tanah dan memungut hasil hutan". (the right to reclaim land and to collect forest production.)

Article 46

- 1) The right to reclaim land and to collect forest products may only be possessed by Indonesian citizen and is regulated by Government Regulation.
- 2) By using the right to collect forest products legally, no "hak milik" on the land is automatically obtained.

Part IX : "Hak guna air" and the right to breed and catch fish

Article 47

- 1) "Hak guna air" is the right to obtain water for certain purposes and/or to let this water stream on another one's land.
- 2) The "Hak guna air" and the right to breed and catch fish are regulated by Government Regulation.

Part X : "Hak guna-ruang-angkasa"

Article 48

- 1) "Hak guna-ruang-angkasa" gives the competency to use the power and elements in the air for the maintenance and development of the fertility of soil, water and the nature riches thereon and other matters related thereto.
- 2) The "hak guna-ruang-angkasa" is regulated by Government Regulation.

Part XI : Rights on land for pious and social purposes.

Article 49

- 1) "Hak milik" on land of religious and social bodies in as far as used for purposes in the religious and social fields is recognized and protected. Said bodies are also guaranteed to receive sufficient land for their buildings and endeavours in the religious and social fields.
- 2) For religious and other pious purposes as meant in article 14 land directly administered by the State with "hak pakai" may be granted.
- 3) "Perwakafan" of "milik" land, is protected and regulated by Government Regulation.

Part XII: Other provisions

Article 50

- 1) Further provisions regarding "hak milik" are regulated by act.
- 2) Further provisions regarding "hak guna-usaha", "hak guna-bangunan", "hak pakai" and "hak sewa" for buildings are regulated by legislative Regulation.

Article 51

"Hak Tanggungan" which may be burdened to "hak milik", "hak guna-usaha" and "hak guna-bangunan" mentioned in article 25, 33 and 39 is regulated by act.

CHAPTER III PENAL PROVISIONS

Article 52

- 1) He who intentionally infringes the stipulation in article 15 is punished by custody of 3 months at the most and/or fine of Rp. 10.000,- at the most.
- 2) The Government Regulation and the legislative regulation meant in article 19, 22, 24, 26 item (1), 46, 47, 48, 49 item (3) and 50 item 2, may give penal threats on infringements of its stipulations with punishment by custody of 3 months at the most and/or fine of Rp. 10.000.- at the most.
- 3) The delicts mentioned in item 1 and 2 of this article are infringement.

CHAPTER IV

TRADITIONAL PROVISIONS

Article 53

- 1) The rights with a temporary character meant in article 16 item 1 letter h, viz. "hak gadai", "hak usaha-bagi-hasil", "hak menumpang" and "hak sewa" on agricultural land, are regulated to limit their character which are contrary to this act and endeavours will be made to abrogate these rights within short.
- 2) The provisions in article 52 item 2 and 3 are applicable to the regulation meant in item 1 of this article.

Article 54

In connection with the provisions in article 21 and 26, a person who besides his Indonesian citizenship has the citizenship of the People Republic of China but has declared to reject the citizenship of the People's Republic of China according to the relative legislative regulation, is considered to have only the Indonesian citizenship according to article 21 item 1.

Article 55

- 1) The foreign rights which according to the converting provisions in article I, II, III, IV and V are converted into "hak guna-usaha" and "hak guna-bangunan", are only valid for the remaining time of said rights, but for 20 years at the most.
- 2) "Hak guna-usaha" and "hak guna-bangunan" may only be granted to corporate bodies which partly or entirely have foreign capital, if such is needed by the act regulating the planned overall construction.

Article 56

As long as the act concerning "hak milik" as mentioned in article 50 item 1 is not yet formed, the stipulations of the local "adat" law and other regulations concerning the rights on land giving the right as or similar to what is mentioned in article 20 are applicable in as far as this is not contrary to the spirit and stipulations of this act.

Article 57

As long as the act concerning the "hak tanggungan" mentioned in article 51 is not yet formed, the stipulations concerning mortgage mentioned in the Indonesian Civil Code and "credietverband" mentioned in O.G. 1908-542 as altered by O.G. 1937-190, are applicable.

Article 58

As long as the executive regulations of this act are not yet formed, the written as well as not written regulations on soil and water and the natural riches therein and the rights on land existing at the moment of the coming into force of this act, remain in force in as far as they are not contrary to the spirit and

stipulations of this act and are interpreted in accordance with same.

SECONDLY
CONVERTING PROVISIONS
Article I.

- 1) "Hak eigendom" on land existing at the moment of the coming into force of this act as from that moment becomes "hak milik" unless the owner does not meet the conditions as mentioned in article 21.
- 2) "Hak eigendom" of the Government of a foreign country, used for the residence of the Head of the Representation and Representation's building as from the coming into force of this act becomes "hak pakai" mentioned in article 41 item 1, which will be valid as long as the land is used for above mentioned purposes.
- 3) "Hak eigendom" of aliens, Indonesian citizens who besides their Indonesian citizenship have a foreign citizenship and corporate bodies not appointed by the Government as meant in article 21 item 2 as from the coming into force of this act, becomes "hak guna-bangunan" mentioned in article 35 item 1 with a period of 20 years.
- 4) If the "hak eigendom" mentioned in item 1 of this article is burdened with "hak opstal" or "hak erfpacht", these "hak opstal" and "hak erfpacht" as from the coming into force of this act, become "hak guna-bangunan" mentioned in article 35 item 1, burdening the "hak milik" concerned for the remaining time of the "hak opstal" or "hak erfpacht" mentioned above, but for 20 years at the most.
- 5) If the "hak eigendom" mentioned in item 3 of this article is burdened with "hak opstal" or "hak erfpacht", the relation between the holder of this "hak eigendom" and the holder of the "hak opstal" or the "hak erfpacht" is further settled according to directives to be determined by the Minister of Agrarian Affairs".
- 6) The rights of mortgage, easement, use of profits, and other rights burdening the "hak eigendom" remain burdening the "hak milik" and "hak guna-bangunan" mentioned in item 1 and 3 of this article, while these rights become a right according to this Act.

Article II

- 1) Rights on land giving authority as or similar to the right meant in article 20 item 1, called by names as mentioned hereunder, existing at the moment of the coming into force of this act, viz. "hak agrarisch eigendom", "milik", "jasan", "andarbeni", hak atas druwe", "hak atas druwe desa", "pesini", "grand sultan", "landerinbezitrecht", "altijddurende erfpacht", "hak usaha atas bekas tanah partikelir" and other rights under whatever names to be further determined by the Minister of Agrarian Affairs, as from the coming into force of this act become "hak milik" mentioned in article 20 item 1, unless the owner does not meet the conditions mentioned in article 21.
- 2) The rights mentioned in item 1 of aliens, Indonesian citizens who besides their Indonesian citizenship have a foreign citizenship and corporate bodies not appointed by the Government as meant in article 21 item 2, become "hak guna-usaha" or "hak guna-bangunan" in accordance with the allotment of the land as

will be further determined by the Minister of Agrarian Affairs.

Article III

- 1) "Hak erfpacht" for large estates existing at the moment of the coming into force of this act, as from that moment becomes "hak guna-usaha" mentioned in article 28 item 1, valid for the remaining time of said "hak erfpacht", but 20 years at the most.
- 2) "Hak erfpacht" for small agricultural enterprises existing at the moment of the coming into force of this act, is lapsed as from that moment and will be further regulated according to the provisions to be issued by the Minister of Agrarian Affairs.

Article IV

- 1) Within the period of one year as from the coming into force of this act, concession- and rent-holders for large estates must submit an application to the Minister of Agrarian Affairs to have their rights converted into "hak guna-usaha".
- 2) If after the expiration of said period, the application has not been submitted, the concession and rent concerned remain valid for the remaining time, but 5 years at the most and since then expire automatically.
- 3) If the concession- or rent-holder have submitted an application as meant in item 1 of this article but are not prepared to accept the conditions fixed by the Minister of Agrarian Affairs or their application is rejected by the Minister of Agrarian Affairs, the concession or rent remains valid for the remaining time, but at the most 5 years and since then expire automatically.

Article V

"Hak opstal" and "hak erfpacht" for housing existing at the moment of the coming into force of this act, as from that moment become "hak guna-bangunan" mentioned in article 35 item 1, valid for the remaining time of this "hak opstal" and "hak erfpacht", but 20 years at the most.

Article VI

Rights on land giving the authority as or similar to the right meant in article 41 item 1, called by the names mentioned hereunder, existing at the moment of the coming into force of this act, viz.: "hak vruchtgebruik", "gebruik", "grand controleur", "bruikleen", "ganggam bauntuik", "anggaduh", "bengkok", "lungguh", "pituwas" and other rights under whatever name, as well be determined further by the Minister of Agrarian Affairs, as from the coming into force of this act become "hak pakai" mentioned in article 41 item 1, giving rights and obligations as possessed by the holder of this right at the moment of the coming into force of this act, in as far as not contrary to the spirit and provisions of this Act.

Article VII

- 1) "Hak gogolan, pekulen or sanggan" with a permanent character and existing at the moment of the coming into force of this act become "hak milik" as mentioned in article 20 item 1.
- 2) "Hak gogolan, pekulen or sanggan" with a non permanent character become "hak pakai" as mentioned in article 41 item 1, which gives the competence and obligations as possessed by the holder of this right at the moment of the coming into force of this act.
- 3) In case of doubt whether or not a "hak gogolan, pekulen or sanggan" has a permanent character, the Minister of Agrarian Affairs takes a decision.

Article VIII

- 1) As to the "hak guna-bangunan" mentioned in article I item 3 and 4, article II item 2 and article V, the provision in article 36 item 2 is applicable.
- 2) As to the "hak guna-usaha" mentioned in article II item 2, article III item 1 and 2, article IV item 1, the provision in article 30 item 2 is applicable.

Article IX

Matters necessary to implement the provisions in the above-mentioned articles are further regulated by the Minister of Agrarian Affairs.

T H I R D L Y

The alteration of the village governmental system to realize a radical alteration of the agrarian law according to this act will be regulated separately.

F O U R T H L Y

- A. The rights and competences on soil and water of self governing regions or ex self governing regions existing at the moment of the coming into force of this act are lapsed and pass to the State.
- B. Matters related to the provisions under letter A above are further regulated by Government Regulation.

F I F T H

This Act may be called Basic Agrarian Act and comes into force on the date of promulgation.

In order that everybody may know, the order is given to promulgate this act by insertion in the Official Gazette of the Republic of Indonesia.

Stipulated in Djakarta
On September 24, 1960

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

w.s.

(SUKARNO)

Promulgated
On September 24, 1960

THE STATE SECRETARY

w.s.

(TAMZIL)