

SETTLEMENT OF LAND ISSUES IN FORESTRY AREAS

There have been some cases of land overlapping forestry areas. Therefore, the Minister of Internal Affairs, Minister of Forestry, Minister of Public Works and Head of the National Land Office have issued a joint regulation on the mechanism for settlement of ownership of land in forestry areas (2014 Joint Regulation). Under the 2014 Joint Regulation, the settlement of any land issue in a forestry area is to be handled by an IP4T Team formed by the mayor/regent or governor. If the land is located within a forestry area in a municipality, the mayor/regent is authorized to form the team. The team's duties are, among others, to:

1. accept the registration of an application for an IP4T (Inventarisasi Penguasaan Pemilikan, Penggunaan dan Pemanfaatan Tanah);
2. verify the application;
3. compile the data in the field;
4. analyze the legal and physical data of the land located in the forestry area;
5. issue the result of the analysis with a recommendation; and
6. deliver it to the Head of the National or Municipal Land Office.

The applicant must show the boundaries of the land which must be approved by the adjacent neighbor. The IP4T Team will then decide whether the applicant who has been using the land for 20 years or more can apply for a land certificate through an “affirmation of right” (penegasan hak), a way to grant title under the 2014 Joint Regulation.

The IP4T process must be completed within 6 months and the result delivered to the Head of the National or Municipal Land Office. The IP4T team’s analysis will also be reviewed by the Directorate General of Planology who will adjust the forestry area boundaries within 14 working days of receipt. For adjustment of forestry area boundaries, the Directorate General of Planology will issue a decree on such adjustments and a map based on which the land certificate will be issued. The Minister of Forestry will issue the decree on the adjustment to the forestry area within 2 months of the decree issued by the Directorate General of Planology. The adjustments to the forestry area will be integrated into the municipal plan. The municipal plan must be revised in accordance with prevailing laws and regulation.

Costs of the IP4T team will be covered by the state or regional budget and/or other sources.