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KEY TAKEAWAYS:

MOAA REGULATION NO. 5/2025 ON LAND RIGHTS DELEGATION

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Overview & Introduction

Ministerial Regulation No. 5 of 2025 on the Delegation of Authority for Land Rights Determination and Land Registration Activities (“**MOAA Regulation No 5/2025**”) represents a significant regulatory advancement within Indonesia’s land administration framework. Enacted under the authority of Law No. 5 of 1960 on Basic Agrarian Principles (UUPA) and Government Regulation No. 18 of 2021 on Land Management Rights, Land Titles, Condominium Units, and Land Registration, this Regulation replaces Ministerial Regulation No. 16 of 2022, as amended by Regulation No. 2 of 2025, to align administrative practice with the evolving needs of modern governance and investment facilitation.

Its issuance reflects the government’s commitment to improving efficiency, legal certainty, and accessibility in the management of land rights and registration services, particularly through a structured delegation of authority from the Minister to regional and district-level officials of the National Land Agency (“**BPN**”). By decentralizing the authority to determine land rights and conduct registration activities to Regional Land Offices (“**Kanwil**”) and District Land Offices (“**Kantah**”), the Regulation aims to streamline decision-making, accelerate service delivery, and enhance public trust in Indonesia’s land administration system.

Key Takeaways from MOAA Regulation No. 5/2025

1. Core Principles of Delegated Authority

The central feature of this Regulation lies in its systematic delineation of authority among the Minister, the Regional Land Offices, and the District Land Offices. Pursuant to Articles 4 through 13 MOAA Regulation No. 5/2025, the delegation encompasses several categories of land rights, including Ownership Rights/*Hak Milik*, Right to Cultivate/*Hak Guna Usaha*, Right to Build/*Hak Guna Bangunan*, and Right to Use/*Hak Pakai*, as well as

state land and land managed under *Hak Pengelolaan*. The scope of delegated authority is determined by both the type of land right and land area, creating a structured administrative hierarchy where smaller plots are handled at the district level and larger cases at the regional or ministerial level. For instance, under Articles 5 and 6 MOAA Regulation No. 5/2025, the Regional Land Office may approve applications for *Hak Guna Usaha* up to one million square meters or *Hak Guna Bangunan* within the thresholds outlined in the regulation, whereas the District Land Office retains jurisdiction over individual ownership and smaller-scale *Hak Pakai* applications.

Further distinctions are made based on the legal subject of the land right, whether an individual, a private legal entity, or a government body. Articles 10–13 MOAA Regulation No. 5/2025 assign authority accordingly, ensuring proportional oversight. This ensures that decentralization does not dilute ministerial accountability but reinforces operational efficiency through delegated yet supervised decision-making. Importantly, the MOAA Regulation No. 5/2025 recognizes specific jurisdictions such as the Free Trade and Free Port of Batam and the Capital City of Nusantara (IKN), where adjusted thresholds apply to accommodate strategic investment priorities and regional development acceleration. This approach aligns with national economic objectives while safeguarding legal consistency across Indonesia’s land management system.

The Regulation’s delegation matrix serves not only administrative convenience but also a broader policy objective, to create a responsive, tiered governance model that integrates local knowledge and central oversight. By clearly defining who holds authority over which land matters, overlapping jurisdiction is minimized, and accountability is enhanced at each administrative tier. The Minister retains the prerogative to supervise, review, or revoke delegated authority as stipulated in Article 2 paragraph (5) MOAA Regulation No. 5/2025, ensuring that decentralization functions within a controlled and legally accountable framework consistent with the principles of public administration.

2. Scope of Delegated Land Administration Activities

Beyond the allocation of authority for determining land rights, Articles 14 through 20 MOAA Regulation No. 5/2025 expand the delegation to encompass land registration activities, forming an integrated administrative continuum from rights adjudication to certification. Pursuant to Article 14 MOAA Regulation No. 5/2025, delegation for land surveys, measurements, and mapping is tiered according to area:

- (i) the District Land Office handles plots up to 25 hectares;

- (ii) the Regional Land Office oversees areas between 25 and 1,000 hectares;
- (iii) the central Ministry retains control over cases exceeding that threshold.

Furthermore, the Regulation institutionalizes collaboration with Licensed Surveyors and Surveying Firms, as recognized under Article 14 paragraph (6) MOAA Regulation No. 5/2025, allowing them to perform measurements or mapping under official supervision. The outputs of such technical work must be verified and validated by the competent authority before being integrated into the national cadastral database. The signing of survey maps, digital verification of spatial boundaries, and issuance of land certificates follow the same principle of distributed authority pursuant to Articles 15-18 MOAA Regulation No. 5/2025, thereby promoting operational efficiency while preserving legal validity.

The Regulation also reflects Indonesia's transition toward electronic land administration, as electronic certificates (*sertipikat elektronik*) are recognized and processed within the same delegated structure. Through the establishment of clear thresholds and technological integration, the MOAA Regulation No. 5/2025 supports the acceleration of the digital transformation agenda within the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, fostering interoperability and transparency in service delivery. In practical terms, the MOAA Regulation No. 5/2025 ensures that local offices can independently perform end-to-end land registration services, including issuance, renewal, or modification of certificates, without recurring approval from the central authority, provided that these activities remain within their defined jurisdictional limits.

3. Implications, Accountability, and Effectiveness

The enactment of MOAA Regulation No. 5/2025 carries substantial implications for Indonesia's administrative and governance landscape in land affairs. Firstly, it directly enhances service efficiency and responsiveness, enabling faster turnaround times for land rights adjudication and registration. By delegating authority to the operational levels, the Ministry effectively reduces bureaucratic layers while maintaining procedural safeguards through statutory guidance.

Secondly, the Regulation embeds a robust system of accountability and supervision. Pursuant to Article 21 MOAA Regulation No. 5/2025, officials exercising delegated powers bear full personal responsibility for the legality and correctness of their administrative acts. The Minister retains supervisory authority and may withdraw or reassign delegated powers if found inconsistent with national policy or administrative performance standards. This legal mechanism ensures that delegation does not imply abdication of

responsibility but rather structured empowerment subject to oversight. Complementing this is the mandatory reporting requirement, under which all delegated entities must submit periodic performance evaluations and statistical reports to the Ministry, ensuring data transparency and traceability.

Lastly, Articles 22 and 23 MOAA Regulation No. 5/2025 contain transitional provisions guaranteeing that rights, certificates, or applications processed under previous regulations remain valid, preserving legal continuity during the implementation of this new framework. The revocation of Ministerial Regulations No. 16 of 2022 and No. 2 of 2025 consolidates prior fragmented rules into a single coherent instrument, eliminating overlap and ambiguity. Collectively, the MOAA Regulation No. 5/2025 redefines the relationship between central and regional authorities in land administration, empowering regional offices to act efficiently while anchoring them within a legally disciplined and centrally supervised structure, thereby reinforcing the integrity, accessibility, and modernization of Indonesia's land governance system.

Jakarta, 5 November 2025

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