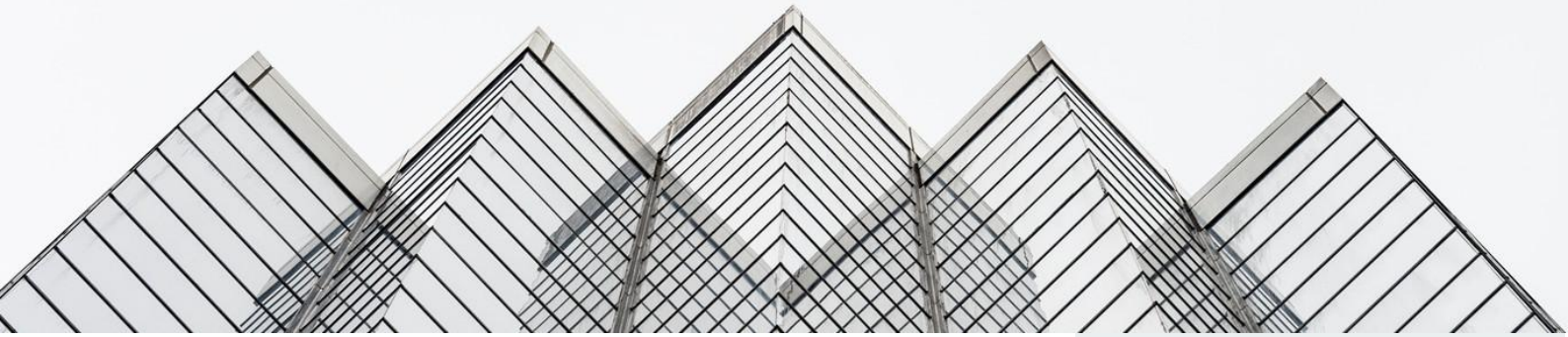


CLIENT UPDATE

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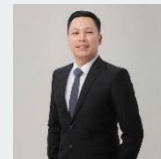
Mark Your Calendar! Indonesia's Major Land Reform Begins After 2 February 2026, Signaling the Final Chapter of the *Girik* Era

A *girik* land refers to land that does not possess an authentic certificate of title and has not yet been registered with the National Land Agency (“**BPN**”), which means a *girik* letter does not constitute proof of ownership over land, rather, it serves merely as evidence that the holder exercises control over customary land and fulfills tax obligations for the relevant parcel, including any buildings erected thereon, if any. Therefore, as a matter of principle, a *girik* cannot be equated with a land title certificate as recognized under the current land registration system.

A. Administrative Obstacles and Legal Insecurity in *Girik* Land

Historically, numerous land disputes and conflicts have originated from the use of *girik*. Indeed, *girik* has frequently served as a point of vulnerability exploited by land syndicates through the use of falsified documents. Accordingly, the elimination of *girik* is intended to prevent future conflicts.

CO-AUTHORS



Ida Bagus Adhitya
Partner
ida.bagus@trilexica.id



Amelia Rossame
Associate
amelia.rossame@trilexica.id

OFFICE

**World Trade Centre (WTC) 5,
7th Floor**
Jl. Jenderal Sudirman Kav. 29-31,
Jakarta Selatan 12920 –Indonesia
+62 21 5011 0920

Land with *girik* status creates many administrative problems due to the land is neither supported by an official land title certificate nor recorded in the BPN land registry. As a result, the process of sale and transfer of ownership becomes complicated, since transactions are often only proven by receipts or private agreements. The history of ownership is unclear, which makes it easy for disputes to arise, for example if heirs or former owners later object. Converting *girik* land into a land title certificate is also usually long and tiring, because the landlord must obtain various letters from the village/urban village office, then go through measurement, document review, and public announcement at BPN. Limited public knowledge about this procedure causes many *girik* lands to remain uncertified for years.

In addition, *girik* land is vulnerable to problems such as duplicated documents and multiple claims, because the documents are not standardized and are relatively easy to falsify. One plot of land can even be claimed by several different people. In practice, the boundaries of the land are often unclear because the data in the village's Letter C does not always match the actual situation, and many plots are inherited without a clear deed of inheritance, which triggers disputes within the family. From a legal standpoint, the evidentiary legal standing of a *girik* holder is relatively weak given *girik* is only considered proof of tax payment or physical control, not strong proof of ownership. As a result, *girik* land is difficult to defend against a registered certificate, cannot be used as collateral at banks or non-bank financial institutions, and from a legal or formal standpoint, selling *girik* land is more challenging than selling certified land.

B. Transitioning from Customary Land Records to Conclusive Land Certificates

Prior to the enactment of Law No. 5 of 1960 on Basic Agrarian Principles ("**Law No. 5 of 1960**"), *girik* and other forms of written evidence concerning former customary land functioned as proof of ownership. However, following the enactment of Law No. 5 of 1960, a land title certificate became the sole form of conclusive evidence of land ownership.

For purposes of the registration of rights, according to Article 24 (1) of Government Regulation No. 24 of 1997 on Land Registration ("**GR 24/1997**"), along with its elucidation explains that the registration of land rights originating from the conversion of old rights must be supported by evidence demonstrating the existence of such rights. One form of written evidence recognized for this purpose is the *girik*. This position is reinforced by Article 60 (2) (f) of State Minister for Agrarian Affairs/Head of the National Land Agency Regulation No. 3 of 1997 on the Implementing Provisions of Government Regulation Number 24 of 1997 on Land Registration ("**MOASP Regulation 3/1997**"), which stipulates that written evidence of old rights, as referred to in Article 24 (1) GR 24/1997, is considered complete if the adjudication

committee is presented with documents such as *petuk pajak bumi/landrente*, *girik*, *pipil*, *kekitir*, and *Verponding Indonesia* issued prior to the enactment of Government Regulation No. 10 of 1961 on Land Registration.

Consequently, *girik* is no longer constitutes proof of ownership, rather, it serves merely as written evidence for the purpose of registering pre-existing old rights in the course of converting such rights into the modern land certification system.

C. Mandatory Registration of Girik Land

Effective 2 February 2026, *girik* and similar customary land instruments will no longer carry evidentiary status in Indonesian land law. Landlords are therefore encouraged to formalize their rights through the Complete Systematic Land Registration or *Pendaftaran Tanah Sistematis Lengkap* (“**PTSL**”) scheme before that.

In 2017, the Ministry of Agrarian and Spatial Planning/National Land Agency has undertaken the PTSL initiative as a nationwide effort to enhance legal certainty over land tenure. PTSL constitutes the first comprehensive, simultaneous registration of all land parcels across Indonesia. The governing framework for this program is currently set out in Ministry of Agrarian and Spatial Planning/National Land Agency Regulation No. 6 of 2018 on Complete Systematic Land Registration (“**MOASP Reg 6/2018**”).

Furthermore, in order to implement the PTSL and in accordance with Article 96 (1) of Government Regulation No. 18 of 2021 on Management Rights, Land Rights, Condominium Units, and Land Registration (“**GR 18/2021**”) in conjunction with Ministry of Agrarian and Spatial Planning/Head of the National Land Agency Regulation No. 16 of 2021 on the Third Amendment to MOASP Regulation No. 3 of 1997 concerning Provisions for the Implementation of Government Regulation No. 24 of 1997 on Land Registration (“**MOASP Regulation 16/2021**”), written evidence of former customary land held by individuals, one of which is *girik*, shall cease to be valid 5 (five) years after the enactment of GR 18/2021.

GR 18/2021 entered into force on 2 February 2021. This means that *girik* land must be registered no later than 5 (five) years from that date, namely by 2 February 2026. Upon the expiry of this period, *girik* shall be deemed invalid and may no longer be used as evidence of land rights and it merely functions as an indicative reference in the context of land registration. Accordingly, for *girik* land to serve as proof of ownership, it should be registered before 2 February 2026, or within 5 (five) years of the promulgation of GR 18/2021. Following the registration of land rights, *girik* land will be issued a certificate of title. Such certificate

constitutes proof of title that serves as strong evidence of the physical and juridical data contained therein, insofar as the information corresponds with the data recorded in the relevant cadastral map and land book.

In conclusion, the rules that introduce the 2 February 2026 deadline mark a clear transition away from *girik* and similar documents toward a modern, certificate based land system. If landlords do not register their *girik* land through PTSL before this date, the *girik* will lose its evidentiary value and their rights will become much harder to prove and protect. On the other hand, once *girik* land is registered and converted into a land title certificate, landlords gain clear and conclusive proof of ownership, stronger legal protection against disputes, and far greater ease in conducting future transactions, including sale, purchase, and inheritance. Land title certificate can also be pledged as collateral to obtain bank financing or business capital, turning what was previously a legally vulnerable asset into a secure, marketable, and economically productive one.

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